



**ACTS OF HINTON CITY COUNCIL**  
**Regular Meeting**  
**Tuesday, January 13, 2009**  
**6:30 p.m. Hinton Technology Center**

**I. Call to Order/Roll Call**

Mayor Mathews called the regular meeting of the Hinton City Council to order at 6:30 p.m. Council President Larry Meador, Councilman Bob Basham, Councilman Pat Jordan; City Manager Cris Meadows, and City Attorney Mike Froble were present. Councilman Oxley was not present.

**II. Devotions/Pledge of Allegiance**

Lynn Maddy led the devotions and Council led the Pledge of Allegiance.

**III. Approval of the Minutes**

Councilman Jordan moved to approve the 2008 December regular meeting minutes, Councilman Basham seconded the motion and the motion passed by unanimous consent.

**IV. Old Business**

**Investment Policy- Mayor Mathews** presented to council an investment policy for the city's revenues. Council discussed it and Councilman Meador moved to table this and bring it back to the next meeting with the needed revisions. Councilman Jordan seconded the motion and the motion passed on a vote of all ayes.

**V. New Business**

**A. Approval of Building/ Sign Permits**

Council discussed the building permits then Councilman Jordan made a motion to approve the building permits. Councilman Basham seconded the motion and the motion passed on a vote of all ayes.

**B. Approval of Paid Invoices**

Councilman Jordan made a motion to approve the paid invoices; Councilman Meador seconded the motion. The motion passed by a vote of all ayes.

**City of Hinton Paid Bills December 2008**

<u>Check #</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
15043	12/3/2008	Safe Kids Worldwide ( Certification course for Officer Brewer and Lucas)	120.00
15040	12/3/2008	Standard Coffee Service ( Coffee service for City Hall)	29.75
15038	12/3/2008	Eric S. Gordon Trust dtd 11/09/73 ( 2007 Jeep for Police Dept)	548.30
15037	12/3/2008	Fire Safety Products, Inc. ( Fire Extinguisher chemical)	210.25
15036	12/3/2008	Michael Froble (monthly retainer)	1,000.00
15034	12/3/2008	Lexis Nexis Matthew Bender ( Law Enforcement Guide)	149.70
15041	12/3/2008	SteelCON Supply Co. ( Supplies for save a lot culvert)	10,009.20
15025	12/3/2008	Magic Mart ( Supplies for City Hall)	41.97
15024	12/3/2008	West Virginia American Water Company ( Invoices 2800385979, 2800399293, 2800399293, acct#2800396380)	1,049.16
15023	12/3/2008	Kroger ( Dog food for Dog Warden)	112.92
15022	12/3/2008	Cintas ( Invoices 525834436, 525834437, 525834438, 525837216, 525837217, 525837218)	243.33
15021	12/3/2008	Allegheny Power ( Invoices acct#37807202015001, acct#37808101016501)	335.30
15031	12/3/2008	Jerry C Wheeler ( Gas surcharge for October)	100.00

15055	12/4/2008	Sweet Springs Valley Water Co. ( Water services for City Hall)	42.00
15054	12/4/2008	Mason Dixon Fire Equip. ( supplies for fire dept)	857.44
15053	12/4/2008	Summers County Health Department ( Hep B and flu shots for Richard Gipson and Frank Brewer)	87.00
15052	12/4/2008	West Virginia Uniforms ( Supplies and Uniforms for Fire Dept)	952.64
15051	12/4/2008	Curtis A Shaver ( Travel expense reimbursement)	97.92
15047	12/4/2008	West Virginia Municipal League ( Annual dues for WV Association of Municipal Judges for 08/09)	25.00
15046	12/4/2008	Suddenlink Communications ( Cable services for City Hall)	130.37
15065	12/9/2008	Harbor Freight Tools ( LED Flash light)	4.15
15069	12/9/2008	WV Public Employees Insurance ( Invoices , 2008-24, 2008-27)	8,217.30
15067	12/9/2008	Knowledge Systems Inc ( Toner and printer)	202.97
15061	12/9/2008	WV Public Employees Retirement ( Invoices , 2008-31, 2008-32, 2008-33)	6,423.37
15062	12/9/2008	West Virginia State Treasurer's Office ( Court Remittance for October)	460.00
15060	12/9/2008	Cintas ( Invoices 525828878, 525831617, 525839904)	90.00
15058	12/9/2008	Suddenlink Communications ( Cable services for fire dept)	69.98
15102	12/17/2008	Visco ( street lamp posts)	9,900.00
15101	12/17/2008	MCM Auto Repair ( Install alternator to 2005 crown vic)	15.00
15100	12/17/2008	RSC Equipment Rental ( Rotary hammer)	589.99
15098	12/17/2008	Xerox Corporation ( Copy service for City Hall)	263.13
15097	12/17/2008	WV DMV ( Employee ID for Wayne Martin and AW Ryan)	10.00
15096	12/17/2008	Fechheimer ( Supplies for fire dept)	952.64
15095	12/17/2008	Mason Dixon Fire Equip. ( Visibility knit cap for fire dept)	285.65
15094	12/17/2008	Summers County Health Department ( Flu shots for Jeremy Bennett, Diane Rice, and Frank Brewer)	51.00
15093	12/17/2008	West Virginia Uniforms ( Uniforms for Chief Martin)	283.55
15092	12/17/2008	Bob Cannon ( building inspections Nov and Dec 2008)	300.00
15090	12/17/2008	Galls ( Supplies for Asst. Chief Gray)	127.94
15084	12/17/2008	Bridge Street Ashland ( Inspection Sticker for street dept)	12.00
15085	12/17/2008	Mountaineer Gas Company ( Visitors Center)	670.74
15083	12/17/2008	Southern Sanitation ( Trash services for City)	321.24
15082	12/17/2008	Summers County Schools (fuel bills)	4,040.64
15081	12/17/2008	Hinton News ( Legal Notice Public Hearing)	14.25
15080	12/17/2008	West Virginia State Treasurer's Office ( Court Remittance for November)	300.00
15078	12/17/2008	Magic Mart ( Christmas decorations for City Hall)	60.87
15076	12/17/2008	Rita Pack ( Mowing Bellepoint Triangle)	595.00
15075	12/17/2008	Hinton Chain Saw Services ( Repairs on Street Dept Equipment)	110.30
15074	12/17/2008	City National Bank Card Division ( Postage for City Hall, Boots for Street , deposit slips for sanitary board)	1,145.27
15073	12/17/2008	Eddie D Thomas ( Reimburse for CDL Renewal)	43.75
15072	12/17/2008	Cintas ( Invoices 525828877, 525828879, 525831616, 525831618, 525839903, 525839905, 525842636, 525842638)	602.87
15071	12/17/2008	Allegheny Power ( Invoices acct#37801102012001, acct#37802202334001, acct#37816888000051, acct#37817101008001)	7,673.43
15070	12/17/2008	Jarrell's Exxon ( Inspection sticker on Engine 8 for Fire Dept)	12.66
15103	12/17/2008	Gauley Mountain Moulding Corp. ( Doors for Train Depot)	1,166.00
15086	12/17/2008	Summers Concrete Supply ( Test cylinders for Save a	687.00

Lot)

<b>Total</b>	<b>61,844.94</b>
--------------	------------------

**C. Approval of Financial Report**

**General Fund  
December 31, 2008**

<u>Fund</u> <u>Governmental Funds</u>	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	<u>Annual</u> <u>Budget</u>	<u>Remaining</u> <u>Budget</u>
<b><u>Revenues</u></b>				
001-000-3011 Property Tax	5,916.04	116,305.29	216,455.00	100,149.71
001-000-3012 Excess Levy	3,062.46	62,198.14	114,865.00	52,666.86
001-000-3030 Oil & Gas Tax	0.00	0.00	900.00	900.00
001-000-3040 Utility Tax	12,550.10	66,645.18	110,000.00	43,354.82
001-000-3050 Business & Occupation Tax	31,673.31	241,986.97	550,000.00	308,013.03
001-000-3051 Delinquent B&O	0.00	0.00	15,000.00	15,000.00
001-000-3060 Wine and Liquor Tax	0.00	13,921.45	28,000.00	14,078.55
001-000-3070 Dog Tax	26.10	130.60	200.00	69.40
001-000-3080 Hotel Occupancy Tax	0.00	201.90	0.00	(201.90)
001-000-3150 Table Games	952.26	3,517.63	0.00	(3,517.63)
001-000-3250 Licenses	60.00	1,615.50	4,000.00	2,384.50
001-000-3260 Building Permit Fees	395.00	3,130.00	5,000.00	1,870.00
001-000-3270 Miscellaneous Permits	0.00	100.00	250.00	150.00
001-000-3280 Franchise Fees	0.00	16,444.26	30,000.00	13,555.74
001-000-3300 IRP Road Fees	59.07	631.96	1,500.00	868.04
001-000-3660 State Grants	63,462.34	100,786.12	0.00	(100,786.12)
001-000-3680 Contributions From Other Entities	0.00	267.50	0.00	(267.50)
001-000-3350 Private Liquor Club	0.00	0.00	1,500.00	1,500.00
001-000-3400 Parks & Recreation	0.00	6,401.76	10,000.00	3,598.24
001-000-3420 Parking Meter Revenues	401.80	2,363.22	6,000.00	3,636.78
001-000-3450 Rents and Concessions	0.00	100.00	500.00	400.00
001-000-3200 Fines, Fees and Court Costs	2,212.00	12,834.72	12,000.00	(834.72)
001-000-3210 Parking Violation Fees	11.00	368.36	500.00	131.64
001-000-3800 Interest Earned	0.00	905.77	2,000.00	1,094.23
001-000-3750 Open- Transfer from Rainy Day Fund	0.00	0.00	110,000.00	110,000.00
001-000-3810 Reimbursements	0.00	6,828.62	1,000.00	(5,828.62)
001-000-3820 Refunds	0.00	401.20	0.00	(401.20)
001-000-3830 Sale of Fixed Assets	0.00	0.00	5,000.00	5,000.00
001-000-3890 Police reports	25.00	425.00	1,000.00	575.00
001-000-3970 Video Lottery	0.00	2,563.50	4,000.00	1,436.50
001-000-3990 Miscellaneous Revenues	100.00	1,537.45	17,357.00	15,819.55
Total Revenues	120,906.48	662,612.10	1,247,027.00	584,414.90
<b><u>Expenditures</u></b>				
001-409-5010 Mayors Officials Salaries	982.76	5,896.56	12,000.00	6,103.44
001-409-5040 FICA	75.18	451.08	918.00	466.92
001-409-6110 Telephone	39.07	177.55	240.00	62.45

001-409-6140 Travel	232.30	511.39	800.00	288.61
001-409-6220 Dues & Subscriptions	25.00	1,043.40	0.00	(1,043.40)
001-409-6261 Workers Compensation	0.00	0.00	889.00	889.00
001-409-7410 Departmental Supplies	0.00	64.16	0.00	(64.16)
001-410-5010 Council Officials Salaries	2,000.00	12,000.00	24,000.00	12,000.00
001-410-5040 FICA	153.00	918.00	1,836.00	918.00
001-410-6140 Travel	0.00	364.24	200.00	(164.24)
001-410-6220 Dues & Subscriptions	0.00	0.00	619.00	619.00
001-410-6261 Workers Compensation	0.00	0.00	3,177.00	3,177.00
001-415-5030 Clerks office Salaries and Wages	3,972.84	27,751.73	61,000.00	33,248.27
001-415-5040 FICA	292.50	2,012.25	4,705.00	2,692.75
001-415-5050 Group Insurance	602.54	3,788.23	12,700.00	8,911.77
001-415-5060 Retirement	417.17	2,914.07	6,458.00	3,543.93
001-415-5080 Clerk- Overtime	0.00	0.00	500.00	500.00
001-415-6140 Travel	0.00	1,462.44	1,000.00	(462.44)
001-415-6210 Training & Education	0.00	225.00	750.00	525.00
001-415-6220 Dues & Subscriptions	0.00	329.00	0.00	(329.00)
001-415-6230 Professional Services	280.05	1,030.05	0.00	(1,030.05)
001-415-6240 Audit Costs	0.00	0.00	10,000.00	10,000.00
001-415-6261 Workers Compensation	236.78	1,653.96	4,148.00	2,494.04
001-415-7410 Departmental Supplies	0.00	151.35	3,500.00	3,348.65
001-415-8590 Capital Outlay equipment	0.00	0.00	5,250.00	5,250.00
001-416-5030 Municipal Judge Salaries	735.00	4,410.00	7,600.00	3,190.00
001-416-5040 FICA	56.23	337.38	581.00	243.62
001-416-5060 Retirement	77.18	463.08	798.00	334.92
001-416-6140 Travel	0.00	0.00	100.00	100.00
001-416-6180 Postage	0.00	0.00	1,200.00	1,200.00
001-416-6210 Training & Education	0.00	0.00	800.00	800.00
001-416-6261 Workers Compensation	43.81	262.86	0.00	(262.86)
001-416-7410 Departmental Supplies	0.00	0.00	500.00	500.00
001-417-6230 City Attorney Professional Services	1,000.00	6,000.00	12,000.00	6,000.00
001-421-6230 Community Development Professional Services	0.00	4,500.00	9,000.00	4,500.00
001-438-6300 Elections Contracted Services	0.00	0.00	3,000.00	3,000.00
001-438-7410 Election Departmental Supplies	0.00	179.85	2,000.00	1,820.15
001-440-6110 City Hall Telephone	(484.14)	93.07	4,000.00	3,906.93
001-440-6130 Utilities	4,917.98	222.41	35,000.00	34,777.59
001-440-6140 Travel	0.00	586.55	0.00	(586.55)
001-440-6150 Maint & Repair Bldgs & Grounds	0.00	16.69	4,000.00	3,983.31
001-440-6160 Maint & Repair Equipment	0.00	225.00	500.00	275.00

001-440-6180 Postage	0.00	822.52	1,200.00	377.48
001-440-6200 Advertising/Legal Publications	0.00	781.53	0.00	(781.53)
001-440-6210 Training & Education	0.00	265.94	0.00	(265.94)
001-440-6220 Dues & Subscriptions	0.00	0.00	787.00	787.00
001-440-6230 Professional Services	0.00	12,413.25	900.00	(11,513.25)
001-440-6260 Insurance and Bonds	0.00	21,649.34	88,500.00	66,850.66
001-440-6300 Contracted Services	93.20	2,010.29	2,000.00	(10.29)
001-440-6370 Other Taxes and Fees	24.61	247.62	0.00	(247.62)
001-440-7410 Departmental Supplies	403.16	5,743.65	3,500.00	(2,243.65)
001-440-8590 Capital Outlay Equipment	263.13	1,704.25	3,344.00	1,639.75
001-440-9660 Contributions to Other Funds	0.00	50.00	0.00	(50.00)
001-441-6130 Other Buildings Utilities	1,539.33	20,080.45	25,000.00	4,919.55
001-441-6150 Maint & Repair Bldgs & Grounds	1,100.00	2,954.90	500.00	(2,454.90)
001-441-6200 Advertising/Legal Publications	0.00	0.00	500.00	500.00
001-441-6300 Contracted Services	7,430.00	126,906.97	500.00	(126,406.97)
001-441-7410 Departmental Supplies	0.00	599.00	1,000.00	401.00
001-700-5030 Police Dept Salaries and Wages	14,891.61	98,200.15	200,000.00	101,799.85
001-700-5040 FICA	1,174.64	8,912.86	17,213.00	8,300.14
001-700-5050 Group Insurance	956.46	5,781.22	29,400.00	23,618.78
001-700-5060 Retirement	1,637.18	10,598.41	23,625.00	13,026.59
001-700-5080 Overtime	700.37	19,731.11	25,000.00	5,268.89
001-700-6110 Telephone	61.73	1,165.76	1,200.00	34.24
001-700-6120 Printing	0.00	204.00	0.00	(204.00)
001-700-6130 Utilities	0.00	69.68	0.00	(69.68)
001-700-6140 Travel	0.00	297.68	1,500.00	1,202.32
001-700-6160 Maint & Repair Equipment	0.00	154.00	400.00	246.00
001-700-6170 Maint & Repair Autos & Trucks	0.00	2,618.74	5,000.00	2,381.26
001-700-6180 Postage	0.00	0.00	100.00	100.00
001-700-6200 Advertising/Legal Publications	116.24	0.00	210.00	210.00
001-700-6210 Training & Education	(501.00)	3,259.28	3,150.00	(109.28)
001-700-6230 Professional Services	0.00	460.25	0.00	(460.25)
001-700-6260 Insurance and Bonds	0.00	0.00	1,200.00	1,200.00
001-700-6261 Workers Compensation	(10,235.21)	7,632.71	0.00	(7,632.71)
001-700-6300 Contracted Services	0.00	210.25	500.00	289.75
001-700-6350 Remittance of Fees	760.00	1,340.00	3,150.00	1,810.00
001-700-7410 Departmental Supplies	1,659.70	5,331.78	4,200.00	(1,131.78)
001-700-7412 Gas, oil, etc.	3,171.28	11,022.53	15,000.00	3,977.47
001-700-7430 Automobile Supplies	0.00	80.00	500.00	420.00
001-700-7450 Uniforms	1,364.13	4,994.52	3,675.00	(1,319.52)
001-700-8590 Capital Outlay Equipment	548.30	3,289.80	10,500.00	7,210.20

001-707-5030 Dog Warden Salaries and Wages	577.50	3,565.00	7,000.00	3,435.00
001-707-5040 FICA	44.18	265.08	536.00	270.92
001-707-5060 Retirement	0.00	60.64	735.00	674.36
001-707-5100 Other Fringe Benefits	0.00	0.00	275.00	275.00
001-707-6230 Professional Services	0.00	368.82	0.00	(368.82)
001-707-6261 Workers Compensation	34.42	206.52	500.00	293.48
001-707-6300 Contract Services	0.00	687.50	0.00	(687.50)
001-707-7410 Departmental Supplies	100.00	1,077.06	2,450.00	1,372.94
001-716-6300 Emergency Services	0.00	0.00	600.00	600.00
001-706-5030 Fire Department Salaries and Wages	6,927.85	44,240.30	83,000.00	38,759.70
001-706-5040 FICA	567.84	3,819.50	7,650.00	3,830.50
001-706-5050 Group Insurance	2,182.02	13,148.52	28,000.00	14,851.48
001-706-5060 Retirement	786.68	5,286.11	10,500.00	5,213.89
001-706-5080 Overtime	1,036.77	8,938.60	17,000.00	8,061.40
001-706-5090 Paid Fire Calls	0.00	8,560.00	12,000.00	3,440.00
001-706-6110 Telephone	34.29	101.59	600.00	498.41
001-706-6130 Utilities	119.12	2,248.69	0.00	(2,248.69)
001-706-6140 Travel	0.00	0.00	1,000.00	1,000.00
001-706-6150 Maint & Repair Bldgs & Grounds	85.00	707.40	1,000.00	292.60
001-706-6160 Maint & Repair Equipment	0.00	2,009.90	4,000.00	1,990.10
001-706-6170 Maint & Repair Autos & Trucks	189.16	2,127.05	3,600.00	1,472.95
001-706-6180 Postage	0.00	5.71	125.00	119.29
001-706-6210 Training & Education	0.00	210.00	2,000.00	1,790.00
001-706-6230 Professional Services	0.00	348.89	0.00	(348.89)
001-706-6261 Workers Compensation	474.69	3,169.46	6,700.00	3,530.54
001-706-6300 Contracted Services	69.68	277.18	500.00	222.82
001-706-7410 Departmental Supplies	765.32	2,048.70	3,000.00	951.30
001-706-7412 Gas, oil, etc.	248.85	3,125.27	3,000.00	(125.27)
001-706-7413 Diesel	0.00	0.00	200.00	200.00
001-706-7430 Automobile Supplies	(19.58)	50.87	1,800.00	1,749.13
001-706-7450 Uniforms	952.64	2,012.23	2,500.00	487.77
001-706-8530 Capital Outlay - Computer Software	0.00	0.00	400.00	400.00
001-706-8590 Capital Outlay Equipment	0.00	0.00	2,500.00	2,500.00
001-750-5030 Street Dept Salaries and Wages	6,208.80	35,659.62	97,000.00	61,340.38
001-750-5040 FICA	489.70	2,615.14	7,803.00	5,187.86
001-750-5050 Group Insurance	1,928.08	10,079.10	21,000.00	10,920.90
001-750-5060 Retirement	722.45	3,851.47	10,710.00	6,858.53
001-750-5080 Overtime	671.63	2,850.68	5,000.00	2,149.32
001-750-6110 Telephone	33.53	586.07	800.00	213.93
001-750-6130 Utilities	120.58	603.83	850.00	246.17
001-750-6140 Travel	0.00	100.00	100.00	0.00
001-750-6150 Maint & Repair Bldgs & Grounds	0.00	0.00	3,000.00	3,000.00

001-750-6160 Main & Repair Equip	62.30	84.30	1,200.00	1,115.70
001-750-6170 Maint & Repair Autos & Trucks	(561.46)	451.21	1,750.00	1,298.79
001-750-6210 Training & Education	43.75	43.75	0.00	(43.75)
001-750-6230 Professional Services	718.79	718.79	0.00	(718.79)
001-750-6261 Workers Compensation	410.08	2,186.15	24,000.00	21,813.85
001-750-6300 Contracted Services	2,424.62	3,659.24	5,000.00	1,340.76
001-750-7410 Departmental Supplies	407.19	35,456.07	7,500.00	(27,956.07)
001-750-7412 Gas, oil, etc.	410.97	4,797.44	7,000.00	2,202.56
001-750-7413 Diesel	0.00	0.00	250.00	250.00
001-750-7430 Automobile Supplies	19.58	19.58	500.00	480.42
001-750-7450 Uniforms	568.46	1,773.01	3,750.00	1,976.99
001-750-8590 Capital Outlay Equipment	589.99	589.99	10,000.00	9,410.01
001-751-6130 Street Lights Utilities	19.00	11,591.17	60,000.00	48,408.83
001-803-9670 Health Department Contributions	138.00	5,087.00	5,000.00	(87.00)
001-900-5030 Parks & Rec Salaries and Wages	0.00	11,562.69	18,000.00	6,437.31
001-900-5040 FICA	0.00	884.53	1,377.00	492.47
001-900-5060 Retirement	0.00	0.00	1,890.00	1,890.00
001-900-6110 Telephone	29.70	58.87	175.00	116.13
001-900-6130 Utilities	37.12	4,050.54	1,800.00	(2,250.54)
001-900-6150 Maint & Repair Bldgs & Grounds	0.00	791.02	500.00	(291.02)
001-900-6160 Maint & Repair Equipment	0.00	15.00	500.00	485.00
001-900-6261 Workers Compensation	0.00	689.17	0.00	(689.17)
001-900-6300 Contracted Services	0.00	809.38	0.00	(809.38)
001-900-7410 Departmental Supplies	0.00	2,185.59	3,000.00	814.41
001-900-7460 Purchases for Resale	0.00	1,353.47	1,500.00	146.53
001-900-8570 Capital Outlay Buildings	0.00	0.00	1,500.00	1,500.00
001-900-9680 Other Contributions	0.00	40.00	3,000.00	2,960.00
001-902-6200 Advertising/Legal Publications	0.00	25.50	500.00	474.50
001-903-6200 Fairs & Festivals Advertising/Legal Publications	0.00	0.00	500.00	500.00
001-903-6220 Dues & Subscriptions	0.00	0.00	375.00	375.00
001-903-6300 Contracted Services	0.00	0.00	2,000.00	2,000.00
001-903-7410 Fair & Fest.-Supplies and Materials	165.00	2,865.00	2,000.00	(865.00)
001-903-9680 Other Contributions	0.00	1,300.00	0.00	(1,300.00)
001-907-7410 Departmental Supplies	0.00	0.00	1,000.00	1,000.00
001-907-9670 Contributions to Other Govts	0.00	250.00	5,000.00	4,750.00
001-907-9680 Other Contributions	0.00	1,500.00	0.00	(1,500.00)
001-916-9670 Contributions to Other Govts	0.00	5,000.00	8,003.00	3,003.00
001-950-6300 Beautification Services	0.00	279.39	5,000.00	4,720.61

001-951-9670 Aging Program Contributions	0.00	5,000.00	5,000.00	0.00
Total Expenditures	<u>73,648.40</u>	<u>731,756.14</u>	<u>1,247,027.00</u>	<u>515,270.86</u>
Excess Revenues Over (Under) Expenditures	47,258.08	(69,144.04)	0.00	69,144.04

Council discussed the financial report and Councilman Jordan moved to approve the report as presented. Councilman Basham seconded the motion and the motion passed on a vote of all ayes.

**D. Approval of unpaid invoices**

Councilman Jordan moved to approve the unpaid invoices. Councilman Basham seconded the motion and the motion passed on a vote of all ayes.

**E. Fire Insurance Proceeds Ordinance- First Reading**

Councilman Meador moved to dispense with the reading of the ordinance. Councilman Jordan seconded the motion. The motion passed on a vote of all ayes. Councilman Meador moved to approve the first reading of the ordinance. Councilman Basham seconded the motion and the motion passed on a vote of all ayes.

**ORDINANCES OF THE CITY OF HINTON CONCERNING INSURANCE COMPANIES**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HINTON, SUMMERS**

**COUNTY, WEST VIRGINIA,** that Article \_\_\_\_ of the Ordinances of the City of Hinton, are hereby **ENACTED** to read as follows:

.....  
**ARTICLE \_\_\_\_**

**INSURANCE COMPANIES' TRANSFER TO INSURANCE PROCEEDS TO MUNICIPALITY.**

**PURPOSE.**

One of the greatest problems facing the City of Hinton is the issue of dilapidated residential/commercial structures and the resulting effect on property values, tax revenues, public safety, local economy, housing stock and the general welfare of the community. Fires have ravaged vacant buildings in the city and landowners are pocketing the proceeds from fire insurance claims without removing the debris and/or paying delinquent taxes. The burned out buildings are later demolished at tax payer expense by the City of Hinton.

This article is an authorized enactment under the Municipal Home Rule Pilot Program and intended to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration.

**DEFINITIONS**

For purposes of this Article, the following definitions apply:

“Total loss by fire” means a fire loss agreed to between the named insured(s) and the insurer which equals or exceeds sixty per cent of the aggregate limits of liability on all fire policies covering the building or structure.

“Certificate of Good Standing” is a certified document issued by the City of Hinton following a “total loss by fire” of a structure within the City of Hinton which verifies the property is not subject to delinquent municipal service fees, refuse service fees, assessments, penalties, or charges against property. The Certificate must also verify one of the following: (a) repairs to the building have been completed and new occupancy permit is issued by the Building

Inspector; (b) removal of the building has been completed and the Building Inspector has certified that the debris have been removed, the sewer has been capped, and the lot properly leveled; or (c) that the insured has a valid contract for the removal of debris in force which allows for the release of any remaining funds from the City of Hinton to the insured.

### **SCOPE**

This Article applies to all residential/commercial structures located within the City of Hinton and insured for fire loss under a policy of insurance. This Article applies to claims for total loss by fire, commonly referred to as Coverage A, relating to an insured's residence, buildings or structures located upon the subject property. This ordinance shall not be construed to prevent any insurance company from making payment to an insured for personal property claims and/or loss of use, liability, rent/living expenses or any other claims not related to the loss of the insured's residence, building or structure located on the property. Nothing herein shall be construed to limit payment of a claim under demolition or debris removal coverage to the extent the same exists. This ordinance shall apply to all policies written after the effective date herein and all renewals of existing policies made after said effective date.

### **PAYMENT WITHHELD**

No insurance company shall pay an insured for a "total loss by fire" unless the insurance company is furnished with a verified "Certificate of Good Standing" issued by the City of Hinton.

### **ISSUANCE OF A CERTIFICATE OF GOOD STANDING**

A named insured(s) may request "Certificate of Good Standing" from the City of Hinton following a "total loss by fire." The named insured shall provide the City of Hinton with the location of the subject property, the names of all insurance companies and the respective policy numbers insuring the property, the value of the insurance policies and the name and address of the insuring agent/adjuster. The City of Hinton shall respond in writing within thirty days of the written request. A refusal to issue a certificate shall be made in writing with the reasons so stated and copy shall be sent to the designated insurance agent.

### **PAYMENT TO CITY FROM INSURANCE PROCEEDS**

If a "Certificate of Good Standing" is denied by the City of Hinton, or the City of Hinton does not respond within 30 days, the insurance company shall transfer from the insurance proceeds to the City Manager of the City of Hinton, in the aggregate, two thousand dollars for each fifteen thousand dollars of the "total loss by fire" claim. The transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City of Hinton shall be disbursed by the insurance company in accordance with the policy terms.

The named insured(s) may submit a good faith estimate by a licensed contractor of the costs of securing and removing, or the costs of repairing the building or other structure in compliance with the State Building Code, and the City Manager may return the amount in excess of the estimate to the named insured, provided that the City of Hinton has not commenced to remove, repair, or secure the building or other structure.

Nothing in this section shall be construed to prohibit the City and the named insured from entering into an agreement that permits the transfer of funds to the named insured(s) if some other reasonable disposition of the damaged property has been negotiated.

### **PLACEMENT OF FUNDS; TRANSFER OF FUNDS; RECEIPT OF PROOF OF REPAIR; TIME LIMIT ON TRANSFER.**

Upon receipt of the proceeds by the City of Hinton as authorized in this Article, the City Manager shall place the proceeds in a separate fund. When transferring the funds, the insurance company shall provide the City of Hinton with the name and address of the named insured(s). The City of Hinton shall thereafter contact the named insured(s) and certify that the proceeds have been received. The City of Hinton shall notify the named insured(s) that the funds shall be returned to the named insured(s) upon the issuance of a "Certificate of Good Standing."

The failure by a named insured(s) to obtain a "Certificate of Good Standing" within 90 days of a "total loss by fire" will authorize the City of Hinton to withdraw monies from the fund

to satisfy any delinquent municipal service fees, refuse service fees, assessments, penalties, or charges against the property.

The failure by a named insured(s) to obtain a "Certificate of Standing" within 180 days of a "total loss by fire" will authorize the City of Hinton to withdraw monies from the fund to cause the structure and debris to be safely removed, cap the sewer, and level the property.

#### **PROOF OF PAYMENT SHOWS DISCHARGE OF INSURER**

Proof of payment by the company or companies of proceeds under a policy in accordance with Section \_\_\_\_ of this section is conclusive evidence of the discharge of its obligation to the insured or insureds under the policy to the extent of the payment and of compliance by the company or companies.

#### **NO LIABILITY ON CITY OR INSURER CREATED**

Nothing in this Article shall be construed to make an insurance company liable to its insured in excess of the proceeds payable under its insurance policy or for any other act performed pursuant to Article \_\_\_\_\_. Nothing in this article shall be construed to make the City an additional insured under a policy of insurance. The City of Hinton has standing to bring a private cause of action to enforce the provisions of Article \_\_\_\_\_, and seek damages arising from violation thereof.

#### **INSURER'S SUBROGATION AND ASSIGNMENT PRESERVED**

An insurance company making payment of policy proceeds under this section for delinquent municipal service fees, or structure removal liens or debris removal expenses incurred by the City shall have full benefit of such payment including all rights of subrogation and of assignment.

#### **DUTIES OF THE INSURANCE COMMISSIONER**

The insurance commissioner of West Virginia shall enforce the provisions contained herein under the authority created by the West Virginia Legislature found in Chapter 33 of the West Virginia Code.

#### **EFFECTIVE DATE**

The provisions of this Article apply to all fires which occur in the City of Hinton after \_\_\_\_\_, 2009.

#### **SEVERABILITY**

The provisions of this Ordinance are severable, and if any provision or part thereof shall be declared invalid or unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this Ordinance.

#### **F. Housing Authority-**

Mayor Mathews discussed the need for a local housing authority to help regulate the housing being used by renters in the city limits. Council asked what it would consist of and how we could run this and where the funding would come from. Several in the audience discussed the current housing authority and their role in rental properties.

#### **G. Franchise Authority-**

**Steve Garner** of Ntelos presented council with a proposal for placement of fiber optic lines through the city right of ways. City Attorney Froble recommended that the city sign a letter of commitment to allow him another month to review the agreement and not delay their construction timeline. Councilman Jordan moved to sign a letter of intent to sign the agreement. Councilman Meador seconded the motion and the motion passed by unanimous consent.

### **VI. Reports**

#### **A. Legal Notices, Clean-Up, Community Development**

Councilman Oxley entered the meeting and expressed his apologies for being late. Council discussed the Shamma property and removing the existing foundations. Brenda Shamma stated she would compensate the city for doing the work with a donation to the skateboard park. Council discussed they did not want to compete with a private business and that they could not set a precedent by tearing down all burned buildings.

Council discussed the Christmas tree at the Memorial Building and possibly replacing it with permission of the County Commission. Council asked Cris to resolve the issue.

**B. Department Heads/Action as Needed**

**1. Police Department- John Harbert** from the civil service commission reported to the council on a meeting they recently had.

**2. Public Works-** nothing

**3. Fire Department-** nothing

**4. Municipal Judge-** nothing

**5. City Manager-** nothing

**VII. Personnel-**

Councilman Oxley moved to go into executive session to discuss personnel. Councilman Meador seconded the motion and the motion passed on a vote of all ayes.

Council returned from executive session on a motion by Councilman Basham seconded by Councilman Jordan and approved by unanimous consent.

Mayor Mathews asked that a motion be made to rescind the motion to pay the dog warden a one hundred dollar per month gas allowance due to the recent drop in gas prices. No motion was made.

Councilman Oxley asked Chief Martin if Officer Bennett had left and not given a resignation. Chief Martin stated yes and he had been off approximately two weeks. Councilman Oxley moved we terminate him. Councilman Basham asked to make the motion we go through Froble. Councilman Oxley stated if he resigns civil service states he has the opportunity to come back in 2 years. Councilman Oxley states his motion is we fire him because he didn't give notice. Cris Meadows states it is in our personnel policy that if you miss three days without notification you are dismissed, however he would still have the right under civil service for a hearing. Councilman Meador said if we don't get his resignation letter by the 15<sup>th</sup> we would have to terminate. Mayor Mathews asked for a second. The motion dies for lack of a second. Councilman Jordan moves to fire him with Froble's approval. Councilman Basham Seconded the motion. Councilman Oxley questioned when this was effective. Councilman Jordan withdrew his motion. Councilman Basham withdrew his second. Councilman Oxley moved to put it before Froble tomorrow and draw it up immediately certified and terminated. Councilman Jordan seconded. The motion passed on unanimous consent.

**VIII. Delegations/Public Input-**

**IX. Mayor and Council Reports-**

The meeting adjourned on unanimous consent no time was noted.

**X. Date of the next meeting is set for February 17, 2009**

\_\_\_\_\_  
Mayor/Cleo Mathews

\_\_\_\_\_  
City Manager/Cris Meadows