

**REGULAR MEETING – CITY COUNCIL
PRINCETON, MERCER COUNTY, WEST VIRGINIA
June 11, 2018**

A Regular Meeting of the Common Council of the City of Princeton, Mercer County, West Virginia was held in the Council Chambers of the Municipal Building on Monday, June 11, 2018, at 6:30 p.m. In attendance were Mayor David Graham; Vice Mayor Tim Ealy; Council Members Marshall Lytton, Jacqueline Rucker, Dewey Russell, James Harvey and James Hill; City Attorney Paul Cassell, City Manager Michael Webb and City Clerk Kenneth Clay. A quorum as constituted thereby.

I. INVOCATION AND PLEDGE OF ALLEGIANCE

James Harvey invoked divine guidance for the conduct of the meeting. Jacqueline Rucker led in the Pledge of Allegiance to the Flag of the United States of America.

II. CALL TO ORDER

Mayor David Graham called the meeting to order.

III. PRESENTATIONS - PROCLAMATIONS

Although two presentations were on the agenda, the parties were unable to attend the meeting.

IV. PUBLIC INPUT

None.

V. CONSENT AGENDA

With a correction to page eleven duly noted by the Clerk, Mayor Graham committed the Consent Agenda to the record as corrected, as follows:

Minutes of the May 14, 2018, Regular City Council Meeting.

VI. POLICY AGENDA

A. COMMITTEE REPORTS

1. PUBLIC WORKS AND RECREATION COMMITTEE

Chairperson Jacqueline Rucker reported that the Public Works and Recreation Committee of Princeton City Council met on Wednesday, June 6, 2018, with the following items to report out to Council for action or as information:

PUBLIC WORKS DEPARTMENT

May Monthly Report – Public Works Director Bo Barker reported to the Committee that during the month of May, Public Works received 45 service requests from citizens, 19 of which were related to water problems caused by heavy rains. In a related matter, 80 feet of drainage pipe was replaced on Grape Street when the line blew out. The property owner agreed to purchase 60 feet of the pipe, with the City purchasing the remaining 20 feet. Also, another drainage line blew out on Ritchie Street that required

repairing.

Seasonal Projects – The Public Works Director reported that crews had been involved in seasonal duties of mowing, mulching and otherwise maintaining all City properties. All mulching has been completed except for City Hall and the Police Station. In addition, crews have begun hanging the Hometown Heroes’ banners.

2018 Paving Project – Mr. Barker informed the Committee of plans to begin the 2018 Paving Project on or near August 1st, which will include portions of Bee Street, Maple Street, Harrison Street, S. 7th Street, Lazenby Avenue and McKinley Avenue. Mr. Barker also reported he had purchased a paver and a roller to perform the paving work, but would be leasing out the milling work.

PARKS AND RECREATION DEPARTMENT

County Commission Funding Request – The Mercer County Commission voted at their May meeting to award the Park Board \$2,000 if the Park Board could obtain a \$2,000 match within thirty days. The Recreation Department was able to obtain the \$2,000 from Mountaineer Lifelines. The request will be put back on the Commission’s agenda for the June meeting.

Summer Programming – The City Pool opened for Memorial Day weekend and the weekend of June 2nd and 3rd. It has been open seven days a week since June 6th. Swimming lessons began on Monday, June 11th.

Community Connections also has planned a Disney Movie Night for our last Night Swim scheduled for July 24th. They will be playing the movie, “Zootopia” on a big screen on the pool deck.

The Summer Day Camp program began Wednesday, June 6th with 29 children currently registered for the program.

RAILROAD MUSEUM

West Virginia Day Celebration – Railroad Museum Director Pat Smith reported on preparations for the upcoming West Virginia Day Celebration she has organized and scheduled for Saturday, June 16th, from 12:00 Noon to 4:00 p.m. Attractions include living history portrayers representing Abraham and Mary Todd Lincoln, Mark Twain and General Stonewall Jackson.

In addition, a trolley bus will provide transportation for free tours of the museums in Princeton starting at the Railroad Museum and Agricultural Museum; and traveling to the Those Who Served War Museum, the Mercer County Historical Society and the McNutt House that survived the fire during the Civil War’s Battle of Pigeon’s Roost. Other attractions will include a bounce house, a visit to an historic cemetery, live music, petting

zoo, horse & wagon rides, fire trucks, crafts and food. Ms. Smith also advised that although Senator Manchin cannot attend the festivities, he will send a representative.

I-77 Sign – Pat Smith reported the logo specifications for the I-77 directional sign for the Railroad Museum, recently approved by the WV DOH, are larger than expected and will result in an increased cost to construct the sign.

2. PUBLIC SAFETY COMMITTEE

Chairman Tim Ealy reported the Public Safety Committee of Princeton City Council met on Wednesday, June 6, 2018, with the following to report out to Council for action or as information and called upon Code Enforcement Director Bill Buzzo to present his report:

CODE ENFORCEMENT DEPARTMENT

Monthly Report for May 2018

Computation of Complaints:

Property Maintenance

Initial Complaints	194
Closed Complaints	177
Cases Active Currently	53
Cumulative Complaints to Date	34,116

Area Patrol Summary

Director – Responded to complaints as reported to his office and conducted random patrols, as well as planned patrols in Zone 8, including sections of Brick Street, Rogers Street, S. Wickham Avenue and S. Caperton Avenue.

Building Inspector – In the field checked current status of building permits and contractors' license validity in all areas and in Zone 1, including sections of Thorn Street, Athens Road, and Young Street.

Animal Control Officer – Responded to complaints reported to the office and conducted planned patrols in Zone 20, including sections of E. Mercer St., Straley Avenue, Thorn Street, Kirk Street and Hines Avenue. Targeted enforcement: Westview and McKinley.

Demolition/Renovation Programs Status:

Condemnations/Unsafe in Process	20
Renovations in Process	9
Demolitions in Process	11
Demolitions Pending Available Contractor	11
Total Demolitions to Date	638

Animal Control

Complaints this month	82
Impounded: Dogs 18; Cats 16	34
(Adopted-15; Euthanized-2; Reclaimed-4)	

Building Inspection

Total Building Permits (Residential 27; Commercial 11)	38
Total Project Costs	\$182,715.49
Permit Fees	\$ 1,827.00

Flood Plain Management

Floodplain Determinations: 38
Floodplain Permits Issued: 0

Zoning Official

Certificates of Occupancy Applications: 3
Zoning Board of Appeals Applications: 0

FIRE DEPARTMENT

Monthly Report for May – Fire Chief Chad Bailey reported that during the month of May 2018, the Fire Department responded to 77 EMS and 43 Fire calls; conducted 14 fire inspections, issued two certificates of occupancy and issued 41 citations.

Equipment Maintenance Program – Chief Bailey reported that the Fire Department’s equipment maintenance work has been completed satisfactorily, together with the inspection of the City’s fire hydrants.

Street Fair Food Vendors – The Fire Chief reported that the Celebrate Princeton Street Fair went without incident. Also, the Fire Department inspected all food vendors present during the Street Fair and could report that all of them passed.

Vice Mayor Ealy thanked the Fire Department for erecting and striking City Council’s tent for the Street Fair.

POLICE DEPARTMENT

Monthly Report for May – Police Chief Tim Gray reported that during the month of May 2018, the Police Department responded to 587 calls for assistance, executed 74 arrests and issued 359 citations.

Personnel Report – Chief Gray advised that the latest candidate being considered for hiring as a Patrolman for the Police Department had passed his polygraph on June 5th. The next step is the psychiatric evaluation scheduled for this week and, if he passes that, he will be hired, the Chief stated.

Street Fair – Chief Gray reported that all went well at the Police Substation during the Street Fair and was pleased to have visitors spend time kicking back with officers and touring the Police Substation.

Mr. Ealy commended the Chief for his interview with FOX 59 during the Street Fair.

Chief Gray thanked City Council and City employees for their prayers during his wife’s recent illness.

Railroad Museum Sign – Chairman Ealy reported that the Public Safety Committee approved and recommended to City Council, **and he so moved**, authorization for the City Manager to identify \$600 to pay for a directional sign on I-77 for the Railroad Museum and to execute the related one-year lease agreement with the WV Department of Transportation.

3. FINANCE AND ADMINISTRATION COMMITTEE

Chairman Marshall Lytton reported the Finance and Administration Committee of Princeton City Council met on Wednesday, June 6, 2018, with the following items to report out to Council for action or as information and called on Finance Director Brian Blankenship to begin with his report:

FINANCE DEPARTMENT

May 2018, Financial Statement – Finance Director Brian Blankenship reported that as of the end of May, the eleventh month of FY2018, the actual revenues collected stood at 98.64% of the budgeted amount, while actual appropriations were expended at a rate of 89%, as compared to the budget projects of 91.63% forecast for the end of May, 2018. Total funds available for City operations at the end of May were **\$2,805,234**.

Noteworthy Expenditures for May:

PEIA\$52,096
Park Board Appropriation\$12,542
RR Train Project\$15,000

MOTION: Chairman Lytton continued by reporting the Finance and Administration Committee approved and recommended the May 2018, Financial Statement to City Council, **and he so moved**.

Jacqueline Rucker duly seconded the motion.

The motion carried unanimously.

FY2018 General Fund Budget Revision #10 – Finance Director Brian Blankenship

presented and recommended to the Finance and Administration Committee Budget Revision #10 for the FY2018 General Fund to appropriate **\$58,000** of additional money from anticipated and unanticipated revenues. This revision brings the overall FY2018 General Fund Revenue Budget to **\$8,340,967**.

Adjustments include the following:

- Appropriate \$8,000 to Fire Department from insurance proceeds for hose replacement.
- Appropriate an anticipated amount of \$360,000 to City Manager's transfer line back to the City Hall Fund for Phase I expected costs into the next fiscal year, this is originating from internal transfers and to deal with the excess revenue.

These changes in appropriations create a net increase of **\$58,000**; thereby increasing estimated expenditures to **\$8,340,967** and maintaining a balanced budget.

MOTION: Mr. Lytton continued by reporting the Finance and Administration Committee approved and recommended to City Council Budget Revision #10 for the FY 2018 General Fund, **and he so moved.**

James Hill duly seconded the motion.

The motion carried unanimously.

July 2018, Regular Council Meetings – On the recommendation of the Finance Director, the Finance and Administration Committee approved and recommended to City Council, **and Mr. Lytton so moved**, pushing back City Council's meeting dates in July 2018 by one week to facilitate the changeover into the FY 2019 Budget Year. Therefore, Council's Committees will meet on Wednesday, July 11, 2018, and City Council will meet on July 16, 2018.

Jacqueline Rucker duly seconded the motion.

The motion carried unanimously.

Special Council Meeting – **ON CONSENSUS**, the Finance and Administration Committee recommended to City Council that a Special Council Meeting be scheduled for Monday, July 2nd, 2018 at 12:00 Noon to organize City Council for the 2018-2019 Term.

City Attorney Paul Cassell advised that no motion would be necessary as long as a legal notice is published in the local daily newspaper, which is standard procedure.

B. & O. Tax Incentive Applications – The Finance and Administration Committee approved and recommended to City Council, **and Mr. Lytton so moved**, the following businesses for receipt of the one-year, 100% B. & O. Tax Incentive for new businesses in the City of Princeton:

1. Morris Rental Property – 1203 Stafford Drive – Greg Morris, Owner;
2. Princeton Pawn, LLC – 635 Athens Road – Joshua Easter, Owner;
3. Beckley Automall-Princeton – 199 Rogers Street – Ernie Davis, Owner; and
4. Pooreboys’s Small Engine Repair – 680 Beckley Road – Bobby & Michelle Poore, Owners.

Dewey Russell duly seconded the motion.

The motion carried unanimously.

Resolution in re: Flex-E-Grant – The City Manager presented the following resolution for consideration by City Council regarding the disposition of a Flex-E-Grant award to the City of Princeton, by the West Virginia Development Office, to fund a Wayfinding Study:

R E S O L U T I O N

Flex E Grant Through the West Virginia Development Office

WHEREAS, Eight Thousand Five Hundred Dollars (\$8,500) in Flex E Grant Program funding is available through the West Virginia Development Office for the City of Princeton to fund a Wayfinding and Streetscape Study Project; and

WHEREAS, an application for these funds was made to the West Virginia Development Office; and

WHEREAS, the West Virginia Development Office requires a local government unit sponsor said application.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Princeton hereby authorizes the certifying official, Mike Webb, City Manager of the City of Princeton, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office to receive and administer the grant funds pursuant to provisions of the Flex E Grant Program.

BE IT FURTHER RESOLVED that the governing body of the City of Princeton

pledges \$1,500 in unencumbered matching funds for the project.

IN WITNESS WHEREOF I, David Graham, with the authority vested in me as the Mayor of the City of Princeton hereunto set my hand this 11th day of June, 2018.

David Graham, Mayor

MOTION: Marshall Lytton moved City Council approve and adopt the resolution and authorize the Mayor to sign the same on behalf of the City of Princeton.

James Hill duly seconded the motion.

The motion carried unanimously.

PRINCETON PUBLIC LIBRARY

Chairman Lytton presented the following Library report on behalf of Director Brittany Rothausen who was unable to attend the Council meeting:

Director's Resignation - During the Finance and Administration Committee of June 6, 2018, Library Director Brittany Rothausen advised that her last day as Director of the Princeton Library would be Friday, June 15, 2018, and introduced Rebecca Marrs who will serve temporarily as the Library Director while a search is conducted by the Library Board for a new Director.

Summer Reading Program – Ms. Rebecca Marrs informed that the Princeton Library was not using the State Library Commission's sanctioned Summer Reading Program, but instead had devised its own entitled **Camp Read-a-Lot**. She continued by explaining the Summer Reading Program is for children three years of age and up and that as of the first day of June, a reading log may now be picked up at the Library's front desk to track the number of hours the participant reads throughout the summer. Each hour the child reads earns them a point that can be used toward some great prizes and a ticket to the Library's grant finale party on July 29th featuring free pizza and bowling at Green Valley Bowling Center.

B. CITY ATTORNEY

City Attorney Paul Cassell presented the following ordinances for Council's consideration on first reading:

1. First Reading, by title, for AN ORDINANCE ADDING TO AND AMENDING ARTICLE 1900, "PERSONNEL POLICY," OF THE CODIFIED ORDINANCES OF THE CITY OF PRINCETON, WEST VIRGINIA: (1) SOCIAL MEDIA POLICY, (2) SOCIAL MEDIA POLICY FOR EMPLOYEES AND (3) FAMILY AND MEDICAL LEAVE ACT.

MOTION: James Hill moved City Council accept the ordinance on first reading.

Jacqueline Rucker duly seconded the motion.

The motion carried unanimously.

2. First Reading, by title, for AN ORDINANCE AMENDING ARTICLE 1181, "SPAYING AND NEUTERING," OF THE CODIFIED ORDINANCES OF THE CITY OF PRINCETON, WEST VIRGINIA: "FEES."

MOTION: Vice Mayor Tim Ealy moved City Council accept the ordinance on first reading.

Dewey Russell duly seconded the motion.

The motion carried unanimously.

Continuing, the City Attorney presented two ordinances for second readings and public hearings, as follow:

3. Second Reading, by title, and public hearing for AN ORDINANCE ADDING ARTICLE 1752 ("RENTAL COMPLIANCE AND SAFETY") TO THE CODIFIED ORDINANCES OF THE CITY OF PRINCETON, WEST VIRGINIA.

Public Hearing

Mayor David Graham opened the public hearing at 6:55 p.m. and instructed the registered speakers that a three-minute time limit would be in effect and monitored by the City Attorney to allow everyone ample opportunity to speak.

David Farley, 240 Windy Acres, Princeton – Mr. David Farley opened his comments by stating that since 1985 he has tried to keep his rental properties safe and up to Code requirements. Also, he expressed that he understands what the City is attempting to do with this ordinance, but the problem he has with the Certificate of Compliance is that it appears to hold landlords to a higher standard than owner-occupied properties. Mr. Farley added that he personally had witnessed owner-occupied properties with poor electrical unit boxes and less than desirable building maintenance. Further, he advised Council that landlords pay higher taxes on their rental properties. Mr. Farley concluded by saying the he is all for health and safety, but believes this ordinance represents the imposition of a higher standard for rental properties.

Carol Asbury, 201 Thornton Avenue, Princeton – Ms. Carol Asbury remarked that she had just heard about the Rental Compliance Ordinance and, not knowing a lot about its provisions, had a few questions. First, who will enforce the ordinance by doing the

inspections and when will they happen?

Mayor Graham called upon Code Enforcement Director Bill Buzzo to answer Carol Asbury's questions.

Bill Buzzo responded that Code Enforcement Officers would be performing the inspections. However, the Code must first be passed, the provisions of which become effective sixty days out.

Ms. Asbury asked if there is a fee for signing up.

Mr. Buzzo replied that the registration fee for houses is \$50 and for apartments, \$30. The person who holds the deed to the property is considered the owner by law and will be the responsible party. However, the Code Enforcement Department will advertise by legal notice in the paper the implementation of the process under the Code. Also, the International Property Maintenance Code will answer questions regarding what is required for a property to be in compliance with this Code.

Ms. Asbury asked how long will the property owner have to correct any deficiency.

Mr. Buzzo replied that it depends. That is, the property owner could be afforded five to thirty days depending upon the deficiency and the condition of the property.

Ms. Asbury asked if Code Enforcement would inspect inside the buildings.

Mr. Buzzo responded that interior inspections would be conducted only with the permission of the property owner and after a reasonable notice. However, without cooperation from the owner, a search warrant would be sought. Mr. Buzzo added that he does interior walk-throughs with prior notice and will work with the property owners and tenants. He assured that Code Enforcement Officers will not enter upon private property without due process of law.

City Attorney Paul Cassell explained that if the Rental Compliance and Safety Code passes, it will not go into effect for sixty days from passage and, thereafter, owners will have ninety days more to apply and register. Owners will have plenty of time to comply with the Code, he assured.

David Church, 415 Mercer Street, Princeton – Mr. David Church commented that he was trying to determine what to do under the provisions of the new Rental Compliance and Safety Ordinance. He continued by stating that running a business is hard enough already with property taxes and the cost of trying to keep properties up to Code. However, Mr. Church acknowledged the benefit of having Code Enforcement for maintaining safety standards. As far as the enforcement of the Rental Compliance Code,

Mr. Church stated that he just wants a fair shake because it's hard enough to maintain rentals and building standards already. Still, he added he will do anything he can to comply with the Code and maintain his rental properties in a safe manner. If we all work together, we are sure to work through the new Code's requirements, he offered.

Martha Barberio, 242 Quailwood Drive, Princeton – Martha Barberio commented that she is a landlord and she makes no money on her rental properties. Further, she stated the Rental Compliance Ordinance is not fair to responsible landlords like her who maintain their rental properties to Code standards. Ms. Barberio added that she owns two houses and two buildings on Mercer Street and realizes there are bad apples who do not maintain their properties in a safe manner. Still, she contended that most rental property owners are good landlords and are being penalized under this ordinance. Also, Ms. Barberio remarked that she already pays property and B. & O. taxes on her rentals and this new ordinance requires the payment of more fees yet again. "What about the home owners?" she asked. Some rentals do better than homeowners in maintaining their properties.

Jan Farley, 240 Windy Acres, Princeton – Jan Farley began her comments by explaining that she was representing the Mercer County Landlord's Association in her comments about the proposed Rental Compliance and Safety Ordinance. She advised of being made aware of the ordinance and public hearing by an article in the newspapers and had not received a letter from the City of Princeton. "The letter wasn't mailed to us," she advised.

Continuing, Ms. Farley explained that the Landlord's Association has a good relationship with Mercer County's Magistrates because the members keep their properties up to Code. Also, Appalachian Power, Mountaineer Gas and WV American Water all inspect the properties and if they are not safe, these companies would not provide services to the properties. "Wouldn't it seem these properties would be in good shape?" she asked.

Addressing homeowners who reside therein, Ms. Farley commented that some elderly people have been living in their homes for fifty years and from the time the house was built it has not been upgraded or improved but very little. However, most rental property owners do perform upgrades on a regular basis to satisfy property Code standards.

Addressing the \$50 fee the Rental Compliance and Safety Code will impose, she noted that the fee will be assessed every three years upon completion of a satisfactory inspection. She added that one landlord just purchased a rental property company with seventy homes. That's 70 homes x \$50 every three years, which is a substantial amount of money. "Would he be allowed to pay this incrementally or required to pay it all at once? And will the City throw people out if not in compliance?" Ms. Farley asked.

Code Enforcement Director Bill Buzzo responded that all rental property owners would be issued a temporary letter of compliance initially upon registering until all inspections

are conducted. Obviously, those landlords owning more houses would not be expected to pay the entire amount of fees all at once. Also, Mr. Buzzo explained that the International Property Maintenance Code has been a part of State Law for many years and the Rental Compliance and Safety Ordinance is based on it.

Mr. Buzzo continued by explaining that, as far as owner-occupied houses, the occupancy constitutes a different set of circumstances. Specifically, as the owners of their homes they choose to live the way they do without affecting anyone else. But if they do affect their neighbors negatively, Code Enforcement will step in to enforce the property maintenance codes. However, a landlord who owns rental property potentially affects their tenants in many different ways which establishes a separate and distinct relationship under the law.

Jan Farley resumed her comments by stating that she had read the letter from Code Enforcement explaining the provisions of the Rental Compliance and Safety Ordinance and offered that all of the provisions cited are covered in the lease agreements and that the Magistrate Court also oversees all these matters.

She concluded by stating that Fire Chief Chad Bailey knows us and has never had a problem with us.

Thomas Gilpin, 800 Washington Avenue, Princeton – Tom Gilpin asked if a rent-to-own property would be considered a rental property.

Learning that the domicile was a mobile home, City Attorney Paul Cassell asked if the title was in the occupant's name.

Mr. Gilpin advised that title is in the occupant's name.

Mr. Cassell replied that it is not a rental property.

Public Hearing Closes

With no further comments, Mayor Graham closed the public hearing at 7:18 p.m.

MOTION: Dewey Russell moved City Council adopt the Rental Compliance and Safety Ordinance as presented.

James Hill duly seconded the motion.

The motion carried unanimously.

4. The City Attorney next presented for a Second Reading, by title, and public hearing, AN ORDINANCE AMENDING ARTICLE 1795.04, "REGISTRATION

STATEMENT, LOCAL AGENT; FEES,” OF THE CODIFIED ORDINANCES
OF THE CITY OF PRINCETON, WEST VIRGINIA.

Public Hearing

Mayor David Graham opened the public hearing at 7:19 p.m. and called for public comments for and/or against the proposed ordinance.

There being no comments forthcoming, Mayor Graham closed the public hearing at 7:19 p.m.

MOTION: James Hill moved City Council adopt the ordinance as presented.

Jacqueline Rucker duly seconded the motion.

The motion carried unanimously.

C. CITY MANAGER

City Manager Michael Webb thanked everyone for coming out to the meeting and also thanked those with an interest in the ordinances for commenting during the public hearing.

D. CITY CLERK

City Clerk Kenneth Clay also thanked the members of the public for attending the meeting and participating in the public hearing.

E. DEPARTMENTAL REPORTS

HUMAN RESOURCES

Hometown Hero Banners - Human Resources Director Wanda Donahue advised that the Public Works Department had begun hanging the sixty-six Hometown Hero Banners, which will remain in place until Veterans Day.

Congressman Jenkins Rep – Wanda Donahue reported that Mr. Jordan Maynor, of Congressman Evan Jenkins office, would be at here at City Hall from 10:00 a.m. to 12:00 p.m. on Friday, June 15th to meet with constituents.

VII. COUNCIL ROUNDTABLE

Mayor David Graham dispensed with the Council Roundtable.

VIII. COUNCIL MEETING IN RECESS

Mayor Graham declared the Council Meeting in recess until Wednesday, June 13, 2018, at 1:00 p.m., at which time the City Council will reconvene to receive contractors' bids on the build out of the Administration Phase of the City Hall Complex.