

Proposed Minutes

ELKINS COMMON COUNCIL REGULAR COUNCIL MEETING MINUTES

***401 Davis Avenue
Council Chamber, 2nd Floor
December 3, 2020
7:00 p.m.***

Elkins Common Council met in regular session in the council chamber of city hall. Present were City Clerk J.R. Sutton (acting as Mayor); Councilpersons R.C. Chenoweth, M. D. Cuonzo, C.H. Friddle, III, J.A. Guye, G.M. Hinchman, C.C. Lowther, C. L. Metheny, D.C. Parker, L.H. Vest, and K.L. Wilmoth; City Treasurer T. Judy; Fire Chief T. W. Meader; Police Lt. R. Belt; Operations Manager R.P. Pingley; City Attorney G. S. Roberts; Executive Secretary C. Boggs (acting as recording secretary); and Inter-Mountain Reporter B. Johnson.

Mayor V. Broughton and Police Chief T. Bennett were absent.

PUBLIC COMMENT

Shannon Campbell, 330 Graham Street, stated that the first she had heard of the proposed UTV ordinance was that very morning on her local radio. She expressed her opposition to the proposed UTV ordinance, citing her concerns with the repercussions of such action.

Nanci Bross-Fregonara, 210 Boundary Avenue, spoke in opposition to the proposed UTV ordinance. She agreed with Ms. Campbell's comment, adding that she had read about a poll in the Inter-Mountain newspaper that surveyed local residents on their opinion of the agenda item which reflected that the majority would be against such measures. She urged council to reconsider. She would like to see it taken back to the Rules and Ordinance Committee.

Matthew Ogden, 1510 S. Kerens Avenue, feels that the UTV ordinance is widely misunderstood and is being misconstrued. He urged everyone to consider the benefits and asked that those who abide by the laws and operate their UTV's legally not be penalized for the action of others. He concluded by stating that he felt the ordinance would not result in as much change as many were suggesting.

Burley Woods, 522 Davis Street, stated that he did not feel we should discriminate against our residents when we allow motorcycles and other types of vehicles that can produce similar noise, and when neighboring areas allow some UTV usage. He feels that excluding Elkins is a mistake and that locals should be permitted the same rights as others.

Susan "Sue" Phares, 23 High Street, stated that she felt noise pollution is becoming more prominent within Elkins. She feels that in addition to UTV's contribution to this existing issue, she is concerned for the safety risks associated with the proposed ordinance. She suggested that

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perhaps a compromise could be reached by recognizing and authorizing alternative routes for users.

Ron Hite, Central Street, stated that he felt our area law enforcement is incapable of monitoring existing illegal activity and questions how they would be able to successfully enforce the proposed UTV ordinance. He stated that he does not agree that there is any benefit to come from its passing.

MINUTES

Cm. Metheny, **MOVED APPROVAL OF THE MINUTES OF THE REGULAR COUNCIL MEETING OF NOVEMBER 19, 2020.** The motion carried.

NEW BUSINESS

Cm. Friddle, **MOVED APPROVAL OF ENTERING INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING ORDINANCE 277 UNDER THE ATTORNEY-CLIENT PRIVILEGE EXCEPTION.** The motion carried. Council entered into executive session at 7:19 p.m. and returned at 7:34 p.m. The chair announced that no action was taken.

Cw. Cuonzo, **MOVED THAT ORDINANCE 277: AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA, AMENDING CITY CODE, CHAPTER VII TRAFFIC CODE, SECTION 73.65 REGARDING ALL-TERRAIN VEHICLES AND SECTION 73.99 REGARDING PENALTY (2ND AND FINAL READING) BE REFERRED BACK TO THE RULES AND ORDINANCE COMMITTEE FOR FURTHER CONSIDERATION.** In accordance with Resolution 924 and the amended City of Elkins Rules of Council the chair called for a roll call vote. The recording secretary called roll in random order. The motion carried. Council votes were as follows:

R. Chenoweth	Yes	M. Hinchman	No	L. Vest	No
M. Cuonzo	Yes	C. Lowther	No	K. Wilmoth	Yes
C. Friddle, III	Yes	C. Metheny	No	Acting Mayor J. Sutton (in case of tie)	n/a
J. Guye	Yes	D. Parker	Yes		

Cm. Metheny, **MOVED APPROVAL OF ORDINANCE 278: AN ORDINANCE AUTHORIZING THE PUBLIC SALE AND TRANSFER BY DEED TO THE SUCCESSFUL BIDDER OF LOT NO. 155 OF THE PARK VIEW ADDITION IN THE CITY OF ELKINS (2ND AND FINAL READING).** The motion carried.

Cm. Lowther, **MOVED APPROVAL OF ORDINANCE 279: AN ORDINANCE AUTHORIZING THE PUBLIC SALE AND TRANSFER BY DEED TO THE SUCCESSFUL BIDDER OF BLOCK 9, PARTS OF LOT 50-51 OF THE GRAHAM AND DAVIS ADDITION IN THE CITY OF ELKINS (2ND AND FINAL READING).** The motion carried.

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Cm. Friddle, **MOVED APPROVAL OF RESOLUTION 1364: APPOINTING A CITY CLERK AND ESTABLISHING THE AMOUNT OF ANNUAL COMPENSATION.** The motion carried.

Cw. Wilmoth, **MOVED APPROVAL OF RESOLUTION 1365: REAPPOINTING MEMBERS OF THE ELKINS TREE BOARD.** The motion carried.

Cw. Guye, **MOVED APPROVAL OF RESOLUTION 1366: APPOINTING R. DYE AND C. TRIBBLE AS BALLOT COMMISSIONERS FOR THE 2021 MUNICIPAL ELECTION.** The motion carried.

Cm. Friddle, **MOVED APPROVAL OF RESOLUTION 1367: ACCEPTING BID AND AUTHORIZING EXECUTION OF AGREEMENT FOR PURCHASE OF A SANITATION TRUCK.** The motion carried.

Cm. Lowther, **MOVED APPROVAL OF THE PROPOSED PLAN AS PROVIDED BY PICKERING ASSOCIATES FOR THE CITY HALL PARKING LOT PROJECT.** The motion carried.

City Clerk J.R. Sutton reviewed the City Charter Referendum Language as prepared by she and Mr. Tim Stranko. There were no questions or concerns expressed by council.

APPROVAL OF VENDOR INVOICE PAYMENTS

Cm. Friddle, **MOVED APPROVAL OF THE INVOICES PRESENTED.** The motion carried.

The invoices in question were as specified on the following list, which is attached and made part of this record:

- Accounts Payable check transactions for the period November 16-27, 2020

CORRESPONDENCE AND NOTIFICATIONS

Council received the following correspondence and notifications:

- Issued building permits
- Events

The following building permits have been issued since the previous regular council meeting.

ISSUED BUILDING PERMITS				
Permit	Applicant	Location	Description	Value
200278	Irons, Timothy	1008 W Central St	Roof	16,691.00
200279	Hitchcock, Hugh & Kathy	111 White Oak Ln.	Roof	14,544.00
200280	Prouty, Sheila	125 Ridgetop Ct	Roof	15,500.00
200281	Poe, Erin	336 Graham St***	Metal Roof	7,545.00

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ISSUED BUILDING PERMITS				
Permit	Applicant	Location	Description	Value
200282	Corder, Deborah	1007 S Kerens Ave	Roof	15,000.00
200283	Holland Investment Group	237 Diamond St	Metal Roof	10,000.00
200284	Tennant, Joyce	12 Thorne Ave.	Demolition	9,500.00
200285	Hammer, Nashua	918 S Kerens Ave.***	Fence	8,400.00
200286	Amtower Auto Supply, INC	1020 Harrison Ave	Sign	6,000.00

Cm. Metheny, **MOVED ADJOURNMENT.** The motion carried.

The meeting adjourned at 7:54 p.m.

*Approved by council at the meeting
of MONTH DAY, YEAR*

Jessica R. Sutton, Acting Mayor

Attest:

Chelsea Boggs, recording secretary