

# TOWN OF BATH COUNCIL MEETING

Tuesday, February 19, 2019

1. CALL TO ORDER: @ 5:30pm by Mayor
2. ROLL CALL: Scott Merki (X) Susan Webster (X) Chris Chapman (X) Rose Jackson (X) Elizabeth Skinner (X) Andy Swaim (X) Rick Weber (X) Quorum present.
3. REVIEW OF MINUTES: Meeting of February 5, 2019: Common Consent to approve.
4. PERSONS BEFORE COUNCIL: Mayor Merki requested that Council amend the agenda to bring forward discussion with Town Attorney Richard Gay concerning WV State Code 8-12-16. Common consent was granted. Mr. Gay had recently received a sample unsafe structure ordinance from Ms. Kat Garvey of the WVU LUSDLC. After general discussion Mr. Gay said he will review the sample ordinance, edit it and send a letter to the Town with his opinion.  
Council gave common consent to bring forward the Public Hearing as advertised concerning the LaVelle property at 10 Union Street as it pertains to the proposed Ordinance to vacate a portion of Union Street and cede a portion of the LaVelle property to the Town of Bath. Mrs. Melissa Schod was the only speaker on the issue and expressed her desire that the Town of Bath move forward with the proposed Ordinance.  
MOTION: To approve for a first reading Ordinance 2019-01 pertaining to the real estate transaction to vacate a portion of Union Street to Diane LaVelle and the ceding of a portion of the LaVelle property to the Town of Bath – Webster/Weber – Motion carried.  
MOTION: To adjourn the Public Hearing concerning the LaVelle property transaction – Chapman/Jackson – Motion carried.  
Ms. Patti Miller, representing the Berkeley Springs Farmer's Market, presented to Council the dates that the Market wants to have the east side of Fairfax Street and adjoining southeast sidewalk closed for the weekly Farmer's Market activity. The dates are Sundays from April 7 through December 8, 2019, excluding Apple Butter Festival weekend.  
MOTION: To approve the dates for street and sidewalk closure for Berkeley Springs Farmer's Market activity as presented – Skinner/Chapman – Motion carried.  
Councilman Chapman spoke on the Memorandum of Understanding proposed between the Morgan County Office of Emergency and Homeland Security with the Town of Bath (see attached).  
MOTION: To give the Mayor authority to sign the Memorandum of Understanding as presented – Chapman/Jackson – Motion carried.  
Barb Wolfe spoke further on the building code ordinance. The Mayor has referred this to the Town Attorney Richard Gay and anticipates his upcoming opinion letter.
5. COMMUNICATION FROM MAYOR: Nothing further.

## COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY: Next meeting is March 13<sup>th</sup> at 4:30pm.
2. PARKS & REC: Joe Anderton, Bath representative on this board, reported the Bidy Buddy Glow Basketball party at Warm Springs Middle School and other activities of the group. Next meeting is on March 20 at 7pm in the County Commission Room.
3. PLANNING COMMISSION: President Rebecca MacLeod presented a survey developed by the Commission for distribution to the public in general and to attendees of the WV DOH informational meeting to be held on February 28<sup>th</sup> at the High School. Common consent was given by Council to President MacLeod to move forward with the survey as presented. See Attached.
4. RAIL/TRAIL: Rebecca MacLeod, member of this committee, reported on the WV DEP's approval of the remediation plan before the Town had time to review. A letter from the Town has been sent addressing this.
5. STREETSCAPE: Discussion was held concerning the ADA easement status of the next Streetscape Project. Phase IV Streetscape Project is moving forward.
6. TRAIN DEPOT: The Mayor presented Resolution 2019-02 pertaining to the interior rehabilitation of the Berkeley Depot Project. See attached.  
MOTION: To approve Resolution 2019-02 as presented – Webster/Jackson – Motion carried.
7. LANDMARK COMMISSION: Jeanne Mozier, Commission member, requested that she be kept informed concerning the building code ordinance previously discussed. The Town has not received a signed retainer from LUSDLC at this time. David Abuzzi informed Council that the Landmarks Commission is applying for a grant to fund the historic district boundary survey with expansion to include the entire town in mind. Matching funds will be required for this grant. The next meeting is February 25<sup>th</sup> at 4pm.
8. CLERK/RECORDER REPORT: Hotel/ Motel Tax Grant Fund applications and election information are available on-line or in the office. Rebecca MacLeod has agreed to serve as Ballot Commissioner for the election along with Betty Kelley.
9. FINANCE: The next meeting will be February 19, at 8:30am.
  - (A) Town of Bath \$3,453.22- Motion to approve: Swaim/Weber –Carried
  - (B) BS Water \$11,984.53- Motion to approve: Swaim/Weber – Carried
  - (C) Greenway Cemetery \$105.91- Motion to approve: Swaim/Weber - CarriedThe motion to table the Greenway Cemetery invoice from the Berkeley Springs Water Works for clarification of process at the last meeting has been resolved between the parties. Chairman Swaim presented the budget meeting schedule for the 2019 budget season.
10. TREE BOARD: The next meeting will be February 27<sup>th</sup> at 2:30pm. The Board is discussing overhanging limbs on Baltimore Alley with private property owners.
11. PUBLIC SAFETY: The next meeting is March 5th at 5pm.
  - (A) Permits: Danielle Swope presented a permit for the Fairfax Street Coffee House.  
MOTION: To approve the second reading of the 33 Fairfax Street Coffee House

building permit- Webster/Weber – Carried.

(B)Police Report: Chief Johnson reported that the Department will be advertising for Police Officer due to the resignation of an officer trainee. He cautioned the public to be careful with driving in winter weather and to obey the snow removal parking ordinance.

12.PUBLIC WORKS: Chairman Weber reported that progress has not been made on the issue of the accident on Lee Circle between the Town's snow plow truck and a privately owned trailer.

The incident involving the garbage truck repair from being hit at LCS land fill has not been resolved. Further communication with the insurance carriers is necessary.

Chairman Weber is concerned about the Public Works budget.

13.ORDINANCE: The Committee is hopeful that the signed retainer from the Land Use and Sustainable Development Law Center of WVU will soon be received. The next Committee meeting is postponed due to its conflict with the Finance Committee's budget meeting.

14.CEMETERY: No report at this time.

15.GRANT: No report at this time.

16.BERKELEY SPRINGS WATER WORKS: Chairman Chapman reported that the issue with the BSWW invoices to the Public Works Department and Greenway Cemetery has been settled. Recorder Webster suggested a memorandum of understanding be developed to clarify the situation for the future. Chapman updated the Council that the US Silica leak repair had been completed and problems were resolved.

17.MOTION TO ADJOURN: Webster – carried.

Attest:

Mayor

Scott G. Mabe

Recorder

[Signature]