TOWN OF DAVIS
COUNCIL MEETING MINUTES

Meeting; Regular Council Meeting
Date: August 10, 2022
Place: Davis Town Hall

Acting Mayor Jennie Helmick called to order at 6:30 p.m.

Roll Call: Jennie Helmick, Recorder-Acting Mayor, Councilmembers: John Felton, Charlotte Wales, Ron Hollis, Jeannette Tekavec Ware-Acting Recorder.

Absent: Mayor Al Tomson-Excused; Kevin Flanagan-Absent

Pledge of Allegiance

Guests: None on Agenda.

Guests: Joni Felton-Town Clerk, Tina Wood-Town Water Clerk, Doug Martin, Judy Cronauer, Lori Quattro, Betsy Whitehair, Cheryl Ball, Bob Quattro, Joelynn Miller, JoJo and Pat Pregley, Craig O'Connor, Ray and Louise Ball, Karen and Bill Peterson, Ron Whitehair, Susan Rosenblum

***Motion to approve minutes from regular Council Meeting of July 27, 2022, made by *Councilperson John Felton,* Second by *Councilperson Charlotte Wales.* All in favor. Motion carried.**

***Motion to dispense with regular order of business to hear from guests made by *Councilperson Jeannette Tekavec Ware,* Second by *Councilperson Ron Hollis.* All in favor. Motion carried.**

Guest JoJo Pregley: asked when the **Comprehensive Plan** was taking place in regards to the STRs. She complained of noise, vulgarity, and excessive vehicles at a nearby Short-Term Rental. She also asked why the **Moratorium** was not continued. That was reviewed.

Guest Pat Pregley: Asked why current surveys for building permits are required. This requirement was approved before this current Council was in office. **Town Clerk Joni Felton & Town Water Clerk Tina Wood** has been instructed to tell property owners that a survey must be presented with their building permit prior to approval from **Council. Mr. Pregley** suggested that applications should be considered case by case. This will be placed on the agenda for the next meeting. ***Councilperson Ware*** stated that the decision was made to protect residents and that our neighbors are changing often. **Mr. Pregley** also inquired as to how many persons can be in a rental unit; it is limited by renter and the particular unit.

Guest Bob Quattro: asked about the **Corridor H Committee** to discuss the Northern Route vs. Southern Route issue. He understood that the Committee was to work in good faith with an open mind. He questioned why **Committee** member Hugh Rogers from Montrose was on TV talking about the Northern Route. He thought the Southern Route was signed/completed years ago. **Mr. Quattro** asked if **Town Council** had not approved it at that time. He also suggested **Council** look into records to verify that action and still contends that **Council** does not have the final vote on the particular route. **WBOY**/Channel 12 and WDTV/Channel 5 have supposedly addressed this issue most recently.

Guest Bill Peterson: addressed the issue that **Corridor H Committee** is not to support/lean to Northern Route vs. Southern Route. He stated that "scientists" were gathering and studying information towards the September timeframe of meeting with DOH. The Committee will bring that info to **Council.** ***Councilperson Ware*** questioned the use of the word "scientists" when anyone was encouraged to join at first mention of **Corridor H Committee.** ***Recorder Helmick*** reminded all that there were to be 6 members with ***Councilperson Flanagan*** to be the **Council Representative.** Anyone who wished to be on the Committee was to come to **Town Hall** to place their name on a list. We had a list of names. **Guest Lori Quattro** stated that it was not on the next meeting **Agenda** or she would have added her name to the list. ***Acting Mayor Jennie Helmick*** explained that she had contacted the **WV Ethics Commission** to determine that **Council** did everything correctly in setting up the **Corridor H Committee.** The decision to set up the Committee derived from the conversation from a Guest who had been on the Agenda. At the next Council Meeting it was listed on the Agenda to nominate and approve a list for the **Corridor H Committee. Guest Craig O'Connor** stated he knows of one name on the list that was not included on the **Committee.**

Guest Doug Martin: understood that the **Corridor H Committee** was to come up with a list of questions to present to **DOH** for answers in an open meeting. He asked if the residents were permitted to see the list of questions prior to the public meeting. **Guest Karen Peterson** stated that she understood **Council** was to approve the questions.
It was known that the **Corridor H Committee** was present at a **Tucker County Chamber of Commerce** meeting on July 27, 2022, and then were to meet afterwards. A discussion followed concerning Sub-Committees of **Davis Town Council.** These groups should publicize date, time, and location of each meeting with an agenda available. **Mr. Peterson** thought a letter was sent to some of our members…we did not receive anything from the **Corridor H Committee. Mr. Peterson** read portions of the Sunshine Law to the audience to defend his position that the subcommittees of **Town Council** do not have to publicize date, time, location, and agenda prior to meeting. **Town Water Clerk Wood** stated that all committees appointed by **Town Council** are to follow the **Sunshine Law**. **Town Clerk Joni Felton** stated all committees appointed by **Council** are controlled by the **Council.** A mandate will be on the next agenda indicating what is expected from **Town Council** for each Committee. When asked when the next **Corridor H Committee** meeting was to be held, **Mr. Peterson** said it was scheduled for Wednesday, August 17, 2022.

Guest Craig O'Connor: inquired about his second Short-Term Rental for which he does not feel he needs another business license. **Town Clerks Felton and Wood** informed **Mr. O'Connor** that he must have a Municipal business license for each location of business that rents out lodging.

Guest Lori Quattro: Initially questioned the building permit and what it requires.

Guest Cheryl Ball: As she walks through town, she sees many houses which do not have **911 Numbers** displayed. ***Recorder Jennie Helmick*** asked if we could contact **911** to get all **911 house numbers displayed**. ***Councilperson Ware*** stated that all Water customers should have **911 numbers.**

Mrs. Ball also asked if the **Comprehensive Plan Public Meetings** can be posted for residents to attend. ***Recorder Helmick*** asked **Town Water Clerk Tina Wood** if all public meetings could go on the Call Multiplier Notification System? **Tina** responded "Yes, but the Committees need to get their information to her ahead of time so that she can get it out to the public in a timely manner."

Guest Town Clerk Felton: Apologized publicly to **Guest Lori Quattro** for giving her number to **Corridor H Committee Member Bill Peterson.**

***Motion to return to regular of business was made by *Councilperson Ware,* Second by *Councilperson Felton.* All in favor. Motion carried.**

Committee Reports:

Finance: Accounts Payable was presented by ***Acting Mayor Jennie Helmick.***
***Motion to pay bills made by *Councilperson Hollis,* Second by *Councilperson Felton.* All in favor. Motion carried.**

Streets, Alleys, and Waterworks: A list of jobs performed by **Town Employees** and Update Report from **Water/Sewer by Operator Mark Burns** was in **Council's** folders. ***Councilperson Ware*** thanked the employees for their service. She also read several of the jobs included in addition to regular trash pickup. She encouraged residents to call **Town Hall** if they are aware of issues that should be addressed within the **Town.**

Personnel: Handbook- ***Councilperson Felton*** asked for update on Personnel Handbook. No additional information yet. **Town lawyer** communicates with **Mayor Tomson only.** Will await the ***Mayor's*** update.

Ordinances/Resolutions: NONE

CEMETERY: ***Councilperson/Cemetery Committee Chair Ware*** gave the following update:
A **vacancy** exists; any person interested in this position must place your name on the list for **Cemetery Committee** at **Town Hall.**
Surveyor Christopher Varner was chosen to **survey** the New Cemetery area; he did so on Saturday, August 6, 2022. We will receive all paperwork as soon as possible. These results will be shared with Western Pocahontas in regards to additional land acquisition. He will also install **Cornerstones and markers** to designate rows, etc.
Ditching will be addressed soon.
Gravestones that need to be reset are being listed. Owner/family Contacts will be made as soon as all information gathered.
A **Cemetery Pamphlet** will be created that will list burial rules, fees, requirements, cremains **"mausoleum".**
We welcomed Margaret (Fortini) Siembieda, a longtime donor to the Cemetery, who explained **Tucker Community Foundation** (TCF) funds and the initial goals of monies received: preservation, maintenance, and beautification. Mowing requires a large portion of our funds throughout the season.
Donations are encouraged and appreciated. Donations made be sent to **-Town of Davis, in the Memo: Cemetery.** These funds would **be readily available;** donations to **TCF** are disbursed only in the form of **Interest earned** each year. Most recent funds were delayed 2+years.
Better recordkeeping is a main objective of our **Committee.** This will include plot owners, addresses, phone numbers, deed books, etc.
Fees will be reasonably increased; an **Ordinance** is required to do so for the sale of lots. It will be on the next agenda for **Council** to consider and approve.
Guest Karen Peterson suggested using **TCHS students** to help fill small holes as soon as possible, throughout the cemetery. They could count time as **Community Service hours.**

Parks and Recreation: NONE

Planning Commission: ***Councilperson Wales*** stated the most recent **Draft of the Comprehension Plan** is online. Suggestions/deletions have been incorporated into the draft.
All **Council Members** were also given ample time to comment on the document. There are 6 positions on the **Commission,** but one person has resigned and one will be resigning as soon as the **Plan** is adopted. Persons interested in joining must come into **Town Hall** and place your name on the list for those two vacancies. **Guest O'Connor** said persons do not need to be a resident of the **Town.** ***Councilperson Wales*** will verify residency requirements for **Planning Commission** positions.

Old Business:
No Mayor Updates

UTV agreement:** ***Councilperson Felton presented agreement with employee that has been signed and notarized. Copies in **Council folders.**
UTV purchase: tabled** until next meeting. ***Councilperson Hollis suggested considering 6-way blade. ***Councilman Felton*** stated he wasn't sure if one was needed anymore. **Water Clerk Wood** commented "Yes one is definitely needed. A UTV is easier for employees to use vs. the mini-truck, especially at the **Cemetery** and reading **Water Meters.**"
Municipal Disaster Plan:** ***Councilperson Ware spoke with Ms. Veronica Staron, contact person for Tucker County Office of Emergency Management **(TCOEM)** in Davis Area. She contacted **Kevin White, Director,** and he sent a copy of the complete **County Disaster Plan** to the **Town of Davis. Wishes that the copy not be shared** but **Town** can adapt plan to our particular needs.
On-Call Number:** ***Councilperson Ware reminded **Council** that there was a number to call in case of emergency to alert **Town employees.** It will be used on weekends possibly with **Council Members** handling the call-out. This will be discussed at a later meeting.
Radar-signs Update:** ***Councilperson Ware contacted Jeff Blackburn with A&A Safety. Radar-signs will be delivered to **Town Hall** on Monday, August 15, 2022. Extra support poles will be given at no charge. **John Monk,** with **WV DOH,** will be called and exact placement of signs will be determined.
120 Water:** ***Water Operator Mark Burns has called and received no reply. May need to research other companies.
***Lead/Copper Survey Update:** 100+ surveys have been returned. Due to **Town Hall by Aug. 19th.**
Water Wells and Funding:** ***Recorder Helmick: keep on agenda until later.
Annexing Rt. 93 Area Update:** ***Councilperson Felton asked if we have heard anything new about this issue. ***Mayor Tomson*** will have to update **Council** on his return.

New Business:
Bad Building Committee Member/ ***Councilperson Ware*** stated that this committee will start up again as requested; There are at least one or two vacancies which need to be filled. Persons, who are interested in serving on the **Bad Building Committee,** are to sign their names on the list at **Town Hall.**
Short-Term Rental Business License:** ***Councilperson Felton: was dealt with previously in this meeting.
Guest JoJo Pregley: asked to whom should issues concerning STRs be addressed. Complaints can be addressed with AirBnB, owners of the properties (contact number); or contact 911.
Guest Pat Pregley: asked if phone numbers of STR owners are publicized on a website or if email addresses are available.
Councilperson Hollis stated there is a **WV Code 6.1-6-26** which addresses disturbing the peace.
Councilperson Ware stated that **Quiet Time** is 11pm to 7am and should be later on Sunday mornings due to Church services. Should take a picture of numerous vehicles and report to 911.
Guest Lori Quattro commented that one cannot get much help if you call the Sheriff's Dept.

Building Permits: **NONE.**

Business Licenses:
La Mariposa, LLC-Joshua Gambetta, 263 Henry Avenue
Motion made to approve by** ***Councilperson Wales, **Second by** ***Councilperson Felton.***
Councilpersons Helmick and Ware **abstained. Motion carried.**
Mt. View House-John and Dawn McVicker, 658 Henry Avenue
Motion to approve made by** ***Councilperson Wales, **Second by** ***Councilperson Felton.***
Councilpersons Helmick and Ware **abstained. Motion carried.**

Correspondence: NONE

Motion to Adjourn:
Motion to adjourn made by** ***Councilperson Ware **at 8:05 pm, Second by** ***Councilperson Hollis,*** **all in favor. Motion Carried.**

Date of approval: 08/24/2022
As read: _____
As corrected: _____

Alan Tomson, Mayor

Jennie L. Helmick
Jennie Helmick, Recorder

JOBS PERFORMED BY SHOP STAFF 08/08/2022 to 08/19/2022

MONDAY AUGUST 8TH

COMMERCIAL & ALL PARK FACILITIES GARBAGE SERVICE
CHECKED LIFT STATIONS READINGS
STARTED GENERATOR AT LIFT STATION IN TOWN
GOT SEWER POND READING/ CLEANED BAR SCREEN
TRIMMED TREES ON ROAD TO LIFT STATION
DELIVERED DELINQUENT LETTERS
PICKED UP DOOR AT WATER PLANT

TUESDAY AUGUST 9TH

RESIDENTIAL GARBAGE SERVICE
WORKED AT TOWN HALL PAINTING, INSTALLING TRIM, ETC.

WEDNESDAY AUGUST 10TH

TOOK CHAIRS TO COMMUNITY CENTER
SPENT DAY WEEDEATING INSTERSECTIONS & DITCHES THROUGHOUT TOWN ON MUTLIPLE STREETS AND AVENUES
WEEDEATED LIFT STATION ON RT. 48
WORKED AT TOWN HALL SETTING UP ROOM FOR COUNCIL MEETING

THURSDAY AUGUST 11TH

WORKED ON DRAIN AT SECOND STREET & BLACKWATER AVENUE
WORKED ON DRAIN NEAR POST OFFICE
CHECKED CSO'S
TOOK SEWER SAMPLES TO ELKINS
TOOK CHEMICALS TO SEWER POND
CLEANED BAR SCREEN
CLEANED UP GRAVEL ON THIRD STREET & HENRY AVENUE
FIXED DOE ALLEY FROM RAIN STORM

FRIDAY AUGUST 12TH

COMMERCIAL & ALL PARK FACILITIES GARBAGE SERVICE
CHECKED CSO'S & LIFT STATION
CLEANED BAR SCREEN
GOT READINGS FOR WATER PLANT OPERATOR
CLEANED OUT TRUCK

MONDAY AUGUST 15TH

COMMERCIAL & ALL PARK FACILITIES GARBAGE SERVICE
PICKED UP DUMP TRUCK FROM 47 RAPP DRIVE & TOOK TO LANDFILL
CLEANED SHOP
GOT METERS READY FOR INSTALL AT PENDLETONHEIM

TUESDAY AUGUST 16TH

RESIDENTIAL GARBAGE SERVICE
STARTED INSTALLING METERS AT PENDLETONHEIM

WEDNESDAY AUGUST 17TH

DRILLED METER LIDS
INSTALLED METERS AT PENDLETONHEIM

THURSDAY AUGUST 18TH

DRILLED METER LIDS
FINSIHED INSTLALING METERS AT PENDLETONHEIM

FRIDAY AUGUST 19TH

COMMERCIAL & ALL PARK FACILITIES GARBAGE SERVICE
MARKED MISS UTILITIES X 3
TOOK OLD METER LIDS & METERS TO LOWER LOT
WENT TO CI THORNBURG IN CLARKSBURG TO PICK UP DEL-PAC

WATER & SEWER REPORT

August 22, 2022

Water

The Del-Pac bulk tank is scheduled to be filled this Thursday the 25th.

With the high temperatures and humidity, the past few weeks the chlorine residuals dropped a little bit, we flushed a few dead-end lines and some of the low usage areas that was low, to maintain a safe level as required by the health department.

Scott Filler still has not started the roof. If you want to reach out to someone else before the weather hits, please let me know. Jay told me he has the contact information for another contractor that has done a couple jobs in town this summer. Please advise us on this, thanks.

We replaced all the meters at the Pendletonheim. These meters had no records of ever being tested for accuracy. We are required, by the Public Service Commission, to test these at least every ten years or before. We have no records of these meters ever being tested. The meters were so old that they could contain lead or lead components in them, so it is good to get them out of service before this lead rule takes effect. I personally grabbed four of these meters at random and two of the four meters that I grabbed would not work at all. Can you say **FREE WATER**. We were losing revenue on these meters. In the billing system there were no meter serial numbers associated with any address, no proof as to whose meter was whose. Now we should be better compliant with the PSC as we now have a record established with new test information, and compliant with the EPA with up to date lead free meters. Plus, now Tina won't have to enter these meters manually each month for billing and we have the downloadable feature to help determine leaks and help prove other disputed usage. Now, I know there is a question as to who is responsible for these, the HOA or the town?? Well as a public water supplier, the town is responsible for all the above according to the Public Service Commission and State Health Department.

Tina has gotten a pretty good response back on the water surveys. There are a lot of **"unknowns"** which **we have to treat these as lead lines**, so if you know someone that needs more information to help eliminate these **"unknown"** responses we will be more than happy to assist them with their questions to help us eliminate these so we do not have to dig up or go into the residence to test these pipes.

Myself, Al, and Tina had a ZOOM meeting with 120water. Their cost is $5500/year, plus an additional $28/customer for the survey and lead swab kit that they would send out. We do not see the benefit of the services provided for the cost associated with it as most of their support is providing the survey (which we already done), and the swab kits (we can get them for ones in question.), and giving a spread sheet for the information gathered (Tina has one already that she can add a few columns to for the information on the home and lines into it, ect.).

Sewer

Weekly sampling at the sewer lagoon continues.

We cleaned a sewer line and opened a few storm drains with the vac truck. Doug has told me of another drain needing cleaned. We will get it in the next week or two.

We need another gate installed at the sewer pond to make the access to the contact chambers with the vac truck more easily accessible. These need to get pumped out frequently. It is a really tight fit to get the truck into them. An additional sixteen feet long gate would work well. The gate that is there already, needs replaced also, as it is bent and rusted thru in places.

If anyone has any questions, please feel free to contact me. Thanks Mark aka Digger