

**Council Meeting
Nutter Fort
October 14, 2014**

The regular meeting of council of Nutter Fort, was held, Tuesday, October 14, 2014, in council chambers with the following members present: William Benincosa, Donald Webster, Stephen Korn, Karen Phillips, Bruce Kidd, Mayor Nathan Rohrbough, and Recorder Sam Maxson. Also present were: Maintenance Supervisor Jim Wolfe, Police Chief Ron Godwin and, Fire Chief Jeremy Haddix. Absent was Treasurer Julia Foley. Guests attending were; Charlene Louk, Henry Crane, Boyd Welling, Lisa Davisson, Linda Blake, Dave Garvin, Mark Conrad, Janet Conrad, and Peg Holmes.

The meeting was called to order by Mayor Rohrbough, with Councilor Benincosa asking prayer, followed by the pledge of allegiance.

Beautification committee members; Janet Conrad and Peg Holmes, presented October's "Yard of the Month" award to Lisa Davisson.

Recorder Maxson read a proclamation (attached) honoring Autism Awareness.

Mayor Rohrbough read a proclamation (attached) honoring the First Baptist Church for 100 years.

- Bruce Kidd motioned to appoint Boyd Welling to the Zoning Board of Appeals, and, following a second by Donald Webster, the motion was approved by unanimous vote.

Discussion was held about the sidewalk project 2012 that would provide new sidewalks and integral curb and gutter from Burton Ave to Nutter Run. Estimated cost of the project is expected to be \$223, 500. a 80/20 grant of \$100,000 has been provided and we have paid our match of \$20,000. Cindy Dougherty, of the WVDOH has notified the Town that an additional \$119, 453.10 in federal funds is available if the Town can pay the match of \$29, 863.28. The mayor texted the treasurer and she said we could afford this.

- Stephen Korn motioned that we authorize an additional \$29,863.28 for this project. After a second by Karen Phillips, the motion was passed by unanimous vote.

Discussion was held to consider amending Article 151.03 (e) of the codified ordinances dealing with hiring practices. A work session has been set for 6:00PM prior to the regular meeting, October 28.

Council discussed the naming of the alley and drive for new home construction on the old RW practice field. Chief Haddix informed council that the street is listed as School Street on the 9-1-1 records and naming the drive is up to the home owner.

The Mayor reported that Cohen Law Group has notified us that Time Warner, Comcast and Charter have extended the transfer deadlines to October 31 for the benefit of all parties.

The Mayor reported that Warren Gregory has accepted the position of temporary Code Enforcement Officer and was introduced to council.

- The building permits (attached) were approved by unanimous vote after a motion by Bruce Kidd and a second by Karen Phillips.
- Karen Phillips motioned approval of the accounts payable (attached) and, following a second by Donald Webster, they were approved by unanimous vote.
- The minutes of the September 23, 2014 meeting were approved by unanimous vote after a motion by Bruce Kidd and a second by Karen Phillips.
- **Old Business** Much discussion, both for and against was held regarding the possible abandonment of Don Jackson St between the fire department and 1405 Buckhannon Pike. The property was sold at auction to Mike Henderson who plans to construct a T and L Hot Dog Restaurant. He told the Mayor he will not construct anything on the abandoned street, but it is needed to allow customers to safely back out of parking spaces. In the discussion, it was pointed out that after purchasing the property, razing the old structures and legal fees we have around \$96,000 in the property and Mr. Henderson bid \$57,500 for the property. Councilor Korn felt we should not take such a loss. Arguments for the abandonment included the fact that we need to “cut our losses” and accept this. It was stated that we purchased the property to rid the town of 2 dilapidated structures and lure another taxpaying business to locate here. The Town will recoup some of this loss from building permit fees, construction B and O tax, and B and O taxes for years to come.
- A motion was made by Donald Webster to commit to abandon Don Jackson St between the fire department and 1405 Buckhannon Pike if and when Mr. Henderson applies for the building permit and, when payment is received, within 30 days for the property. William Benincosa voiced a second, and after much more discussion, the motion was passed by a 4 to 1 majority, with Stephen Korn voting in opposition and Bruce Kidd abstaining.

It was also recommended that an e-mail or letter be sent to the auctioneers that we will be paying them the agreed upon expense fee immediately and if and when the payment is received from Henderson, the balance for commission will be sent.

Nothing further has been received from King’s Food Service’s request for a business license on Burton Ave.

New Business Anyone wishing to attend the 2014 WV State Auditor’s Training Seminar, should contact the office before October 24.

Police Chief’s Report Chief Godwin reports that police officer Lance Golden has completed his training at the police academy and Officer Jeff Bartlett will graduate the middle of December.

The department has been awarded a \$7500 tazer grant from the state. Delegates Tim Miley and Richard laquinta presented this award this week.

Fire Chief's Report Chief Haddix reported the department will be hosting the annual Halloween party, Thursday evening at 7:00. The date was changed to match the date set by Clarksburg.

Maintenance Supervisor's Report Supervisor Wolfe asked council about selling the approximately 500 to 600 tons of milling material for \$12 a ton. He said he has someone that wishes to purchase 100 tons. Council thought this a good idea and to proceed.

Public Comments None

The meeting was adjourned at 9:02PM after a motion by Bruce Kidd and a second by Karen Phillips.