

COUNCIL MEETING OF FEBRUARY 17, 2009

The second regular meeting of the Mannington City Council with Mayor Frank White presiding was held Tuesday, February 17, 2009 at 7:00 p.m. Council members in attendance were Bob Garcia, Betty Liller, Harold Rosencrance and Terry Starsick.

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

Sheena Hunt from Region Six PDC presented Pay Requisition #24 and Budget Amendment #10 for the Fairmont/Mannington water project. Mayor White recommended that the amendment for \$99,121.55 be accepted. Starsick made the motion to approve Amendment #10. Rosencrance seconded the motion and it carried. The vote was 3-1 with Garcia voting no. Hunt said that the requisition in the amount of \$156,869.79 was to cover land requisition, legal fees, road bond, engineering & accounting and administration. Liller made the motion to approve Pay Requisition #24. Starsick seconded the motion and it carried by a 3-1 vote. Garcia voted no. Rosencrance asked about the city's responsibility to approve these items. Hunt said they are presented to the city so that they can be kept abreast of the spending on the project. Garcia said they would be paid whether the city okays them or not.

Chairman Ken Witt presented the ordinance that implements the Planning Commission's recommendation to increase the maximum height of the privacy fences to eight feet. Garcia asked about sight problems if the height is approved. Witt said that issue is already addressed in the code.

Witt also reported that All American Trophy finally submitted all the necessary paperwork for their overlay district request. He said a hearing was held several months ago with no objections so the Commission is recommending approval of the overlay for All American Trophy. This will be on the next meeting's agenda.

Witt told council that Orielle Sterling has resigned from the Planning Commission. He expressed his appreciation for her years of service and said she will be missed.

Mayor White recommended the adoption of Ordinance #390 which increases the privacy fence height. Garcia made the motion to accept the first reading of Ordinance #390. Liller seconded the motion and all approved.

Olive Marie Utt representing the Mannington Cemetery Perpetual Card Fund and the West Augusta Historical Society asked to be included in the city's 2009-2010 budget. White said, at this point, it looked like they would be allocated \$1,500 each. Utt expressed her appreciation.

Tom Bichler and Guy Truly of Novus Exploration, LLC were present to discuss drilling horizontal wells on 110.8 acres of city property at Dent's Run. Mayor White asked about the

gas and oil rights and they said it appears that the city does own those rights. They provided a lease for the city to review. White asked about the possibility of free gas for any future city buildings on that property. Truly said that is a possibility but they usually discourage such use due to the pressure. He said they could substitute cash payments. They were invited to attend the March 16 work session to further discuss the idea.

Jim Byard asked about Fairmont's proposed water rate increase. White said he would address that later in the meeting.

Joanna Reeves asked for \$1,400 from next year's budget for the Historical Landmark Commission's project to add Clayton Addition to the historic registry.

Main Street Director Jim Taylor reported that he talked to Dave Brown who owns the old depot property. Brown said he would take the city's interest under advisement but he would not have an answer for at least thirty days. Taylor also asked if anyone had talked to the Park Board about using the old tennis court for the skate park. Mayor White asked Taylor to talk to Katie Stafford to see if they had any objections. Taylor said he cannot proceed with the project until a location is set.

Jim Troy gave the Fire Department's December and January reports. They had twenty calls in each of those months.

In his report, Mayor White said he attended the City of Fairmont's hearing on their proposed water rate increase. He said their problem is quantity not quality. Fairmont is \$1.2 million in debt and they need another filtration system. The proposed 49% rate increase would be all customers and the city's rate would go from \$1.93 to \$2.88. That would add an average of \$11,000 to the city's monthly payment to Fairmont. White says he plans to send a letter of protest to the PSC. He said if their system was designed improperly and they incurred debt as a result, that cost should not be passed to the wholesale customers. Fairmont is trying to get stimulus money to pay some of their expenses that would reduce the projected rate increase. White said there would be petitions at the next meeting for council and citizens to sign. Byard asked about the city's contract. White said the city attorney is reviewing it. It was agreed that if Fairmont's increase is approved, the City of Mannington would be forced to raise their rates also.

The litter at the recycling center on Meadow Avenue was discussed again.

The mayor read the written Street/Water Department report.

In her report, Fluharty presented an updated list of the delinquent business and occupation taxpayers. She has collected over \$12,000 to-date. The State Tax Department will be contacted if a final notice does not produce results. A payment plan for one of the businesses was reviewed. White said he would like to see a large initial payment and then regular payments would be scheduled with the understanding that they must stay current also. Starsick suggested a meeting with the business to discuss the plan. It was finally agreed that the city clerk is to send them a letter advising them to pay their 2008 taxes and

then set up a payment schedule for the balance. They must also pay current taxes when due. If this is not acceptable, they can attend the next work session. If there is no response, a judgment will be filed in Marion County Magistrate Court. Fluharty also said that Top Brand has asked to change their license classification from manufacturer to wholesaler. The attorney is to be consulted on this matter.

The skate park questionnaire received from the city's insurance carrier will be given to Jim Taylor to complete.

Garcia made the motion to adjourn. Liller seconded the motion and it carried. The meeting adjourned at 8:35 p.m.