TOWN OF MARLINTON

Marlinton Town Council
January 6, 2025
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
	Tina Barkley	Joe Smith
	Scott Gibb	
Absent:	Olivia Dean	
	Tom Miller	

Reading and Approval of Prior Council Meeting Minutes: The Council reviewed the minutes of the December 2, 2024 Regular Meeting and the December 9, 2024 and December 30, 2024 Special Meetings.

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

Mayor's Report: Mayor Felton reviewed his monthly report with the Council. When following up on Mr. Wallace's complaint at a previous meeting about the inspections of Diane Apartments, he found that Diane Apartments had been inspected this summer, and had also inspected the prior summer. Mr. Wallace was the only resident that objected to having his apartment inspected at the time.

The County Commission agreed to donate $30,000 for Marlinton and $30,000 for Durbin to be held in special accounts by Mon Forest Towns for future matching grant funds.

Thrasher is working on the preliminary engineering design for the trailhead project. The Town is applying for CDBG and ARC grants to pay for this project.

The remaining ARPA funds of $171,604 were designated to go toward the sewer and wastewater project.

Hear Public Input: Caroline Sharp requested that the councilmembers use the microphone system at all times during the meeting.

Patricia Arndt requested that the Town enforce compliance concerning garbage, junk cars, and dilapidated buildings. She said this detracts from Air B&B business. Mayor Felton said the Town is aware this is a problem and is working on it, but it is a slow process. He said by the end of the month, the Town expects to begin demolishing four more dilapidated properties.

Committee and Department Reports: None.

Unfinished Business:

1. **Discuss and/or Act on Third and Final Reading of Ordinance to Establish Minimum Setback Requirements:**

- Scott Gibb moved to approve the ordinance on the third reading. Tina Barkley seconded the motion. **The motion passed unanimously.**

2. **Discuss and/or Act on Second Reading of Corrections to the Ordinance to Amend the Refuse and Garbage Ordinance and Increase Collection Rates:**

   - Joe Smith moved to approve the ordinance on the second reading. Scott Gibb seconded the motion. **The motion passed by unanimous vote.**

New Business:

1. **Discuss and/or Act on First Reading of Changes to Cemetery Ordinance to Increase Plot Fees and Cemetery Maintenance and Open/Close Fees:** Mayor Felton and Joe Smith both commented that the entire document needs to be reworked and condensed by legal counsel before the first reading can take place. The Ordinance was last updated six years ago. Joe Smith also commented that some responsibility needs to be removed from the Mayor. Mayor Felton and Councilman Smith both asked the Council to consider the addition of a space for a pet cemetery.

2. **Discuss and/or Act on First Reading of Changes to the General Penalty Ordinance:** Mary Clendenen read recommendations from the Town's legal counsel, Jared Phalen, to remove the section that states the Town Council will set the amount of penalties from time to time, and replace it with a sentence stating that the Municipal Judge can impose penalties up to the maximum allowed by West Virginia Code.

   - Mary Clendenen moved to approve the Ordinance on the first reading, with the changes that were recommended by Jared Phalen. Joe Smith seconded the motion. **The motion passed unanimously.**

3. **Discuss and/or Act on Comprehensive Plan – Caroline Sharp:** Ms. Sharp asked the Council to reestablish a planning committee to make suggestions for updates to the Town's Comprehensive Plan, which was last updated in August 2019. The Mayor agreed that many of the initiatives in the 2019 plan have been accomplished, and we should once again begin the process of updating the plan. Joe Smith said a planning committee would need to be established as required by the process.

4. **Discuss and/or Act on Complaint from Crystal Dean and Danny Akers:** The Council reviewed a written complaint from Crystal Dean and heard statements from Ms. Dean and Danny Akers concerning the performance of Code Enforcement Officer, Scott Gibb. The complaints involved the length of time taken to receive water service at a rental property they recently built, and lack of enforcement to clean up problem properties in Town limits. Ms. Dean also complained about language Mr. Gibb had used concerning gender identity when she had visited the Town office to request a permit. Mr. Akers also described an incident on the morning of December 10th, in which he alleged Mr. Gibb had blocked his path on Second Avenue with a Town vehicle.

   The Mayor asked if Mr. Akers and Ms. Dean would speak to him directly if they have problems with permits or services in the future. Ms. Dean replied that she should not be required to do that, and that she should be able to deal directly with the Code Enforcement Officer.

   Mr. Gibb clarified that there was an issue determining which direction the water lines were running to the rental property, and DOH permits had to be obtained to dig up Sixth Street and Seventh Street to locate the lines. This caused the delay in providing water service. He also said cleaning up dilapidated properties is a lengthy process that takes time, and that he has cleaned up many properties already.

   The Mayor also stated that the recorded video of the incident on December 10th did not show that Second Avenue was blocked, and it appeared that Mr. Akers pulled up to the front of Mr. Gibb's pickup with the intention of confronting Mr. Gibb.

   Zed Weatherholt said Mr. Gibb's employment should be terminated, and he brought up a former town employee who was fired. The Mayor explained that the former employee had been discharged after going through a process of several disciplinary actions.

Caroline Sharp and Shelly Hartmann both said the Town and Mr. Gibb need to communicate better with citizens. Ms. Hartmann suggested that Mr. Gibb be held accountable and that reports on progress of permits and work orders be reported at Town meetings.

Mayor Felton stated that Mr. Gibb and Mr. VanMeter have done a tremendous amount of work. He said part of the problem with cleaning up problem properties is because the Town does not currently have a police officer.

Tina Barkley suggested Mr. Gibb communicate better.

The Mayor asked Mr. Gibb to leave the meeting for the Council's personnel discussion.

- Joe Smith moved that the Council go into executive session to discuss this personnel matter. Tina Barkley seconded the motion. **The motion passed unanimously.**

  The Council returned to regular session at 9:51 p.m.

- Joe Smith moved to submit a letter of reprimand to Scott Gibb and to have the letter made part of Mr. Gibb's personnel file. Tina Barkley seconded the motion. **The motion passed unanimously.**

  Mr. Gibb returned to the meeting after this vote was taken.

5. **Discuss and/or Act on Letter to Crystal Dean and Danny Akers:** The Mayor said he still needed more information on this before it can be discussed.

   - Joe Smith moved that this item be tabled until further information is received. Mary Clendenen seconded the motion. **The motion passed unanimously.**

Approve Invoices/Payment of Bills:

- Joe Smith moved to approve the bills for payment. Tina Barkley seconded the motion. **The motion passed by unanimous vote.**

Adjournment: As there was no further business, Mayor Felton adjourned the meeting at 9:56 p.m.

Sam Felton

Sam Felton, Mayor

Mary K. Clendenen

Mary K. Clendenen, Recorder