Town of Davis
Council Meeting Minutes

Meeting: Regular Council Meeting
Date: February 9th, 2022
Place: Davis Town Hall

Mayor Tomson **called the meeting to order at 6:30 p.m.**

Roll Call by Recorder Jennie Helmick; Mayor Al Tomson, Council John Felton, Charlotte Wales, Jeannette Ware, Kevin Flanagan, Ron Hollis and Recorder Jennie Helmick.

Pledge of Allegiance

Guests: Bob Quattro, Dana Burns, Doug Martin, Jennie Marrow, Betsy Whitehair, Everett Mullen, Shayla Klein, Judy Cronauer, JoJo & Pat Pregley, Jessica and Danielle Luscombe, Bill & Karen Peterson, Bob Walters, Steve Leah, Ron Whitehair Jr., Cheryl Ball, Anna Cyphers, Jodie & John Dix, Robbie McClung, Catherine Fleischman and Cameron Dunlop.

Mayor Tomson **presented the Work Session Minutes of January 25th, 2022 and Council Meeting Minutes of January 26th, 2022 minutes for approval. Motion to approve the minutes as read by *Councilman John Felton,* Second by *Councilwoman Charlotte Wales,* all in favor. Motion carried.**

Motion to dispense with the Regular Order of business to hear from guests was made by *Councilwoman Jeannette Ware*, Second by *Councilman Ron Hollis,* all in favor. Motion carried.

Mayor Tomson reiterated to guests that the **Town** would be following the Open Government Meeting Act and any comments from them were to be made now, not during the regular order of business. **Guest Bill Peterson** wanted clarification that if an issue came up later in the meeting, could questions be asked. ***Mayor Tomson*** stated no unless item on agenda applied to them.

Guests John & Jodie Dix asked what has been happening, due to articles in newspaper, petitions being signed, etc. regarding short-term rentals. ***Mayor Tomson*** stated we would be discussing that later in the meeting.

Guest Danielle Luscombe re-submitted letter to **Mayor, Council & Recorder** regarding Ron Whitehair's building permit.

Guest Jessica Luscombe seconded Danielle. Wanted to know if **Town** was making sure that requirements are met for this permit. Inquired about the 5foot easement on each side of line. Jessica has 2 feet and Ronnie has 3. Enough room if digging would be required between their properties. Told mini-excavator/ hand digging could be done if necessary.

Guest Cheryl Ball stated that graves aren't in line at the cemetery and wanted to know if they would have to be moved.

Guest Cameron Dunlop asked if the **Downstream Strategy** was involved in the **Comprehensive Plan.** Was informed not at this time. They did the maps for it. Stated there weren't any posted meeting dates regarding the plan. ***Mayor Tomson*** said he could give him a list of dates but they would be advertised. **Mr. Dunlop** wanted to email ***Mayor Tomson*** about some issues with the **Comprehensive Plan.**

Guest Doug Martin was here about leak rates applied in the past for leaks/breaks for customers. Usually takes a 12month average of gallons used and bills for that, then leak rate applied to remaining gallons used.

Guest Pat Pregley joined in the conversation adding that a list of non-residents and businesses were given to employees to check for leaks in the past. ***Mayor Tomson*** stated that each situation was different and will be looked at. This was in regards to several water customers who had large usage of gallons due to leaks/ breaks. Mr. Pregley asked the Mayor if he would hold the bills for additional water usage until parties heard back from their insurance companies.

Mayor Tomson closed the comment period. **Motion to return to regular order of business made by *Councilman Kevin Flanagan,* Second by *Councilman John Felton*, all in favor. Motion carried.**

Committee Reports:
Finance: ***Mayor Tomson*** presented the accounts payable. **Motion to pay the bills presented made by *Councilwoman Charlotte Wales,* Second by *Councilwoman Jeannette Ware,* all in favor. Motion carried.**

Streets, Alleys & Waterworks: List of jobs performed by Shop Staff and Water/Sewer Report of work done at the Water and Sewer Plants.

Sewer Project: **DEP** fined the **Town** $68,000 due to a series of violations from the past. Working with **PSC,** they have reduced the violations fine to $7,500 (consent order), payable in the amount of $650.00 a month for 12 months. Issues included gap in fence, hole in fence, breach in lagoon, normal excessive discharge from sewer. **PSC** willing to raise gpd to 300,000 to help eliminate violations. Majority of discharge coming from storm water.

Personnel: Motion made by *Councilman John Felton* to go into Executive Session to discuss personnel, costs and expenses, Second by *Councilman Kevin Flanagan,* all in favor. Motion carried. Time 7:00 p.m.

Motion to return to Regular Order of business made by *Councilman Kevin Flanagan*, Second by *Councilwoman Jeannette Ware,* all in favor. Motion carried. Time 7:12 p.m. No decisions were made.

Emergency/After Hours Number: After discussion of a 3-hour minimum at double pay (only if called out) would be paid to employees on call, **a Motion to approve this was made by *Councilman Ron Hollis*, Second by *Councilwoman Charlotte Wales,* all in favor. Motion carried.**

Ordinances/Resolutions: Short-term Moratorium-Due to articles in paper, letter from attorney representing a group of property owners, legal discussions/reviews will be done. A meeting will be held on Friday, February 18th, 2022, 5:30 p.m. at **Davis Town Hall** to meet with them. This is an open public meeting and will be posted. Therefore, due to additional time needed, ***Mayor Tomson* presented to Council to extend, by, resolution, the Short-term Rental Moratorium to June 30th, 2022. Motion made by *Councilman John Felton*, Second by *Councilwoman Jeannette Ware,* all in favor. Motion carried.**

Guest Jennie Marrow (on agenda) wanted to know if there were exceptions to the **Moratorium**. She purchased a house about a year/2 years ago, has been working on it with the intent of doing a short-term rental. Since her licenses (State & Town)/operation weren't in place before the moratorium was passed exceptions wouldn't be allowed. ***Councilman Kevin Flanagan*** suggested that we start a wait list of those wanting to do short-term rentals. If an **Ordinance** is in place before June 30th, 2022, **Town** would lift **Moratorium. Motion Made by *Councilman Kevin Flanagan,* Second by *Councilwoman Charlotte Wales,* all in favor. Motion carried.**

Cemetery: Mapping and Burials; removable markers moved during mowing over the years. Need to have engineering firm start process of surveying Cemetery, concentrating on empty lots/spaces. Suggested permanent cement markers in ground. Issues regarding burials such as in wrong sites, off property, etc.

Parks & Recreation: None

Planning Commission: Comprehensive Plan Update-Plan is still available on the website. Working on revisions. Meeting on March 14th, 2022. Public Meeting on March 23rd, 2022 at Davis Fire Hall. First public meeting was in November 2021.Planning Commission meetings held first Monday each month. Minutes available to public. Public meeting at Davis Town Hall on May 11th, 2022, at regular council meeting.

Old Business: Mayor Updates to Council-
*Meeting with lawyer next Friday, February 18th, 2022 at 5:30 p.m.
*Meeting with employees Thursday, February 10th, 2022.
*Dates for Comprehensive Plan will be advertised.
*Blackwater Falls State Park is now open (soft opening). Increase water usage/revenue to **Town.**
*Sewer pumps- one has failed, waiting for parts. Other one has problems. **Town** has no backup pumps. 4" meters and 2" valves have been ordered. Wait time six months for items. Will change to digital. Will make it easier to detect leaks. Will contact Rural Water to help assist the **Town** in locating leaks in our lines.
*Emergency on-call number-Minimum three hours at double pay for employees if called out.

New Business: Potesta gave an introduction/ presentation on the **Sewer Feasibility Report. Davis, Thomas, TC Landfill, Industrial Park,** can't tie new connections due to lagoon meeting requirements. Sixty to eighty percent Water coming into our lagoon is storm water. **Thomas** is below their limits.

Improvements needed in both Municipalities. **TC Landfill** is transporting 300,000 gallons of Leachate elsewhere, would bring revenue to the Municipalities. Blackwater would like to tie into system. Look for sewer capacity doubling in ten years. Short-term plan; have completed smoke testing, working on I & I, permit discharge allocation to be raised to 300,000 gpd. Long term plan; centralized PSD. Process would have to start now. Monies available for assistance, grants, possible forgiveness loans. Representatives from Davis, Thomas, TCLandfill, Industrial Park (TCDA), Blackwater Falls State Park needed to give support to move forward. Planning, development, financing (to be pursued). Currently Davis discharges in Blackwater River, Thomas discharges into North Fork. Centralized system (located between the two Municipalities) would all discharge into the North Fork. Full plan on developmentsidetuckerwv.com. Housing problem, shortage of work, diversity in jobs. Money is available out there now. Forgiveness loans still up in air. Town's rates would have to increase due to certain percentage met before able to apply for loans/grants. Cost of centralized plant at 5 ½ million dollars. Draft resolution, all support needed moving forward with plans. TC Landfill willing to participate with funding.

Town Hall basement issues. Leaks/breaks in lines caused flooding in basement. **Town** paid the bill for water and is taking necessary measures to prevent future issues.

Lettering on Town vehicles-to be done in spring. Also, to add flashing lights.

*List of delinquent water bills were given to council members. Normal amount monthly outstanding.

*PSC Rules for Government on Water Utilities. Can turn water off for delinquent bills not paid.

Building permits: New building on William Avenue- Ronnie Whitehair. Requirements met for Corridor H guidelines and Town's building permit requirements. **Town** made an exception to the three-foot setback facing William Avenue to bring his building in line with other buildings on William Avenue. Five-foot easement necessary if excavation is required (main line runs within property easement) is sufficient since Jessica Luscombe has two feet on her side and Ronnie Whitehair has his three-foot setback. If line should need moved, **Town** will contact state about digging up street. Bill and Karen Peterson offered easement on their property next to Ronnie if needed. **Motion to approve said permit made by *Councilman John Felton,* Second by *Councilman Kevin Flanagan,* all in favor. Motion carried.**

***Guest Danielle Luscombe** requested her letter be part of the record of the minutes.

Correspondence: Thank you card from school athletes at the TC High School who are utilizing the new equipment which the **Town** made a donation towards.

Motion to adjourn meeting made by *Councilwoman Jeannette Ware,* Second by *Councilman Ron Hollis,* all in favor. Motion carried. Time of adjournment 8:45 p.m.

Date of approval: Feb. 23rd, 2022
As read: _____
As corrected: _____

Alan Tomson, Mayor

Jennie Helmick, Recorder