

STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF BENWOOD, CITY COUNCIL REGULAR MEETING APRIL 9, 2024

City Council of the City of Benwood met in Regular Session on Tuesday, April 9, 2024 at the City Building in the Council Chambers. Mayor Walter W. Yates called the meeting to order at 7:00 p.m. The following council members were present: Ankrom, Fehr, Ferrera, Kazemka, Longwell, & Lunsford. Excused absences were Councilperson Givens & Councilperson Mele. Others present: Chief of Police Frank Longwell, Dave McLaughlin Director of Public Works, Tiffany Ankrom City Clerk & Eric Gordon City Attorney.

PLEDGE OF ALLEGIANCE

Mayor Walter W. Yates led the pledge of allegiance to the flag.

MINUTES

Councilperson Ferrera moved to approve the minutes for Regular Meeting for March 26, 2024 & Councilperson Ankrom seconded the motion. Motion carried unanimously.

PUBLIC COMMENT

North Benwood resident Bob Rose, wanted to say thank you for all the hard work the city crew did during & after the flood.

NEW BUSINESS

DISCUSSION & APPROVAL OF WATER/SEWAGE ADJUSTMENTS

Resident at 4815 Eoff Street had a water line break outside of residence. The leak was over a three-month period and it didn't enter the sewer.

Adjust per ordinance, motion carried unanimously. Leak will be adjusted for one month per the ordinance.

DISCUSSION & APPROVAL OF RESOLUTION AUTHORIZING PAYMENT OF INVOICES RELEATING TO CONSTRUCTION & OTHER SERVICES FOR THE PROPOSED COMBINED SEWER SYSTEM IMPROVEMENTS PHASE II PROJECT (DRAW 9)

The Project is 84% complete. Invoices that are being paid out on draw 9: Ohio-WV Excavating, Inc. \$308,466.33, Burgess & Niple \$17,620.00 & Belomar \$3,672.33.

DISCUSSION & APPROVAL TO HIRE PART-TIME SUMMER HELP

Brendan Parks applied for a grass cutting position within the city.

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Councilperson Ferrera made the motion to hire & Councilperson Lunsford seconded the motion. Motion carried unanimously.

DISCUSSION OF AN ORDINANCE OF THE CITY OF BENWOOD, WEST VIRGINIA PROVIDING FOR PAYMENT OF A RETENTION BONUS FOR CERTAIN MUNICIPAL POLICE OFFICERS

WHEREAS, Council of the City of Benwood recognizes the hard work, excellent service and commitment of its police officers in general; and WHEREAS, Council recognizes in particular the work and commitment to the City of Benwood of three of its longest serving police officers Christopher Estrada, Donald Longstreth and Phillip Hoover; and WHEREAS, Council acknowledges each of the aforesaid officers has had opportunities to leave employment with the City of Benwood and have chosen to remain serving the citizens of the City of Benwood; and WHEREFORE, Council desires to recognize their past dedication to the citizens of the City of Benwood and ensure it continues by entering into a Retention Agreement providing for a retention bonus for each of the aforesaid officers. SECTION ONE: The Mayor of the City of Benwood is authorized to enter into retention agreement(s) with Benwood Police Officers Christopher Estrada, Donald Longstreth and Phillip Hoover. A copy of the form retention agreement(s) for each of said officers is attached hereto as an exhibit. SECTION TWO: Upon execution of the separate Retention Agreement(s) by each of said officers the Clerk of the City of Benwood is authorized and directed to tender unto them a retention bonus in the following amounts: unto Christopher Estrada, the sum of \$13,398.62; unto Donald Longstreth, the sum of \$25,976.94; and unto Phillip Hoover, the sum of \$14,979.61.

Councilperson Longwell made the motion to approve the ordinance & Councilperson Fehr seconded the motion. Mayor Yates called for roll call; vote was taken. Councilperson Ferrera No, Councilperson Kazemka Abstained, Councilperson Longwell Yes, Councilperson Fehr Yes, Councilperson Ankrom No and Councilperson Lunsford No. Ordinance did not pass.

DISCUSSION & APPROVAL OF ESTIMATE FROM OHIO-WEST VIRGINIA EXCAVATING FOR \$19,360.66 TO PAVE 8TH STREET

Estimate includes: Overlay, 1 1/2' Overlay 25 x 260 & Mobilization

Councilperson Ferrera made the motion to approve the estimate & Councilperson Lunsford seconded the motion. Mayor Yates called for roll call; vote was taken & motion passed.

DISCUSSION & APPROVAL OF AN ORDINANCE OF THE CITY OF BENWOOD, WEST VIRGINIA, PROVIDING FOR AN INCREASE IN THE RATES IT CHARGES TO PROVIDE WATER SERVICE (FIRST READING)

Councilperson Longwell made the motion to approve the ordinance & Councilperson Lunsford seconded the motion. Mayor Yates called for roll call; vote was taken. Councilperson Ferrera No, Councilperson Kazemka Yes, Councilperson Longwell Yes, Councilperson Fehr Yes, Councilperson Ankrom Yes & Councilperson Lunsford Yes. Motion carried.

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OLD BUSINESS:

DISCUSSION & APPROVAL OF AN ORDINANCE OF THE COUNCIL OF THE CITY OF BENWOOD, WEST VIRGINIA ALTERING & AMENDING SECTION 933.02C OF THE CODIFIED ORDINANCES OF THE CITY OF BENWOOD (FIRST READING)

Whereas the Council of the City of Benwood has recently had the opportunity to construe Section 933.02(C) of the Codified Ordinances of said City; and

Whereas the Council of the City of Benwood believes it is warranted and in the best interest of the citizens of the City of Benwood to provide qualification of the terms "appliance and similar situations" provided in said section.

Be It Therefore Ordained by the Council of the City of Benwood, West Virginia:

Section One: Section 933.02(C) shall be amended to read as follows: "There shall be no leak adjustment for leaking commodes, dripping faucets, malfunctioning appliances, and other similar situations. Water softeners and hot water tanks shall not be considered appliances or "similar situations" prohibiting leak adjustments under this section. Furthermore, leak adjustments shall be given for no more than one month for each incident of unusually high-water usage."

Section Two: This Ordinance shall be effective from and after its date of passage.

Councilperson Ferrera made the motion to approve the amended ordinance and Councilperson Fehr seconded the motion. Mayor Yates called for roll call; vote was taken & motion passed unanimously.

FINANCE & TAXATION

An ordinance entitled: "An ordinance to pay a claim against the city for work and other claims." Be it ordained by the Council of the City of Benwood, that the sum of \$134,020.41 be appropriated out of the funds belonging to the city, to pay a claim against the city, and that an order signed by the Mayor and Recorder be drawn upon the Treasurer for the above amount and that this ordinance takes effect from and after its passage. (See Copies of Supporting Accounts Payable Registers Attached)

Councilperson Ferrera moved to adopt the above ordinance on first reading, seconded by Councilperson Longwell. Mayor Yates called for roll call vote was taken and motion passed unanimously.

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Councilperson Ferrera moved to adopt the above ordinance on second reading, seconded by Councilperson Longwell. Mayor Yates called for roll call vote was taken and motion passed unanimously.

ACCOUNTS PAYABLE CHECK REGISTER REPORTS

Councilperson Ferrera moved to receive and file accounts payable check register reports totaling \$134,020.41 seconded by Councilperson Longwell. Mayor Yates called for a roll call, vote was taken and motion passed unanimously.

FINANCIAL STATEMENT REPORT

Revenue/Expense Report and Financial Report as of April 4, 2024:

Cash Operating Report: General Fund \$2,333,487.94; Coal Severance Fund \$76,995.67; Garbage Fund \$20,221.47; Fire Fund \$9,421.76; Water Fund \$306,039.58 and Sewer Fund \$153,670.34; Total operating cash \$2,895,408.98.

Councilperson Ferrera moved to receive and file the Cash Operating Report and Financial Reports, seconded by Councilperson Longwell. Mayor Yates called for roll call; vote was taken and motion passed unanimously.

WATER & SEWAGE PLANT OPERATION

Sean Lake & Gary Williams submitted a Daily Operation Report

Meeting is scheduled with Marshall County Commission & McMechen regarding Ambulance services for April 28th at 11:00am.

Water line broke at the water meter by park on the hillside, crew is moving meter into street.

STREETS, ALLEYS & GRADES

Signs ordered for the city park for no dogs allowed, due to people not picking up after their dogs.

Received a quote of \$60,000 for an elevator at the TMU building that doesn't include the frame. A.C. Wiethe will check for funding opportunities and it will be put out to bid.

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CITY OFFICE, PROPERTY, FIRE & POLICE

Scheutz Funeral Home would like to sponsor a Community Swim including free food, fireworks and band on June 29th

Councilperson Ferrera made the motion to approve of the Community Swim and Councilperson Ankrom seconded the motion. Motion carried unanimously.

Joshua Cook with New River Engineers has completed the drone flight & survey of the floodwall & are processing it. They've reached out to the Army Corps of Engineers several times & they're waiting to hear back on funding for the project & any updates from them on moving the project forward.

St. Vincent De Paul School is asking for a donation of a Family Pool Pass for a fundraiser for the school's needs.

Councilperson Ferrera made the motion to approve the donation & Councilperson Longwell seconded the motion. Motion carried.

2024-2025 Budget was returned by the state due to having an excess levy on the ballot effective July 1, 2024. Budget needs to be submitted after the elections.

Councilperson Ferrera made the motion to go into executive session at 8:12pm & Councilperson Longwell seconded the motion.

Councilperson Ferrera made the motion to come out of executive session at 8:16pm & Councilperson Longwell seconded the motion. Discussion of PFAS Litigation

ADJOURNMENT

Councilperson Longwell moved to adjourn meeting, seconded by Councilperson Kazemka. Motion carried.

Meeting adjourned at 8:16 p.m.

Minutes Respectfully Submitted by,


Tiffany Ankrom City Clerk/Treasurer


Mayor Walter W. Yates