12404 MacCorkle Avenue
Chesapeake, WV 25315
Phone: 304-949-1496
Email: townhall@chesapeakewv.gov
Website: https://chesapeake.wv.gov

Transparency
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Winning

Town of Chesapeake, WV Municipal Meeting Agenda

Day: Tuesday, May 28, 2024

Time: 6:00 PM

Location: Dr. Lisa E. Curry Memorial Annex Building

Part One - Administrative Code – 111.07 – Robert's Rules of Order

In accordance with Robert's Rules of Order, the Town of Chesapeake Municipal Meeting is dedicated to addressing official town business and public concerns. Personal matters and individual business are not permitted to be discussed during the meeting to maintain focus on municipal issues and ensure efficient use of time.

Note: All participants are reminded to adhere to this guideline throughout the meeting. For any personal matters, please contact the appropriate town

1. **Call to Order**
    - Mayor's welcome and opening remarks
2. **Roll Call** by Recorder, Debbie Hill

- ☐ David Lloyd, Council-at-Large
- ☐ Dona Lacy, Ward 1
- ☐ Ron Petty, Ward 1
- ☐ Wesley Dillard, Ward 2
- ☐ Vacant, Ward 2
- ☐ Katie Miller, Ward 3
- ☐ Craig Smith, Ward 3
- ☐ Debbie Hill, Recorder
- ☐ Melissa Hill, Mayor

Acknowledge Partners:

- ☐ Brian Bowen, Town Administrator
- ☐ Courtney Spicer, Municipal Engagement Coordinator
- ☐ Beth Minear, Counsel – Sanitary, Property, & Special Projects
- ☐ James Quesenberry, Investigator & Police Department Consultant
- ☐ Sandeep Agarwal, CPA AC
- ○ Andrew Roberts, Records Management

3. **Prayer & Pledge of Allegiance** – Pastor Anderson, The Eastwind Church
4. **Approval of Minutes**
    - Review and approval of minutes from the previous meeting held on April 2024
5. **Reports**
    - Mayor's Report
    - Code Enforcement Report
    - Recorder & Financial Report
    - Police Department Report
    - Sanitation & Health Report
6. **Old Business**
    - **Motion to Approve** & Announce to All Citizens - Pool Fill State Code
        - Official Record of Ordinance – not recorded
        - No announcement made to all customers
        - **§16-13A-9b. Exemptions for Swimming Pools.**
        - **Accept 2024 requests for adjustment**
    - **Discussion** – Fiscal Management Situation
        - IRS 940 & 941 Debt Paid
        - 2014-2018 payoff settlement in progress (Discussion – Council will approve payoff agreement before payment.)

- Ogle & Atkins – Customer Collections (Discussion – Cancel Customer Debts) – Received $12 in the last month
- **Acknowledge** - Lu Mobile has arrived – awaiting assembly – Advantage Technology
- **Acknowledge** - CivicPlus – Municode – received a copy of 2001 Published – Town of Chesapeake (WV). Updates in progress. CivicPlus Attorney will advise throughout the process until ready for publish
  - Governing Body – Joint (Town & Sanitary) will review and approve
- **Motion for Acquisition** of Public Works, Code Enforcement, & Operations Web-based Engagement System that enables Council, Board, and Operations to submit requests for services, incidents, and communication.
  - 3 Estimates – Operations recommendation
- **Motion for Acquisition** of Computers for Administration
  - Request for Quote – State Vendor – HP
    - Recorder
    - Town Administrator
    - Municipal Engagement Coordinator
    - Mayor
    - AR, Purchasing, & Contract Management
    - Replacement Laptop for Police Department (New Laptop Missing as of 7/2023)
    - Public Works – Devices
- **Motion for Acquisition** of Office Furniture for Recorder, Mayor, & Administrator
  - Request for Quote – State Vendor - Capitol Business Interiors
- **Acknowledge** - City National Bank – Removals and Recorder Addition Signatures
- **Acknowledge** - US Bank Application – State Purchasing – Approved
  - Based on $1.2 Million Budget for FY2025 - $100,000 per month spending
  - Recorder Signature, Mayor Account Originator
  - Department Heads will be approved for Procurement Cards - Spending Limits per State Purchasing per budget and approved transactions:
    - Brian Bowen – Town Administration & Code Enforcement
    - Nathaniel Hale – Public Works
    - Mayor Hill, Approval
    - Debbie Hill, Signature and Approval with US Bank for payment
- **Acknowledge** - FY2021 – 2023 Audits in Progress – Documents delivered to Auditor today
- **Update – MS4 Permit – Stormwater** – In Progress – Laura Cox Planning

7. **New Business**
   - **Motion for Dump Truck Repairs**
     - Emissions, Transmission, 02 Sensors
     - $6,500.00 - Estimate
   - **Motion for Ordinances** – 1st Reads of 3 Reads – Motion to Approve
     - Vacating, Closing, Removal, or Demolition of Structures
     - Municipal Fee Modification – elimination (Funded in General Fund)
       - Police Fee – $3.33 per month – not used according to plan to date
       - Fire Fee – $3.33 per month – better funded through the general fund for compliance
       - Municipal Fee = Refuse / Garbage Fee - $14.00 per month

Pace Analytical Services, LLC
225 Industrial Park RD
Beaver, WV 25813
(800)999-0105

CERTIFICATIONS

Project: CHESAPEAKE
Pace Project No.: 30615556

Pace Analytical Services Beaver
225 Industrial Park Road, Beaver, WV 25813
Virginia VELAP 460148
West Virginia DEP 060
West Virginia DHHR 00412CM
North Carolina DEQ 466
Kentucky Wastewater Certification KY90039
Pennsylvania DEP 68-00839

Pace Analytical Services Hurricane
5 Weatheridge Dr, Hurricane, WV 25526
Kentucky EEC: KY98003
West Virginia DEP: Cert No 220

REPORT OF LABORATORY ANALYSIS

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Chesapeak

For Mr. Beach

August 30, 2023

Mr. David Beach
Earth Care LLC
3274 Campbells Creek Drive
Charleston, WV 25306

RE: Project: CHESAPEAKE
Pace Project No.: 30615556

Dear Mr. Beach:

Enclosed are the analytical results for sample(s) received by the laboratory on August 21, 2023. The results relate only to the samples included in this report. Results reported herein conform to the applicable TNI/NELAC Standards and the laboratory's Quality Manual, where applicable, unless otherwise noted in the body of the report.

The test results provided in this final report were generated by each of the following laboratories within the Pace Network:

- Pace Analytical Services - Beaver
- Pace Analytical Services - Hurricane

If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Cynthia Walker

Cynthia Walker
cynthia.walker@pacelabs.com
Project Manager

Enclosures

NELAP ACCREDITED TNI LABORATORY

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SAMPLE ANALYTE COUNT

Project: CHESAPEAKE
Pace Project No.: 30615556

Lab ID	Sample ID	Method	Analysts	Analytes Reported	Laboratory
30615556001	292 STORM DRAIN 3	SM 2540G-15	BT1	1	PASI-BV
		SM 9222D-2015	AMP	1	PASI-HR
30615556002	293 STORM DRAIN 1	SM 2540G-15	BT1	1	PASI-BV
		SM 9222D-2015	AMP	1	PASI-HR
30615556003	PARLE	SM 9222D-2015	AMP	1	PASI-HR
30615556004	BACK YARD	SM 9222D-2015	AMP	1	PASI-HR

PASI-BV = Pace Analytical Services - Beaver
PASI-HR = Pace Analytical Services - Hurricane

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SAMPLE SUMMARY

Project: CHESAPEAKE
Pace Project No.: 30615556

Lab ID	Sample ID	Matrix	Date Collected	Date Received
30615556001	292 STORM DRAIN 3	Solid	08/21/23 12:00	08/21/23 14:02
30615556002	293 STORM DRAIN 1	Solid	08/21/23 12:00	08/21/23 14:02
30615556003	PARLE Park	Water	08/21/23 12:30	08/21/23 14:02
30615556004	BACK YARD	Water	08/21/23 12:00	08/21/23 14:02

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ANALYTICAL RESULTS

Project: CHESAPEAKE
Pace Project No.: 30615556

Sample: 293 STORM DRAIN 1 **Lab ID: 30615556002** Collected: 08/21/23 12:00 Received: 08/21/23 14:02 Matrix: Solid

Results reported on a "dry weight" basis and are adjusted for percent moisture, sample size and any dilutions.

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
BVR Percent Moisture	Analytical Method: SM 2540G-15 Pace Analytical Services - Beaver								
Percent Moisture	**24.3**	%	0.10	0.10	1		08/25/23 10:48		N2
HBIO Fecal Coliform By MF	Analytical Method: SM 9222D-2015 Preparation Method: SM 9222D-2015 Pace Analytical Services - Hurricane								
Fecal Coliform	71	CFU/g	13.2	13.2	13.16	08/21/23 15:33	08/22/23 15:24		R5

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ANALYTICAL RESULTS

Project: CHESAPEAKE
Pace Project No.: 30615556

Sample: 292 STORM DRAIN 3 **Lab ID: 30615556001** Collected: 08/21/23 12:00 Received: 08/21/23 14:02 Matrix: Solid

Results reported on a "dry weight" basis and are adjusted for percent moisture, sample size and any dilutions.

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
BVR Percent Moisture	Analytical Method: SM 2540G-15 Pace Analytical Services - Beaver								
Percent Moisture	**4.6**	%	0.10	0.10	1		08/25/23 10:45		N2
HBIO Fecal Coliform By MF	Analytical Method: SM 9222D-2015 Preparation Method: SM 9222D-2015 Pace Analytical Services - Hurricane								
Fecal Coliform	47	CFU/g	10.4	10.4	10.41	08/21/23 15:33	08/22/23 15:24		R5

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ANALYTICAL RESULTS

Project: CHESAPEAKE
Pace Project No.: 30615556

Sample: PARLE **Lab ID: 30615556003** Collected: 08/21/23 12:30 Received: 08/21/23 14:02 Matrix: Water

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
HBIO Fecal Coliform By MF	Analytical Method: SM 9222D-2015 Preparation Method: SM 9222D-2015 Pace Analytical Services - Hurricane								
Fecal Coliform	**98000**	CFU/100 mL	1000	1000	1000	08/21/23 15:30	08/22/23 15:15		R5

REPORT OF LABORATORY ANALYSIS

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ANALYTICAL RESULTS

Project: CHESAPEAKE
Pace Project No.: 30615556

Sample: BACK YARD **Lab ID: 30615556004** Collected: 08/21/23 12:00 Received: 08/21/23 14:02 Matrix: Water

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
HBIO Fecal Coliform By MF	Analytical Method: SM 9222D-2015 Preparation Method: SM 9222D-2015 Pace Analytical Services - Hurricane								
Fecal Coliform	**6800**	CFU/100 mL	100	100	100	08/21/23 15:30	08/22/23 15:15		R5

REPORT OF LABORATORY ANALYSIS

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sanitary system. You should have been in possession of the information sought, as it was sent to your formal email. You may review it there at any time, but you may not share the information at this time. The dissemination of such information could provide a roadmap for public harm and, as such, must remain confidential in your public service capacity.

Please let me know if there are questions or issues with respect to the foregoing.

Respectfully,

Mayor Melissa Hill

Enclosure

cc: Beth R. Minear, Esq.

Melissa Hill, Mayor
Town of Chesapeake (WV)
12404 MacCorkle Ave
Chesapeake, WV 25315
Town Hall: 304-949-1496
Cell: 304-380-4892
mhill@chesapeakewv.gov
https://chesapeake.wv.gov
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RE: FOIA Response - Sanitary Board - Shearer

Melissa Hill <Mhill@Chesapeakewv.gov>

Thu 6/6/2024 7:02 AM

To:Herb Shearer <herbshearer@hotmail.com>
Cc:Beth Minear <minearlawfirm@gmail.com>
Bcc:Debbie Hill <dhill@Chesapeakewv.gov>;Brian Bowen <BBowen@Chesapeakewv.gov>

1 attachments (4 MB)
TR - Sanitary - 08.30.23.pdf;

June 5, 2024

Via: Email and First-Class Mail

Herbert Shearer, Board Member – Citizen Representative
11947 MacCorkle Ave, SE
Chesapeake, WV 25315
Personal Email: herbshearer@hotmail.com

Dear Herb:

With respect to your recent request for disclosure of information received by the Town of Chesapeake, West Virginia ("Chesapeake") on May 31, 2024, regarding the sampling of the ground and presence of E.coli bacteria and fecal coliform in Porter Coton Park, the responsive documentation is attached here to for your use and review. Regarding your requests relating to the past and ongoing engineering and vulnerability evaluations related to the Chesapeake Sanitary Board respectfully states that such information is in your Chesapeake email. As your request states you are asking as a member of the Sanitary Board, be advised that, pursuant to the Ethics Act, training for which you attended on January 6, 2024, you may not disclose this information gained through your public position to anyone, either during or after your public service has ended. At this point, the sanitary system information, would be protected from public disclosure by the mandates of the WV Freedom of Information Act, codified as § 29B-1-1. et seq. ("WV FOIA") as follows:

a. FOIA Exemption 10 (§29B-1-4(a)(10)) specifically exempts from disclosure "(t)hose portions of records containing specific or unique vulnerability assessments or specific or unique response plans, data, databases and inventories of good or materials collected or assembled to respond to terrorist acts; and communication codes or deployment plans of law-enforcement or emergency response personnel." The information sought involves highly confidential plans and assessments of potential vulnerabilities related to the sanitary system assets. Disclosure of this information would give those individuals and entities who would seek to target vulnerabilities and impact emergency response and law-enforcement deployment plans to the public safety and security detriment of public, personnel, property and assets.

b. FOIA Exemption 14 (§29B-1-4(a)(14)) specifically exempts from disclosure "(s)ecurity or disaster recovery plans, risk assessments, tests or the results of those tests." Disclosure of the information sought would give those individuals and entities who would seek to target vulnerabilities an advantage in carrying out plans of attack by learning some of the identified vulnerabilities in Chesapeake's critical infrastructure, the footprint of which extends throughout the municipality.

Again, Chesapeake believes that it has complied with your FOIA request in providing the Porter Cotton Park information. As a member of the Sanitary Board, the FOIA was not necessary regarding the

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Beaver, WV 25813
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QUALIFIERS

Project: CHESAPEAKE
Pace Project No.: 30615556

DEFINITIONS

DF - Dilution Factor, if reported, represents the factor applied to the reported data due to dilution of the sample aliquot.

ND - Not Detected at or above adjusted reporting limit.

TNTC - Too Numerous To Count

J - Estimated concentration above the adjusted method detection limit and below the adjusted reporting limit.

MDL - Adjusted Method Detection Limit.

PQL - Practical Quantitation Limit.

RL - Reporting Limit - The lowest concentration value that meets project requirements for quantitative data with known precision and bias for a specific analyte in a specific matrix.

S - Surrogate

1,2-Diphenylhydrazine decomposes to and cannot be separated from Azobenzene using Method 8270. The result for each analyte is a combined concentration.

Consistent with EPA guidelines, unrounded data are displayed and have been used to calculate % recovery and RPD values.

LCS(D) - Laboratory Control Sample (Duplicate)

MS(D) - Matrix Spike (Duplicate)

DUP - Sample Duplicate

RPD - Relative Percent Difference

NC - Not Calculable.

SG - Silica Gel - Clean-Up

U - Indicates the compound was analyzed for, but not detected.

N-Nitrosodiphenylamine decomposes and cannot be separated from Diphenylamine using Method 8270. The result reported for each analyte is a combined concentration.

Reported results are not rounded until the final step prior to reporting. Therefore, calculated parameters that are typically reported as "Total" may vary slightly from the sum of the reported component parameters.

Pace Analytical is TNI accredited. Contact your Pace PM for the current list of accredited analytes.

TNI - The NELAC Institute.

ANALYTE QUALIFIERS

N2	The lab does not hold NELAC/TNI accreditation for this parameter but other accreditations/certifications may apply. A complete list of accreditations/certifications is available upon request.
R5	Result is estimated due to the number of colonies observed being outside the method recommended range.

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QUALITY CONTROL DATA CROSS REFERENCE TABLE

Project: CHESAPEAKE
Pace Project No.: 30615556

Lab ID	Sample ID	QC Batch Method	QC Batch	Analytical Method	Analytical Batch
30615556001	292 STORM DRAIN 3	SM 2540G-15	611194		
30615556002	293 STORM DRAIN 1	SM 2540G-15	611194		
30615556001	292 STORM DRAIN 3	SM 9222D-2015	610338	SM 9222D-2015	610339
30615556002	293 STORM DRAIN 1	SM 9222D-2015	610338	SM 9222D-2015	610339
30615556003	PARLE	SM 9222D-2015	610276	SM 9222D-2015	610277
30615556004	BACK YARD	SM 9222D-2015	610276	SM 9222D-2015	610277

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Pace Analytical

CHAIN-OF-CUSTODY Analytical Request Document

Chain-of-Custody is a LEGAL DOCUMENT - Complete all relevent fields

LAB USE ... mber o

WO# : 30615556

30615556

Containe

Company: Earthcare	Billing Information:
Address:	
Report To:	Email To:
Copy To:	Site Collection Info/Address:
Customer Project Name/Number: Chesapeake	State: / County/City: Time Zone Collected: [ ] PT [ ] MT [ ] CT [ ] ET
Phone: Email:	Site/Facility ID #: Non-Compliance
Compliance Monitoring? [ ] Yes [ ] No	
Collected By (print):	Purchase Order #: Quote #:
DW PWS ID #: DW Location Code:	
Collected By (signature):	Turnaround Date Required:
Immediately Packed on Ice: [ ] Yes [ ] No	
Sample Disposal: [ ] Dispose as appropriate [ ] Return [ ] Archive: ____ [ ] Hold: ____	Rush: [ ] Same Day [ ] Next Day [ ] 2 Day [ ] 3 Day [ ] 4 Day [ ] 5 Day (Expedite Charges Apply)
Field Filtered (if applicable): [ ] Yes [ ] No Analysis: ____	

** Preservative Types: (1) nitric acid, (2) sulfuric acid, (3) hydrochloric acid, (4) sodium hydroxide, (5) zinc acetate, (6) methanol, (7) sodium bisulfate, (8) sodium thiosulfate, (9) hexane, (A) ascorbic acid, (B) ammonium sulfate, (C) ammonium hydroxide, (D) TSP, (U) Unpreserved, (O) Other ____

* Matrix Codes (Insert in Matrix box below): Drinking Water (DW), Ground Water (GW), Wastewater (WW), Product (P), Soil/Solid (SL), Oil (OL), Wipe (WP), Air (AR), Tissue (TS), Bioassay (B), Vapor (V), Other (OT)

Analyses

Customer Sample ID	Matrix *	Comp / Grab	Collected (or Composite Start) Date	Collected (or Composite Start) Time	Composite End Date	Composite End Time	Res Cl	# of Ctns	Fecal	* Water samples arrived in unp. contains, poured sample into NaTSO4 container.	Soils arrived in glass D.O. containers. Transferred to 4oz jar for transportation
292 Storm Drain II	S		8-21	1200					X		
293 Storm Drain I	S			1200					X		
Parle	W			1230					X		
Bagh Yard	W			1200					X		

Lab Profile/Line:

Lab Sample Receipt Checklist:

Custody Seals Present/Intact	Y N NA
Custody Signatures Present	Y N NA
Collector Signature Present	Y N NA
Bottles Intact	Y N NA
Correct Bottles	Y N NA
Sufficient Volume	Y N NA
Samples Received on Ice	Y N NA
VOA - Headspace Acceptable	Y N NA
USDA Regulated Soils	Y N NA
Samples in Holding Time	Y N NA
Residual Chlorine Present	Y N NA
Cl Strips: ____	
Sample pH Acceptable	Y N NA
pH Strips: ____	
Sulfide Present	Y N NA
Lead Acetate Strips: ____	

LAB USE ONLY:
Lab Sample # / Comments:

*Analyzed @ HURR
Received By: [signature]
Date & Time: 8-21-23 1402
Iced: (Y) N
Temp: ~~4.0-0.4~~ = 25.2-0.4=24.8
IR #: 19

Customer Remarks / Special Conditions / Possible Hazards: [signature]

Type of Ice Used: Wet Blue Dry None

Packing Material Used:

Radchem sample(s) screened (<500 cpm): Y N NA

SHORT HOLDS PRESENT (<72 hours): Y N N/A

Lab Tracking #: 2649585

Samples received via: FEDEX UPS Client Courier Pace Courier

Lab Sample Temperature Info:
Temp Blank Received: Y N NA
Therm ID#: ____
Cooler 1 Temp Upon Receipt: ____oC
Cooler 1 Therm Corr. Factor: ____oC
Cooler 1 Corrected Temp: ____oC
Comments:

Relinquished by/Company: (Signature)	Date/Time:	Received by/Company: (Signature)	Date/Time:
[signature]	8-21-23 1402	[signature]	8-21-23 1402
[signature]	8-21-23 1402	[signature] 8-22-23	1312
[signature] 8-22-23	1510		

MTJL LAB USE ONLY
Table #:
Acctnum:
Template:
Prelogin:
PM:
PB:

Trip Blank Received: Y N NA
HCL MeOH TSP Other

Non Conformance(s): YES / NO

Page: ____ of: ____

WO#: 30615556

PM: CEW Due Date: 09/06/23

CLIENT: BV-EARTHCLLC

LIMS30 Lab Sample Condition Upon Receipt (West Virg

Courier: ☐ Fed Ex ☐ UPS ☐ USPS ☐ Client ☐ 3rd Party Courier ☑ Pace ☐ Other _____

Tracking #: _____

Custody Seal on Cooler/Box/Containers Present: ☐ yes ☑ no Seals intact: ☐ yes ☑ no

Thermometer Used 23 Type of Ice: (Wet) Blue None

Cooler Temperature Observed Temp 1.8 °C Correction Factor: 0.0 °C Final Temp: 1.8 °C

Thermal Preservation Requirement Met Yes ☑ No ☐

pH paper Lot#	Date and Initials of person examining contents: 8-22-23
/	

	Yes	No	N/A	
Chain of Custody Present:	✓			1.
Chain of Custody Filled Out:	✓			2.
Chain of Custody Relinquished:	✓			3.
Sampler Name & Signature on COC:	✓			4.
Sample Labels match COC: -Includes date/time/ID Matrix: SL/WT	✓			5.
Samples Arrived within Hold Time:	✓			6.
Short Hold Time Analysis (<72hr remaining):	✓			7.
Rush Turn Around Time Requested:		✓		8.
Sufficient Volume:	✓			9.
Correct Containers Used: -Pace Containers Used:	✓ ✓			10.
Containers Intact:	✓			11.
Orthophosphate field filtered:			✓	12.
Hex Cr Aqueous sample field filtered: -pH adjusted within 24 hours? (If yes, indicate acid lot #)			✓ ✓	13.
Filtered volume received for Dissolved tests:			✓	14.
All containers have been checked for chemical preservation: exceptions: VOA, coliform, O&G, LLMercury, Non-aqueous matrix			✓	15.
All containers meet method/chemical preservation requirements:			✓	Initial when completed: AT Date: 8-22-23
				Tests not preserved:
Headspace in VOA Vials:			✓	16.
Trip Blank Present:			✓	17.
				Initial when completed: AT Date: 8-22-23

Comments: _____

*PM review is documented electronically in LIMS, when the Project Manager closes the SRF Review schedule in LIMS. The status may be reviewed in the Status section of the Workorder Edit Screen.

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Chesapeake, WV 25315
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- **Motion for Reads 2 & 3** – Ordinances
  - **Schedule Meetings**
    - Must be one week / seven days in between
- **Motion to approve & schedule** Public Hearing for Ordinances
  - 30 minutes before Reading #2
- **Acknowledge receipt** of Sewer Evaluation – Sanitary Board
  - Next Step – Internal Review Meeting with Current & Past Sanitary Board Members & Stakeholders
    - Current Sanitary Board, Secretary, & Counsel
    - Past Sanitary Board Members
      1. Jon Adamson
      2. Damon Caudill
    - Town of Chesapeake (WV) Council & Administration
      1. Council-at-Large – David Lloyd
      2. Planning Commission – Craig Smith
      3. Town Recorder – Debbie Hill
      4. Town Administrator – Brian Bowen
    - Will review, conduct gap analysis, generate questions and recommendations
  - Next Step – Evaluation Walkthrough with Chapman Technical Engineering
    - All of the above +:
      1. Regional Intergovernmental Council (RIC) – Bruce Mullins
      2. Chapman Technical Engineering – Greg Belcher & Mat Tanner
    - Chapmen Technical Engineering – walk through of report and answer questions
- **Motion to approve Discovery Phase** - New Projects – Joint – Town & Sanitary Board
  - Beth Minear, Counsel – recommendation & Consultant
    - Mayor, Yurt Community Center & Mini Dwellings – Trails Project
  - **Solar Farm** 😊 – Future Energy Generation & Jobs
    - Town of Chesapeake (WV) – Nelson Hollar property – 5 acres
    - Previous Waste Dump to Solar Farm
    - Approve Sollar Hollar to evaluate the property for solar farm feasibility
  - Potential Impact: $80K - $100K Annual

8. **Public Comments**
   - Time limit of 3 minutes per speaker – Town Business only
9. **Adjournment**
   - Next meeting scheduled for June 24, 2024

Posted: _____ Date & Time: 5/22/2024 6:55:11 PM

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Chesapeake, WV 25315
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TOWN OF CHESAPEAKE (WV) COUNCIL MEETING MINUTES
TUESDAY, MAY 28, 2024 AT 6:00 P.M.
DR. LISA E. CURRY ANNEX

CALL TO ORDER: Melissa Hill, Mayor (6:14 p.m.)

- Mayor's Opening Remarks
- Acknowledgement of LU's arrival (being used to record meeting)

INVOCATION: Pastor Anderson, The Eastwinds Church

Pledge of Allegiance

Community event discussion by Pastor Anderson regarding upcoming community event by Project 35 scheduled in Chesapeake for Saturday, June 1.

Roll Call by Recorder:

Mayor Melissa Hill – Present
Recorder Debbie Hill – Present
Council at Large David Lloyd – Absent
Ward 1 – Dona Lacy – Present
Ward 1 – Ron Petty – Present
Ward 2 – Wesley Dillard – Present
Ward 2 – Vacant
Ward 3 – Katie Miller – Present
Ward 3 – Craig Smith – Absent
Brian Bowen – Town Administrator
Courtney Spicer – Municipal Engagement Coordinator
James Quesenberry - Investigator & Police Department Consultant

Approval of Previous Meeting Minutes - April 30, 2024

- Motion was made by Katie Miller, seconded by Ron Petty, approved by all
- Previous meeting minutes needed (March 25 and April 22 minutes will be provided at a later date)

Code Enforcement Report (Brian Bowen):

- Several letters gone out to citizens
- Emphasis on keeping properties up to Code
- Considering implementing a third-party housing inspector when needed
- Acknowledgement of Counsel Minear's help

Citizen Concerns:

- Vagrants entering houses (sightings at night)
- Citizens advised to call 911 and gather information for police
- Vagrant hotspots
- Mention of new squatter laws effective July 1
- Incident at elementary school
  - Mayor to gather more information

Police Report (James Quesenberry):

- Current hiring situation discussed
- Contract with Kanawha County police discussed
- Evidence room situation

Recorder Report (Debbie Hill):

- State police training
- Working late on audits with Mayor and Brian Bowen
- Internal audit on banking system
- Preparing for 2024 audit

Old Business:

- Pool Ordinance - explanation of process according to W.Va. Code § 16-13(a)-9(b)
  - Motion made by Wes Dillard to acknowledge State Code, seconded by Dona Lacy, agreed by all
- All debts paid by CPA 940s and 941s
- Collections: Discontinuation due to low returns
- Working on set up of LU with Advantage Technologies
- CivicPlus: Working on updating and comparing ordinances

Web-Based Systems Discussion (Courtney Spicer):

- Discussion regarding differences in GovPilot, iWorQs and AccuFund
- Emphasis on GovPilot's benefits
  - Dona Lacy made motion to move forward with GovPilot, Wes Dillard seconded, approved by all
- Discussion regarding need for computers for Town Hall and Public Works
  - Wes Dillard made motion to approve, seconded by Katie Miller, approved by all
- Discussion regarding need for and purchase of office furniture for Town Hall
  - Motion by Dona Lacy, seconded by Wes Dillard, approved by all

Financial Updates:

- City Bank Signatures
- Addition of Debbie Hill
- Removal of Melissa Sutphin and Robin Taylor
- Debbie Hill to receive purchasing card

Audit:

- Delivery of first box of documents to Auditor Glasser

Dump Truck Repairs:

- Ron Petty made motion to approve repairs, Wes Dillard seconded, approved by all

Ordinance Readings:

1. **Article 1725: Vacating, Closing, Removal or Demolition of Structures**
   - Grant funds for demolition project
   - Motion to acknowledge 1st reading made by Wes Dillard, seconded by Katie Miller, approved by all

2. **Articles 937.04 Charges for Refuse Service and Article 937.05 Payment of Service Charges**
   - Modification of Municipal Fees (eliminating fire fee, police fee)
   - Motion to made by Dona Lacy to acknowledge 1st reading of ordinance to remove fees, seconded by Katie Miller & Wes Dillard, approved by all

Upcoming Meetings:

- Motion was made by Wes Dillard to approve meetings on June 6 and June 13 at 6:00 p.m. for second and third readings for ordinances, seconded by Ron Petty, approved by all
- Motion was made by Wes Dillard to approve public hearing on June 6 at 5:30 p.m., seconded by Katie Miller, approved by all

Sewer Project Discussion:

- Acknowledgement and invitation to council to attend sanitary meeting
- Rebidding the Chesapeake sewer project by other engineering firms
- Mention of previous smoke testing and engineering firm requirements
- Discussion of scented blocks with sewer and rodent problem solutions

Nelson Hollar Property Discussion:

- Potential Solar Farm Project
  - Motion by Wes Dillard to approve discovery project, seconded by Ron Petty, approved by all

Community Discussions:

- Summer lunch program for kids at Chesapeake Elementary
- East Bank Middle School field demolition concerns

Discussion of increasing monthly council meetings to 2 per month because of so much business to discuss and long meetings

Motion to Adjourn made by Don Lacy, seconded by Wes Dillard, approved by all

Meeting adjourned at 8:31 p.m.

TOWN OF CHESAPEAKE, a municipal corporation
of
Chesapeake, West Virginia

Amendment to
Ordinance 937
Sections 937.04 and 937.05

First Read: 5/28/2024

Second Read: 6/6/2024

Third Read: 6/13/2024

Adopted by Council: 6/13/2024

June 13, 2024
Date

Melissa Hill, Mayor
Town of Chesapeake, West Virginia

June 13, 2024
Date

Deborah Hill, Recorder
Town of Chesapeake, West Virginia

937.04 CHARGES FOR REFUSE SERVICE.

(a) In conformity with the provision of Section 937.06 and in order to make the service provided for in this Article self-supporting, the following schedule of rates, fees, and charges for standard types of refuse disposal service is established:

For standard weekly family service:
(Currently being billed through partnering with the Kanawha PSD)

Effective July 1, 2024: The City of Chesapeake will be collecting the following fees:

A. Single family unit residences - $14.34 per month; and
B. Multiple dwelling (apartments) per single family unit apartment - $14.34 per month.

For bulk trash removal:
(To be billed through the City of Chesapeake)

The following items are considered bulk trash - furniture, appliances, mattress and box springs, electronics, large household items, metal items, large plastic items, tires, wastes generated by households and individuals during their daily activities.

Mattresses - $20 (must be wrapped in plastic)
Couch - $20
Couch + Chair - $25
Washer – Free
Dryer – Free
Refrigerators - Free

The City shall not collect, remove or dispose of the following types of refuse: swill, offal, sewage, animal excreta, the carcasses of animals, tree or shrub trimmings, or material resulting from the demolition, repair, alternation or erection of building or structures.

All requests for picking up bulk trash must be called in to City Hall by Monday at 3:00 p.m. for pick-up during the same week by Friday close of business. All charges must be paid in advance of pick up and are for bulk trash only, subject to adjustment for excessive amounts above normal.

Bulk Trash fees will be reviewed and authorized annually by the City Council.

(b) Minimum charges are as above, maximum to be determined by Council. The City Recorder is authorized to adopt and prescribe from time to time and enforce rules, regulations and procedure appropriate for the determination by the Recorder and the Recorder shall determine the classification of residence and of multiple dwellings (apartments) for the application of one or more of the foregoing rates which is properly applicable there to hereunder.

937.05 PAYMENT OF SERVICE CHARGES.

The Recorder shall promptly collect all charges for the services provided for in this Article and shall keep in his office proper records showing all collections made and received by him and all charges which are in default with the respective amounts due thereon and the person by whom the same are payable. The system of accounting used by the Recorder shall show the amount of revenue received and the application of the same, and the Mayor shall, at least once each year, cause such account to be audited properly by a competent auditor, and the report of such auditor shall be open for inspection at all times to any taxpayer or citizen of the City or any person receiving services under the provisions of this chapter acting for or on behalf of such taxpayer; citizen or bond holder, The Recorder shall have the authority, by and with the consent and approval of the Mayor, to appoint collectors to collect all charges for services hereunder. Such collectors shall furnish bond in the penal sum required by Council and shall receive ten percent (10%) of the amounts collected as fee for services. (1963 Code 9-13-4)

TOWN OF CHESAPEAKE, a municipal corporation
of
Chesapeake, West Virginia

Adopting
Ordinance Article 1725
Sections 1725.01 through 1725.10

First Read: 5/28/2024

Second Read: 6/6/2024

Third Read: 6/13/2024

Adopted by Council: 6/13/2024

June 13, 2024
Date

Melissa Hill
Melissa Hill, Mayor
Town of Chesapeake, West Virginia

June 13, 2024
Date

Deborah Hill
Deborah Hill, Recorder
Town of Chesapeake, West Virginia

Introduced By:
1st Reading: _____
2nd Reading: _____
Final Reading: _____

ORDINANCE OF THE TOWN OF CHESAPEAKE

PART ONE: ADMINISTRATIVE CODE
CHAPTER ONE: GENERAL PROVISIONS
ARTICLE 1725
Vacating, Closing, Removal or Demolition of Structures

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHESAPEAKE, WEST BVIRGINIA, That Part One, Chapter One, Article 1725 entitled "Demolition" of the Codified Ordinances of Chesapeake is hereby amended as a whole and replaced with the following:

1725.01 **Purpose and scope.**
1725.02 **Definitions.**
1725.03 **Closing and removal of unsafe structures.**
1725.04 **Inspection.**
1725.05 **Correction of unsafe conditions.**
1725.06 **Relief from order of corrective action.**
1725.07 **Owner responsibility for costs.**
1725.08 **Civil action for corrective action and recovery of costs.**
1725.09 **Notices.**
1725.10 **Absolute defense.**

CROSS REFERENCES

As amended and reenacted- see W.Va. Code §8-12-13 and §8-12-16. Ordinances regulating the repair, alteration, improvement, closing, demolition, etc., of structures, dwellings or buildings that are unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare; procedures
State building code; enforcement agency- see W.Va. Code §29-Sb-3
Rules of civil procedure- see W.Va. Code 4(d)(l)(D)
Definitions- see 87CSR-7-2
Class II legal advertisement- see W.Va. Code §59-2-3
State Fire Marshal- See W.Va. Code §29-12-3

1725.01 PURPOSE AND SCOPE.

(a) This Article provides for a process for the identification, inspection, correction, and removal of unsafe structures within the city in a manner that provides adequate notice and due process to the owners of such structures while protecting the public from danger due to unsafe or unsanitary conditions.

(b) This article is intended to authorize the Town to exercise, to the fullest extent provided by law, the power and authority provided by W.Va. Code Section 8-12-16, as it may be amended, subject to the requirements therein.

(c) The powers and duties granted in this Article are in addition to those otherwise granted by law and shall not be construed to limit any other lawful powers of the Town of Chesapeake, including the power of code enforcement officers to interpret and enforce the Building and Housing Code of the Town of Chesapeake, West Virginia.

(d) This Article shall be construed to liberally to promote the purpose of efficiently abating dangerous conditions that are harmful to the community.

(Ord. 2024-_____. Passed _____.)

1725.02 DEFINITIONS.

(a) "Code enforcement agency" means the certified code enforcement agency official of the Town of Chesapeake, singularly or as the head of a code enforcement department as defined by Title 87 West Virginia Code of State Rules Section 7-2, as it may be amended.

(b) "Code enforcement agency official" means any person employed by the Town of Chesapeake who has been delegated the authority from the code enforcement agency to conduct property maintenance inspections.

(c) "Owner" or "landowner" means a person who individually or jointly with others:

(1) Has legal title to the property or structure, dwelling or building with or without actual possession of the property or structure, dwelling or building;

(2) Has charge, care or control of the property or structure, dwelling or building as owner or designated agent of the owner;

(3) Is an executor, administrator, trustee or guardian of the estate of the owner;

(4) Is the designated agent of the owner for the purpose of managing, controlling or collecting rents; or

(5) May lawfully control or direct the management or disposition of the property or structure, dwelling or building.

(d) "Unsafe, unsanitary, dangerous or detrimental to the public safety or welfare" means:

(1) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the Town of Chesapeake as related to the requirements for existing buildings; or

(2) The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress; or

(3) Any portion of a structure, dwelling or building or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to the extent that it is likely to partially or completely collapse, or to become detached or dislodged; or

(4) Any portion of a structure or building, or any member, appurtenance or ornamentation on the exterior that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value; or

(5) The structure, dwelling, or building, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way; or

(6) The structure, dwelling, or building, or any portion, is clearly unsafe for its use; or

(7) The structure, dwelling, or building is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children, becomes a harbor for vagrants, criminals, criminal activity or enables persons to resort to the structure, dwelling, or building for committing a nuisance or an unlawful act; or

(8) Any structure, dwelling, or building constructed, existing or maintained in violation of any specific requirement or prohibition applicable to any structure, dwelling, or building provided by the approved building or fire code of the Town of Chesapeake or of any law or ordinance that presents either a substantial risk of fire, building collapse or any other threat to life and safety; or

(9) A structure, dwelling, or building, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, contamination by any hazardous substance or material including, but not limited to, substance resulting from the illegal manufacture of drugs, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code enforcement agency to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease; or

(10) Any structure, dwelling, or building, because of a lack of sufficient or proper fire resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health; or

(11) Any portion of a building that remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned.

(Ord. 2024-_____. Passed _____.)

1725.03 CLOSING AND REMOVAL OF UNSAFE STRUCTURES.

(a) The code enforcement agency may order the repair, alteration, improvement, closing, demolition, or removal of any structure, dwelling, or building that is determined by a code official to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare in accordance with the procedures set forth in this Article.

(b) In order to make a determination regarding the classification of a structure as unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare pursuant to this Article, and to determine and enforce the appropriate remedy for any such structure, code officials shall be entitled to make inspections, perform investigations, issue notices, require corrective measures, obtain search warrants from and/or present complaints to the municipal judge, and exercise all other powers and duties authorized by West Virginia Code Section 8-12-16, as it may be amended. (Ord. 2024-_____. Passed _____.)

1725.04 INSPECTION.

For purposes of inspections performed pursuant to this Article, the following rules shall apply:

(a) When a code officer lawfully enters the premises of the property or the structure, dwelling or building for investigating or inspecting any structure, dwelling, or building, the investigation shall be conducted in a way that minimizes the inconvenience to the owner or person(s) in possession.

(b) Except in exigent circumstances and as may be permitted by law, the code enforcement agency shall provide reasonable notice of the inspection to the owner and request permission from the owner to enter the structure, dwelling, or building.

(c) If the owner cannot be located after reasonable inquiry by the code enforcement agency, or if the owner refuses entry, the code enforcement agency may obtain an administrative search

warrant from either the municipal court or the Kanawha County Magistrate Court. Before issuance of an administrative search warrant, a code enforcement agency officer shall be required to make a sworn statement and prima facia case showing that the code enforcement agency was unable to gain access to the structure, dwelling, or building after reasonable and good faith efforts, and that there is a legitimate and substantial safety concern involving the structure, dwelling, or building that supports the requested entry.

(d) If the administrative search warrant is granted by the court, and if the owner can be located by a code officer, the code enforcement agency shall provide the owner a copy of the administrative search warrant five days before entering the structure, dwelling, or building. If there is a tenant or other person in possession of the structure who is not the owner, and if such person(s) can be located, the code enforcement agency shall also provide such person(s) a copy of the administrative search warrant five days before entering the structure, dwelling, or building.

(e) Any entry pursuant to this section shall be made for the sole purpose of inspection of the structure, dwelling, or building for unsafe or unsanitary conditions and not for the purpose of gathering evidence for use in any criminal charge or proceeding unrelated to the unsafe or unsanitary condition of the structure, dwelling, or building.

(Ord. 2024-_____. Passed _____.)

1725.05 CORRECTION OF UNSAFE CONDITIONS.

Upon a determination by the code enforcement agency that a structure, dwelling, or building is unsafe, unsanitary, dangerous or detrimental to the public safety or welfare, the Town may take corrective action by causing it to be vacated, closed, removed, or demolished, either directly or through a third-party agent, in the absence of owner agreement or a court order, provided the following conditions are met:

(a) The code enforcement agency undertakes reasonable efforts to locate and seek agreement from the owner prior to taking the corrective action.

(b) The corrective action may only be taken as to a structure, dwelling, or building that is either:

(1) Defined in Section 1725.02 (d)(3), (5), or (8); or

(2) Defined in Section 1725.02 (d)(6), (7), (9), or (11): provided, that the structure, dwelling, or building is vacant, abandoned, or has been lawfully declared unfit for human habitation; and the reasonable estimated cost of repair, rehabilitation, or corrective action exceeds the reasonable estimate of the fair market value of the structure, dwelling, or building.

(c) Prior to undertaking the corrective action, the Town will complete the following procedural requirements:

(1) The code enforcement agency shall produce a written notice containing:

(A) a description of the property and the structure, dwelling, or building sufficient for identification,

(B) the date of the last inspection,

(C) the name of the inspector,

(D) a reasonable description of the unsafe, unsanitary, dangerous, or detrimental condition(s),

(E) a reasonable description of the corrective measures required,

(F) the allotted time to correct the substandard condition(s), and

(G) a statement of the right owner has the right to apply to the circuit court for a temporary injunction or other similar relief restraining action by the enforcement agency.

(2) The notice shall be served on the owner or landowner by conspicuously posting and attaching a copy of the notice to the subject property or structure, dwelling, or building, and by

serving the notice on the owner or landowner in the same manner as service of a complaint as set forth in Section 1725.09(b).

(3) If the code enforcement agency cannot effect personal service on the owner, a code enforcement agency officer shall subscribe a written affidavit, to be maintained by the code enforcement agency for a minimum of two years, that demonstrates the structure, dwelling or building falls within one of the categories set forth in Section 1725.05 (b)(l) or (2), sets forth the basis in reasonable detail including documentation of same, and memorializes the code enforcement agency officer's efforts to contact or get permission for entry and corrective action from the owner; and the code enforcement agency shall publish notice of its intent to enter the property or structure, dwelling, or building for the purpose of demolition or correction, along with the address of the property, the name of the owner(s) and the date of the proposed action, as a Class II legal advertisement, the first of which shall run at least thirty days before the date of the proposed action by the enforcement agency, and the last being no later than twenty days before the date of the proposed action by the enforcement agency.

(4) If there is no response to the notice by the owner or landowner in the time specified in the notice, then the municipality shall have the authority to proceed with correction or demolition of the subject structure, dwelling, or building.

(Ord. 2024-_____. Passed _____.)

1725.06 RELIEF FROM ORDER OF CORRECTIVE ACTION.

(a) Pursuant to W. Va. Code Section §8-12-16, the owner of property subject to corrective action shall be given notice of the right to apply to the Circuit Court of Kanawha County for a temporary injunction or other similar relief restraining correction or demolition by the Town. Such notice shall be provided in the written notice produced pursuant to Section 1725.05 (c)(1).

(b) Pursuant to W. Va. Code Section §8-12-16, if such an application is made by the owner to the Circuit Court, a hearing shall be held within twenty days of the application, or as soon as reasonably possible.

(c) Pursuant to W. Va. Code Section §8-12-16, continuances of the hearing provided for in this section may be made for cause only. If a continuance is granted upon request by the owner, the owner is required to pay into court, in the form of a bond, any reasonable and necessary costs related to the structure, dwelling, or building likely to be incurred by the municipality during the continuance. This requirement is in addition to any other bond required or authorized by the West Virginia Rules of Civil Procedure or other applicable law.

(d) Pursuant to W. Va. Code Section §8-12-16, at the conclusion of a hearing held under this subdivision, if the court finds that the structure, dwelling, or building is unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare, the court shall make and enter an order granting the relief as requested by the Town.

(Ord. 2024-_____. Passed _____.)

1725.07 OWNER RESPONSIBILITY FOR COSTS.

(a) The owner of any structure, dwelling, or building under order of the Code Enforcement Agency of the Town of Chesapeake, shall be required to pay for the costs incurred by Town for repairing, altering, improving, vacating, closing, removing, or demolishing any structure, dwelling, or building.

(b) In addition to any other rights provided by law, the Town may file a lien against the real property in question for an amount that reflects all costs incurred by the Town for repairing, altering, improving, vacating, closing, removing, or demolishing any structure, dwelling, or

building. Any such lien shall be filed and notices in accordance with applicable West Virginia law and Town Code.
(Ord. 2024-_____. Passed _____.)

1725.08 CIVIL ACTION FOR CORRECTIVE ACTION AND RECOVERY OF COSTS.

(a) In addition to any other rights provided in this Article and by law, the Town may, in its discretion, institute a civil action in circuit court against the landowner or other responsible party to obtain an order to take corrective action up to and including demolition of any structure, dwelling, or building that is unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare; and to recover all reasonable costs and expenses incurred by the Town with respect to the property or structure, dwelling, or building and for reasonable attorney fees and court costs incurred in the prosecution of the action.

(b) No fewer than ten days before instituting a civil action as provided in this section, the Town shall send notice to the landowner by certified mail, return receipt requested, advising the landowner of the governing body's intention to institute such action.

(c) The notice shall be sent to the most recent address of the landowner of record in the office of the Kanawha County Assessor and to any other address for the landowner as may exist on record with the Town. If, for any reason, such certified mail is returned without evidence of proper receipt, the Town shall resend the notice(s) by first class mail, postage prepaid, and shall also post notice on the front door or other conspicuous location on the subject property or structure, dwelling, or building.
(Ord. 2024-_____. Passed _____.)

1725.09 NOTICES.

(a) To the extent not otherwise authorized by state law, all notices of violation or correction for violations that fall within one of the categories defined in Section 1725.02 (d)(l), (2), (4) or (10) shall be served in accordance with the process set forth in the state building code.

(b) Any violation of this Article may be prosecuted by the Town consistent with state and local laws. Unless otherwise authorized by state law, prosecution of a violation shall be initiated by a complaint presented to and sworn or affirmed before municipal judge or other municipal official with lawful authority to hear and determine violations of municipal code. Unless otherwise provided by statute, the presentation and oath or affirmation shall be made by a Code Enforcement Officer or Town Attorney showing reason to have reliable information and belief. If from the facts stated in the complaint the municipal judge or other municipal official with lawful authority to hear and determine violations of municipal code finds probable cause, the complaint becomes the charging instrument initiating a criminal proceeding. A complaint lawfully authorized by this subsection along with a summons setting forth the date, time and place of appearance before a municipal judge and or other municipal official with lawful authority to hear and determine violations of municipal code shall be served in accordance with the law of the State of West Virginia concerning the service of process in civil actions, except that personal service of a summons and complaint may be made by a code enforcement agency official. If service is made by certified mail under Rule 4(d)(l)(D) of the West Virginia Rules of Civil Procedure and delivery of the summons and complaint is refused, the code enforcement agency officer, promptly upon the receipt of the notice of the refusal, shall mail to the person or entity being noticed, by first class mail, postage prepaid, a copy of the summons and complaint. If the first-class mailing is not returned as undeliverable by the U.S. Postal Service, service of the summons and complaint is

presumed to have been effectuated upon service of the summons and complaint consistent with this subsection, the violation may be prosecuted consistent with state and local law.
(Ord. 2024-_____. Passed _____.)

1725.10 ABSOLUTE DEFENSE.

It shall be an absolute defense to any civil action by an owner, landowner, or tenant for damages resulting from the closure, demolition, or other corrective action taken by the Town under this Article that the Town followed the procedures set forth herein; provided, that the Town acted in good faith, can demonstrate that the structure, dwelling or building falls within one of the categories set forth in Section 1725.05 (b)(1) or (2), followed the procedures set forth in this Article, and had adopted the State Building Code at the time the closure, demolition or other corrective action occurred.

(Ord. 2024-_____. Passed _____.)

12404 MacCorkle Avenue
Chesapeake, WV 25315
Phone: 304-949-1496
Email: townhall@chesapeakewv.gov
Website: https://chesapeake.wv.gov

Transparency
Respect
Winning

Town of Chesapeake, WV Municipal Meeting Agenda

Day: Tuesday, May 28, 2024

Time: 6:00 PM

Location: Dr. Lisa E. Curry Memorial Annex Building

Part One - Administrative Code – 111.07 – Robert's Rules of Order

In accordance with Robert's Rules of Order, the Town of Chesapeake Municipal Meeting is dedicated to addressing official town business and public concerns. Personal matters and individual business are not permitted to be discussed during the meeting to maintain focus on municipal issues and ensure efficient use of time.

Note: All participants are reminded to adhere to this guideline throughout the meeting. For any personal matters, please contact the appropriate town

1. **Call to Order**
    - Mayor's welcome and opening remarks
2. **Roll Call** by Recorder, Debbie Hill

☐ David Lloyd, Council-at-Large
☐ Dona Lacy, Ward 1
☐ Ron Petty, Ward 1
☐ Wesley Dillard, Ward 2
☐ Vacant, Ward 2
☐ Katie Miller, Ward 3
☐ Craig Smith, Ward 3
☐ Debbie Hill, Recorder
☐ Melissa Hill, Mayor

Acknowledge Partners:

☐ Brian Bowen, Town Administrator
☐ Courtney Spicer, Municipal Engagement Coordinator
☐ Beth Minear, Counsel – Sanitary, Property, & Special Projects
☐ James Quesenberry, Investigator & Police Department Consultant
☐ Sandeep Agarwal, CPA AC
o Andrew Roberts, Records Management

3. **Prayer & Pledge of Allegiance** – Pastor Anderson, The Eastwind Church
4. **Approval of Minutes**
    - Review and approval of minutes from the previous meeting held on April 2024
5. **Reports**
    - Mayor's Report
    - Code Enforcement Report
    - Recorder & Financial Report
    - Police Department Report
    - Sanitation & Health Report
6. **Old Business**
    - **Motion to Approve** & Announce to All Citizens - Pool Fill State Code
        - Official Record of Ordinance – not recorded
        - No announcement made to all customers
        - **§16-13A-9b. Exemptions for Swimming Pools.**
        - **Accept 2024 requests for adjustment**
    - **Discussion** – Fiscal Management Situation
        - IRS 940 & 941 Debt Paid
        - 2014-2018 payoff settlement in progress (Discussion – Council will approve payoff agreement before payment.)

    - Ogle & Atkins – Customer Collections (Discussion – Cancel Customer Debts) – Received $12 in the last month
- **Acknowledge** - Lu Mobile has arrived – awaiting assembly – Advantage Technology
- **Acknowledge** - CivicPlus – Municode – received a copy of 2001 Published – Town of Chesapeake (WV). Updates in progress. CivicPlus Attorney will advise throughout the process until ready for publish
    - Governing Body – Joint (Town & Sanitary) will review and approve
- **Motion for Acquisition** of Public Works, Code Enforcement, & Operations Web-based Engagement System that enables Council, Board, and Operations to submit requests for services, incidents, and communication.
    - 3 Estimates – Operations recommendation
- **Motion for Acquisition** of Computers for Administration
    - Request for Quote – State Vendor – HP
        - Recorder
        - Town Administrator
        - Municipal Engagement Coordinator
        - Mayor
        - AR, Purchasing, & Contract Management
        - Replacement Laptop for Police Department (New Laptop Missing as of 7/2023)
        - Public Works – Devices
- **Motion for Acquisition** of Office Furniture for Recorder, Mayor, & Administrator
    - Request for Quote – State Vendor - Capitol Business Interiors
- **Acknowledge** - City National Bank – Removals and Recorder Addition Signatures
- **Acknowledge** – State of WV – Procurement – P-Card - US Bank Application – State Purchasing – Approved
    - Based on $1.2 Million Budget for FY2025 - $100,000 per month spending
    - Recorder Signature, Mayor Account Originator
    - Department Heads will be approved for Procurement Cards - Spending Limits per State Purchasing per budget and approved transactions:
        - Brian Bowen – Town Administration & Code Enforcement
        - Nathaniel Hale – Public Works
        - Mayor Hill, Approval
        - Debbie Hill, Signature and Approval with US Bank for payment
- **Motion to Sign** - LOCAL GOVERNMENT PURCHASING CARD PARTICIPATION AGREEMENT
- **Acknowledge** - FY2021 – 2023 Audits in Progress – Documents delivered to Auditor today
- **Update** – **MS4 Permit – Stormwater** – In Progress – Laura Cox Planning

7. **New Business**
    - **Motion for Dump Truck Repairs**
        - Emissions, Transmission, 02 Sensors
        - $6,500.00 - Estimate
    - **Motion for Ordinances** – 1st Reads of 3 Reads – Motion to Approve
        - Vacating, Closing, Removal, or Demolition of Structures
        - Municipal Fee Modification – elimination (Funded in General Fund)
            - Police Fee – $3.33 per month – not used according to plan to date

- Fire Fee – $3.33 per month – better funded through the general fund for compliance
- Municipal Fee = Refuse / Garbage Fee - $14.00 per month

- **Motion for Reads 2 & 3** – Ordinances
  - **Schedule Meetings**
    - Must be one week / seven days in between
- **Motion to approve & schedule** Public Hearing for Ordinances
  - 30 minutes before Reading #2
- **Acknowledge receipt** of Sewer Evaluation – Sanitary Board
  - Next Step – Internal Review Meeting with Current & Past Sanitary Board Members & Stakeholders
    - Current Sanitary Board, Secretary, & Counsel
    - Past Sanitary Board Members
      1. Jon Adamson
      2. Damon Caudill
    - Town of Chesapeake (WV) Council & Administration
      1. Council-at-Large – David Lloyd
      2. Planning Commission – Craig Smith
      3. Town Recorder – Debbie Hill
      4. Town Administrator – Brian Bowen
    - Will review, conduct gap analysis, generate questions and recommendations
  - Next Step – Evaluation Walkthrough with Chapman Technical Engineering
    - All of the above +:
      1. Regional Intergovernmental Council (RIC) – Bruce Mullins
      2. Chapman Technical Engineering – Greg Belcher & Mat Tanner
    - Chapmen Technical Engineering – walk through of report and answer questions
- **Motion to approve Discovery Phase** - New Projects – Joint – Town & Sanitary Board
  - Beth Minear, Counsel – recommendation & Consultant
    - Mayor, Yurt Community Center & Mini Dwellings – Trails Project
  - **Solar Farm** 😊 - Future Energy Generation & Jobs
    - Town of Chesapeake (WV) – Nelson Hollar property – 5 acres
    - Previous Waste Dump to Solar Farm
    - Approve Sollar Hollar to evaluate the property for solar farm feasibility
  - **Potential Impact**: $80K - $100K Annual

8. **Public Comments**
   - Time limit of 3 minutes per speaker – Town Business only
9. **Adjournment**
   - Next meeting scheduled for June 24, 2024

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