TOWN OF DAVIS
COUNCIL MEETING MINUTES
SEPTEMBER 28th, 2022

Meeting: Regular Council Meeting
Date: September 28th, 2022
Place: Davis Town Hall

Mayor Al Tomson called the meeting to order at 6:33 p.m.

Roll Call: Mayor Al Tomson, Council Jeannette Ware, Ron Hollis and Recorder Jennie Helmick.

Absent: Council Charlotte Wales, Excused.

Pledge of Allegiance

Guests on the Agenda: Craig O'Connor (Ski Coya).

Guests not on the Agenda: Joyce Arnold, Town Clerk Joni Felton, Judy Cronauer, David Esch, Betsy Whitehair, Eric Cvechko, Cheryl Ball, Terry Hull, Charles Lang, Bill Peterson and Greg Downing.

***Motion to appoint Doug Martin as Council Member made by *Councilman Ron Hollis,* Second by *Recorder Jennie Helmick*, all in favor with exception of Councilwoman Jeannette Ware who abstained. Motion carried.**

Mayor Al Tomson swore Doug Martin in as Councilman with Oath of Office.

***Motion to approve minutes from the Regular Council Meeting of September 14th, 2022 made by *Councilwoman Jeannette Ware*, Second by *Councilman Ron Hollis,* all in favor. Motion carried.**

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

Guest Cheryl Ball; Clarification in regards to short term rental property owners applying for and receiving a Municipal Business License when their property isn't ready or won't be for several years to operate said business and wouldn't they need a building permit for work being done to the property. ***Mayor Al Tomson*** and **Town Clerk Joni Felton** stated that as long as the work is being done inside, they aren't required to have a building permit, only outside changes such as change of material, additions, etc. Also, no stipulations on business license purchase regarding being in operation. Only requirement is that they have a State Business License. These licenses are only good for a year and must be renewed.

Guest Joyce Arnold; just wanted to say that the **Town** looked very nice for the **Leaf Peepers Festival** and that the businesses and the Town Employees should be commended for their efforts in regards to this. ***Councilman Ron Hollis*** completely agreed with her. ***Mayor Al Tomson*** stated that **Steve White** also cleaned up his property (old Highlander Village) before the festival and he stated that the girls did a great job in decorating outside this year. It earned a front-page picture in the Elkins Inter-Mountain Newspaper.

***Motion to return to Regular Order of Business made by *Recorder Jennie Helmick,* Second by *Councilman Ron Hollis*, all in favor. Motion carried.**

Craig O'Connor; ***Mayor Al Tomson*** spoke for him as he couldn't be present at the meeting. He had a business license request for a short-term rental at last meeting and it had been tabled because the ***Mayor*** was operating off of information from the **WV Revenue** website. When he and **Craig** called them, it was confirmed that what had been read was correct. Then they talked to the head of the department of tax revenue and the gentleman said the website was wrong, the paper he was reading was wrong and he apologized for the bad information and would see to it that it was changed on the website and pamphlets, that what he earlier had told **Craig** was what the interpretation was supposed to be. The ***Mayor*** stated that he would like to address **Craig's** request for a short-term business license since it wasn't his fault that it had been tabled due to misinformation.
***Motion to approve his business license was made by *Councilman Ron Hollis,* Second by *Mayor Al Tomson*, all in favor with exception of *Councilwoman Jeannette Ware* and *Recorder Jennie Helmick* abstaining. Motion carried.**

Committee Reports:
Finance- ***Mayor Al Tomson*** presented the Accounts Payable.

***Motion to pay the bills made by *Recorder Jennie Helmick*, Second by *Councilman Ron Hollis,* all in favor. Motion carried.**

Sewer Project-*Mayor Al Tomson* stated that it continues to be ongoing. Had a meeting with a gentleman about some buildings that they are going to be erected. If you're on Corridor H going out of town (east) and out past the **Rubinstein Center** and the **National Youth Science Center,** there has been a lot of land auctioned off a year or two ago. On that land and some adjoining land to it, they plan on putting in about a hundred houses. He alerted the engineers for the Town's sewer project that we need to factor that into the equation so that when we consider whether we have to increase the size of our sewer lines or not, that it is taken into consideration. It isn't in the Town but doesn't mean we wouldn't be necessarily providing service, it will have to connect to the Town to align that, potentially not big enough from the forced main to the industrial center right now to Town. We are also having sewer issues for a house on 178 Henry Avenue, every time it rains they can't flush their toilets. We found an abandoned line that we need to deal with as we think it's the problem. **R K & K** tried a camera but didn't work. **Rural Water** will see what they may be able to do. Was invited to a meeting next week in **Charleston** and that had to do with forming the **Public Service District** for up on the mountain and part of that discussion is building a new treatment facility that will take care of everything necessary here, all inclusive. He will fill us in after the meeting.

Streets, Alleys and Waterworks:
A list of jobs performed by **Town Employees** and Update Report from **Water/Sewer Operator Mark Burns** was in ***Mayor*** and ***Council's*** folders. These reports are posted on the **Town's** website with the Minutes.

Personnel:
Town Employee Vacation request- **Tina Wood,** October 7th & 14th, 2022.
***Motion to approve vacation request made by *Councilwoman Jeannette Ware*, Second by *Recorder Jennie Helmick,* all in favor. Motion carried.**
Town Employee Vacation request- **J.D. Kennard,** November 28th, December 9th, 22nd, 27th thru December 29th, 2022.
***Motion to approve vacation request made by *Councilman Ron Hollis*, Second by Recorder *Jennie Helmick,* all in favor. Motion carried.**

To be on the next Council Meeting Agenda- Discussion about **Mayor & Town Clerk** approving vacation requests instead of going through Council since **Mayor** already approves sick leave and personal days and is aware of making sure that the **Town** has the necessary employees working to provide services to the Town.

Ordinance/Resolutions: Building Permit Ordinance First Reading.
Read changes, including not needed for demolition or removal of trailers. Survey may be required. Iron pipes inserted in ground from original survey can be used in place of survey. The ***Mayor and Council*** would have the authority to stop any work done without an approved Building Permit and penalties could be imposed for refusal to do so. Setbacks have been changed to 3 feet front, 5 feet rear, 3 feet on sides. Approval by Mayor and Council. ***Mayor*** and **Town Clerk** may give preliminary approval in regards to certain situations.

Cemetery:
Councilwoman Jeannette Ware didn't have any updates to report. ***Councilman Doug Martin*** reported that the surveyor called, will get plat sometime this week, deed from **Western Pocahontas** for **Town** to sign off on.

Parks & Recreation:
Parks Board Director/ *Councilman Doug Martin* stated that in the spring, more mulch to be added and leveled out at **Riverfront Park** and **Community Center.** Still in process of installing basketball hoops on the Community Building playground.

Planning Commission:
Mayor Al Tomson stated that a public meeting for the proposed **Comprehensive Plan** has been scheduled for **Saturday, November 5th, 2022 at 10 a.m. at the Davis Fire Hall** for public comments to be shared with the ***Mayor and Council***. Draft will be presented to ***Mayor and Council*** at the **Regular Council Meeting on November 9th, 2022 at 6:30 p.m.,** at which time they can accept, reject or make amendment requests and reasons why, to the **Planning Commission.** If amendments requested, then the **Planning Commission** will have 45 days in which to respond to those requests, if they don't respond, then the amendments are automatically adopted. If they respond within the 45 days and reject the requests, then the **Town** then has another 45 days to accept or reject the Comprehensive Plan as it stands at that point.

Old Business:

Mayor Updates-
The ***Mayor and Council*** have an employee meeting at 4:30 p.m. at **Town Hall** tomorrow.

Alley has been blocked from behind Town Hall to Old Bank Building on several occasions. He has spoken to the property owner and asked them not to unless necessary, want it to remain a public access. **Town** has it as a right of way due to main sewer lines there and is pursuing this whether it be by eminent domain or by other means.

The catwalk for the **Water Plant** has been built, painted and is to be installed.

The **Town** is eligible for the Opioid settlement, which they have received documentation in regards to the settlement, our portion won't be much. The **Town** has previously agreed to donate it to the **DVFD.**

Brush on Henry and 4th (park hill) is highly lined with poison ivy; therefore, the **State** is going to take care of it.

Radar signs are up and working. People are slowing down. Question as to placement of second sign by **Davis Shop 'n Save**. Was best location in order to pick up speeds before entering main part of **Town.**

Council Seat Vacancy still open. Must be resident for at least one year to apply.

Lead/Copper Update: In spring, the **Town** will be working with homeowners to determine what type of pipe is in their homes. Deadline next year to complete. Ten done.

GSA Update on End loader Availability:
Jim Nelson, when unloading ours, found that he has the parts to fix it. ***Councilman Doug Martin*** stated he was told to contact the **State,** in Buckhannon, as they may have a set as well, as they sometimes carry spare parts for old end loaders. Will continue looking in case ours can't be fixed. GSAP's say that entities can get some surplus for free, some are heavily discounted. Looking at additional equipment for **Town.**

Greg Downing, Corridor H Committee, stated that they had their advertised meeting tonight and will put some notes together on what happened, will have them every two weeks, same nights as **Council Meetings.** Will update ***Mayor and Council***. ***Mayor Al Tomson*** stated that he had a call in to the **WV Department of Highways** to find out when they are interested in getting the opinion of the **Town of Davis** with regards to the future build of Corridor H, will let Greg and the ***Council*** know when he finds out. He doesn't feel there is a rush though.

New Business:
Schedule date for Trick or Treat-
***Motion to approve Monday, October 31st, 2022 at 6:00 to 8:00 for Trick or Treat was made by *Recorder Jennie Helmick,* Second by *Councilman Ron Hollis,* all in favor. Motion carried.**

STR Moratorium-
Control and limit number of STR, proposing to go into effect today and ending June 30th, 2023. Time for **Planning Commission** to work on zoning ordinance and for the **Town Council** to go through its processes to put zoning into play if that's what we decide to do and we need time. It recognizes that STR's provide economic benefits to the community but they also present challenges to the **Town,** now in the residential areas, and that's why we need to work on a solution vis-à-vis zoning. The original **Moratorium** was an Ordinance regulating STR. This one is a Resolution regarding zoning which would determine what would be allowed in our residential areas in regards to businesses.
***Motion to approve Moratorium on New Short-Term Rental Business to be effective today and end on June 30th, 2023 was made by *Councilwoman Jeannette Ware*, Second by Recorder *Jennie Helmick,* all in favor. Motion carried.**

Culvert/Ditch Cleanout on 5th &Henry-
Councilman Ron Hollis stated every time it rains, drains not carrying water and it ends up running down his driveway. May be completely blocked on Brian Sarfino's side. Water coming down ditch, then backing up. ***Councilman Doug Martin*** stated he would look at it.

Cancellation of Council Meetings- Cancel October 12th, 2022 Council Meeting due to ***Mayor*** being out of the Country and the ***Recorder*** who runs the meeting in his place will also be gone and not sure if anyone else can officially run the meeting.
Cancel November 23rd., 2022 and December 28th, 2022 Council Meetings due to the holidays, as has been done in the past. **All in agreement.**

Building Permits:
Eric Cvechko-WVCvechko Investments, LLC, 685 William Avenue, mixed use building (retail and 5 apartments).

***Motion to approve his building permit made by *Recorder Jennie Helmick*, Second by *Councilwoman Jeannette Ware,* all in favor. Motion carried.**

Guest Cheryl Ball asked if we could continue hooking up additional sewer customers. ***Mayor Al Tomson*** stated that **DEP** hasn't told us to stop. **PSC** has final say, says we can't deny anyone. Looking at collection system being changed.

Dustin Luzier-Louie's Laundry and Apartments,461 Thomas Avenue, siding.
***Motion to approve his building permit made by *Councilman Ron Hollis*, Second by *Councilman Doug Martin,* all in favor. Motion carried.**

Wayne Judd- 374 Henry Avenue, Roof, Windows, Siding.
***Motion to approve building permit made by *Councilwoman Jeannette Ware*, Second by *Councilman Ron Hollis,* all in favor. Motion carried.**

Business Licenses:
Dragon Rentals (Kevin Flanagan), STR/Long term rental. Since **Moratorium** is passed, unable to approve business license. All in agreement.

***Motion to adjourn made by *Councilwoman Jeannette Ware*, Second by *Councilman Doug Martin,* all in favor. Motion carried. Time of adjournment was 7:50 p.m.**

Date of approval: October 26th, 2022
As read: _____
As corrected: _____

Jennie L. Helmick
Alan Tomson, Mayor
acting mayor

Jeannette M. Ware
Jennie Helmick, Recorder
acting recorder