

**Council Meeting  
Nutter Fort  
April 9, 2013**

The regular council meeting of Nutter Fort was held in council chambers with the following members present: Stephen Korn, Barbara Gorby, William Benincosa, Karen Phillips, Mayor Nathan Rohrbough, and Recorder Sam Maxson. Absent was councilor Robin Newhouse. Also present were: Treasurer Julia Foley, Data Technician, Leslie Holbert, Administrative Assistant Tyler McHenry, Computer Operator Wendy Bess, Police Chief Ron Godwin, Fire Chief Jeremy Haddix, and Supervisor Jim Wolfe. Guest was Rick Bennett of Feline Construction.

The meeting was called to order at 7:30PM by Mayor Rohrbough with councilor Benincosa asking prayer followed by the pledge of allegiance.

- Barbara Gorby motioned approval of the ordinance (attached) increasing water tap fees and sewer tap fees, on the 2<sup>nd</sup> reading and public hearing. After a second by Karen Phillips, the motion was approved by unanimous vote.
- The ordinance (attached) establishing and implementing a program to charge fees for the deployment of public safety services, was passed on the 2<sup>nd</sup> reading and public hearing, by unanimous vote following a motion by Karen Phillips and a second by Barbara Gorby.

Council was updated on the property at 1405 Buckhannon Pike which includes 2 houses. The owner has agreed to sell the property to the town for \$80,000. According to the Mayor, this is the lowest price the owner will accept. A verbal agreement from Feline Construction to demolish both houses would be about \$10,000. The property, as a vacant lot, was recently appraised for \$95,000. The Mayor told council that a business man has expressed very serious interest in building a new restaurant on the lot and has even brought his contractor to look at the property.

- Barbara Gorby motioned to approve the idea of purchasing the property, with an ordinance to be drafted for approval. After a second by William Benincosa the motion was approved by unanimous vote.
- A proclamation (attached) honoring child abuse prevention was approved by unanimous vote after a motion by Karen Phillips and a second by Barbara Gorby.
- A motion to approve a budget adjustment to include \$337 for Regional Council Dues was passed by unanimous vote after a motion by William Benincosa and a second by Barbara Gorby.

Discussion was held about the possibility of hiring a new city attorney. The mayor will contact the attorney used for an earlier personnel matter, Johnny Brown, as most council members seemed interested in Mr. Brown's services.

- The building permits (attached) were approved by unanimous vote following a motion by Karen Phillips and seconded by Barbara Gorby.
- Stephen Korn motioned approval of the bills (attached) and, after a second by Barbara Gorby, they were approved by unanimous vote.
- The minutes of the March 26, 2013 meeting were approved by unanimous vote following a motion by Barbara Gorby and a second by Karen Phillips.

**Old Business**

It was noted that the mayor and fire chief were absent from the last meeting attending an engineering meeting in Appleton, Wisconsin for the new fire truck.

The 1998 red Dodge pick-up has been cleaned and is ready to be sold. An ad seeking bids will be placed and the truck will be parked in front of the lot soliciting bids. The latest demolition of houses is completed and paperwork submitted to FEMA for payment.

A special meeting for "laying the levy" will be held Tuesday, April 16, 2013 at 10:00 AM.

**New Business** A copy of the "proof" for printing of the ballot was circulated to members for their inspection. This "proof" will be reviewed by the ballot commissioners, Jim Wolfe, Toots Britton, and recorder Sam Maxson.

The Mayor read texts he has received from grant writer/project coordinator Dr. Shana Nicholson concerning her progress on obtaining grants. Some on council asked that she attend the next meeting to make a full report.

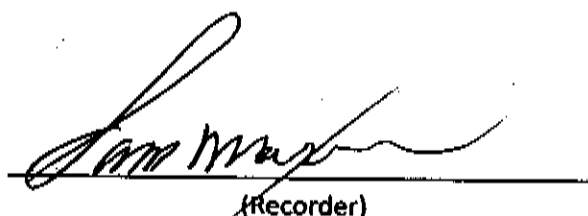
**Police Chief's Report** None

**Fire Chief's Report** Chief Haddix reports that the fire department is ready for the elimination dinner Saturday night in the fire department bay area.

**Maintenance Supervisor's Report** None

**Treasurer's Report** Treasurer Foley introduced the 2 new office staff members, Tyler McHenry and Wendy Bess. She also thanked council for their support in hiring. She also reminded council that the annual newsletter will be distributed mid-May and invited members to submit a message.

The meeting was adjourned at 8:11 PM after a motion by Barbara Gorby and a second by Karen Phillips.

  
(Mayor)  
(Recorder)

AN ORDINANCE OF THE TOWN OF NUTTER FORT INCREASING  
WATER TAP FEES AND SEWER CONNECTION FEES

WHEREAS, Chapter 24, Article 2, Section 4(b) of the West Virginia State Code 1931, as amended, authorizes the fixing of all rates and charges of municipally operated utilities by the adoption of appropriate ordinances; and

WHEREAS, the Town of Nutter Fort provides potable water and sewerage disposal to its citizens; and

WHEREAS, the present water rates or tariffs of the Town of Nutter Fort were established by that certain order of the Public Service Commission of West Virginia in P.S.C. W.VA. Tariff No. 25, issued by the Public Service Commission of West Virginia Tariff Office on October 1, 2010, for service rendered by the Town of Nutter Fort on or after October 1, 2010; and

WHEREAS, pursuant to the said water tariff, the tap fee that is charged to all customers who apply for service outside a certificate proceeding before the Public Service Commission for each new tap on the system is \$300; and

WHEREAS, the present sewerage rates or tariffs of the Town of Nutter Fort were established by that certain order of the Public Service Commission of West Virginia in P.S.C. W.VA. Tariff No. 14, issued by the Public Service Commission of West Virginia Tariff Office on January 27, 2011, for service rendered by the Town of Nutter Fort on or after January 28, 2011; and

WHEREAS, pursuant to the said sewer tariff, the connection fee that is charged to all customers who apply for service to the sewer facilities is \$250; and

WHEREAS, the Town of Nutter Fort recently suffered a 53% loss on its most recent water tap installation and a 60% loss on its most recent sewer tap installation; and

WHEREAS, the Town anticipates an increase in requests for both water and sewerage connections in the future; and

WHEREAS, the Town of Nutter Fort cannot afford to continue to absorb the losses associated with these new water and sewerage connections; and

WHEREAS, the Town of Nutter Fort finds it necessary to increase the water tap fee and the sewerage connection fee to cover the costs associated with these requests for connections.