TOWN OF MARLINTON

Marlinton Town Council
September 11, 2023
Regular Meeting Minutes

Location: Municipal Building Auditorium with Zoom and call-in options.

Mayor Sam Felton called the meeting to order at 7:00 p.m.

The Mayor led the Council and the audience in the Pledge of Allegiance.

The Recorder called the roll.

Present:	Sam Felton, Mayor	Mary K. Clendenen, Recorder
	Olivia Dean	Joe Smith
	Scott Gibb	Roger Trusler
	Tom Miller	
Absent:	None	

Reading and Approval of Prior Council Meeting Minutes: The Council reviewed the minutes of the August 7, 2023 Regular Meeting.

- Joe Smith moved to approve the minutes as presented. Scott Gibb seconded the motion. **Motion passed unanimously.**

Mayor's Report: The Mayor's Report was reviewed by all the Council Members.

Marlinton Fire Chief, Herby Barlow – New Ambulance: Chief Barlow reported that the fire department is purchasing a new ambulance in April 2024 to replace its 2008 ambulance. The entire cost of the new ambulance is covered by state grant funds. The MVFD has also secured a grant through AFG/FEMA to purchase 32 new self-contained breathing apparatuses and tanks for $256,000, and a Forest Service grant to purchase leaf blowers and helmets which required a 20% copayment by the department. He further stated that the department performed a HAZMAT spill investigation on August 23rd, and that the WV Department of Environmental Protection did not have to investigate any further due to the excellent work performed by the department. The Mayor and council thanked Chief Barlow for the work being done by him and the other members.

Hear Public Input: Caroline Sharp asked if Pocahontas Memorial Hospital will be hooking onto the Town's water system. Mayor Felton said the County Commission has not made a final decision on the transfer of water or sewer yet.

Committee and Department Reports: None.

Unfinished Business:

1. **Discuss and/or Act on Proposed Chicken Ordinance – David Bethany:** Mr. Bethany presented an updated version of the proposed chicken ordinance. A letter from the Town Floodplain Manager, Bruce VanMeter, concerning FEMA's requirements for Agricultural Structures was reviewed by the Council members. Mr. VanMeter has recommended that the Town's current Animal and Fowl Ordinance stand as written.

   - Joe Smith moved to enforce the Animal and Fowl Ordinance as it stands. Mary Clendenen seconded the motion. **Motion passed, with Olivia Dean and Scott Gibb voting against.**

2. **Discuss and/or Act on First Reading of Ordinance for Purchasing Without Competitive Bidding:**

   - Joe Smith moved to adopt the ordinance on the first reading. Roger Trusler seconded the motion. **Motion passed unanimously.**

3. **Discuss and/or Act on Cemetery Records/Mapping Software:** Olivia Dean gave the Council a copy of an estimate received from Cemetery Information Management Systems. She is still attempting to get quotes from Cemify and Cemetery Management. This will be discussed further at a future meeting.

4. **Discuss and/or Act on Bids for Fencing at Town Garage:** Scott Gibb presented bids from the following companies: Hamilton Fence Company $25,309.90, Mike Lilly Fence Co. Inc. $35,500, McNeil Fence Company $45,443.85, and American Fence Company, LLC $45,847.20.

   - Joe Smith moved that the Town accept Hamilton Fence's bid of $25,309.90. Scott Gibb seconded the motion. **Motion passed unanimously.**

New Business:

1. **Discuss and/or Act on Alley by Rivertown Building – Bob Safrit:** Mr. Safrit presented a request from Revitalize Marlinton, LLC to purchase the alley beside the Rivertown (formerly the C. J. Richardson building) so it can be graded away from the building to alleviate drainage problems and to allow Rivertown to place a propane tank, dumpster, and additional parking spaces and outdoor seating there.

   - Joe Smith moved to close the alley beside the old Richardson building and to allow the Mayor to negotiate a 25-year lease to Revitalize Marlinton, LLC, prepared by the Town's attorney, with the option to renew in 25 years. All improvements would be made at the lessee's expense. Scott Gibb seconded the motion. **Motion passed unanimously.**

2. **Discuss and/or Act Advertisement for Applications for Police Chief and Qualifications/Pay for Position:** Chief Ober stated he will be leaving his position on September 15th to accept employment with the Pocahontas County Sheriff's Department. The Mayor said the Town is looking into applying for Municipal Home Rule which allows the municipality to collect 1% sales tax. This would help fund our police program as well as some of the Town's other programs. The application must be submitted in January. He also said the Town should consider the possibility of a public safety fee to help pay the cost of a law enforcement officer until the Town can obtain additional revenue from Home Rule.

   - Joe Smith moved that the Town pursue having its attorney, Tom White, write an ordinance for a Public Safety Fee. Scott Gibb seconded the motion. **The motion passed unanimously.**

3. **Discuss and/or Act Town Halloween Activities:** Olivia Dean discussed the possibility of the Town showing a movie at Discovery Junction following trick or treating. Joe Smith said he had worked with the Pocahontas County Prosecutor's Office to provide Trunk or Treat on Third Avenue and the Lion's Club has traditionally sponsored a costume contest at Discovery Junction. Council decided to set the time for trick or treating, and to discuss further details at the next meeting, if necessary.

   - Scott Gibb moved that Trick or Treat be on Tuesday, October 31st from 5 – 7 p.m. Joe Smith seconded the motion. **Motion passed unanimously.**

4. **Discuss and/or Act Christmas Decorating Contest**: Olivia Dean suggested the Town sponsor a decorating contest for residents and businesses to encourage everyone to decorate before the December 1st Christmas Parade.

   - Joe Smith moved that Olivia Dean pursue the Christmas Decorating Contest, and to bring details to the next meeting. Scott Gibb seconded the motion. **Motion passed unanimously.**

5. **Discuss and/or Act on Greenbrier Foundation MOU Regarding Grant Funds for Park Benches:** The Council reviewed the Memorandum of Understanding for Greenbrier Valley Community Foundation to manage and administer a short-term fund to purchase benches for the town. Donations for the benches would be processed through this fund, and GVCF will charge a 1% administration fee.

    - Joe Smith moved that Council approve the MOU. Roger Trusler seconded the motion. **Motion passed unanimously.**

6. **Discuss and/or Act on Anything Concerning Opioid Settlement**: Mayor Felton had nothing further to report on this item at this time.

Approve Invoices/Payment of Bills:

- Scott Gibb moved to approve the bills for payment. Olivia Dean seconded the motion. **Motion passed unanimously.**

Personnel – Floyd Hannah: The Mayor asked Mr. Hannah if he would like the discussion to be held in public or in executive session, and the Mayor offered to leave the meeting. Mr. Hannah chose to have the discussion in public and said Mayor Felton could remain present. Mr. Hannah was fired from his position with the town in July. He explained his view of the events that occurred before his termination, and expressed that he felt he should have been given another chance. The Mayor stated that Mr. Hannah had performed well at mowing, and there were no complaints about that, but there were incidents of inappropriate language used with town customers and the Mayor, as well as insubordination, failure to follow directions, and violations of the Town's rules concerning use of Town vehicles that led up to Mr. Hannah's termination. The Mayor further stated that he took no pleasure in having to terminate Mr. Hannah's employment. No motions were made and no action was taken by Council.

Adjournment: As there was no further business, the Mayor adjourned the meeting at 8:39 p.m.

Sam Felton, Mayor

Mary K. Clendenen, Recorder