

## Town of Davis Council Meeting Minutes

**Meeting: Regular Council Meeting**

**Date: July 13<sup>th</sup>, 2022**

**Place: Davis Volunteer Fire Department Hall**

**Time: 6:30 PM**

**Mayor Al Tomson called the meeting to order at 6:30 pm.**

**Roll Call: Mayor Al Tomson, Councilmembers- John Felton, Jeannette Ware, Ron Hollis and Recorder Jennie Helmick.**

**Absent: Councilmembers Charlotte Wales (Excused) and Kevin Flanagan (Excused).**

**Pledge of Allegiance.**

**Guests on Agenda: Joni Felton-DVFD and Travis Long-Corridor H.**

**Guests Not on Agenda: Cheryl Ball, Betsy Whitehair, Alice Tekavec, Jim Hull, Terry Hull, Kevin Gramer, Jennifer Britt (Parsons Advocate), Greg Downing, Lori Quattro, Bob Quattro, Judy Cronauer, Kenneth Martin, Cindy Martin, Jennie Morrow, Louise Ball, Ray Ball, David Esch, Margaret DeBolt, Nanette Seligman, Joyce Arnold, Craig O'Connor, Danielle Luscombe, Nancy Luscombe, Jim Baczuk, Ryan Sincavage, Ben Herrick, Sandra Goss, Kristen Winebrenne, Nick Waite, Donna Britton and Walt Ranalli.**

**\*Motion to approve the Regular Council Meeting Minutes of June 22<sup>nd</sup>, 2022 made by Councilman Ron Hollis, Second by Councilwoman Jeannette Ware, all in favor. Motion carried.**

**\*Motion to approve both Special Council Meeting Minutes of June 21<sup>st</sup>, 2022 made by Councilman Ron Hollis, Second by Councilman John Felton, all in favor. Motion carried.**

**\*Motion to approve the Special Council Meeting Minutes of June 28<sup>th</sup>, 2022 made by Councilman John Felton, Second by Councilman Ron Hollis, all in favor. Motion carried.**

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

**Guest Craig O'Connor inquired about his business license that he applied for last year. Town Clerk Joni Felton stated that the only one he should have is the new one and she doesn't have a State business license for it. It is a requirement of the State to have a state business license for each unit unless they list all units under one name.**

**Guest Kevin Gramer-** Mr. Gramer has purchased lot 6 at Davis River-Walk and has submitted a building permit. There were two additional requirements, one was for a plat/survey with individual name on it, which he has supplied, the other was to ask about the infrastructure requirement to get the permit. Mr. Gramer was told by everybody that the infrastructure must be in place in order to get a permit. Mr. Gramer was asking for consideration as he won't be needing water soon and that a three-way agreement was being worked on with the parking lot owner and **Town**. Mr. Gramer felt that at some level there would be water provided there. **Mayor Tomson** stated that the previous **Council**, and it was confirmed and approved by this **Council** also, that for any development going into **Davis**, the infrastructure must be completed before the Town gives out building permits. The **Town** has a very bad taste from **Tuscan Ridge** and we don't want that to happen again. The three-way agreement that Mr. Gramer was talking about is not yet an agreement and so there are issues. There are even questions regarding sewer that came up this week so we're not comfortable making exceptions. **Mayor Tomson** suggested that the best thing Mr. Gramer could do, was to talk to the developer and put pressure on him to get the infrastructure in.

**Guest Donna Britton** wanted to know if the **Town** was still picking up branches. **Mayor Tomson** stated yes, it was taking longer than they thought and are extending it into next week, so it's going to continue.

**Guest Betsy Whitehair** stated she was at the last special meeting and was very upset with the rest of the Council People, other than Jeannette Ware, Jennie Helmick and John "Bacon" Felton. Houses are too expensive here and she knows of people who have moved away that have rented here for years. **Mayor Tomson** stated that what he said at that particular meeting was he was trying to make good on regulating short-term rentals and to speed up the process to put in place the **Comprehensive Plan** and **Zoning** so that we could legitimately restrict certain areas to residential use and businesses to other areas. We're working hard to bring that to fruition. You're going to see some short-term rentals pop up this month and other months and they probably would have anyways.

**Guest Cheryl Ball** agreed with Betsy's comments. The **Town** already had a tied vote and the Special Meeting was called to get **Councilman John Felton's** vote, since he wasn't at that meeting. That's not how it went. A whole new discussion was held, guests weren't allowed to speak and a whole new vote was taken and things changed. Felt it was a slap in the face to the residents.

**Guest Sandra Goss** in regards to **Corridor H**, was upset about the seemingly rushed decision on the proposed route. Stated the shortest route wasn't always the best. Felt that WVDOH should be furnishing drawings, maps, etc. for the public to look at and discuss. Felt consideration to all areas for access to other important business. Feels both Towns should have a voice in this.

**Mayor Tomson** stated at the last meeting, there is a committee being formed to ask questions and inquire about the road, both positive and negative and that's going to culminate at a meeting in September. We're going to bring in the state again. Purpose today for the State being here, they're just coming to have a presence and to talk a little because we have gotten so much from a particular group of people and not so much necessarily from the State, trying to keep everything on an even keel.

**Guest Joyce Arnold** stated that Corridor H has been 25 years in the planning. Studies were made, invested money and time to getting it done. Need to proceed while money is still allocated for its completion.

**Guest Lori Quattro** agrees with Joyce.

**Guest Walt Ranalli** stated that these studies were done a long time ago and need revisited as there have been changes. Feels it should benefit all groups and doesn't want to see the Towns divided.

**\*Motion to return to the Regular Order of Business made by Councilwoman Jeannette Ware, Second by Councilman Ron Hollis, all in favor. Motion carried.**

**Guest Joni Felton-DVFD** they have purchased new equipment for the fire trucks, including Jaws of Life Equipment and new bunker gear. The total cost was \$80,000, of which they received \$6,600 from a grant out of the foundation and \$10,000 from the TC Commission, leaving a balance of \$63,400 owed. Asking for money from the **Town**. Discussion followed.

**\*Motion was made by Recorder Jennie Helmick to give the DVFD the full remaining balance of \$63,400 so they will be debt free from this equipment, Second by Councilwoman Jeannette Ware, all in favor, with exception of Councilman John Felton who abstained as he is a DVFD member. Motion carried.**

#### Finance:

**Mayor Tomson** presented the Accounts Payable.

**\*Motion to pay the bills made by Councilman John Felton, Second by Councilman Ron Hollis, all in favor. Motion carried.**

**Sewer Project**-The problem of stormwater will be fixed as part of the project. \$6,000,000 Estimate, hoping to break ground 2023-2024. Representative David Mc Kinley earmarked \$5,000,000, still need \$1,000,000. It went through the House, now needs to go through the Senate. Want finished by 2024. Willing to work with us as long as we are working towards a solution.

#### **Budget Revisions-**

**\*Motion to approve the Budget Revisions for the General and Coal Severance Funds made by Recorder Jennie Helmick, Second by Councilman John Felton, all in favor. Motion carried.**

#### Streets, Alleys and Waterworks:

**Councilman John Felton** asked if the **Town's** employees were going to sweep up the wood chips left behind. **Mayor Tomson** stated yes. The jobs performed by employees and the update from the water/sewer operator were given to **Council**.

#### Personnel:

**Employee Handbook-** **Councilman John Felton** wished to know if there was any further news regarding the updates to the employee's handbook. **Mayor Tomson** stated yes, adding additional information, some issues need addressed. Will be to us by end of month.

#### Ordinance/Resolutions:

**Sewer Rate Ordinance-** First Reading was by Title only at the July 13<sup>th</sup> regular Council Meeting. Second Reading at this time. Was asked by a guest if there is help for those who can't pay, **Mayor Tomson** stated not at this time. **Councilwoman Jeannette Ware** explained the reason for the increases, the **Town** has no choice due to guidelines for applying for grants.

**\*Motion was made to accept the Sewer Rate Ordinance by Councilman John Felton, Second by Mayor Al Tomson, all in favor. Motion carried.**

**Cemetery:** *Councilwoman Jeannette Ware* stated that *Mayor Tomson* has contacted someone to do the survey on the new **Cemetery**. Once completed, the Town will begin installing drainage (ditches). Cemetery Committee met at the **Cemetery** and found around 50 headstones, newer and older, that have fallen or shifted off bases. We have contacted several people to help reset, some headstones are ancient/large. Would possibly be able to fix 1 to 2 a week. Asking that any/all donations be made to **Town Hall** directly, since we only receive the interest from the **TC Foundation** fund that is set up for the Cemetery. It costs around \$8,000 to \$10,000 per season for mowing. *Councilwoman Ware* took pictures of headstones, will try to contact any living family members. Large tree branch broken, needs removed. *Mayor Tomson* gave *Councilwoman Jeannette Ware* the okay to pursue. The quote to pave new section of Cemetery is approximately \$25,000. Old Cemetery roads are in better shape and to pave entry ways cost approximately \$2,500. Have just over 400 water bills and *Town Clerk Joni Felton* thinks about 50% donates to **Cemetery**.

#### **Parks and Recreation:**

Riverfront Park- *Councilman Ron Hollis* reported that the mulch that was put on the **Riverfront Park Playground** area looks fantastic. Outlined it really good, so kudos to the Parks and Recreation people who did that. When he pulled up there was a lot of wash out when he approached the gravel near the pond, so it needs shaped up and gravel added. Was told that wasn't our property but Steve White's. How about the sign next to it that says don't feed the (geese) someone put tape over it and it says don't feed the trolls. If we have more signs, just replace. Sat down at one of the picnic tables and the trash was full and geese droppings on the tables. Wanted suggestions on how to remove it. **P & R President Doug Martin** stated that the DNR did say they would do a roundup of the geese. **DVFD** can hose off tables with water from Blackwater. Repair playground equipment. **Town** can put gravel near pond. Doug rakes mulch every week under swings. Ron volunteered to help with that. Playground being used greatly at **Community Center**. Basketball hoops in, start next week to remove old ones. Older teens hanging on small children's hoop. Destroying them. Can't fix problem. Come up with another plan. *Mayor Tomson* will have the guys pick up garbage from **Riverfront Park** on Mondays and Fridays.

#### **Planning Commission:**

*Mayor Tomson* stated there is a tentative plan to have Comprehensive Plan to **Council** for review on August 24<sup>th</sup>, 2022 Meeting. We will have to hold public meetings, adopt, modify or reject plan.

#### **Old Business:**

**\*Short-term Rental Business License-** Wanted to know if the State Approved document can be used when applying for license. *Mayor Tomson* will have **Town Clerk Joni Felton** check into it. *Recorder Helmick* stated that a State Business License Number has always been required for all Municipal Business Licenses since taxes are paid. *Councilman Felton* wanted to know what the fee was. Hotel/Motel \$10.00, General Business \$15.00.

**\*Side-by-Side agreement-** *Councilman John Felton* asked if it had been signed and was told yes, the agreement was in the office and has been signed. This agreement was between an employee and the **Town** for the side-by-side usage until the **Town** could purchase their own.

**\*Annexing Rt. 93 Area-** *Councilman John Felton-* on/off ramps part of **Davis**. Needs surveyed. **Doug Martin** working with Richard Flanagan for maps, how many acres **Town** wants to annex, Flanagan will sign off and then we can proceed.

**\*Update on R K&K for PSC Sewer Plant Study-** *Councilman John Felton* stated there is a rumor that a pipeline is going from the Industrial Park to City of Thomas. *Mayor Tomson* stated this isn't true. **PSD** solution for all areas **Davis**, **Thomas**, **Blackwater Falls State Park**, **TCLandfill**, and **Industrial Park**). County Commission to establish feasibility studies, design, location, all outlying into one place within 5 to 7 years. Increasing size of pipe from Industrial Park to **Davis**, larger line needed. No plans to send to **Thomas**.

**Nomination and Confirmation of Corridor H Committee-** Committee being formed to draft questions to **WVDOH** for response at Public Meeting in September 2022. *Councilman Kevin Flanagan* nominated Greg Downing as chair of the committee, with Bill Peterson, Dave Esch, Joyce Arnold, Brent Markwood and Hugh Rogers. Questions/responses to **WVDOH** about each route, list of facts, input from committee/interested parties/residents/businesses, etc.

**\*Motion to appoint Greg Downing as Chair for the Corridor H Committee and the remaining members to the Corridor H Committee made by Mayor Al Tomson, Second by Councilwoman Jeannette Ware, all in favor, Motion carried.**

**Guest WVDOH Travis Long-** handed out brochures with frequently asked questions and answers. Feels a lot of discussion is going on and not all of it is factual with what the highway department is doing and that's his fault. He wants to get the message out and the facts out and some of it is complicated. how they got to where they are, reasons for not going to another route.

- 1) Can the bridge be seen from Lindy Point? No, it can't.
- 2) Interchange on Rt. 32-decided to move north through the pines.
- 3) Roughly three or four interchange options to move all of that traffic off of Rt.32.
- 4) Over or under bridges would help with noise, with ramps uphill no need for jake brakes

Public meetings in September, probably right after Labor Day. Will make himself available until September Meeting. Working on website. Horrible right now.

**\*Update on Work Order Program-Councilman Ron Hollis** asked where the employees were with this. Final training this week.

#### New Business:

**\*Water Wells at Water Plant-Councilman Felton** said several people have asked if we are drilling wells at the water plant to get water. **Mayor Tomson** stated if we can get money to do it, we will. **Councilman John Felton** asked why? **Mayor Tomson** responded that it's a more stable source, a purer source, doesn't have as many fluctuations, easier to treat than what comes out of Weimers and especially Blackwater River. Much more stable. Funding for the rural water line to Weimers is a work in progress. We are looking at trying to replace the water lines from Weimers Dam, which is our primary water source, to the water plant, from Blackwater, which is our secondary water source, to the water plant and from the water plant to the road going in the direction of the water tank, those are old pipes that has some issues, going to see if we can get some funding to do that.

**120 Water-** Councilman Felton & Water Operator Mark Burns are talking about **120 Water**, that hasn't gone anywhere yet. The same thing with the lead-copper survey. It won't go out until next week.

**Lead/Copper survey- Mayor Tomson** stated there's a requirement that has come down from the Federal Government that we have to identify any lead sources of water in the water system. The pipes that come into the water plant, the water distribution system and every house and business in **Davis**. We have to identify if there is any lead present and there is going to be a survey that goes out, probably towards the end of next week that will inform the community that we have to do this. We have severe penalties if we don't do this as a community and if all of you who live in **Davis** don't allow us to check your pipes from the water meter to where it goes into your service line and in your house, every single house we have to check to see what type of pipes you have and there will be random testing done within the community to look for potential sources of lead.

**120 Water** is a company that the **Town** can hire to do some of this work. **Town employees** can do all, outside contracting can do all, or both can do part. Money is a factor. Survey and random sampling must be completed by December of this year.

**Councilman Felton** asked what was up with the jar of brown water? **Mayor Tomson** stated that resident Lori Quattro brought this water. We have one house that has continually had a problem with their water. It's too chlorinated or it looks like this or worse and we continue to try to figure out what's going on with that particular house. It's the first house in the water system. We still have things to try, no obvious solution. We will have scuba divers going into our water tank to clean it in a couple of months. We found out, through testing, that there is a lot of sediment in the bottom of our tank. We cleared what we could by backflowing and flushing it, has made things a little better, remainder has to be vacuumed out by scuba divers.

#### Building Permits:

**John Callaway-** replacing existing chain link fence with a privacy fence.

**\*Motion to approve Building Permit made by Councilman John Felton, Second by Councilwoman Jeannette Ware, all in favor. Motion carried.**

**Jon & Cindy Robeson-** deck, required documentation incomplete. Tabled.

**Ben Herrick-**Storage shed.

**\*Motion to approve Building Permit made by Councilman Ron Hollis, Second by Councilwoman Jeannette Ware, all in favor. Motion carried.**

**John Cousin-**Fence.

**\*Motion to approve Building Permit, pending signature, made by Councilwoman Jeannette Ware, Second by Councilman John Felton, all in favor. Motion carried.**

#### Business Licenses:

**Mountain Mama (Jennie Morrow)-**short term rental.

**\*Motion to approve Business License made by Councilman John Felton, Second by Councilman Ron Hollis, Recorder Jennie Helmick (abstained) and Councilwoman Jeannette Ware (abstained). Mayor Tomson voted yes. Motion carried.**

**The Kit House-LLC Nick Waite-short term rental. Incomplete application. Tabled.**

**Cavie House Rentals-Eric Seachrist-short term rental.**

**\*Motion to approve Business License made by Councilman John Felton, Second by Mayor Al Tomson, Recorder Jennie Helmick (abstained) and Councilwoman Jeannette Ware (abstained), Councilman Ron Hollis voted to approve. Motion carried.**

**La Mariposa, LLC-Joshua Gambetta-short term rental. Incomplete application. Tabled.**

**Both Recorder Jennie Helmick and Councilwoman Jeannette Ware voiced their reasons for abstaining from voting on short-term rentals.**


**Vehicle Decals-Councilman Felton asked why his quote for the decals wasn't included with the other quote. Tabled until next meeting.**


**Water-Sewer Budget-**


**\*Motion to approve the Water-Sewer Budget for fiscal year -2022-2023 made by Councilman Ron Hollis, Second by Councilwoman Jeannette Ware, all in favor. Motion carried.**

**\*Motion to Adjourn made by Councilwoman Jeannette Ware, Second by Councilman Ron Hollis, all in favor. Motion carried. Time of adjournment was 8:37 pm.**

Date of approval: July 27, 2022  
As read: \_\_\_\_\_  
As corrected: \_\_\_\_\_

  
\_\_\_\_\_  
Acting Mayor  
Alan Tomson, Mayor

  
\_\_\_\_\_  
Jennie Helmick, Recorder

  
Acting Recorder