



Town of Nutter Fort Council Meeting July 28, 2026 – 6:30pm

Called to order at 6:31 p.m. by Mayor Rezin Hudkins

Attendance – Mayor Rezin Hudkins, Councilor Rick Lafferty, Councilor Sam Maxson, Councilor Charlene Louk, Councilor Shawn Spurlock

Absent – Councilor Karen Phillips, Recorder Natalie Haddix

Department Heads – Treasurer Leslie Cummings, Police Chief Adam Titchenal, EMS Supervisor Nathan Rohrbough, PT Code Enforcement Officer Robert Leonard

Guests – Cynthia Lafferty, PW Merrill, Kenneth Johnson, Kian Rohrbough, Jennifer Robinson, Mark Hays, Shirley Sheets, Kathy Powell, Ryan Holcomb, Jeremy Burton

Public Comment:

- None

Minutes:

- *Approval of minutes:* Minutes for the 7/14/2026 Council Meeting were approved by unanimous vote after a motion was made by Rick Lafferty to approve the minutes and seconded by Sam Maxson.

Department Reports:

- Treasurer's Report:
 - Working with FOIA requested in conjunction with Public Works & Fire Department.
 - In process of getting SIM Cards transferred after US Cellular was acquired by T Mobile.
 - Library Audits for years 2021 to 2025 have been awarded to Ferrari & Associates.
 - Reminder – Fall Festival meeting on 8/19/2026 at 1:30pm.
- Chief of Police Report:
 - Police Testing was conducted last Saturday.
 - Introduction of Deputy Chief Jeremy Burton.
 - Formal Swearing in Ceremony for Chief Titchenal & Deputy Chief Burton to be held on 8/11/2026 during the regular council meeting at 6:30pm. Light refreshments and a meet and greet will follow.
- Fire Chief Report:
 - Fire Chief is on vacation. Mayor authorized backfilling to maintain a designated person on duty from 8am to 4pm for fire department response.
- EMS/Ambulance Report:
 - EMS call volume remains steady.
- Public Works Supervisor Report:
 - None
- Engineering Report:
 - Nutter Run Project is complete. Samples will be taken on Thursday for testing. It will be put in service pending no issues with samples.
 - Chub Run sewer project is progressing very well. This project and the wastewater treatment plant on the opposite side of the interstate are interdependent in terms of timing. A time extension is being processed for the contractor to synchronize with the new wastewater system's activation, preventing the new systems from being inactive unnecessarily.

- Phase II AML – dates for pre bid and bid opening were chosen today. Pre bid will be 8/20/2026 and bid opening will be 9/8/2026, possibly will be pushed to 9/10/2026 due to Labor Day holiday. The project aims to drain a long-present mine by rerouting lines. Water will be directed down behind Food Lion and along Buckhannon Pike to remove it from the hillside, requiring significant infrastructure installation on Buckhannon Pike. The existing stormwater system from the top of Bagwell runs behind Food Lion and outlets behind Walgreens. Acid mine drainage corroded the existing pipe, which is in poor condition. A new system will be installed on the Route 98 side, from Alexander Avenue down.

- Code Enforcement Report:
 - None

Approval of Accounts Payable:

- Accounts payable items were reviewed and discussed. Items were approved by unanimous vote after a motion by Charlene Louk, seconded by Shawn Spurlock.

Unfinished Business:

- a. **Consideration of Ordinance 2026-04 – An Ordinance Amending Article 157.30 Employee Leave Donation Policy – 2nd Reading** – A leave policy was accepted and amended in December 2025, but it lacked parameters for leave donation. Charlene and Rick worked to create the Employee Leave Donation policy for consideration. A draft of the ordinance was included in council's packet. Motion to accept Ordinance 2026-04 – An Ordinance Amending Article 157.30 Employee Leave Donation Policy passed unanimously on the second reading after a motion made by Charlene Louk, with a second by Sam Maxson. A roll call was performed:

- *Councilor Rick Lafferty – Yes*
- *Councilor Karen Phillips – absent*
- *Councilor Charlene Louk – Mover*
- *Councilor Sam Maxson – Second*
- *Recorder Natalie Haddix - absent*
- *Councilor Shawn Spurlock – Yes*

Motion to accept Ordinance 2026-04 – An Ordinance Amending Article 157.30 Employee Leave Donation Policy passed unanimously on its second reading.

New Business:

- a. **Consideration of Board/Commission Appointments Effective 7/28/2026** – One vacancy on the Zoning Board of Appeals. A post was put out to determine if any residents were interested in serving on this board. Shirley Sheets and Kathy Powell submitted their names. Since there was only one vacancy, the Mayor spoke with them both prior to the meeting since there was only one position. Charlene Louk *moved to accept the appointment of Shirley Sheets to the Zoning Board of Appeals*, seconded by Rick Lafferty. A roll call was performed:

- *Councilor Rick Lafferty – Second*
- *Councilor Karen Phillips – absent*
- *Councilor Charlene Louk – Mover*
- *Councilor Sam Maxson – Yes*
- *Recorder Natalie Haddix - absent*
- *Councilor Shawn Spurlock – Yes*

Motion to accept the appointment of Shirley Sheets to the Zoning Board of Appeals passed unanimously.

- b. **Consideration/Discussion – Audio Visual Concepts Quote #Q-79** – This quote is for the acquisition of speakers for Pennsylvania Avenue. These speakers would be dual purpose – Fall Festival and to increase communications as part of the evacuation plan for Nutter Fort Elementary. The town will be seeking donations to offset the cost. Charlene Louk *moved to table Audio Visual Concepts Quote #Q-79*, seconded by Rick Lafferty. A roll call was performed:

- Councilor Rick Lafferty – Second
- Councilor Karen Phillips – absent
- Councilor Charlene Louk – Mover
- Councilor Sam Maxson – Yes
- Recorder Natalie Haddix - absent
- Councilor Shawn Spurlock – Yes

Motion to table Audio Visual Concepts Quote #Q-79 passed unanimously.

- c. **Consideration of Reimbursement of Qualifying ARPA Expenditures** – Numerous attempts were made to gain guidance from the US Treasury regarding ARPA (American Rescue Plan Act) expenditures unsuccessfully. The original plan to purchase portable radios for Fire Department and EMS and a manlift for Public Works is no longer feasible. The Mayor spoke with a neighboring municipality to gain their understanding on the funding to determine if they were understanding the Act the same way. The Town of Nutter Fort requested an opinion on the matter from the town's accountant, Jeremy Drennan, who took over for the previous accountant Zack Dobbins. He presented a letter to the town regarding his opinion on the ARPA funds with his role as a Certified Public Accountant. After the December 31, 2024 obligation deadline, recipients may have excess funds that were obligated but not expended on an eligible activity (i.e. subrecipient under budget, project deemed ineligible). The recipient may reclassify the SLFRF funds from the original activity to another project that would be eligible under the SLFRF program rules, including the requirement that the recipient incurred an obligation by December 31, 2024 to expend funds on the activity. It was concluded that if an expenditure was obligated on or before December 31, 2024, but the payment was made after the date, the Town may use the remaining funds to reimburse the expenditure, provided that the expenditure is eligible under the SLFRF program rules. Under conditions for reimbursement, the documentation exists demonstrating that the obligation was incurred on or before December 31, 2024 and the expenditure has not already been reimbursed or paid for with another federal funding source. Overall, any remaining SLFRF funds from projects completed under budget may be reallocated to reimburse other eligible expenditures that meet these requirements. Four invoices were presented for reimbursement: two for WV Corp, one for Ferrari and Associates, and one for Bennett and Dobbins. These invoices were obligated in 2024 but spent in 2025. Their total amount well exceeds the remaining ARPA funds. Drennan suggested these invoices as they were for already committed audits and insurance and are eligible under program rules because the entity received under \$10 million and is doing reimbursement. A copy of the accountant's letter is available upon request. Charlene Louk *moved to use the remaining ARPA funds to pay these four invoices as a reimbursement to the town's account, as the invoices have already been paid*, seconded by Sam Maxson. A roll call was performed:

- Councilor Rick Lafferty – Yes
- Councilor Karen Phillips – absent
- Councilor Charlene Louk – Mover
- Councilor Sam Maxson – Second
- Recorder Natalie Haddix - absent
- Councilor Shawn Spurlock – Yes

Motion to use the remaining ARPA funds to pay these four invoices as a reimbursement to the town's account, as the invoices have already been paid, passed unanimously.

- d. **If Matters Arise:** Enter into Executive Session to discuss matters relating to personnel matters, the sale, lease or purchase of real property, economic development issues to disclose competitive issues, to confer with legal counsel regarding matters that which, if made public, would be detrimental to the interest of the Town and for any other lawful purpose.

The meeting adjourned by acclamation at 6:51 p.m.