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

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Town of Chesapeake
Chesapeake Town Council
Meeting Minutes
November 25, 2024, at 6:00 pm
Dr. Lisa E. Curry Memorial Annex

Call to Order: Mayor Melissa Hill, Chair at 6:15 pm

Innovation: Mayor Hill

Pledge of Allegiance

Roll Call:

Town Council:
Melissa Hill, Mayor – Present
Robin Taylor, Recorder – Recorder
Ron Petty, Ward 1 – Absent
Gary Davis, Ward 2 – Present
Craig Smith, Ward 3 – Present
David Lloyd, Council-at-Large – Present
Dona Lacy, Ward 1 – Present
Wesley Dillard, Ward 2 – Absent
Katie Miller, Ward 3 – Present

Partner and Administrators Present Acknowledgement:
Andrew Roberts - Sanitation
Ralph Holbrook – Planning Commission

Approval of Agenda for November 19, 2024, where quorum was not established:
- Dona Lacy made a motion to approve agenda created for November 19, 2024, where no quorum was not established. Craig Smith seconded the motion. All in favor, motion carried.
- Mayor Hill explained why we are now asking council and sanitary board members to attend each monthly meeting.

Approval of Amended Agenda for November 25, 2024:
- Gary David made a motion to approve the amended agenda for this meeting. Katie Miller seconded the motion. All in favor, motion carried.

Approval of Meeting Minutes:
- Mayor Hill explained that she had gone through July, August, and September minutes to the transcripts and recordings.
  - July 2024 – Katie Miller made a motion to approve the meeting minutes as presented. Craig Smith seconded the motion. All in favor, motion carried.

- August 2024 – Katie Miller made a motion to approve the meeting minutes with a correction, "remove "a dollar" from the sentence on Pg. 2, 8b. Dona Lacy seconded the motion. All in favor, motion carried.
- September 2024 – Acknowledgement:

- No recording was made, no minutes were taken.
- Dona Lacy went on record stating that he has nothing to do with those who are trying to impeach Mayor Hill.
- Paul Lavender (citizen) went on record by stating these people will be back. A few are influential and can influence people to do the wrong things.
  - Gary Davis made a motion to accept that there is not meeting minutes nor transcription/recording for September 2024 Council Meeting. Katie Miller seconded the motion. All approved, motion carried.
  - October 2024 – Katie Miller made a motion to approve the meeting minutes as presented for October 2024 meeting. David Lloyd seconded the motion. All approved, motion carried.

Approval of 5G Engineering Firm – Sanitary Board – Sewer Rehabilitation or Replacement

- Mayor Hill explained the process of scoring firm proposals. The winner is Burgess and Niple. We will have a meeting with the mid-December to earmark remaining CARES funds.
- Robin Taylor encouraged council members to attend Sanitary Board meetings.
- David Lloyd made a motion to accept Sanitary Board's decision to move forward with Burgess and Niple. Craig Smith seconded the motion. All approved, motion carried.

Special Business

- **Technology Deck Acquisition Approval**
  - Mayor Hill presented a review of proposed management agreement from AccuFund that will support modernized operations in Town Administration, Public Works, and Public Safety.
  - The Town will only be responsible for paying 25% of the cost, Sanitary Board will be responsible for the additional 75%.
- Question from Craig Smith – Will this allow us to do forecasting?
- Answer – Probably in budget development but Mayor Hill will check and get back to everyone.
- Question from David Lloyd – How soon will this be implemented?
- Answer – As soon as Council approves.
  - David Lloyd made a motion to move forward with AccuFund with the Town responsible for payment of 25% of the initial startup and second year. Dona Lacy seconded the motion. All approved, motion carried.
- **Business Permit and Occupational Tax Management Agreement Approval**

- Mayor Hill gave a review of proposed management agreement to streamline the administration of business permits and occupational tax collection.
- It's not fair to tax our citizens more when we are not even collecting B&O.
- American Chemical is not paying B&O, either is Shamblin Stone.
- Collection can go back three years.
- HdL will keep 50% of what is collected.
  - Gary Davis made a motion to approve Mayor Hill to sign the contract with HdL and that the Town will pay 50%. Katie Miller seconded the motion. All approved, motion carried.
- **HR Training for Governing Body – Make-up Date**
  - January 6, 2025, at 6:00 – Dr. Lisa E. Curry Memorial Annex

Old Business:

- **Acknowledge: IRS Debt – 2014**
  - Mayor Hill thanks Andrew Robert's for his hard work in finding the old W-2s which were never sent to the IRS.
  - CPA Agarwal reviewed IRS correspondence to find debit are civil penalties for Intentional Disregard, Failure to file W-2s.
  - Uncovered potential fraud – timesheets and payroll older than 7 years showed odd patterns of overtime, straight pay with overtime, use of paid time off while working overtime hours.
  - CPA Agarwal instructed operations to mail copies of W-2s for 2014 and 2015.
  - Work with Counsel to file for dismissal of fees beyond six years.
  - 20+ hours per week searching archives, manual records - keying into spreadsheets
- **Acknowledge: IRS Debt – 2017**
  - Robert is searching for documentation
  - Agarwal states this needs to be settled the same way
- **Basement Renovation**
  - Completion date November 27, 2024
- **Financials**
  - Gary Davis made a motion to accept the financial reports for the month. Katie Miller seconded. All approved, motion carried.
- Question from Mrs. Miller (citizen) – Will HdL take 50% of the B&O that the Town is already collecting?
- Answer – No. They will only take 50% of what they collect.
- **Chief's War Room Renovation - $3,500**
  - Motion was made by Dona Lacy to approve the expenditure associated with the renovation. Katie Miller seconded. All approved, motion carried.
- **Public Safety – Chief Quesenberry**
  - Car is almost finished. Kanawha County Commission approved $20,000 grant to upgrade the radios. The Town will need to pay the additional $18,000.

- Explaining things that are being given to us that were built in the budget and how it reflects cost savings.
  - Certified part-time police officer swearing in next week. He will help set up cameras. He will be an hourly position. Even an officer for 12+ years.
  - Had another recruit but he could not pass the PT portion of testing. Has to re-test.
  - Trying to sell the older cruisers with the goal being to buy an unmarked car.
  - All guns have been purchased.
  - Nothing was in the system correctly.
  - We now have tasers and body cameras, just waiting on car camera.
  - Three tasers cannot be located. If they have been docked somewhere, Chief will be able to find them.
  - Working on getting a safe.
  - We are going to be under budget.
  - Received laptop from the county with CAD system.
  - Will be using Magistrate Office since we do not currently have a judge.
  - Got a nice radar.
  - The goal is to be a model department for everyone else.
- Question from David Lloyd – So we have a new person?
- Answer – Bringing him in as a Lieutenant, part-time.
- Question from Craig Smith – Is there a certain amount of time we can have the intoximeter before we have to start paying for it?
- Answer – Not if we start catching people. We have to show that this resource is needed.
  - Motion made by David Lloyd to pay the remainder of $18,533.43 out of Police Department budget to purchase radios (remaining balance from Kanawha County Commission grant). Craig Smith seconded the motion. All approved, motion carried.
- **Planning Commission**
  - Mayor Hill proposed a monthly stipend for $75 per member.
  - David Lloyd made the motion to pay a stipend of $75 per member of the Planning Commission per month. Dona Lacy seconded. All approved, motion carried.
- Question from Dona Lacy– How many members?
- Answer – Two
- **Contracts and Legal**
  - Mayor Hill responded to the Hamilton Ethics complaint.
  - Received dismissal from an unknown Ethics filing by clerk at Dollar General. Mayor nor Town was ever notified.
  - Rocky Hager claim has now been settled.

New Business:

- Recorder Robin Taylor acknowledged a petition she received regarding the removal of the John Glen mural. It included a copy of the resolution creating the Senior Center and 17 signatures.

- Motion was made by Craig Smith to feel seniors Thanksgiving and Christmas meals not to exceed $2,500. Katie Miller seconded the option. All approved, motion carried.
- Motion was made by Craig Smith to approve a Christmas Event for kids hosted by the Police Department and Chief Quesenberry with monies coming from Parks and Recreation. Gary Davis seconded the motion. All approved, motion carried.
- **Fiscal Management**
  - Grant – Alternative Transportation – Submitted by Laura Cox Planning and included support letters from RIC and Charleston Area Alliance
  - Grant – Kanawha County Commission – Brownfields
  - Energy Efficiency Grant – submitted by RIC
  - WVDLAP – Submitted
  - ARPA Funds must be expensed by December 31, 2024.
  - Stormwater Project – RIC. Request for Qualifications received.
- **Public Comment:**
  - Special thanks to a city employee who was witnessed picking trash up along MacCorkle.
  - David Lloyd stated that 128th St needs paved. Drainage will almost tear the front of of a car. Volunteered to meet with DOH.
  - Paul Lavender – Did we not find receipts for purchase of generators?
    - No, it was said at the table, but Mayor nor Andrew have found a receipt.
    - Mayor Hill went on record that she excluded David Lloyd from RFQ proposal because he had previously been a contractor for the Sanitary Board.
- **Resolution – Conduct Official Business – Mayor/Chair & Recorder/Treasurer**
  - For discussion of legal, contractual, or personal matters as permitted by WV State Code.
  - Craig Smith made a motion to approve the Resolution stating that Mayor and Chair Melissa Hill, along with Recorder and Treasurer Robin Taylor can conduct business, management, and request all necessary records, including financial records, to resolve past debts, meet the requirements of the Federal Records Act, Update Federal and State Business Registrations, oversee the Administration of the State of WV Purchasing Card program, and execute agreements, contracts, and meetings on behalf of the Town of Chesapeake and the Chesapeake Sanitary Board, in accordance with WV State Code. David Lloyd seconded the motion. All approved, motion carried.
- Dona Lacy made a motion to hold December's Town Council meeting on December 16, 2024 due to upcoming holidays. Katie Miller seconded the motion. All approved, motion carried.

Dona Lacy made a motion to adjourn. David Lloyd seconded. All approved, motion carried.

Next Meeting:
December 16, 2024 @ 6:00pm
Dr. Lisa E. Curry Memorial Annex

12404 MacCorkle Avenue
Chesapeake, WV 25315
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Agenda
Special Sesson – Joint - Sanitary Board & Town Council
Day: Monday, October 28, 2024
Time: 5:00 PM

Location: Dr. Lisa E. Curry Memorial Building Annex

1. **Call to Order**
2. **Prayer & Pledge of Allegiance**
3. **Roll Call**
   - ☐ Jason Bowen, Board Member
   - ☐ Herbert Shearer, Board Member
   - ☐ Robin Taylor, Board Treasurer
   - ☐ Melissa Hill, Chair
   - ☐ **Acknowledge Administrators and Partners:**
   - ☐ Andrew Roberts, Sanitation
   - ☐ Beth Minear, Counsel – Sanitary, Property, & Special Project
4. **Fiscal Management**
   - **Meeting Minutes –** N/A
   - **Financial Statements –** September & October 2024 – Cash Basis
5. **Old Business**
   - **Motion** – HR Training – All – Sanitary Board Meeting – November 17, 2024, at 6 PM
   - Acknowledge - FY2021-2023 – Audit Update – Status
   - Acknowledge – MS4 Permit – Application Submitted – Laura Cox Planning
   - Acknowledge – Sewer – SSES – Sewer System Evaluation Survey – Complete
   - **Motion** – Basement – 2 sides – Cleaning, Cracks, Condensation pipes, and drains – Sealing, Painting, and Work Bench for Document Archival & Storage – not to exceed **$8,000 – 50/50 Town and Sanitary – Previously approved**
   - **Motion** – Acquisition of AccuFund Solution for Budget, Accounting, Utility Billing, and Fiscal Management – Municipal Accounting -
6. **New Business**
   - Acknowledge – Sewer Rehabilitation – Design & Build Phase – RFQ - Engineering
   - Motion – Regional Intergovernmental Council (RIC) Projects
     - Comprehensive Planning – Updating previous proposal
     - Stormwater – RFQ for Engineer
     - Energy Efficiency – Quotes – RIC Submission for multiple Towns
     - Homeland Security – Gathering requirements – February Submission
7. **Agenda Item: Discussion of Potential Litigation – 1989 Sewer Agreement between Town of Marmet and Town of Chesapeake**

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Chesapeake, WV 25315
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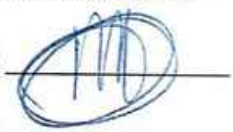
- **Summary:**
  The Town of Chesapeake and the Town of Marmet are currently facing potential litigation regarding the 1989 Sewer Agreement, which outlines the terms and conditions for shared sewer services between the two municipalities. Discrepancies or unresolved issues regarding the financial responsibilities, maintenance, and operation of the sewer system have surfaced, and legal action may be initiated if these matters cannot be resolved through negotiation.
- **Discussion Points:**
  - Review of the 1989 Sewer Agreement between Marmet and Chesapeake
  - Identification of areas of dispute, including financial obligations, maintenance responsibilities, and service terms
  - Legal implications of potential breach of contract claims from either party
  - Possible courses of action to resolve the dispute, including renegotiation or arbitration
- **Action Required:**
  The Town Council must evaluate the potential legal risks and financial impacts of this dispute. Discussion will involve consulting legal counsel to explore strategies for resolution.
- **Recommendation:**
  Given the potential for litigation, the Council may consider entering **Executive Session** under **WV Code §6-9A-4(b)(12)** to discuss legal strategies and protect attorney-client privileged information. Any final decisions or votes will take place in open session following the conclusion of confidential discussions.

8. Next Meeting November 25, 2024, at 6:00 PM – Dr. Lisa E. Curry Memorial Building Annex
9. Adjournment

10/24/2024 8:03:06 AM

Initials: 

Town of Chesapeake
Chesapeake Town Council
Meeting Minutes
October 28, 2024 at 6:00 pm
Dr. Lisa E. Curry Memorial Annex

Call to Order: Mayor Melissa Hill, Chair at 6:30 pm
Innovation: Dona Lacy
Pledge of Allegiance

Roll Call:

Town Council:
Melissa Hill, Mayor – Present
Robin Taylor, Recorder – Recorder
Ron Petty, Ward 1 – Present
Gary Davis, Ward 2 – Present
Craig Smith, Ward 3 – Absent
David Lloyd, Council-at-Large – Present
Dona Lacy, Ward 1 – Present
Wesley Dillard, Ward 2 – Absent
Katie Miller, Ward 3 – Present

Sanitary Board:
Jason Bowen, Citizen Member – Present

Partner and Administrators Present Acknowledgement:
Andrew Roberts - Sanitation
Beth Minear, Counsel – Sanitary, Property, & Special Projects
Ralph Holbrook – Planning Commission
Brian Bowen – Audit Committee

Old Business:

- **Motion to Add – November 5, 2024 as Inaugural Chesapeake WV Day – Noon to 7:00 pm.**
  - Event budget approval – not to exceed $3000
  - Engage Community
  - Citizens of the Year
  - Chief Quesenberry Swearing-in Ceremony at 6:00 pm.
    - Motion was made by David Lloyd and seconded by Gary Davis to approval November 5 as our inaugural Chesapeake WV and the items listed to be included. All approved, motion carried.
- **Motion: HR Training for ALL at the upcoming Sanitary Board Meeting on November 19, 2024 at 6:00 pm**
  - Council is the governing body of this meeting. None of our departments have ever come together. Now we have everyone at the table.

    - Lacy and Miller will not be able to attend due to schedule conflicts. The Mayor will make arrangements for a makeup.
        - Motion was made to approve the training during the Sanitary Board Meeting on November 19, 2024 by Ron Petty, seconded by Dona Lacy. All approved, motion carried.
- Acknowledge – The Town received notification that we received a "conditional" approval of our FY25 budget. Recorder Robin Taylor made the needed amendments and re-submitted.
- Acknowledge – MSP Permit – Application has been submitted by Laura Cox Planning
- Acknowlede – Transportation Alternative Grant for sidewalks planning grant has been submitted by Laura Cox Planning
- Acknowledge – SSES was concluded with some exclusions including the businesses at the end of our town.
- Acknowledge – Rodent problem in Town Hall. Terminex resolved the issues at the cost of $1800. Because of this, Senior were able to move back over to the Senior Center.
- A motion was previously made and approved to renovate the basement. Vendor never replied once motion was approved. New vendor submitted a bid of $7400.
    - Motion to move forward with new vendor to repair basement not to exceed $8000 was made by Ron Petty, Katie Miller seconded. Motion carried.
- Motion was made to table the discussion for a Financial Management System due to the quotes not being "apples to apples" to allow for appropriate similar items in the quote by David Lloyd. Katie Miller seconded. Motion carried.

New Business:

- Acknowledge the resignation of Courtney Spicer
- Acknowledge sewer rehabilitation RFQ phase. All three companies will present to council then we will do an RFP.
- Motion to accept conditional budget update presented by recorder Robin Taylor was made by Gary Davis, seconded that Dona Lacy. All approved, motion carried.
- Regional Governmental Council administrated the SSES for us at no charge. We would like to work with them on the following projects:
    - Comprehensive Planning – Updating previous proposal
    - Stormwater Project – RFQ for Engineer
    - Energy Efficiency – Quotes – RIC submitted for multiple Towns
    - Homeland Security – Gathering requirements – February submission
        - Motion to approve RIC as a partner for grants was made by Gary Davis, Ron Petty seconded. All approved, motion carried.
- FY25 Public Safety Grant Application for Law Enforcement – Town of Chesapeake PD - $38,533 for Communication Equipment
    - Motion was made by David Lloyd and seconded by Katie Miller to approve grant submission. All approved, motion carried.
- Motion – Discussion on Renting Out Trucks and Building

- Requesting by David Lloyd, Council-at-Large, and Dona Lacy, Ward 1 Council Member
- Discussion:
  - Are we ever going to be able to rent the dump trucks or building?
    - Counsel Minear volunteered to write a memo about the liabilities involved.
    - Brian Bowen spoke about how the town was losing money by offering these services. The Town's insurance will not cover it either,
    - Ralph Holbrook commented this service was a blessing and asked is there would be a general waiver that citizens could sign.
      - Someone responded that citizens would still sue.
    - Waste Management will rent small dumpsters to citizens
    - W
    - We have an ordinance that states no one outside of the town can pick up our trash
    - Question was asked do we offer quarterly cleanups?
      - We do not currently.
    - We only have our permit for residential waste
    - Counsel Minear will check the ordinance to make sure
      - David Lloyd made a motion to allow Counsel Beth Minear permission to research and provide memo to the council, Gary Davis seconded. All approved, motion carried.
  - Dr. Lisa E. Curry Memorial Annex
    - Our insurance, West Virginia Corp, highly recommends a $75 insurance policy be signed and paid about every renter.
    - Counsel Minear spoke about the Town of Parsons renting their community building. They use a keypad for entrance instead of having to have a staff member come unlock and relock before and after events.
    - We would need a janitor as we cannot always rely on renters actually cleaning after their event.
    - Question: Is Saturdays the only time we could rent the building?

Discussion and Potential Executive Session – Discussion of Legal Matters

- **Subject: Potential Litigation:** Edward Hamilton v. Melissa Hill, Mayor
  - Mr. Hamilton has filed an ethics violation complaint against Mayor Melissa Hill alleging that as Mayor of Chesapeake, she denied his request for a building permit to add steps to his house. The complaint also states that she allegedly denied his permit request for a dumpster on his property. His

complaint also stated that the Mayor did all of this because she wanted to buy this property for herself. This complaint listed four witnesses to the alleged misconduct.

- Once the complaint was filed, during the time given for the Mayor to respond, Mr. Hamilton proceeded in building his steps without permit.
- Question: What happens if you build without a permit?
  - Answer: The citizen should be fined.
- Question: Is the town wanting to buy tha property?
  - Answer: No
- Missy Clark, wh spoke and said she contacted the WV Ethics Commission to let them know she wanted no part of this complaint.
- Both Dona Lacy and David Lloyd stated that Mr. Hamilton had contacted them. They both told him he would have to work it out with the Mayor.
- Hamilton also filed a complaint against Beth Minear with the WV Bar Association.
- Any complaints like this always go through our Chief of Police along with Special Counsel.

- **Subject: Potential HR Litigation:** Rocky Hager v Toiwn of Chesapeake – HR Litigation for $98.50
  - Rocky Hager is asking for payment of $98.50 because he was promised $14.00 per hour and was only paid at $13.50 per hour while employed. His attorney stated that he will waive all legal fees if we settle.
    - Motion was made by David Lloyd and seconded by Ron Petty to settle with Rocky Hager in the amount of $98.50. All approved, motion carried.

Citizen Questions

- **Missy Clark –** Will the Christmas parade be discussed?
  - The Volunteer Fire Department is in charge of the Christmas Parade and has been planned for December 20.
- **Teri Hammond -** Is there supposed to be someone from the Fire Department at every meeting?
  - We have never required attendance from them. They are now a part of our general fund and will be submitting monthly reports to justify the money coming from our budget, but attendance is not a stipulation.

General Reminders

- Use GovPilot for concerns
- Call 9-1-1 for any and all emergencies

Dona Lacy made a motion to adjourn. Gary Davis seconded. All approved, motion carried.

Next Meeting:
November 25, 2024 @ 6:00pm
Dr. Lisa E. Curry Memorial Annex