

# **ELKINS COMMON COUNCIL REGULAR COUNCIL MEETING AGENDA**

*401 Davis Avenue  
Council Chamber, 2nd Floor  
February 3, 2022  
7:00 p.m.*

- 1. Invocation and Pledge of Allegiance**
- 2. Call to order and roll call**
- 3. Agenda adjustments**
  - a. New business - *Treasurer presentation of Retroactive Pay for Temporary Assignment*
- 4. Public comment**
- 5. Minutes**
  - a. Minutes proposed for the regular council meeting of January 20, 2022.
- 6. Correspondence and Notifications**
  - a. Issued building permits
  - b. Treasurer's report
- 7. Presentations**
  - a. Elkins-Randolph County Chamber of Commerce Executive Director Lisa Wood
  - b. Strategic Plan update by City Clerk Jessica Sutton
- 8. Committee Reports**
- 9. Staff reports**
- 10. Approval of vendor invoice payments**

Vendor invoices presented for approval:

- A/P History Check Report for the period January 17 – 28, 2022

(Available for public review in the city clerk's office two business days before this meeting, as required by W. Va. Ethics Commission Open Meetings Advisory Opinion 2012-04.)

## 11. New business

- a. *Ordinance 295*: An Ordinance of the City of Elkins, West Virginia to Vacate, Abandon, and Close a Portion of those Certain Public Rights of Way of an Unopened Alley known as Coke Lane which lies behind the Randolph County Housing Authority owned property known as Riverside Place Apartments, formerly known as "Allegheny Apartments" located on S. Davis Avenue, Elkins, W.Va.
- b. *Resolution 1487*: Amending City of Elkins Rules of Council
- c. *Resolution 1488*: Authorizing Acceptance of Body Worn Camera Grant Award from the U.S. Department of Justice Bureau of Justice Assistance, and Authorizing Execution Thereof
- d. *Resolution 1489*: Resolution to Authorize Mayor to Execute Amended Water Line Right of Way and Easement for Firefly Commons Limited Partnership Property
- e. *Resolution 1490*: Approving "Full-time Regular" Employee Status and Confirming Compensation level for C. Goff
- f. *Consideration of Appointment to the Elkins Planning Commission*
- g. *Treasurer presentation of Retroactive Pay for Temporary Assignment*

## 12. Mayor's comments

## 13. Adjournment

## ***Proposed Minutes***

# **ELKINS COMMON COUNCIL REGULAR COUNCIL MEETING MINUTES**

***401 Davis Avenue  
Council Chamber, 2nd Floor  
January 20, 2022  
7:00 p.m.***

Elkins Common Council met in regular session in the council chamber of city hall. Present were Mayor Jerry A. Marco; Councilpersons N.E. Bross-Fregonara, M. D. Cuonzo, C.H. Friddle, III, J.A. Guye, C.J. Higgins, G.M. Hinchman, C.C. Lowther, D.C. Parker, and L.H. Vest; City Fire Chief S.D. Himes; Interim Operations Manager M. Himes; City Attorney G. S. Roberts; and City Clerk J.R. Sutton (acting as recording secretary).

Councilor R.C. Chenoweth; Treasurer T. Judy; and Police Chief T. Bennett were absent.

## **MINUTES**

Cm. Lowther, **MOVED APPROVAL OF THE MINUTES OF THE JANUARY 6, 2022, MEETING.** The motion carried.

## **CORRESPONDENCE AND NOTIFICATIONS**

Council received the following correspondence and notifications:

- Treasurer's report

## **PRESENTATION**

Davis Health Foundation Executive Director Mike Bell reported to council on the Foundation as well as Davis Health Systems. Mr. Bell share five big ideas. First - while people aren't becoming as sick, they are still high level of COVID-19 infections resulting in max capacity at DHS. The ED expansion undergone a few years ago has been a tremendous help with patient influx. Second – Webster Memorial Hospital is now fully under Davis Health System. Their next step is the completion of an entirely new facility. Third – DHS is suffering staffing shortages at every level. However, they are pleased with the Davis Academy started last fall which brings in a cohort who are paid full-time wages and benefits and cycled through six to eight departments to measure aptitude and determine interest. The programs target is high school students, and the hope is that at the end of the 8-9 month program participants can be hired. Fourth – the Starbucks is open as part of the Healthy Marketplace and Food Farmacy. The long-term goal is to provide coaching, food, and kitchen items for the participants overall health. The fifth and final big idea is that the DHS Board of Directors adopted a ten year multi-million master facilities plan, which includes expansion of services and space for women and children.

**Proposed Minutes**

**APPROVAL OF VENDOR INVOICE PAYMENTS**

Cm. Hinchman, **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 January 3 – 14, 2022

**NEW BUSINESS**

Cw. Cuonzo, **MOVED APPROVAL OF ENTERING INTO EXECUTIVE SESSION UNDER ATTORNEY-CLIENT PRIVILEGE AND TO DISCUSS CITY PERSONNEL. The motion carried.** Council entered executive session at 8:10 p.m. and returned at 8:34 p.m. The chair announced that no action was taken.

Cm. Parker, **MOVED APPROVAL TO DIRECT THE CITY ATTORNEY, CHIEF HIMES AND THE TREASURER TO MEET AND DISCUSS HOLIDAY COMPENSATION OF CIVIL SERVICE EMPLOYEES TO ENSURE COMPLIANCE WITH STATE LAW. The motion carried.**

Cw. Guye, **MOVED ADJOURNMENT. The motion carried.**

The meeting adjourned at 8:41 p.m.

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

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Jerry A. Marco, Mayor

*Attest:*

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Jessica R. Sutton, City Clerk

# BUILDING PERMITS

Presented at council meeting of: February 3, 2022

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

<b>ISSUED BUILDING PERMITS</b>				
<b>Permit</b>	<b>Applicant</b>	<b>Location</b>	<b>Description</b>	<b>Value</b>
220002	Coffman, Stacy	927 S Kerens Ave	Electrical Service Inspection	1,200.00
220003	Mahoney, Derek	213 Evergreen Dr.	Deck	24,800.00
220004	Fehrenbach, Tyler	406 Davis St	Upgrade Wiring, Fix Sewer Pipe & HVAC	25,000.00
220005	Harper, Gyvonne	111 Davis St	Roof	6,924.00
220006	HALL, Lorentz	852-858 W Central St	Remodel from Fire	150,000.00
220007	Campbell, Chris	203 Washington Ave.	Garage	20,000.00
220008	Hicks, Lynn & Jennifer	139 Elm St	Asbestos Removal	8,000.00
220009	Aughtry, Marie	24 Fayette St	Windows & Drywall	12,560.00
220010	Hall, Carolyn	1711 S Davis Ave.	Electrical Service Upgrade	2,100.00
220011	Amendolia, Patrick	110 Harpertown Rd.	Install Bathroom in Master Bedroom	7,000.00
220012	Lamb, Vera	137 Riverview Dr	Replace Roof Shingles	19,000.00
220013	Busch Properties	104 Buffalo St	Replace Roof Shingles	12,565.00
220014	Whiteman, Gary & Rebecca	1217 S Henry Ave	Replace Roof Shingles	11,165.00
220015	City of Elkins	201 Graham St	Asbestos Removal & Demolition	13,700.00
220016	Hicks, Lynn & Jennifer	139 Elm St	Remodel	23,000.00
220017	Holland Investment Group	319 Center St	Roof	11,000.00
220018	Cutright, Robert	1 Cherokee St	Electric Service	500.00
220019	Terra Floral Landscaping Inc.	300 Ward Ave	Replace Roof and Build Two Green Houses	126,000.00
220020	Underwood, Ginny	953 S Kerens Ave	Install Metal Roof	6,000.00
220021	Corder, Jerry	33 Dowell St	Electric Service	500.00
220022	Elkins Metal Recycling	33 Factory St	Asbestos Removal & Demolition	1,000.00

## MASTERCARD P-CARD QUARTERLY REBATES

	October	November	December	
<b>General Fund</b>	46,441.80	36,012.05	44,990.68	127,444.53
<b>Parks Fund</b>	1,772.13	3,366.80	2,863.34	8,002.27
<b>Water Fund</b>	11,497.93	11,404.06	8,109.82	31,011.81
<b>Sewer Fund</b>	22,351.41	30,143.26	22,157.00	74,651.67
<b>Sanitation Fund</b>	2,278.33	5,182.99	4,722.44	12,183.76
<b>Landfill Fund</b>	-	-	-	-
				<b>253,294.04</b>
	<b>84,341.60</b>	<b>86,109.16</b>	<b>82,843.28</b>	<b>253,294.04</b>

0.011859537

<b>General Fund - Rebates</b>	<b>1,511.44</b>
<b>Parks - Rebates</b>	<b>94.90</b>
<b>Water - Rebates</b>	<b>367.79</b>
<b>Sewer - Rebates</b>	<b>885.33</b>
<b>Sanitation - Rebates</b>	<b>144.49</b>
<b>Landfill Rebates</b>	<b>0.00</b>

**\$ 3,003.95**

**Oct-Dec 2021 MASTERCARD P-CARD REBATE**

**FY2022 Rebates    1st Qtr    2nd Qtr    3rd Qtr    4th Qtr    TOTAL**

<b>General Fund</b>	<b>1,443.94</b>	<b>1,511.44</b>				<b>2,955.38</b>
<b>Parks Fund</b>	<b>141.52</b>	<b>94.90</b>				<b>236.42</b>
<b>Water Fund</b>	<b>1,064.31</b>	<b>367.79</b>				<b>1,432.10</b>
<b>Sewer Fund</b>	<b>625.40</b>	<b>885.33</b>				<b>1,510.73</b>
<b>Sanitation Fund</b>	<b>148.15</b>	<b>144.49</b>				<b>292.64</b>
<b>Landfill Fund</b>	<b>-</b>	<b>-</b>				<b>-</b>

<b>3,423.32</b>	<b>3,003.95</b>	<b>-</b>	<b>-</b>		<b>6,427.27</b>
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## P-CARD FISCAL YEAR COMPARISON

	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022
<b>General Fund</b>	\$6,429.29	\$7,416.24	\$7,684.04	\$6,932.77	\$10,795.04	\$8,367.64	\$8,768.85	\$8,572.72	\$7,529.60	\$2,955.38
<b>Coal Severance</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$237.60	\$110.54	\$0.00	\$0.00	\$0.00	\$0.00
<b>Parks Fund</b>	\$83.91	\$341.02	\$181.76	\$753.95	\$855.36	\$449.76	\$264.49	\$281.73	\$678.72	\$236.42
<b>Water Fund</b>	\$783.14	\$3,511.40	\$3,404.61	\$8,292.64	\$10,652.79	\$10,988.40	\$12,616.35	\$11,453.46	\$9,091.44	\$1,432.10
<b>Sewer Fund</b>	\$335.63	\$1,466.46	\$1,312.28	\$3,730.00	\$5,351.09	\$5,675.19	\$6,035.23	\$7,769.36	\$4,837.04	\$1,510.73
<b>Sanitation Fund</b>	\$111.88	\$177.68	\$179.03	\$542.75	\$678.31	\$598.91	\$659.09	\$1,030.30	\$541.12	\$292.64
<b>Landfill Fund</b>	\$0.00	\$50.40	\$28.53	\$52.65	\$14.71	\$3.65	\$2.29	\$7.54	\$1.18	\$0.00
	\$7,743.85	\$12,963.20	\$12,790.25	\$20,304.76	\$28,584.90	\$26,194.09	\$28,346.30	\$29,115.21	\$22,679.10	\$6,427.27



VENDOR SET: 01 Elkins  
 BANK: Pool Pooled Cash  
 DATE RANGE: 1/17/2022 THRU 1/28/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00741	Great-West Trust Company LLC							
I-VF 202201251289	Voya	D	1/26/2022	420.00		003329		
I-VF2202201251289	Voya AT	D	1/26/2022	50.00		003329		470.00
02259	The Peterbilt Store Knoxville							
I-09S1793	2022 Peterbilt Model 337	R	1/18/2022	179,785.00		011098		179,785.00
00034	ATCO International							
I-I0588806	TrashBags/Plates/Spoons/Fks	R	1/19/2022	344.95		011099		344.95
00047	Truist Governmental Finance							
I-0004 01/27/22	9948000234-04 01/27/22	R	1/19/2022	2,256.75		011100		2,256.75
00075	Encova Insurance							
I-36223090	120221-010222	R	1/19/2022	6,090.00		011101		6,090.00
00202	Davis Trust Company							
I-12755 01222022	3113776-12755 01/22/22	R	1/19/2022	4,256.84		011102		4,256.84
00287	Garrett Equipment Rentals, LLC							
I-58829	Pivot Bolt Kit/Rivet/RAM PinKt	R	1/19/2022	605.65		011103		605.65
00465	Steve's Electrical Service LLC							
I-202168	monthly maintenance, labor	R	1/19/2022	1,600.00		011104		
I-202169	Labor 122621-010622	R	1/19/2022	2,000.00		011104		3,600.00
00468	Miss Utility of West Virginia,							
I-WV21-5635	Message Fees Dec 2021	R	1/19/2022	72.00		011105		72.00
00569	Randolph County Clerk							
I-CKREQ EstateClaims	Kimble & Varney Estate Claims	R	1/19/2022	10.00		011106		10.00
00578	Randolph Elkins Health Departm							
I-123121-WhiteThmpsn	TWhite/JThompson	R	1/19/2022	300.00		011107		300.00
00590	Reserve Account - Pitney Bowes							
I-PSTG ALLC 11/21	Postage Allocation Nov 2021	R	1/19/2022	414.30		011108		
I-PSTG ALLC 12/21	Postage Allocation Dec 2021	R	1/19/2022	875.07		011108		1,289.37
00701	Toshiba Financial Services							
I-461788853	E4515AC 122721-012722	R	1/19/2022	205.35		011109		205.35
00707	Trickett Hardware, Inc.							
I-4871	Rubber gasket mat/wstrip glue	R	1/19/2022	8.37		011110		8.37

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE: 1/17/2022 THRU 1/28/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00712	Tyler Technologies, Inc.							
I-025-361078	annual software maintenance	R	1/19/2022	39,359.70		011111		39,359.70
00779	Woodford Oil Company							
I-20312	Diesel w/Adv	R	1/19/2022	1,321.75		011112		1,321.75
00855	LMC & Associates							
I-2664	Web Maintenance 12/2021	R	1/19/2022	148.75		011113		148.75
00992	McNeil & Company							
I-45080128	Comm Pkg Renewal	R	1/19/2022	2,461.75		011114		
I-45085128	Inland Marine 020122	R	1/19/2022	1,002.75		011114		
I-45090128 020122	Umbrella-Comm 020122	R	1/19/2022	437.50		011114		3,902.00
01390	Phoenix Solutions, LLC							
I-3739	biocarbonate, ps1p150, hypoch	R	1/19/2022	7,738.00		011115		
I-3751	hydroxide, premier PAC	R	1/19/2022	3,584.37		011115		11,322.37
01697	C-Com LLC							
I-654122	maintenance, repair	R	1/19/2022	1,200.00		011116		
I-654123	printer,install,software,maint	R	1/19/2022	2,715.47		011116		3,915.47
02169	Johnston Equipment LLC							
I-9108	Misc parts/shaft/bolts/wheels	R	1/19/2022	829.36		011117		829.36
02217	Steve Hannan Construction							
I-13	Materials/Labor	R	1/19/2022	591.35		011118		591.35
02258	Jacob Judy							
I-Reimb 011221	Reimb for supplies @ Walmart	R	1/19/2022	69.22		011119		69.22
00116	Child Support Enforcement							
I-CDS202201251289	Child Support	R	1/26/2022	666.30		011120		666.30
00121	Citizens Bank of WVFP							
I-FP 202201251289	Fire Pension	R	1/26/2022	517.27		011121		517.27
00122	Citizens Bank of WVFP							
I-PP 202201251289	Police Pension	R	1/26/2022	161.52		011122		
I-PPN202201251289	Police Pension-2010 Forward	R	1/26/2022	396.99		011122		558.51
00147	COE Misc							
I-MIS202201251289	Misc Reimbursements	R	1/26/2022	178.00		011123		178.00

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VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00150	COE Payroll							
I-T1 202201251289	Federal Withholding	R	1/26/2022	11,522.11		011124		11,522.11
00151	COE Payroll							
I-T3 202201251289	FICA	R	1/26/2022	12,760.24		011125		
I-T4 202201251289	Medicare	R	1/26/2022	4,336.68		011125		17,096.92
00152	COE Payroll							
I-T2 202201251289	State Withholding	R	1/26/2022	5,826.00		011126		5,826.00
00203	Davis Trust Company							
I-CC 202201251289	Employee Christmas Club	R	1/26/2022	1,840.00		011127		1,840.00
00747	Washington National Insurance							
I-WN 202201251289	Washington National Insurance	R	1/26/2022	879.47		011128		879.47
00837	COE Payroll Reimbursement							
I-001202201251289	Payroll Reimbursement	R	1/26/2022	69,414.80		011129		
I-006202201251289	Payroll Reimbursement	R	1/26/2022	4,484.76		011129		
I-400202201251289	Payroll Reimbursement	R	1/26/2022	15,024.03		011129		
I-401202201251289	Payroll Reimbursement	R	1/26/2022	12,931.67		011129		
I-404202201251289	Payroll Reimbursement	R	1/26/2022	7,671.52		011129		109,526.78
01885	Colonial Life							
I-CL 202201251289	Colonial Life-AT	R	1/26/2022	122.06		011130		
I-CLP202201251289	Colonial Life-PT	R	1/26/2022	52.52		011130		174.58
00006	AFLAC							
I-AF 202201111288	Aflac-After Tax Ins	R	1/26/2022	51.48		011131		
I-AF 202201251289	Aflac-After Tax Ins	R	1/26/2022	51.48		011131		
I-AFL202201111288	Aflac Insurance	R	1/26/2022	99.30		011131		
I-AFL202201251289	Aflac Insurance	R	1/26/2022	99.30		011131		301.56
00242	Elkins Professional Firefighte							
I-EPP202201111288	Elkins Professional FF	R	1/26/2022	90.00		011132		
I-EPP202201251289	Elkins Professional FF	R	1/26/2022	90.00		011132		180.00
00591	Retiree Health Benefit Trust F							
C-CORR 01/22 RHBT	Correct 1/22 RHBT	R	1/26/2022	23.00CR		011133		
I-RChenoweth 01/2022	RChenoweth Jan 2022	R	1/26/2022	116.00		011133		
I-RHB202201251289	Retiree Health Benefit Trust	R	1/26/2022	8,004.00		011133		
I-Retirees 01/2022	Retirees 01/2022	R	1/26/2022	2,199.80		011133		10,296.80

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE: 1/17/2022 THRU 1/28/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00792	WV Consolidated Retirement Boa							
	I-RTD202201111288 Retirement	R	1/26/2022	6,688.39		011134		
	I-RTD202201251289 Retirement	R	1/26/2022	6,982.04		011134		13,670.43
00805	FBMC							
	I-MFB202201111288 Mt. Flex Benefit	R	1/26/2022	1,693.05		011135		
	I-MFB202201251289 Mt. Flex Benefit	R	1/26/2022	1,669.99		011135		
	I-RChen 01/2022 RChenoweth 01/22 2 pays	R	1/26/2022	55.60		011135		3,418.64
00810	WV Public Employee Insurance A							
	I-AdmnFees 01/22 Admn Fee-White Broschart	R	1/26/2022	100.00		011136		
	I-BL 202201111288 Basic Life Benefit	R	1/26/2022	2.00		011136		
	I-BL 202201251289 Basic Life Benefit	R	1/26/2022	182.00		011136		
	I-BL1202201251289 Basic Life Benefit +	R	1/26/2022	1.30		011136		
	I-DL 202201111288 Dependent Life	R	1/26/2022	86.99		011136		
	I-DL 202201251289 Dependent Life	R	1/26/2022	86.99		011136		
	I-HPA202201111288 Ins-Health Plan A	R	1/26/2022	685.00		011136		
	I-HPA202201251289 Ins-Health Plan A	R	1/26/2022	685.00		011136		
	I-ICA202201111288 Ins - Emp/Child-Plan A	R	1/26/2022	833.00		011136		
	I-ICA202201251289 Ins - Emp/Child-Plan A	R	1/26/2022	833.00		011136		
	I-ICB202201111288 Ins- Emp/child - Plan B	R	1/26/2022	1,086.00		011136		
	I-ICB202201251289 Ins- Emp/child - Plan B	R	1/26/2022	1,086.00		011136		
	I-IFA202201111288 Ins - Family - Plan A	R	1/26/2022	10,195.50		011136		
	I-IFA202201251289 Ins - Family - Plan A	R	1/26/2022	10,195.50		011136		
	I-IFB202201111288 Ins - Family - Plan B	R	1/26/2022	6,675.50		011136		
	I-IFB202201251289 Ins - Family - Plan B	R	1/26/2022	6,675.50		011136		
	I-IFD202201111288 Ins-Fam-Plan B - Post Tax	R	1/26/2022	416.50		011136		
	I-IFD202201251289 Ins-Fam-Plan B - Post Tax	R	1/26/2022	416.50		011136		
	I-ISA202201111288 Ins - Single - Plan A	R	1/26/2022	3,000.00		011136		
	I-ISA202201251289 Ins - Single - Plan A	R	1/26/2022	3,000.00		011136		
	I-ISB202201111288 Ins-Single - Plan B	R	1/26/2022	1,755.00		011136		
	I-ISB202201251289 Ins-Single - Plan B	R	1/26/2022	1,755.00		011136		
	I-OL 202201111288 Optional Life	R	1/26/2022	320.40		011136		
	I-OL 202201251289 Optional Life	R	1/26/2022	318.80		011136		
	I-RChenoweth 01/2022 RChenoweth Jan 2022	R	1/26/2022	973.00		011136		
	I-TOF202201111288 Tobacco Surcharge Family	R	1/26/2022	400.00		011136		
	I-TOF202201251289 Tobacco Surcharge Family	R	1/26/2022	400.00		011136		
	I-TOS202201111288 Tobacco Surcharge Single	R	1/26/2022	125.00		011136		
	I-TOS202201251289 Tobacco Surcharge Single	R	1/26/2022	125.00		011136		52,414.48
00952	WV Consolidated Retirement Boa							
	I-RTF202201111288 Retirement	R	1/26/2022	2,484.90		011137		
	I-RTF202201251289 Retirement	R	1/26/2022	2,295.46		011137		
	I-RTN202201111288 Retirement	R	1/26/2022	3,568.80		011137		
	I-RTN202201251289 Retirement	R	1/26/2022	3,567.00		011137		11,916.16

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE: 1/17/2022 THRU 1/28/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00993	WV Consolidated Retirement Boa							
I-RT6202201111288	Retirement 6%	R	1/26/2022	7,238.86		011138		
I-RT6202201251289	Retirement 6%	R	1/26/2022	7,758.20		011138		14,997.06
00057	BFMC, Inc.							
I-24224	Delinq Notices	R	1/26/2022	1,544.10		011139		1,544.10
00169	Assured Partners of West Virgi							
I-18534	Add 4 2021 Chevy Tahoes 121722	R	1/26/2022	1,337.32		011140		1,337.32
00267	Fastenal Company							
I-166584	Roty Hammer Kit	R	1/26/2022	471.90		011141		
I-166671	BPoint/ScalingChisel/FltChisel	R	1/26/2022	74.62		011141		546.52
00314	Guttman Energy, Inc.							
I-F61415841	Fleet Fuel 010322-010922	R	1/26/2022	4,140.53		011142		
I-F61446005	Fleet Fuel 011022-011622	R	1/26/2022	4,211.97		011142		8,352.50
00325	Howard H. Harper							
I-011222-Buffero St	121 Buffalo Sewer connection	R	1/26/2022	4,942.42		011143		4,942.42
00378	J F Allen Co.							
I-15667141-143-146	Road Salt	R	1/26/2022	7,954.82		011144		7,954.82
00465	Steve's Electrical Service LLC							
I-202171	Labor 010622-011322	R	1/26/2022	1,600.00		011145		1,600.00
00471	Mon Power							
I-City Park 011122	City Park 120921-011122	R	1/26/2022	5.80		011146		5.80
00483	Mountain Valley Bank							
I-1202553-15 013122	1202553-15 013122	R	1/26/2022	841.58		011147		
I-1202553-16 013122	1202553-16 013122	R	1/26/2022	576.24		011147		
I-1202553-21 012822	1202553-21 012822	R	1/26/2022	2,369.18		011147		3,787.00
01313	COE Water O & M Account							
I-Water O/M 123121	Water O/M Dep 123121	R	1/26/2022	6,744.09		011148		6,744.09
01390	Phoenix Solutions, LLC							
I-3775	Chemicals	R	1/26/2022	1,510.00		011149		1,510.00
01697	C-Com LLC							
I-654124-654125	Maint/Repair WD/WTP networks	R	1/26/2022	1,537.50		011150		1,537.50

VENDOR SET: 01 Elkins  
 BANK: Pool Pooled Cash  
 DATE RANGE: 1/17/2022 THRU 1/28/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01751	COE WWTP							
I-202201201612	WTP Backwash Nov 2021	R	1/26/2022	752.47		011151		752.47
01790	Crim Law Office PLLC							
I-243	Attny Services -July 2021	R	1/26/2022	250.00		011152		
I-252	Attny Services September 2021	R	1/26/2022	530.00		011152		780.00
02256	Zoro.com							
I-S024894429	3 motors 1 fan blade	R	1/26/2022	558.22		011153		558.22
02260	Earthworks Excavators LLC							
I-1132022	#7 - #8 and #12 River St	R	1/26/2022	10,000.00		011154		10,000.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	57	568,218.08	0.00	568,218.08
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	1	470.00	0.00	470.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	0.00	0.00	0.00
VOID DEBITS:		0.00		
VOID CREDITS:		0.00	0.00	

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: Pool TOTALS:	58	568,688.08	0.00	568,688.08
BANK: Pool TOTALS:	58	568,688.08	0.00	568,688.08
REPORT TOTALS:	58	568,688.08	0.00	568,688.08

SELECTION CRITERIA

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VENDOR SET: 01-Elkins  
VENDOR: ALL  
BANK CODES: Exclude: PCARD  
FUNDS: All

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CHECK SELECTION

CHECK RANGE: 000000 THRU 999999  
DATE RANGE: 1/17/2022 THRU 1/28/2022  
CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99  
INCLUDE ALL VOIDS: YES

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PRINT OPTIONS

SEQUENCE: CHECK NUMBER

PRINT TRANSACTIONS: YES  
PRINT G/L: NO  
UNPOSTED ONLY: NO  
EXCLUDE UNPOSTED: NO  
MANUAL ONLY: NO  
STUB COMMENTS: NO  
REPORT FOOTER: NO  
CHECK STATUS: NO  
PRINT STATUS: \* - All

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ORDINANCE 295

**AN ORDINANCE OF THE CITY OF ELKINS, WEST VIRGINIA TO VACATE, ABANDON AND CLOSE A PORTION OF THOSE CERTAIN PUBLIC RIGHTS OF WAY OF AN UNOPENED ALLEY KNOWN AS COKE LANE WHICH LIES BEHIND THE RANDOLPH COUNTY HOUSING AUTHORITY OWNED PROPERTY KNOWN AS RIVERSIDE PLACE APARTMENTS, FORMERLY KNOWN AS "ALLEGHENY APARTMENTS," LOCATED ON S. DAVIS AVENUE, ELKINS, WEST VIRGINIA**

WHEREAS, the City of Elkins has received a petition from the Randolph County Housing Authority ("Petitioner") requesting the vacation, abandonment and closure of a portion of an unopened alley known as Coke Alley as shown on the attached plat; and

WHEREAS, the Petitioner has complied with the abandonment procedures adopted by the Common Council; and

WHEREAS, on January 19, 2022, the Municipal Properties Committee conducted a public hearing on said petition and found that the portion of the unopened alley is of no benefit to the general traveling public, serves no public purpose and is not necessary for the public use or good; and

WHEREAS the interest of the City and its residents will be best served by vacating and abandoning a portion of an unopened alley known as Coke Alley; and

WHEREAS it appearing that the owner of the property abutting this portion of the unopened alley has been notified of the hearing and has no objection to the petition and it further appearing that property or interest of no person, firm or corporation will be damaged or injured by said abandonment; and

WHEREAS the Common Council deems it to be in the public interest that said right of way being a portion of an unopened alley known as Coke Alley as shown on the attached plat be vacated, abandoned and closed as not necessary for the public use or good.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKINS THAT:

1. The public right of way being a portion of an unopened alley known as Coke Alley as shown on the attached plat be and hereby vacated, abandoned, and closed, and that from and after the final adoption of this Ordinance, the same shall cease to be public roads or ways.

2. A public hearing with regard to the proposed vacation, abandonment and closure was held before the Municipal Properties Committee pursuant to Notice of Hearing published in The Inter-Mountain.



3. Upon final adoption of this Ordinance, a quitclaim deed reserving all necessary water, sewer and other utility easements, shall be executed by the Mayor to the Petitioner, namely Randolph County Housing Authority.

4. The quitclaim deed and a duly certified copy of this Ordinance shall be recorded in the Office of the Clerk of the County Commission of Randolph County, West Virginia.

This Ordinance shall become effective upon the date of its final adoption.

**PASSED AND APPROVED ON THE FIRST READING: \_\_\_\_\_, 2022.**

**PASSED AND APPROVED ON THE SECOND AND FINAL READING THE \_\_\_ DAY  
OF \_\_\_\_\_, 2022.**

\_\_\_\_\_  
Jerry A. Marco, Mayor

*Attest:*

\_\_\_\_\_  
Jessica R. Sutton, City Clerk

DESCRIPTION OF SURVEY - LOT 1

A lot or parcel of land lying along the west side of Davis Avenue (also known as Federal Aid Non-State Route 2257) in Block 47 of the Valley Improvement Co.'s South Elkins Addition, and situate on the waters of the Tygart Valley River, in Elkins Corporation, Randolph County, West Virginia, and being more particularly described as follows:

Beginning at a Railroad Spike set on the east line of a 20 foot alley, corner to Lot 2 of this survey, from which Utility Pole 306/3 bears N 83-16-50W at 20.61 feet and Utility Pole 306/2 bears S 38-15-00 W 97.05 feet, thence leaving alley and with Lot 2 for two (2) lines;

N 75-39-20 E 84.00 feet to a 1/2-inch Iron Pipe, found, thence;

N 22-57-10 E at 45.18 feet passing a 1/2-inch Iron Pipe, found, in all 50.00 feet to a Point on bank of Tygart Valley River, thence with the south bank of Tygart Valley River for two (2) lines;

S 72-07-30 E 55.33 feet to a Point, thence;

S 64-11-00 E 24.05 feet to a Point on the west line of Davis Avenue, from which a Water Meter bears S 00-11-30 E at 15.02 feet and a Sewer Manhole bears S 43-23-30 E at 16.55 feet, thence with the west side of Davis Avenue;

S 26-03-10 W at 1.98 feet passing a 3/4-inch by 30-inch Reinforcing Rod with a Yellow Plastic Cap stamped "SLS Monument 462-5634" hereinafter referred to as a Rebar, set in all 141.03 feet to a P.C. Nail set in concrete, corner to Terry and Debra Waybright's lot, from which a 2-inch Iron Pipe bears N 64-49-20 W at 0.23 feet and a 2-inch concrete block set in stone, found corner to Block 47 and Lot 679 bears S 26-03-10 W at 277.46 feet, thence with said Waybright's lot;

N 63-56-50 W 150.00 feet to a Point in concrete on east side of 20 foot wide alley, from which a 3-inch Iron Pipe in concrete flush with ground bears N 68-50-00 W at 0.49 feet and Utility Pole 306/2 bears S 42-55-50 W at 70.62 feet, thence with said alley;

N 26-03-10 E 27.28 feet to the place of beginning containing 0.35 acres (or 15,404 square feet), more or less, as surveyed by SLS Land & Energy Development in February and March 2021 and as shown on a PLAT OF ALTA/NSPS SURVEY FOR RANDOLPH COUNTY HOUSING AUTHORITY dated March 27, 2021, included herewith and made a part of this description.

Being the combined perimeter of Parcels 15 and 16 on Tax Map 17 conveyed to Seneca Realty Co. from Allegheny Apartments, Limited Partnership by (2) separate deeds. First, Parcel 15 by quitclaim deed recorded in Deed Book 442, Page 54. Second, Parcel 16 by a deed dated the 29th day of September, 1990 and recorded in Deed Book 442, Page 55. Both deeds being recorded in the Office of the County Clerk of Randolph County, West Virginia.

NOTES ON SURVEY

- 1. To the best of my knowledge and belief, the survey and the information hereon is correct, accurately shown and meets the requirements as set forth in West Virginia Code - Chapter 30 (13A).
2. Both the boundary survey descriptions and plot of the 0.10 acre and the 0.35 acre lots match the corner markers set.
3. The description of the subject properties forms a mathematically closed figure.
4. The survey correctly shows the location of all buildings, structures and other improvements situated on the Premises.
5. There are numerous encroachments onto the adjoining 20 foot alley and adjacent lands from the current Parcel 16, as shown on the mapping. SEE ENCROACHMENT TABLE.
6. As of March 15, 2021, the gravel parking area was located, however no designated parking spaces were located on the subject property.
7. There is a dumpster pad and dumpster with sign associated with the Allegheny Apartments (predecessor to Seneca Realty Co.) located on Parcel 45. However no documentation was found of record for an agreement for this encroachment.
8. The survey shows the location of all visible storm drainage systems for the collection and disposal of all roof and surface drainage on the subject property.
9. The Tygart Valley River is located along the north side of the properties shown.
10. The Lots 1 and 2 are located on Flood Insurance Rate Map No. 5408300161C, with an effective date of identification of September 29, 2010, for Community Number 540177, in Randolph County, State of West Virginia. A portion of the lots are located within an area having a "Zone AE" designation. The line designating "Zone AE" designated area was taken from flood maps listed above and shown hereon. This entire area is located in an area being protected from the 1 percent annual chance or greater flood hazard by a levee system that has been provisionally accredited. Overlapping or failure of any levee system is possible.
11. The subject property has 141.03 feet of road frontage on Lot 1 along Davis Avenue. There is no existing access road onto this property along this frontage. There is 27.28 foot frontage for Lot 1 and 89.48 foot frontage for Lot 2 along the 20 foot alley. Access for Lots 1 and Lot 2 is from the 20 foot alley off of 10th Street.
12. Address of Subject Property was not provided to SLS.
13. SLS submitted an 811 Utility Location ticket on Monday, February 8, 2021. As per our field survey, no visible markings or evidence was found for the location of electric, water, sewer or telephone entering the buildings.
14. Utility locations are from visible observations and measurements.
15. Actual locations of the entrance of the electric and telephone service lines to the building was not determined.
16. A title commitment was not provided therefore easements, right-of-ways and exceptions were not addressed other than as mentioned in the current deeds and from visible observations.
17. The face of the building appears to be within 0.10 feet of the street line.
18. The concrete steps and hand railing encroach onto Davis Avenue 4.50 feet.
19. This encroachment appears to be associated with Lot 2 due to the similarity of the fence between Lots 1 and 2.
20. No indication of wetland delineation was found during this survey.
21. Table A #2 - Addresses for subject properties was not provided.
22. Table A #s 6A and 6B - Zoning and Setback information was not provided.

ENCROACHMENTS

- 5A. Encroachment is a 10.5 x 22 foot concrete pad used for parking and is associated with Lot 2, located in the alley as shown.
5B. Encroachment is the Service Entrance Pole for the mobile home which encroaches on the 20 foot alley 5.5 feet as shown.
5C. Encroachment is the porch and deck for the mobile home and encroaches on the 20 foot alley 14.3 feet as shown.
5D. Encroachment is the block and wood storage building and deck at the northwest corner of Lot 2. This building and deck encroaches on the 20 foot alley 15.8 feet as shown.
5E. Encroachment is the northwest corner of the mobile home on Lot 2. This corner encroaches onto the 20 foot alley 1.9 feet as shown.

DESCRIPTION OF SURVEY - LOT 2

A lot or parcel of land lying along the east side of a 20 foot wide alley in Block 47 of the Valley Improvement Co.'s South Elkins Addition, and situate on the waters of the Tygart Valley River, in Elkins Corporation, Randolph County, West Virginia, and being more particularly described as follows:

Beginning at a Railroad Spike set on the east line of a 20 foot alley, corner to Lot 1, from which Utility Pole 306/3 bears N 83-16-50W at 20.61 feet and Utility Pole 306/2 bears S 38-15-00 W 97.05 feet, thence leaving alley and with Lot 2 for two (2) lines;

N 26-03-10 E at 67.63 feet passing a 3/4-inch by 30-inch Reinforcing Rod with a Yellow Plastic Cap stamped "SLS Monument 462-5634" hereinafter referred to as a Rebar, set in all 141.03 feet to a Point on bank of Tygart Valley River, thence with the south bank of Tygart Valley River for two (2) lines;

S 77-36-30 E 83.25 feet to a Point on the Bank of said River, corner to Lot 1, thence with said Lot 1 for two (2) lines;

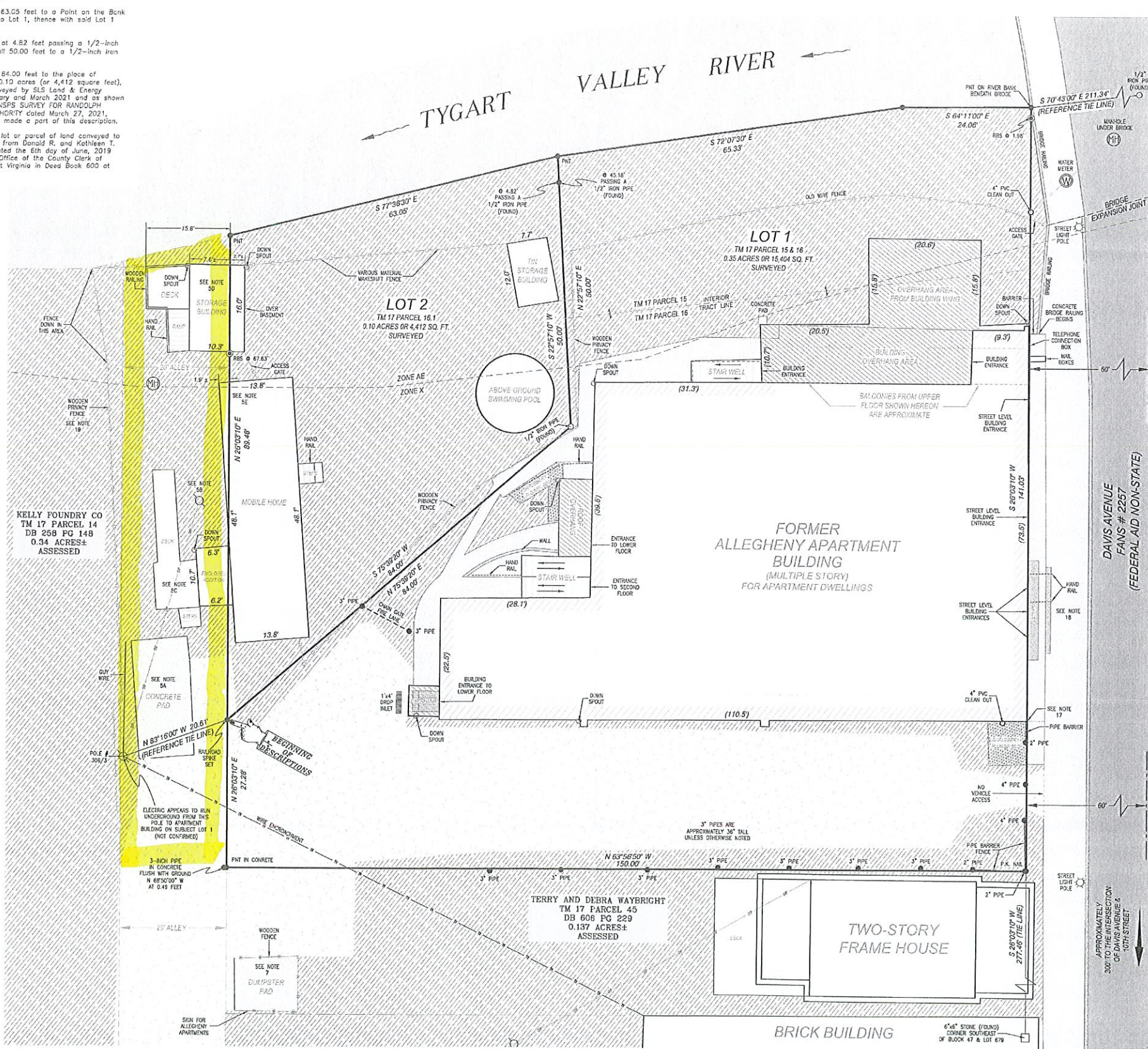
S 22-57-10 W at 4.82 feet passing a 1/2-inch Iron Pipe, found, in all 50.00 feet to a 1/2-inch Iron Pipe, found, thence;

S 75-39-20 W 84.00 feet to the place of beginning containing 0.10 acres (or 4,412 square feet), more or less, as surveyed by SLS Land & Energy Development in February and March 2021 and as shown on a PLAT OF ALTA/NSPS SURVEY FOR RANDOLPH COUNTY HOUSING AUTHORITY dated March 27, 2021, included herewith and made a part of this description.

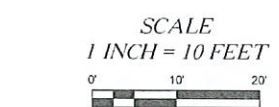
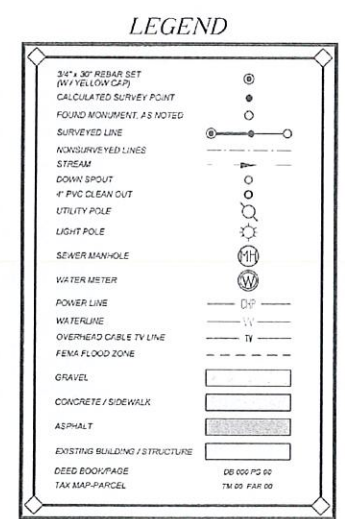
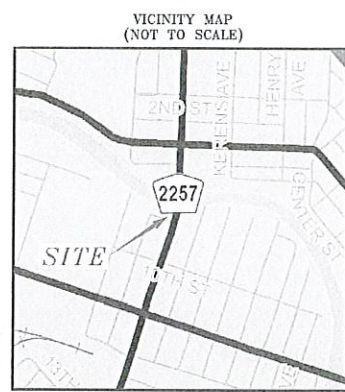
Being the same lot or parcel of land conveyed to Chandra D. Waybright from Donald R. and Kathleen T. Hinchman by deed dated the 5th day of June, 2019 and recorded in the Office of the County Clerk of Randolph County, West Virginia in Deed Book 600 at page 749.

PLAT OF ALTA/NSPS SURVEY FOR RANDOLPH COUNTY HOUSING AUTHORITY

TWO LOTS OR PARCELS OF LAND LYING ALONG THE WEST SIDE OF DAVIS AVENUE (ALSO KNOWN AS FEDERAL AID NON-STATE ROUTE 2257) AND SITUATE ON THE WATERS OF A TYGART VALLEY RIVER IN ELKINS CORPORATION, RANDOLPH COUNTY, WEST VIRGINIA.



ORIENTATION TO MAGNETIC NORTH IS BASED ON A COMPASS READING TAKEN ON SITE 02/24/2021. ESTIMATED DECLINATION '04' WEST FOR 02/24/2021 IS BASED ON INFORMATION OBTAINED FROM THE NOAA'S NATIONAL GEOPHYSICAL DATA CENTER.



CERTIFICATION
I hereby certify to Randolph County Housing Authority. This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Table A items 1, 2, 3, 4 (in square feet and acres), 6(a), 6(b), 8, 9, 13, 14, 16, 17 and 18, and if buildings are located on the land, Table A items 7(c), 7(d)(1), of the Table A. The field work was completed on March 15, 2021.

Date of Plat or Map: March 27, 2021
Dated this 29th day of March, 2021
Matthew J. Hilton, Jr.
Professional Surveyor
03/30/2021 P.S. #2294



RANDOLPH COUNTY HOUSING AUTHORITY
2280 N RANDOLPH AVE.
ELKINS, WV 26241

DATE 03/30/2021
SCALE: 1" = 10'
FILE NO. 9066

**IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV**

**A RESOLUTION OF COMMON COUNCIL**

(#1487)

February 3, 2022

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***Amending City of Elkins Rules of Council***

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**WHEREAS**, the Common Council of the City of Elkins (“Council”) adopted *Rules of Elkins Common Council* (“the Rules”), on February 7, 2013 and last amended the Rules on March 26, 2020; and,

**WHEREAS**, by ordinance and vote the Council and the electorate of the City of Elkins adopted changes to the City of Elkins Charter, including those affecting the previously adopted Rules of Council; and,

**WHEREAS**, the Elkins City Clerk, upon review of these changes and others, has recommended amendments to the Rules of Council, as shown on the attached document; and,

**WHEREAS**, the worldwide novel Coronavirus pandemic precipitated the need for additional and temporary rules for the conduct of public meetings to ensure the health and safety of all participants, and those needs persist today Council adopted *Temporary Rules of Elkins Common Council* (“the Temporary Rules”) on September 24, 2020 and last amended the Temporary Rules on June 10, 2021; and,

**WHEREAS**, Council finds that is in the best interests of the City of Elkins to amend the *Temporary Rules of Council* in concurrence with changes among local, state, and federal health officials and the Office of the Governor;

**NOW, THEREFORE, BE IT RESOLVED, THAT:**

The Elkins Common Council hereby adopts and implements the amended *Rules of Council* and the amended *Temporary Rules of Council*, as shown on the attached documents.

---

Jerry A. Marco, Mayor

*Attest:*

---

Jessica R. Sutton, City Clerk

**City of Elkins  
Rules of Council**

Version ~~adopted~~proposed: ~~March 26, 2020~~February 3, 2022

**Rule Titles**

1. Meetings
2. Committees
3. Agenda Items and Informational Packets
4. Order of business at regular meetings
5. Reading of the minutes
6. Procedures for enacting ordinances
7. Informational presentation
8. Reports of committees
9. When a member abstains from voting
10. Rescission, ~~amendment~~amendment, and suspension of rules
11. Discussion, debate, and voting
12. Parliamentary rules of order
13. Members of the public speaking before city council

**1. Meetings**

- a) The city council shall meet in regular public session at the council chamber in the city ~~hall~~ building at 7:00 p.m. on the first and third Thursdays of each month.
- ~~a)b) Special meetings shall be held upon the written petition of two or more members of council or the call of the mayor.~~
- b)c) If the city council shall determine that the council chamber in the city building is not or will not, for any reason, be an appropriate place for the holding of a meeting, the council may, upon motion, designate another place open to the public within the city for the holding of such meeting.
- e)d) During an emergency situation or a declared state of emergency the mayor may change the location of the meeting and/or permit meetings to be held telephonically or via live audio or visual stream, so long as they continue to meet the minimum standards of the W.V. Open Meetings Act as interpreted by the W.V Ethics Commission.

Commented [HD1]: This is in the new charter

## 2. Committees

- a) The city council shall have the following standing committees:
1. ~~Committee on finance: hears and makes recommendations to council concerning requests for budget revisions, compensation adjustments, and any other requests or proposals potentially affecting the city's financial condition; collaborates with Administrative Officers on each year's proposed general and enterprise fund budgets before making recommendations concerning same to council; and authorizes expenditures from the "uncommitted funds" category of each fiscal year's "Contributions to Outside Organizations" worksheet; recommends an annual budget to council. Supervises budget management and makes reports to council; reviews and proposes to council municipal dept instruments and grants; makes fiscal forecasts and reports the same to council.~~
  2. ~~Committee on rules and ordinances: devises and recommends new or changes to existing ordinances and rules; considers and proposes to council new and amended ordinances, rules, and policies.~~
  3. ~~Committee on municipal properties: monitors and reports to council on the condition of and proposed plans for city buildings, real estate, and rights-of-way; hears and makes recommendations to council concerning public comments/complaints about city buildings, real estate, infrastructure, and rights-of-way; reviews and proposes to council capital investment in buildings, real estate and associated infrastructure.~~
  4. ~~Committee on personnel: monitors effectiveness of and makes recommendations to council concerning personnel policies; reviews performance of administrative officers before salary negotiations/reappointment; selects recipients of Employee of the Quarter designation or similar awards; reviews and proposes to council employment policies, including employee compensation and benefits and an employee handbook; reviews applications for primary staff positions recommended by the mayor and makes hiring recommendations to council.~~
  - 4.5. ~~Committee on public safety: monitors and reports to council on the activities of, condition of and proposed plans for municipal public safety assets, including police, fire, and emergency services; reviews and proposed to council capital investment in public safety equipment and infrastructure.~~
- b) All standing committees shall consist of ~~no fewer than three and no more than five councilors~~ members unless the city council by resolution specifically provides otherwise. All standing committees shall be appointed by the mayor.
- c) In addition to the foregoing standing committees, ~~the city council may authorize such select committees as may be provided by resolution; there may be one or more ad-hoc committees assigned a mission or missions by council or the mayor. All members of such committees shall be appointed by the mayor.~~

Commented [HD2]: Updates made to correspond to language in the new charter

- d) The mayor shall also appoint one council representative to the Elkins Parks and Recreation Commission and one council representative to the Elkins Planning Commission.

### 3. Agenda Items and Informational Packets

~~In order to~~To promote the orderly conduct of the business of the city council and the timely preparation of an accurate agenda, the following rules are hereby established and applicable to the conduct of city council and council committee meetings:

- a) ~~Council meeting~~ Agenda items may be submitted to the ~~mayor or~~ city clerk by ~~the mayor, by a committee chair, by any three members of council or by any member of Council,~~ any administrative officer, ~~or the mayor.~~ Agenda items may not be removed from the agenda without the permission of ~~council~~ the individual or body who submitted the initial request.
- b) ~~Committee meeting~~ agenda items may be submitted to the clerk of the committee by the ~~mayor, any member of the committee or by any administrative officer, members of council or by any administrative officer.~~ Agenda items may not be removed from the agenda without the permission of the individual or body who submitted the initial request.
- a)c) Items may be provided for inclusion in the council or committee's informational packets by the mayor, any member of council, or any administrative officer, ~~or the mayor;~~ such items may not be removed without the permission of the person who submitted the item. ~~submitter.~~
- b)d) By law, agendas must be posted no later than 72 hours before a meeting. Therefore, every effort should be made to submit agenda items to the mayor or clerk no later than 12:00 p.m. on the fourth~~third~~ business day preceding a council or ~~meeting~~committee meeting (keeping in mind weekends and typically a Monday, although this may change because of interceding holidays). Because council members' informational packets are prepared on the last business day before a council or committee meeting, every effort should be made to submit supporting documentation for agenda items (such as agenda items reports, invoices, memos requesting approval for overnight travel, explanatory correspondence, etc.) before no later than 12:00 p.m. the last business day preceding the council or committee meeting.
- e)e) The ~~mayor,~~ city clerk, or city attorney will prepare and/or approve the final form of resolutions; the city attorney will prepare and must approve the final form of ordinances. The city clerk shall assign a number to each ordinance and resolution introduced and shall have authority to edit and correct resolutions as to form.

Commented [HD3]: There is probably a better way to phrase this

Commented [HD4]: I don't see an abuse of the now, but wondering if we should tighten it up at all while we are making other changes

### 4. Order of business at regular meetings

- a) The order of business for each regular meeting shall be determined by the clerk. The presiding officer, being the mayor, mayor designee, or chair, shall abide by the order of business as presented in the duly posted meeting agenda. :

0.— Invocation

0.— Pledge of allegiance

4. ~~Call to order and roll call~~
5. ~~Agenda adjustments~~
6. ~~Public comments (Rule 13)~~
7. ~~Information presentation (Rule 7)~~
8. ~~To read, correct and approve of the minutes of previous meetings (Rule 5)~~
9. ~~Unfinished business~~
10. ~~New business~~
11. ~~Approval of invoices~~
12. ~~Committee reports (Rule 8)~~
13. ~~Reports of administrative officers~~
14. ~~Mayor's comments~~
15. ~~Announcements~~
16. ~~Adjournment~~

~~q)b)~~ The presiding officer may by publicly stated reason and with unanimous consent of the body, change order any question a special order the order of business irrespective of the order ~~as of business~~ set forth in subsection (a).

~~f)c)~~ ~~All of All~~ a meeting's agenda items must be considered at that meeting. Agenda items may be withdrawn, postponed, or otherwise disposed only by a duly approved motion. ~~If a member requests that an agenda item be considered in executive session, as permitted by W.V. Code §6-9A-4, said request shall be made by motion. The motion must state the grounds for convening an executive session and an executive session may be held only upon a majority affirmative vote of the members present. All elected officials members of the body are permitted to be included in any executive session. Other elected officials, staff, citizens, or attendees may be included in the executive session at the request of the member making the motion.~~

## 5. Reading of the minutes

Members are provided copies of the minutes in advance of the meeting at which they will be considered for approval; because members have the opportunity to review minutes beforehand, minutes are not typically read at the meeting. ~~Following the roll call, Members have the opportunity to submit and make of record any alterations or corrections.~~ Upon motion, duly approved, the minutes may be amended and are adopted, including any submitted alternations or corrections.

Commented [HD5]: Should this all be removed and replaced with a statement like "the presiding officer will abide by the order of business as presented in the officially posted agenda."

Commented [HD6]: This may need to be reworded

Commented [HD7]: We need to keep this in and use this opportunity to remind councilors of it

Commented [HD8]: I think this should be removed or changed to give the chair or the elected official who made the motion the ability to determine who comes into executive session

**6. Procedures for enacting ordinances**

All ordinances shall be acted upon by Council in accordance with the City Code and the West Virginia Code.

**7. Informational presentations**

Council or the mayor may request or permit an informational presentation by anyone presenting business pertinent to the city. No substantial deliberation or action shall be taken in response to a presentation unless the item is otherwise listed in the order of business.

**8. Reports of committees**

All reports of committees shall be delivered by the committee chair when requested by the mayor during the regularly scheduled Council meetings. In the absence of the chair another committee member may be called upon to report.

Staff reports shall be delivered by the administrative officer, or their designee. When appropriate the chief water operator, chief wastewater operator, city staff or representatives of the city's boards and commissions may be called upon by council or committee to report.

Commented [HD9]: Should we add staff reports to this section?

**9. When a member abstains from voting**

No member shall vote on any question before the city council if ~~he is~~they are directly and immediately interested therein other than as a citizen of the City of Elkins; however, no member may abstain from voting without, prior to a vote being taken, having stated ~~their~~his reason for not voting.

**10. Rescission, amendment, and suspension of rules**

No standing order or rule of the city council shall be rescinded or amended except by a majority vote of the members elected to the city council.

**11. Discussion, debate, and voting**

- a) Agenda business items must be moved ~~and seconded~~ before being debated or discussed. At ~~his or her~~their discretion, the chair may propose ~~to take~~ action on an item by unanimous consent.
- b) Items not appearing on the agenda may not be substantively discussed.
- c) The mayor or acting chair may participate in debates and discussions without relinquishing the chairmanship.
- d) Members need not rise to speak. Members must be recognized by the chair before obtaining the floor, but the chair must recognize any member who seeks the floor while entitled to it.



- e) No one except council members and the chair may participate in or contribute to discussion and debate unless ~~requested to do so recognized~~ by a member or the chair in due order. ~~Upon such requests, the chair shall recognize such individuals in due order.~~
- f) The standard method of voting will be by voice. The chair will first ask all those in favor of a motion to say "aye," and ~~they~~ will next ask all those opposing a motion to say "~~no~~ay." If the result of the voice vote is not unanimous, the chair or any member shall request a roll-call vote.

## 12. Parliamentary rules of order

For circumstances not described in these rules, refer to *Robert's Rules of Order, Newly Revised*, a copy of which shall remain on file in the office of the city clerk.

## 13. Members of the public speaking before city council

- 1) Per Elkins City Code Chapter ~~2, Section 2-1131.05~~, rev.:
  - a) ~~Privilege of citizens and taxpayers to be heard; limitation on time to speak~~-. Any citizen or taxpayer of the City may be heard either in person or by counsel upon any matter introduced or pending before the Common Council; but no speech or hearing shall exceed five minutes, except by the unanimous consent of the Council-. If a citizen or taxpayer of the City requests to be heard either in person or by counsel upon any matter which is not introduced or pending before the Common Council, said citizen or taxpayer of the City may be permitted to address Council upon unanimous consent of the Council-. Said speech or hearing shall not exceed five minutes, except again by unanimous consent of the Council.
  - b) ~~Citizens or counsel to speak only once on one subject at any one meeting~~. No citizen or taxpayer of the City or his counsel shall speak more than once on one subject at any one meeting of the Common Council, except by unanimous consent.
  - c) ~~Manner of addressing Council~~-. Any person, before addressing the Council, shall rise to his feet, respectfully address the presiding ~~officer~~officer, and remain standing while delivering his address-. The person addressing Council shall state his name and address, and if the person represents a group or is speaking on behalf of someone other than himself.
  - d) ~~Order of recognition~~-. If two or more persons desire to address the Common Council at the same time, the presiding officer shall recognize the person who first addressed the chair, and the other person shall at once be seated.
  - e) ~~Acknowledgment~~-. The ~~Mayor~~mayor or the presiding officer of the meeting shall acknowledge the person addressing the Common Council. The ~~Mayor~~mayor or the presiding officer may request that the matter being addressed in the public comment be referred to the appropriate Council committee.

**14. Expulsion**

If a citizen, council member, official, or any other person in attendance at a council meeting becomes unruly, the chair will, by gavel, advise such person that they are out of order and must cease and desist whatever speech or other actions that the chair deems unruly. If the unruly actions continue after such censure, the chair shall direct the chief of police or his representative to remove such person or persons.

**City of Elkins**  
**Temporary Rules of Council**  
**Adopted: June 10, 2021**  
**Amended: February 3, 2022**

**Rule Titles**

1. Purpose
2. Enforcement
3. Meetings
4. Effective date

**a) Purpose**

- a) The guidelines set forth within this document are meant to safeguard city officials, staff, and members of the public from the spread of the COVID-19 virus prevalent in our community and the world today and are based on the direction of local, state, and federal health officials and the Office of the Governor.

**b) Enforcement**

- a) Observance of the rules herein is required by all those present and shall be enforced by the chair of the meeting body.
- b) The chair may issue a warning to any violator and upon continued violation ask the individual to leave the meeting.
- c) Should the chair's request be ignored, and the violation continue, the violator shall be removed by a member of the Elkins Police Department and may face criminal charges.

**c) Meetings**

- I. No person in the following categories will be permitted to attend council and committee meetings:
  - a. Anyone experiencing Covid-19-related symptoms, including but not limited to fever, chills, coughing, and/or difficulty breathing.
  - b. Anyone having tested positive for the Covid-19 virus within fivefourteen days immediately prior to the meeting if they are asymptomatic and 10 days is symptoms are still present.
  - c. ~~Anyone residing in a household with any other person who is either experiencing COVID-19-related symptoms or who has tested positive for the COVID-19 virus.~~

**Commented [HD1]:** Based on CDC updates released December 27, 2021

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All meeting attendees will be required to self-certify they meet the conditions above and will be required to provide information necessary for potential contact tracing.

II. Face coverings are to be worn by all meeting participants, members of the media, members of the public, and any other attendees under the following conditions;

a. Anyone having tested positive for the Covid-19 virus within ten days immediately prior to the meeting.

H. Anyone who is not fully vaccinated has been exposed to Covid-19 as defined by the Centers for Disease Control and Prevention. An exception will be made allowing temporary removal of a face covering for those addressing the meeting and only while maintaining a six-foot distance from others or separated by a partition.

b.

III. All committee and council meetings will be conducted in council chambers.

a. For committee meetings: Committee members, the mayor, and administrative officers shall be seated at the dais and administrative officer's table. All other attendees will be seated in the gallery per the guidance in section IV below.

b. For council meetings: Council members, the mayor, and administrative officers shall be seated at the dais and administrative officer's table. All other attendees will be seated in the gallery per the guidance in section IV below.

c. One representative of the Inter-Mountain shall be seated at the press table. All other members of the media shall be seated in the gallery.

IV. Attendees seated in the gallery who do not reside in the same household are encouraged to maintain a six-foot distance from each other.

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#### d) Effective Date

The Temporary Rules of Council described above shall remain in effect until rescinded by action of a majority of the governing body, having duly considered the local health conditions and local, state, and federal guidance.

**IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV**

**A RESOLUTION OF COMMON COUNCIL**

(#1488)

February 3, 2022

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***Authorizing Acceptance of Body Worn Camera Grant Award from the U.S. Department of Justice Bureau of Justice Assistance, and Authorizing Execution Thereof***

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**WHEREAS**, the Common Council of the City of Elkins recognizes the need to provide adequate and effective public safety services to its citizens; and,

**WHEREAS**, the United States Department of Justice (DOJ) Bureau of Justice Assistance (BJA) has made available funding and technical support to assist small, rural, and tribal (SRT) communities in the implementation of a body worn camera (BWC) program; and,

**WHEREAS**, the City of Elkins has been chosen as a grant recipient in the amount of \$30,000 for the purchase of body worn cameras; and,

**WHEREAS**, upon the recommendation of the Police Chief and the Finance Committees, the Common Council believes that it would be in the best interest of the citizens of Elkins to accept the grant award; and,

**WHEREAS**, the acceptance of the grant requires the City of Elkins to provide matching funds in the amount of \$30,000 for the purchase of body worn cameras; and,

**WHEREAS**, the City of Elkins Finance Committee recommends the \$30,000 matching funds be taken from the Financial Stabilization Account; and

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The Common Council hereby endorses and supports acceptance of the SRT BWC grant award, and hereby authorizes Mayor Jerry A. Marco, or his designee, to enter into a contractual agreement with the BJA to receive and administer grant funds pursuant to provisions of the SRT BWC grant program; and,

**MAY IT FURTHER BE RESOLVED THAT:**

the matching funds required from the City of Elkins be drawn from the City's financial stabilization account per the agreement.

---

Jerry A. Marco, Mayor

*Attest:*

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Jessica R. Sutton, City Clerk

**IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV**

**A RESOLUTION OF COMMON COUNCIL**

(#1489)

February 3, 2022

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***Resolution to Authorize Mayor to Execute Amended Water Line Right of Way  
and Easement for Firefly Commons Limited Partnership Property***

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**WHEREAS**, Firefly Commons Limited Partnership (“Firefly”) possesses certain real property situate in Leadsville District, Randolph County, West Virginia, Tax Map 39, Parcel 3, containing 1.68 acres, more or less, as is more particularly described in Deed Book 662, at page 493, of record in the Office of the Clerk of the County Commission of Randolph County, West Virginia (“Subject Real Estate”); and

**WHEREAS**, the City of Elkins, West Virginia (“City”) is possessed of a water line right of way and easement situate upon the Subject Real Estate conveyed to the City by Jerry Mark Coberly, et al., by deed dated June 24, 1983, of record in aforesaid Clerk’s Office in Deed Book 355, at page 523 (“Easement Agreement”); and

**WHEREAS**, said Easement Agreement granted to the City a permanent right of way and easement for the purpose of constructing, maintaining, operating, repairing, replacing, and removing a water line; and

**WHEREAS**, Firefly is in the process of completing plans for the construction of housing on the Subject Real Estate located on Wilson Lane; and

**WHEREAS**, a portion of the right of way and easement set forth in the Easement Agreement is no longer needed for a water line by the City inasmuch as the water line has been abandoned; and

**WHEREAS**, Firefly has proposed that the Easement Agreement be amended to reflect the current status and need for a water line as set forth in the Easement Agreement; and

**WHEREAS**, upon consultation with the Chief Water Operator as to the abandonment of the water line, it is recommended to Council that the Easement Agreement be amended as is set forth in Right of Way and Easement Agreement (see attached Right of Way and Easement Agreement); and

**WHEREAS**, it appears that amending the Easement Agreement is in the best interests of the citizens of the City of Elkins.

**NOW, THEREFORE, BE IT RESOLVED, THAT:**

The Common Council approves the amendment to the Easement Agreement as set forth in the attached Right of Way and Easement Agreement and authorizes Mayor Marco to execute the Right of Way and Easement Agreement on behalf of the City.

---

Jerry A. Marco, Mayor

*Attest:*

---

Jessica R. Sutton, City Clerk



**PERSONNEL COMMITTEE  
REGULAR MEETING  
MINUTES**

*401 Davis Avenue  
City Hall, Council Chambers  
December 9, 2021  
12:00 p.m.*

Present were Committee Members: R. Chenoweth, chair; C. Lowther; and L. Vest

Also present were: Mayor J. Marco; Treasurer T. Judy; Fire Chief S. Himes; EPD Cpt. R. Belt; City Attorney G. Roberts; City Clerk J. Sutton; and External Affairs Specialist S. Stokes.

**MINUTES**

Cm. Lowther, **MOVED APPROVAL OF THE MINUTES OF THE NOVEMBER 16, 2021 MEETING.** The motion carried.

**OLD BUSINESS**

The committee was presented with action plans prepared by the administrative officers in response to the employee survey conducted by AlignHR earlier this year. The plans were reviewed and discussed by the committee. Further discussion focused on the need to share plans with employees and conducting another survey in the summer of 2022 to gauge improvement.

**NEW BUSINESS**

Cm. Lowther, **MOVED APPROVAL OF A RECOMMENDATION TO COUNCIL FOR AMENDMENTS TO CH. 10.A OF THE COE PERSONNEL MANUAL.** The motion carried.

Cm. Lowther, **MOVED APPROVAL FOR THE COMMITTEE TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING COMPENSATION OF THE INTERIM OPERATIONS MANAGER.** The motion carried. The committee entered executive session at 12:13 p.m. and returned at 12:33 p.m. The chair announced that no action was taken.

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

The meeting adjourned at 12:34 p.m.

The foregoing minutes were approved at the meeting of Jan 13, 2021

Robert Chenoweth  
Name & Title

Robert C. Lowther  
Signature

# **AD-HOC COMMITTEE ON BOARDS AND COMMISSIONS MEETING MINUTES**

*401 Davis Avenue  
City Hall, Council Chambers  
September 22, 2021  
9:00 a.m.*

Present were Committee Members: M. Cuonzo, chair; M. Hinchman; C. Friddle; and D. Parker

Also present were: City Attorney G. Roberts; Mayor J. Marco; and City Clerk J. Sutton

## **PUBLIC COMMENT**

D. Maryann Durland and Dr. Davis Turner spoke as representatives of the Elkins Historic Landmarks Commission. They wanted to visit the board and are happy to answer any questions. Dr. Durland also recognized Madalyn Higgins as another member seated in the gallery.

## **MINUTES**

Cm. Friddle, **MOVED APPROVAL OF THE MINUTES OF THE MARCH 25, 2021 MEETING.** The motion carried.

## **NEW BUSINESS**

The Clerk provided the State and City Code relating to the Elkins Historic Landmarks Commission (EHLC) to the committee. Discussion was held concerning the EHLC's authority, specifically in designating historic buildings and districts. The Clerk raised concerns about activities of the EHLC found to be in violation of the W.Va. Open Meetings Act, including failure to post an agenda; adjustment of an agenda within less than two days of a meeting; and failure to provide adequate public access to meetings. Dr's Durland and Turner stated they were unaware of the rules. The Clerk responded that was false as she has sent multiple emails to the EHLC advising of the rules and their responsibilities and received responses. Further questions were asked by the committee regarding officers, record keeping and reporting. The committee requests that the EHLC keep a paper copy of their minutes at the Darden House and a copy at City Hall. They were also asked to provide an annual written report to city council. M. Cuonzo also requested that the Municipal Properties Committee review the Darden House lease annually prior to renewal in February.

City and State Code relating to the Elkins Planning Commission was provided to the committee. C. Friddle complimented the commission on the work they have been doing to draft a new zoning ordinance. He did express some concern over a councilperson also being chair of the commission.

There is little legislative history available regarding the creation of the Housing Authority of the City of Elkins. The committee reviewed what the Clerk was able to provide. City Attorney G.

Roberts advised that their oversight comes mainly by the USDA HUD. The committee would like to request that an annual report be provided from the Housing Authority. Ms. Roberts will make this request.

The Clerk reported that there are no current vacancies on any board or commission. However, M. Himes reported that a sanitary board member will be moving out of the area and no longer eligible to serve. In addition, M. Cuonzo reported that a Tree Board member has also resigned.

The committee discussed training options for board and commission members. Given the current pandemic in-person training is not recommended at this time, and may be challenging at any time given the diversity of the boards. Clerk Sutton has scheduled a Board of Zoning Appeals training on October 20<sup>th</sup>. The City Attorney and Clerk have also discussed individual training of the Water Board and Sanitary Board. For all other boards and commissions, the Clerk and External Affairs Specialist will consider available virtual resources or create some internally to make available to them and ask that they review them annually.

### ANNOUNCEMENTS

The next meeting of the committee will be held January 26, 2021. The committee will review the Airport Authority, Elkins Parks and Recreation; Elkins Tree Board and the Board of Directors of the Elkins-Randolph Library.

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

The meeting adjourned at 10:25 a.m.

The foregoing minutes were approved at the meeting of Jan 26, 2022

Marilynn Cuonzo, Chair  
Name & Title

Marilynn Cuonzo  
Signature

# ELKINS PLANNING COMMISSION MEETING MINUTES

*401 Davis Avenue*

*Virtual*

*October 28, 2021*

*1:00 p.m.*

Present were Members: N. Bross-Fregonara, chair; K. Somers; P. Kolsun; B. Woolwine; J. Marco; B. Woods; and C. DeMuth of the WVU LUSD Clinic

Also present: City Clerk J. Sutton; External Affairs Specialist S. Stokes; GIS Technician B. Martin

D. Talbott and City Attorney G. Roberts were absent.

## MINUTES

B. Woolwine **MOVED APPROVAL OF THE MINUTES OF THE SEPTEMBER 27, 2021 MEETING.** The motion carried.

## NEW BUSINESS

B. Woods **MOVED APPROVAL OF THE ADDITION OF DOCK TO THE USE TABLE AND THAT THEY BE PERMITTED IN ALL ZONES EXCEPT THE TELECOMMUNICATIONS OVERLAY.** The motion carried.

B. Woods **MOVED APPROVAL TO AMEND THE CITY BUSINESS DISTRICT MAXIMUM SETBACK TO FIFTEEN (15) FEET.** The motion carried.

P. Kolsun asked for further clarification of Accessory Buildings in Sec. 21-102 (d) regarding the height in relation to the height of the primary structure. The commission discussed this at their last meeting and determined to leave the language unchanged. C. DeMuth reported that they have never added language to this section and she would have to check with her colleagues about their recommendations. The commission decided to take no action. The language will remain as is.

The Open House is planned for November 17<sup>th</sup> at 6:00 p.m. at the Phil Gainer Community Center. C. DeMuth will appear in person and provide the same presentation given to council previously, followed by a Q&A session. S. Stokes will update the city webpage with the current information and push out notification of the open house through the city's media. One printed copy of the final draft will be available in the Clerk's office for public view. The Clerk will accept written comments from the public beginning at the Open House and ending at the 4:30 p.m. on November 24, 2021.

**ANNOUNCEMENTS**

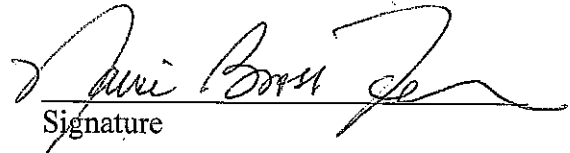
The next Planning Commission meeting is scheduled for December 15, 2021 at 1:00 p.m.

B. Woolwine **MOVED ADJOURNMENT.** The motion carried.

The meeting adjourned at 1:59 p.m.

The foregoing minutes were approved at the meeting of Dec. 15, 2021

Nanci Bross-Fregolara, Chair  
Name & Title

  
Signature

# PLANNING COMMISSION REGULAR MEETING MINUTES

*Virtual Meeting – Visit this webpage for information on how to participate  
<https://cityofelkins.wv.com/council-and-committee-meetings/>*

*December 15, 2021  
1:00 p.m.*

Present were Commission Members: N. Bross-Fregonara, President; D. Talbott, V.P.; K. Somers; and P. Kolsun.

Also present were: C. DeMuth of the WVU LUSD Clinic; GIS Technician B. Martin; External Affairs Specialist S. Sutton; and Executive Secretary R. Wickham (acting as recording secretary).

B. Woods; R. Woolwine; and Mayor J. Marco were absent.

## **PUBLIC COMMENT**

Public comment was received and read allowed on behalf of Katy McClane.

Three public comments were received and read allowed on behalf of Mark Doak.

Public comment was received and read allowed on behalf of Kathy Vance.

Public comment was received and read allowed on behalf of Tom Chenoweth.

## **MINUTES**

P. Kolsun, **MOVED APPROVAL OF THE MINUTES OF THE OCTOBER 28, 2021 MEETING.** The motion carried.

## **NEW BUSINESS**

The commission discussed Katy McClane's comment that was read aloud regarding the noise level coming from the Industrial Park. The commission decided to make no changes to the language in the proposed zoning ordinance and to follow and noise ordinances put in place by the city.

The commission discussed Mark Doak's first comment that was read aloud regarding parking standards. Mark Doak recommended to the commission that they set parking standards on the engineering "average" rather than the "maximum" required parking. The commission decided to make no changes to the language in the proposed zoning ordinance.

The commission discussed Kathy Vance's comment that was read aloud regarding the allowance of urban agriculture (fowl) within city limits. She expressed concern regarding smell and the attraction of other animals to the property. The commission decided to make no changes to the language in the proposed zoning ordinance and clarified that these problems would warrant a citation similar to those given for other property cleanliness violations.

The commission discussed Tom Chenoweth's comment that was read aloud regarding streets in the area that should be placed within city limits. The commission decided to make no changes to the language in the proposed ordinance because the ordinance does not dictate this request.

The commission discussed Mark Doak's second comment that was read aloud regarding B&B kitchens and the allowance of Airbnb's in the Central Business District. The commission discussed the allowance of kitchens in a B&B room. They decided that this would change the definition of the room from a B&B room to something similar to an Airbnb room. No changes were made to the language in the proposed zoning ordinance at this time. The commission discussed the option of requiring these to be owner-operated or requiring the owner to live within a certain distance from the property to discourage large outside companies from buying local properties and turning them into B&Bs/Airbnbs. The commission questioned whether it would be possible to add another class of B&B to allow them in the Central Business District with possible owner-occupancy changes. They decided to revisit the topic at a future date and to gather more information from Christy on what is allowed.

The commission discussed Mark Doak's third comment that was read aloud regarding suggested changes to the proposed zoning use table. Mark Doak suggested allowing liquor stores/specialty wine stores in the Central Business District. The commission agreed that this should be allowed in the Central Business District. Mark's next suggestion was to allow agrotourism in the Educational District to allow the presentation of agriculture techniques. Christy stated that agrotourism is an existing farm so it cannot be considered agrotourism unless one already exists at the location and agriculture is currently not permitted in the Educational District. The commission decided not to make any changes to the language of this section in the proposed zoning ordinance. The commission discussed Mark's recommended changes to commercial uses in City Residential and the Industrial District, such as allowing a bakery, a butcher shop, a brewery pub, and a catering business in City Residential and Bank/Financial Institutes in the Industrial District. N. Bross-Fregonara expressed concern for parking if a corner bakery was allowed in City Residential. Ben Martin commented that allowing these can allow for a sense of neighborhood identity and walkability can add to character to a neighborhood. K. Somers expressed concern that this could create more traffic to these areas, making them less walkable than they were before. C. DeMuth suggested that if there are concerns, these could be made conditional instead of permitted. The commission decided that they would allow a bakery in City Residential as conditional. The commission decided to permit bank/financial institutions in the Industrial District. The commission decided to allow Brew/Pubs in City Residential as conditional. K. Somers questioned whether current regulations on drinking/congregating outside would still apply. C. Demuth clarified that those same regulations would apply. Another suggestion recommended by M. Doak was to allow broadcasting studios in the Industrial District. C. Demuth clarified that this is already allowed so nothing needed to be discussed. The commission decided to not change the language for butchers shops and they would not be

allowed in City Residential. The final recommendation made by M. Doak was to allow catering businesses in City Residential and Agriculture Districts. C. Demuth stated that these are currently allowed in City Residential as long as they are a home-based business. A stand-alone business is not currently allowed in City Residential. Phillips Kolsun questioned what the current definition of a catering business is. C. Demuth stated that it is an establishment used for the preparation and delivery of food and beverages for offsite consumption; this establishment may provide for onsite pickup but may not provide for onsite consumption. N. Bross-Fregonara questioned if catering businesses were currently allowed in the Agriculture District. C. Demuth stated that they are currently not allowed. The commission decided that it would be permitted in the Agriculture District, and as a stand-alone business would not be allowed in City Residential. Ben Martin made the suggestion to revisit the allowance of Brew/Pubs in City Residential to possibly include Bars/Taverns since their definitions are similar in the proposed zoning ordinance. N. Bross-Fregonara brought up a previous situation with a bar that was located in City Residential and expressed concern about this change affecting residents. C. Demuth shared that this is a similar concern for residents in other cities. The commission decided not to make any changes to the use table regarding Bars/Taverns at this time.

**D. Talbott, MOVED APPROVAL TO AMEND THE CURRENT ZONING ORDINANCE DRAFT USE TABLE TO PERMIT CATERING BUSINESSES IN THE AGRICULTURE DISTRICT; PERMIT BANK/FINANCIAL INSTITUTIONS IN THE INDUSTRIAL DISTRICT; PERMIT LIQUOR STORES IN THE CENTRAL BUSINESS DISTRICT; AND TO MAKE BREWS/PUBS AND BAKERIES CONDITIONAL IN THE CITY RESIDENTIAL DISTRICT. The motion to amend carried.**

The commission reviewed one comment from the open house brought up by A. Huffman and written down by B. Martin. Mr. Huffman had questions regarding the height of the accessory building on a property. C. Demuth spoke with a colleague who stated that a change in the language could be made if the commission found it necessary. The suggested change was “(d) Accessory buildings and structures shall not exceed the building height of the principal building or structure of the elevation of the highest point of the principal building or structure. (e) Accessory buildings and structures shall not exceed the square footage of the principal building.” P. Kolsun stated that this was not the concern brought up by A. Huffman and he was asking the commission to add the language “with disregard to elevation” to the definition. The commission decided to review the comment again and do more research before discussing further or making any changes. The topic will be addressed again at the next meeting.

Items b, c and d were not discussed.

Another meeting will be scheduled soon based on the availability of commission members.

**K. Somers, MOVED ADJOURNMENT. The motion carried.**  
 The meeting adjourned at 2:43 p.m.

The foregoing minutes were approved at the meeting of Jan. 10, 2022

Nanci Bross-Fregonara, Chair  
 Name & Title

Nanci Bross-Fregonara  
 Signature



## PUBLIC COMMENTS

*As read by the Planning Commission at the commission meeting of December 15, 2021*

Name: Katy McClane  
Address: 185 High Street  
Email Address: [katy.mcclane@gmail.com](mailto:katy.mcclane@gmail.com)

Elkins needs to get serious about the noise from the industrial park, which is too close to our town. Short-sighted powers that be, have allowed in the noisy wood fuel pellet industry which is terrible for local citizens and the planet. What if the already very loud Hamer Wood Fuel Pellet Plant, is allowed to expand?

Name: Mark Doak  
Company: Common Door, LLC  
Address: 2551 Kings Run Rd  
Email Address: [emarkdoak@gmail.com](mailto:emarkdoak@gmail.com)

Parking. The Zoning sets parking standards for various districts. The question is whether the standards are based on the "Maximum" required parking or the "Average" required parking.

For example, a restaurant may use an average of 75 parking spaces. However on 5 days a year - Easter, Thanksgiving, and 3 special events - they need 100 parking spaces. If the standard is based on the "maximum" then 360 days a year the extra 25 spaces (100 less 75 average) sit empty. This restaurant was required to build and maintain 33% more parking (25 extra spaces compared to the 75 average). 25 spaces is an extra house or building torn down to create parking.

Request - set parking standards on the engineering "average" rather than the "maximum".

Name: Kathy Vance  
Company: Kathy's Decorating & Design  
Address: 122 2nd Street  
Email Address: [kathysdec@frontier.com](mailto:kathysdec@frontier.com)

My comments are in reference to 21-96, Urban Agriculture which would allow fowl within the city limits. I am strongly against this being allowed. This would only create more issues with chicken feed attracting animals such as rats, skunks, and other animals which could have rabies. The smell of the feces would create problems with neighbors and on signs that the City of Elkins has posted regarding dog waste, it states "Dog Waste transmits disease and contaminates drinking water" and fowl feces would also create this problem. I was raised on a farm and fowl

are dirty animals and they belong where they are not close to other properties, which is not the case in city limits. This ordinance does not address making property owners responsible for keeping their properties clean of feces, which would put the zoning officer in a difficult position to enforce the property owner to clean up their property should complaints be received from neighbors.

Name: Tom Chenoweth  
Address: 310 Goff St  
Email Address: [chenowethtom4@gmail.com](mailto:chenowethtom4@gmail.com)

We live on Goff St. There are several streets in this area that should be placed within the city limits. Third ward school has been using Goff and Findley streets for child pick up since the covid pandemic.

Name: Mark Doak  
Company: Common Door, LLC  
Address: 2551 Kings Run Rd  
Email Address: [emarkdoak@gmail.com](mailto:emarkdoak@gmail.com)

#### Bed & Breakfast Comments

Two comments:

(1) B&B Kitchens - The current zoning requirements do not allow kitchens in guest rooms or suites. While a B&B is defined as a place where breakfast is served, this is not the case for an Airbnb. At and Airbnb, guests are looking for a place to fix and/or eat meals in their room/suite.

The following is my quick research for B&B. It is silent in kitchens in guest rooms/suites.

<https://law.justia.com/codes/west-virginia/2005/29/wvc29-3-16c.html>

Request: Adjust the Zoning to allow kitchens in guestrooms or suites

(2) Airbnb in Central Business District - B&B, Airbnb, and hotels are three distinct types of overnight lodging. As a town attracting tourists, Airbnb can be a positive attraction. People are looking for experiences. A hotel does not provide an experience.

Realize that just as a guest can rate an Airbnb; the owner of an Airbnb can rate a guest. While there is no guarantee there will never be any bad guests, the system does allow the identification of bad apples.

Downtown Elkins needs to be vibrant. All tools should be available to help it grow. It seems reasonable to allow Airbnb-type lodging in the Central Business District.

Request: Allow Airbnb in the Downtown Business District without the owner or manager being present.

As an additional comment, it is suggested the Zoning contain more flexibility. This can easily be accomplished by allowing consideration in several areas. For example:

- Should someone may wish to open a wine store downtown, it would not be allowed without a change in the zoning code. Simply allowing a liquor store in the downtown business district to be considered, would fix this situation.
- Agritourism should be considered for Educational to allow the presentation of various agriculture techniques.
- A corner bakery in the City Residential would make the shop walkable and should be considered
- Bank/Financial institution should be considered for the Industrial area – Elkins may be considered for a regional banking service center
- Brewery Pub in the City Residential would make the neighborhood walkable and should be considered
- Broadcasting studios with appropriate towers may be more appropriate for the Industrial area and should be permitted
- A Bucher Shop in the City Residential would make the neighborhood walkable and should be considered. Think Fish Hawk Acres as a corner grocery rather than in downtown Buckhannon
- A catering business can be located in many areas. It should be permitted in an agriculture area (Charm Farm concept) and should be considered in Single-Family and City Residential. This can be a small home-based business taking catering to another location with limited traffic to the residence

This list is just a portion of Page 1 of the Draft Use Table. The entire table should be reviewed to allow more flexibility for the development of Elkins.

# **ELKINS TREE BOARD**

## **MEETING MINUTES**

Darden House, Davis Ave.

November 2, 2021 • 5:30 p.m.

**Present:** Marilyn Cuonzo, Chair; Nanci Bross-Fregonara, Secretary; Linda Silva, Treasurer; and members Linda Burke and recently approved Angela Daniels. AmeriCorps member Haley Shreve and Katy McClane, FOT coordinator, were also present. New member Ryan LaBrozzi was absent.

### **PUBLIC COMMENT**

No public comment.

### **MINUTES**

**DANIELS MOVED APPROVAL OF THE MINUTES OF THE OCTOBER 5, 2021, MEETING. MOTION CARRIED.**

### **BUDGET REPORT**

Silva reported the ETB budget is the same as last month: \$3,344.67. **CUONZO MOVED APPROVAL OF THE BUDGET REPORT. MOTION CARRIED.**

### **OLD BUSINESS**

**CITY PARK UNDERSTORY PROGRAM:** Plans are to meet with Sam Adams, Tom Tesar and Linda Burket at City Park in early December.

**ADOPT A TREE:** Ten applications for trees were approved and the trees distributed to several residents and businesses.

**TREE TAGS UPDATE:** Tags ordered and paid for by EPRC. They should arrive in January.

**KEC TREE PLANTING:** ETB and FOT volunteers planted 15 sycamores and put up deer fencing on Oct. 23 at the Kump House.

### **NEW BUSINESS**

**URBAN TREE PLAN-**Shreve will look at plan that Schwartz started earlier this year. There is some WV DOF grant funding available to work on this.

**PROJECTS FOR 2022-** While we decided to dedicate January's meeting for this, some quickly mentioned included:

- Growing the number of volunteers
- Plan workshops/talks again
- Mention donations in letter asking for advice
- Connect with funeral homes re: Memorial Trees

The next regular meeting of the Tree Board is set for **Tuesday, December 7 at 5:30 p.m.** The meeting was adjourned at 6:30 p.m.

The foregoing minutes were approved at the meeting of

1/11/2022

2021.

Marizynn Cuonzo  
Name & Title

Marizynn Cuonzo  
Signature

# ELKINS WATER BOARD SPECIAL CALL MEETING MINUTES

*401 Davis Avenue  
City Hall, Council Chambers  
December 28, 2021  
4:00 p.m.*

Present were Water Board Members: Mayor J. Marco, Chair; M. Marsteller; C. Toney; and C. Preusch.

Also present were: Chief Operator W. Lambert; Interim Operations Manager M. Himes; Treasurer T. Judy; and City Attorney G. Roberts.

Water Board Member N. Riggins was absent.

Mayor J. Marco called the meeting to order at 4:00 p.m.

## PUBLIC COMMENT

None.

## MINUTES

WATER BOARD MEMBER M. MARSTILLER MOVED APPROVAL OF THE MINUTES OF THE NOVEMBER 16, 2021 MEETING. The motion carried.

WATER BOARD MEMBER M. MARSTILLER MOVED APPROVAL OF THE MINUTES OF THE DECEMBER 13, 2021 MEETING. The motion carried.

## NEW BUSINESS

There was discussion on the West Virginia Rural Water Association Apprenticeship Program. W. Lambert reported the program would run from January 2022 to June 2022. Mr. Lambert would like to move the current Water Distribution temporary employee into the program and possibly hire a new employee in that department with approval.

WATER BOARD MEMBER M. MARSTILLER MOVED APPROVAL OF THE ELKINS WATER BOARD ENTERING INTO AN AGREEMENT TO PROCEED WITH THE WVRWA APPRENTICESHIP PROGRAM. The motion carried.

Chief Operator W. Lambert presented information for water fund employees wage discussion relating to the WVRWA Apprenticeship Program. W. Lambert requested approval to move water employees wages up when they reached certain certifications. WATER BOARD MEMBER C. TONEY MOVED APPROVAL OF \$.50/HR. FOR A WATER DISTRIBUTION CERTIFICATION; \$1.00/HR. FOR OPERATOR IN TRAINING (OIT) CERTIFICATION; \$1.00/HR FOR CLASS I WATER

**OPERATOR CERTIFICATION; \$1.00/ HR FOR CLASS II WATER OPERATOR CERTIFICATION TO COMMENCE WHEN THE WVRWA APPRENTICESHIP PROGRAM BEGINS. The motion carried.**

Treasurer T. Judy presented FY 2022 Water Budget Revision.

**WATER BOARD MEMBER M. MARSTILLER MOVED APPROVAL OF THE FY 2022 WATER BUDGET REVISION #1. The motion carried.**

**REPORTS**

Chief Water Operator W. Lambert reported the water distribution department is awaiting a CAT 420 backhoe that will arrive in the next few weeks. The department received the new utility truck on December 31<sup>st</sup>. Mr. Lambert explained the valve replacement work done in south Elkins will utilize insertion valves. He reported on the number of leaks through December: 92 naturally occurring, 39 relating to Phase II Sewer work, 45 relating to meter replacements bringing the total to 176 repaired leaks. Chemical prices are also going up.

T. Judy presented the following November 30, 2021 Financial Statement:

**Elkins Water Board  
Income Statement  
For the Period Ending November 30, 2021**

Total Revenue	\$327,890.28
Total Expenses	<u>\$282,551.21</u>
Net Profit/(Loss)	\$45,339.07
Balance In Water Account	\$154,640.72
Balance In Water Depreciation Account	\$168,348.37
Balance In Water O/M Account	\$133,241.48

**ANNOUNCEMENTS**

Mayor J. Marco reported that Delegate Cody Thompson has a vision for City of Elkins to replace water and sewer lines with infrastructure funding.

**ADJOURNMENT**

**Water Board Member M. Marsteller, MOVED ADJOURNMENT AT 4:53 P.M. The motion carried.**

The foregoing minutes were approved at the meeting of Jan. 25, 2022

Jerry A. Marco, Mayor  
Water Board Member

Signature Jerry A. Marco