TOWN OF MARLINTON

Marlinton Town Council
November 6, 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 (via Zoom)	Roger Trusler
	Tom Miller	
Absent:	None	

Reading and Approval of Prior Council Meeting Minutes: The Council reviewed the minutes of the October 2, 2023 Regular Meeting.

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

Mayor's Report: The Mayor reviewed his monthly report with the Council.

Hear Public Input: An unidentified gentleman in the audience commented that the proposed Municipal Services Fee Ordinance was too comprehensive and too vague. He questioned whether storage buildings, government buildings, churches, or other unoccupied buildings would be charged the fee. The Mayor responded that several edits will be done during the first reading later in this meeting.

Marsha Hill urged the Council to consider those who live on limited incomes, and questioned why town residents should pay for police. She asked if the fee would be permanent.

Judy Sanders asked if some type of aid would be considered for those who are unable to pay. She also asked whether police officers could be hired with a stipulation in their contract that requires to them work a certain period of time. The Mayor said they could be required to work for 12 months maximum.

Chris Curry asked if the Council has considered other options, such as pulling staffing from other departments to help with policing. He said the Town is heavy on the number of employees it has, and it should prioritize police over other positions. Mayor Felton reminded Mr. Curry that policing was the top concern in the Comprehensive Plan that was prepared when he was a council member.

Chrystal Dean asked if the Town could capture money from festivals to offset policing costs, or to use Town employees from other departments to act as security guards instead of paying for a police officer. She asked how many people the Town currently employs. She said there may be an exorbitant amount of spending that could be reigned in. Mayor Felton said there are 17 people on the payroll, but some of them do not work every day.

Zed Weatherholt suggested the Town pursue assistance from grants or the Governor to help reduce the cost of law enforcement for the citizens. The Mayor said Bruce VanMeter had submitted applications for grants, but the funding eventually runs out and then the Town has to decide how to continue to pay for law enforcement.

Doug Friel asked about whether the Town could turn its utilities over to the state or the Public Service District. Mayor Felton said a meeting is forthcoming with American Water, at the request of Pocahontas County Commissioner, Jamie Walker, but he believes fees would be much higher if they were turned over to them.

Caroline Sharp asked if the fee would be monthly or bi-monthly. The Mayor said it would probably be monthly.

Carmella Combs asked if future funding from the Home Rule Program could be used to help pay police expenses. She also asked if the Municipal Service Fee could be reevaluated or eliminated after Municipal Home Rule is implemented. Mayor Felton said, if the Town's application is approved by the Home Rule Board, the 1% sales tax would not go into effect until July 1, 2024. He said Council could reconsider the Municipal Services Fee once it determines how much funding can be obtained from Home Rule.

Marsha Hill asked whether there are cameras in the school's parking lot near the River Trail. She said the Town needs to do something about trash being left there. Chrystal Dean asked if the Town can fine out-of-town people for using Town dumpsters. The Mayor said the Town can fine people if they can be identified. Olivia Dean commented that the town employees try to identify people who are committing these acts, but they have to review hours of video footage to do so.

Committee and Department Reports: Olivia Dean reported that the Cemetery surveying will begin in two weeks. The entire process to get all the records on Chronicle will take 16 weeks.

Unfinished Business:

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

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

2. **Discuss and/or Act on Advertisement for Applications for Police Chief and Qualifications/Pay for Position:** The Mayor suggested that action be delayed on this agenda item until we have more information about funding available. Chrystal Dean asked if the Town had any COVID money available to use for paying a police officer. The Mayor said the Town has about $200,000, but we must be cautious about how that money is spent. He said the Town will need additional police officers in the future with additional traffic that will be generated by visitors to the Monday Lick Trail.

New Business:

1. **Discuss and/or Act on WVMR Donation Request**: The Mayor presented the annual donation request solicited by WVMR radio station.

- Joe Smith moved to donate the set amount of $300 to WVMR. The motion died for lack of a second.

2. **Discuss and/or Act on Municipal Home Rule Plan:** Mayor Felton said the process for applying for Home Rule Status is lengthier than expected. Mary Clendenen said the draft plan, including all the attachments for a B&O Tax Reduction/Change Ordinance, Proposed Tax Ordinance, and financial information from the Town's CPA would have to be completed, then the Town must give 30 days' notice by Class I legal advertisement for the public to have an opportunity to review the proposed plan prior to a public hearing. Three readings of the Plan and Ordinances would be required, which must be held at least one week apart. We obviously do not have time to complete this process by the December 17th deadline. The Mayor said the next opportunity to submit the application is April 2024, and we will work toward meeting that deadline.

3. **Discuss and/or Act on First Reading of Municipal Services Fee Ordinance:** The Council reviewed the ordinance, which was prepared by the Town's Attorney, Tom White. The Mayor suggested several changes to the ordinance because the main concerns are with police protection and security. He suggested that the calculation based on square footage be eliminated, and that fire protection, street cleaning, other municipal services, parks and recreation maintenance, and street maintenance and improvements be removed.

Roger Trusler said the audible signal system and lights at pedestrian crossings needed ongoing maintenance and should be included in the ordinance as a safety issue. The Mayor said he would check to see if the Department of Highways is supposed to maintain those.

- Roger Trusler moved to approve the ordinance on the first reading. Olivia Dean seconded the motion. **Motion passed unanimously.**

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

Approve Invoices/Payment of Bills:

- Joe Smith moved to approve the bills for payment. Tom Miller seconded the motion. **Motion passed unanimously, with Mary Clendenen abstaining from voting on SecuriTech LLC's invoice.**

Personnel: The Mayor asked if the Council would like to go into executive session to discuss personnel matters under Exception 2A.

- Joe Smith moved to go into executive session. Roger Trusler seconded the motion. **Motion passed unanimously.**

Council returned to regular session at 8:58 p.m.

Joe Smith moved to give P. C. Dean a pay raise not to exceed an hourly rate of $13.00 and to move him to full-time status with benefits at the beginning of calendar year 2024. Tom Miller seconded the motion. **Motion passed unanimously, with Olivia Dean abstaining from the vote.**

Joe Smith moved to change Scott Gibb's title to Maintenance Liaison Supervisor with no pay increase. Tom Miller seconded motion. **Motion passed unanimously, with Scott Gibb abstaining.**

Adjournment: As there was no further business, the Mayor adjourned the meeting at 9:02 p.m.

Sam Felton, Mayor **Mary K. Clendenen, Recorder**