

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF CAMERON, CITY COUNCIL, REGULAR SESSION FEBRUARY 6, 2012.**

The City Council of the City of Cameron met in Regular Session on February 6, 2012 in council chambers of the Benedum Community Building. Mayor Mark Frazier called the meeting to order at 7:00 p.m. The following council members were present: Rocky Guzek, Tom Hart, Helen, McMasters, Chris Hartley, Ron Walker. Absent –Wayne Simmons.

**PLEDGE OF ALLEGIANCE:** Led by Chris Hartley.

**SCHEDULED ON AGENDA:** No speakers were scheduled for on the agenda.

**FINANCE REPORT:** Cindy Minton read the finance report dated 2-06-12. General Fund \$176,415.63, Water Fund \$19,181.31, Sewer Fund \$32,312.96 and Totals \$227,990.90.

**POLICE:** A police report was available for review and Chief Younger was present to answer any questions.

Chris Hartley asked about the bomb threats that have been occurring at the high school. Chief Younger replied that the school was conducting the investigation. He also indicated that they were not releasing that information.

Rocky Guzek inquired to the method the threats were being reported. Chief Younger confirmed that they were being called in. The threats were found written on the walls and called in by officials upon discovery.

**STREETS/ALLEYS/LIGHTING:**

Ron Walker stated that the street light at the corner of RT 250 and Main Street goes on and off on its own.

Tom Hart asked if there were any updates on the Pine Avenue slip. Mayor Frazier replied that he had no other updates from the last time they had addressed the issue.

Rock Guzek asked if the Pine Avenue slip pictures have been taken and sent in for review. Chief Younger indicated that the pictures were taken. Mark inquired as to who the pictures should be sent to as he was not aware of this. Rock replied that they should be sent to Mike Ferro.

Mayor Frazier asked Chief Younger to print the pictures out so they could be included in the repair estimate.

Mayor Frazier made a call in to the State Road to Rick Poe to bring attention once again to the Columbia Avenue slip. He let Rick know that soon it will be impossible to get emergency vehicles through that area at all. The road is crumbling away.

**VEHICLE MAINTENANCE:** None.

**WATER:** Mayor Frazier received a message from Randy Watson, that they are “wrapped up” on the project until spring. Randy is still waiting on some estimates for the change order that needs to occur on the water plant upgrades.

**SEWER:** None.

**READING OF MINUTES:** Minutes were read by Cindy Minton.

**APPROVAL OF MINUTES:** A motion to approve minutes with noted corrections of January 23, 2012 as read by Cindy Minton was made by Ron Walker. Seconded by Tom Hart. Motion carried.

**OLD BUSINESS:** Mayor Frazier began the sale of the backhoe discussion by reminding the room that we were having the backhoe looked at to determine if the piece of equipment was worth saving. Mayor Frazier presented some quotes from the web indicating what a similar piece of equipment from the same year (not necessarily the same condition) were being listed as. The web listings ranged from \$6900 to \$10,500. Cameron resident Bill Dufford gave an estimate of \$4500.00. Bill did not feel that the hoses need to be replaced. Bill told Mayor Frazier that there is a paper filter in the system that has a fungus growing on it. The fungus is causing the hoses to clog up. Bill indicated to the Mayor that this is common in this type of machinery. He also stated that there is a cleaning solution that can be used to get rid of the fungus. He also said that the paper filter needs to be changed as well.

Rock inquired as to if anyone knew how many hours were on the backhoe. It is unsure of the number of hours put in on the backhoe.

Mayor Frazier also stated that Bill said that the backhoe had had some motor work done on it a few years ago, which was a first that Mayor Frazier had heard of that. Rock Guzek added that it had kept blowing head gaskets in the past.

Chris Hartley added that if it was possible to fix it up and get use out of again, that it would save a great deal of money when you consider the costs of renting equipment.

Tom Hart had indicated that if possible we place a reserve amount on the bid to secure a fair outcome for the city.

Mayor Frazier inquired as to if the sale of the backhoe needed to be tabled or if a vote was to be entered.

A motion to table the sale of the backhoe discussion was made by Rock Guzek. Seconded by Helen McMasters. Motion carried.

Mayor Frazier spoke to Rosemary regarding the discussion of limiting the Sanitary Board spending limits. Rosemary's legal opinion was that Council does not have the authority with the way the statute is written to create an ordinance to establish a spending limit on the Sanitary Board. Rosemary added that since the purchase of the backhoe was not financed and did not put the city in a bind that the Board was within their rights to make the purchase.

Rock added that in the past, all purchases were brought to council for approval no matter what the circumstance.

Chris Hartley agreed with Rosemary that the Sanitary Board was within their rights but did not agree that Council did not have the authority to set a limit since council appointed the board.

Tom Hart thought that anything over \$5,000 had to be sent out for bid first. Chris Hartley countered that it only applied to materials and services, not machinery.

Dave Evans was present and added that the decision was not taken lightly. They read the statute and it indicated that the only thing that they could spend the money on is for use at the sewer plant. However, the city is benefitting from the use of the equipment as needed as well. The money was available and the Board felt it was a worthwhile purchase. Jack Schellhase has been on several boards and also felt that the Sanitary Board was within their rights to make the purchase.

Mark added that Rosemary apologizes for not having the deed on the gas building. She is working on it and plans to have it soon.

It is Rosemary's opinion that it is a bad idea to have an ordinance to regulate "jake" breaks or exhaust breaks. The exhaust break or engine break is a safety feature and it would be a liability for the city if the ordinance exists and an accident occurs because of such.

Chief Younger added that it is a safety feature and he would be against such an ordinance. Rock interrupted to say that he agreed it was a safety feature when used

properly. Chief Younger did not agree, he thought it sounded more like a speed issue and not improper use of an exhaust break.

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Tom Hart added that in the fatal accident that occurred in Moundsville, a few months back, where the truck went over a guard rail, it was discovered that the exhaust breaks were not working at the time. Had they been working, the outcome may have been different.

Tom Hart also suggested talking to DOH about placing signs that lower the speed limit before coming to town. He also suggested signs indicating the grade of the hill since none are currently posted.

Rock Guzek inquired as to if Rosemary sent anything regarding the Vacant Buildings ordinance. Mayor Frazier responded that he did not get anything nor had he asked for it either. Mark said he would contact Rosemary regarding this matter.

Chris Hartley inquired to the definition of “vacant”.

**NEW BUSINESS:** Mayor Frazier presented Council with a copy of the County Dog Ordinance for review. He indicated that the county would like us to adopt it.

Chief Younger gave his approval of adopting the dog ordinance to help deal with the vicious dogs and dogs running loose.

Rock Guzek expressed his concern for the requirement of two eyewitnesses of a dog attack. What happens if you are alone when the attack occurred?

Chief Younger added that any part of the ordinance that did not pertain simply would not apply.

Tom Hart made a motion to approve on recommendation of Chief Younger, the first reading of the Dog Ordinance. Seconded by Ron Walker. Motion carried.

Chief Younger presented Council with the proposal to buy AED's (Automated Electronic Defibrillator) for the city through the county commission. The county is provided one to each fire department in the county for free through the Evan Roberts Endowment fund. It is now being opened up for any county agency who would like to purchase one at half price with the Endowment paying the other half. It is a group purchase. The more purchased, the cheaper the price. Currently the price is at \$1495 per unit. This includes the defibrillator, battery, pediatric and adult pads, 5 year warranty. Chief Younger is looking to fund through grants to put one in each cruiser.

Chief Younger suggested that one be placed outside the city building.

Tom Hart suggested that the City Building, Water Plant, Sewer Plant all get one.

A motion to approve the purchase of 5 AED's with recommended equipment was made by Tom Hart. Seconded by Ron Walker. Motion carried.

**PUBLIC COMMENT:** Shirley Bunch was present and expressed her concern and frustration with the Morgan boy riding and revving his four wheeler at all hours of the day. She has a daughter who works long shifts and it keeps her up. It is also disturbing her son, who is sick. They have called the police department several times complaining but nothing seems to be getting done.

Chief Younger stated that he responded to the last call received. It was between 11:30 a.m. and 12:00 noon. While Chief Younger understands that this woke Mrs. Bunch's daughter from her normal sleep schedule, it is tough to enforce a noise ordinance during normal daylight hours.

Mayor Frazier added that Officer Mull has addressed the issue with the Morgan boy already. He also added for her not to give up on the police department, to please keep reporting it.

Tom Hart added that any neighbors experiencing the same frustrations should call complaints into the city as well.

Dave Evans was present and announced he is running for House of Delegates.

**MAYOR'S COMMENTS:** None

**COMMUNITY ITEM REPORTS:**

Emergency Services/Publicity – Tom Hart – The steel for the cell tower has been ordered. Working on an agreement with AT&T on where things will be positioned on the tower.

Chief Younger inquired as to who was going to take care of the cost of moving the equipment from Parson's tower. Tom replied that he was going to suggest that someone write a letter to the county commission requesting that police and city stuff be included in the county costs and for it to be moved at the same time.

Community Clean Up Issues: - Ron Walker – None.

**INDIVIDUAL COUNCIL ITEMS:**

Tom Hart – Congratulated Mr. Evans on his endeavor and with his campaign.

Helen McMasters – Asked about how far water lines were going out Green Valley. Mayor Frazier stated that it currently is not going any further, but it is being considered. Helen also had a complaint regarding the beer truck deliveries that block the Park Street. There is not sufficient parking for the delivery personnel. Chief Younger stated that he would be addressing the issue again.

Rock Guzek – Nothing.

Ron Walker – Nothing

Wayne Simmons – Absent.

Chris Hartley – Nothing

Rock Guzek made a motion to enter Executive Session. Seconded by Tom Hart. Motion carried.

A motion to go back into Regular Session was made by Helen McMasters. Seconded by Ron Walker. Motion carried.

A motion to hire Veneta Cunningham for the Part-time Clerical position as recommended by Mayor Frazier was made by Rocky Guzek. Seconded by Tom Hart. Motion carried.

**ADJOURNMENT:** A motion to adjourn was made by Rock Guzek. Seconded by Chris Hartley. Motion carried.

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Cindy L. Minton, City Clerk

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Mark Frazier, Mayor