

**ELKINS COMMON COUNCIL
PUBLIC HEARINGS
AGENDA**

*401 Davis Avenue
Council Chamber, 2nd Floor
September 15, 2022
7:00 p.m.*

1. Call to order and roll call

- a. An Ordinance to Amend and Reenact the Rates, Rules, and Regulations for Furnishing Water Service at Elkins and Vicinity, Randolph County, West Virginia, by Increasing the Rates Charged Thereof*
- b. A Resolution to Amend the 2015 City of Elkins Comprehensive Plan*

2. Adjournment

**ELKINS COMMON COUNCIL
REGULAR COUNCIL MEETING
AGENDA**

*401 Davis Avenue
Council Chamber, 2nd Floor
September 15, 2022
Immediately following public hearings*

1. Invocation and Pledge of Allegiance

2. Call to order and roll call

3. Agenda adjustments

- a. Removal of "Consideration of Rite Aid Corporation settlement"*
- b. Addition of Resolution 1565: Accepting Conditions and Terms of the Rite Aid/West Virginia Statewide Settlement Agreement and Authorizing the Execution of the Election and Release Form Provided by the West Virginia Attorney General*
- c. Addition of Resolution 1566: Accepting Conditions of Agreement with GAI Consultants, Inc. for Elkins Streetscape Masterplan, and Authorizing Execution of Agreement*
- d. Addition of Resolution 1567: Approving the Promotion of and Establishing a New Compensation Level for members of the Elkins Police Department*

- e. *Request by Valid Boxing, LLC for ABCA Special Licensure*

4. Public comment

5. Minutes

- a. Minutes proposed for the regular council meeting of September 1, 2022.

6. Correspondence and Notifications

- a. Issued building permits

7. Committee Reports

8. Staff reports

9. Approval of vendor invoice payments

Vendor invoices presented for approval:

- A/P History Check Report for the period August 29 – September 9, 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.)

10. New business

- a. *Ordinance 302*: An Ordinance to Amend and Reenact the Rates, Rules, and Regulations for Furnishing Water Service at Elkins and Vicinity, Randolph County, West Virginia by Increasing the Rates Charged Therefore (2nd and final reading)
- b. *Ordinance 303*: An Ordinance of the Common Council of the City of Elkins, West Virginia to Vacate, Abandon and Close a Portion of That Certain Public Right of Way Known as Gorman Avenue between Martin Street and Reed Street Adjacent to the Davis Medical Center (2nd and final reading)
- c. *Ordinance 304*: An Ordinance of the Common Council of the City of Elkins, West Virginia to Establish a Municipal Court Administrative Fee by Amending Chapter 37: Municipal Court, by Adding §37.13, Administrative Fee, Pursuant to Its Status as a Home Rule City (2nd and final reading)
- d. *Ordinance 305*: An Ordinance of the Common Council of the City of Elkins, West Virginia, To Amend Elkins City Code §37.10, Municipal Court Technology and Maintenance Fee Pursuant to Its Status as a Home Rule City (2nd and final reading)
- e. *Ordinance 306*: An Ordinance of the Common Council of the City of Elkins, West Virginia, Amending Elkins City Code, Chapter 92, Fire Prevention by Adding §92.037(C), Application for Original Appointment and the Rules and Regulations of the Fireman's Civil Service Commission, Section 4.04 Applications for Original Appointments, Pursuant to Its Status as a Home Rule City (2nd and final reading)

- f. *Resolution 1563: A Resolution Amending the 2015 City of Elkins Comprehensive Plan*
- g. *Resolution 1564: Approving Completion of Probation and Confirming Compensation Level for D. Sicca*
- h. *Resolution 1565: Accepting Conditions and Terms of the Rite Aid/West Virginia Statewide Settlement Agreement and Authorizing the Execution of the Election and Release Form Provided by the West Virginia Attorney General*
- i. *Resolution 1566: Accepting Conditions of Agreement with GAI Consultants, Inc. for Elkins Streetscape Masterplan, and Authorizing Execution of Agreement*
- j. *Resolution 1567: Approving the Promotion of and Establishing a New Compensation Level for members of the Elkins Police Department*
- k. *Request by Big Timber Brewing for ABCA Special Licensure*
- l. *Request by Valid Boxing, LLC for ABCA Special Licensure*
- m. *October 6, 2022, council meeting*

11. Mayor's comments

12. Adjournment

Proposed Minutes

**ELKINS COMMON COUNCIL
REGULAR COUNCIL MEETING
MINUTES**

**401 Davis Avenue
Council Chamber, 2nd Floor
September 1, 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, R.C. Chenoweth, M. D. Cuonzo, J.A. Guye, C.J. Higgins, G.M. Hinchman, C.C. Lowther, and L.S. Severino; City Treasurer T. Judy; Fire Chief S.D. Himes; Police Chief T. Bennett; Interim Operations Manager M. Himes; City Attorney G. S. Roberts; and City Clerk J.R. Sutton (acting as recording secretary).

Councilpersons N.E. Bross-Fregonara, D.C. Parker and L.H. Vest were absent.

MINUTES

Cm. Chenoweth, **MOVED APPROVAL OF THE MINUTES OF THE AUGUST 18, 2022 MEETING.** The motion carried.

CORRESPONDENCE AND NOTIFICATIONS

Council received the following correspondence and notifications:

- Issued building permits
- Kump Education Center report
- Approved meeting minutes of committees, boards, and commissions

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

ISSUED BUILDING PERMITS				
Permit	Applicant	Location	Description	Value
220179	Cotgreave, Scott	29 Cherry St	Replace Concrete Steps	2,000.00
220180	AF & AM Lodge	26 Randolph Ave	Replace Roof	30,000.00
220181	Yardley, Ethan	82 Ward Ave	Build Decks	5,000.00
220182	BFS	527 Randolph Ave	Sign	20,000.00

Proposed Minutes

220183	Valentine, T R	259 Terrace Ave	Install Solar System	34,884.00
220184	Ware, Stewart & Sandra	4 Baxter St	Build 11 X 12 Deck	1,080.00
220186	Ferguson, Susan	231-1 Bruce St	Replace Roof	6,000.00
220187	First United Methodist Church	315 Kerens Ave.	Replace Handicap Ramp, Steps & Walk	33,000.00
220188	Griggs, Chad & Jennifer	10 Kerens Hill	Add to Existing Patio	3,500.00
220189	Griggs, Chad	5 Key St	Replace Water Heater	600.00
220191	Hott, Evan & Madeline	64 Thirteenth St.	De-Watering Basement	13,498.00
220192	Gillispie, Sid	312 Buffalo St	Roof Replacement	12,989.00
220193	Sanders, Gregory & Karin	930 S Henry	Roof Replacement	12,263.00
220194	Aughtry, Marie	24 Fayette St	Roof Replacement	13,989.00
220195	Guthrie, Nayoka	1219 S Henry Ave.	Roof Replacement	15,030.00
220196	Rhudy, Edward	104 Oak St	Roof Replacement	18,315.00
220197	Randolph Co Development Authority	201 Wilmoth Ave	Roof Replacement	10,979.00
220198	Carroll, Andrew	128 Buffalo St	Roof Replacement	13,168.00
220199	Gillispie, Sid	232 1/2 Elm St	Roof Replacement	5,740.00
220200	Bonner, Gene & Madonna	100 Vernon Ave.	Roof Replacement	11,622.00
220201	Holland Investment Group, LLC	1106 Cole Ave	Electric Upgrade	1,000.00
220202	Go Mart #90	699 Railroad Ave.	Repair Outside Yard Hydrant	2,000.00
220203	Woodlands Development Group	114 - 116 Henry Ave	Build New 2800 Sq Ft Duplex	456,400.00

Proposed Minutes

PRESENTATION

Tina Vial, President of the Board of Directors for the Randolph County Humane Society, addressed council. Mrs. Vial reports they operate a nine-person board that is very hands-on, plus seven paid staff. They all work to ensure the safety and desired outcomes for the animals they encounter. They face constant challenges, but also celebrate their accomplishments. The Humane Society is supported by funds from the city and county, plus private donations. Recently they were awarded ARPA funds which have been used to support the spay & neuter program within the city. They have also increased the number of adoption events, during which they reduce the adoption fee. This usually results in higher adoptions, but also creates a financial deficit for the RCHS.

COMMITTEE REPORTS were provided by all committee chairs present.

STAFF REPORTS were provided by all administrative officers, the city attorney and the chief water operator.

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 August 15 – 26, 2022

NEW BUSINESS

Cw. Cuonzo, **MOVED APPROVAL OF ORDINANCE 302: AN ORDINANCE TO AMEND AND REENACT THE RATES, RULES, AND REGULATIONS FOR FURNISHING WATER SERVICE AT ELKINS AND VICINITY, RANDOLPH COUNTY, WEST VIRGINIA BY INCREASING THE RATES CHARGED THEREFORE (1ST OF TWO READINGS).** The motion carried.

Cw. Guye, **MOVED APPROVAL OF ORDINANCE 303: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA TO VACATE, ABANDON, AND CLOSE A PORTION OF THAT CERTAIN PUBLIC RIGHT OF WAY KNOWN AS GORMAN AVENUE BETWEEN MARTIN STREET AND REED STREET ADJACENT TO THE DAVIS MEDICAL CENTER (1ST OF TWO READINGS).** The motion carried.

Cm. Higgins, **MOVED APPROVAL OF ORDINANCE 304: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA TO ESTABLISH A MUNICIPAL COURT ADMINISTRATIVE FEE BY AMENDING CHAPTER 37: MUNICIPAL COURT, BY ADDING §37.13, ADMINISTRATIVE FEE, PURSUANT TO ITS STATUS AS A HOME RULE CITY (1ST OF TWO READINGS).** The motion carried.

Proposed Minutes

Cm. Higgins, MOVED APPROVAL OF ORDINANCE 305: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA TO AMEND ELKINS CITY CODE §37.10 MUNICIPAL COURT TECHNOLOGY AND MAINTENANCE FEE PURSUANT TO ITS STATUS AS A HOME RULE CITY (1ST OF TWO READINGS). The motion carried.

Cm. Higgins, MOVED APPROVAL OF ORDINANCE 306: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA, AMENDING ELKINS CITY CODE CHAPTER 92, FIRE PREVENTION BY ADDING §92.037©, APPLICATION FOR ORIGINAL APPOINTMENT AND THE RULES AND REGULATIONS OF THE FIREMAN’S CIVIL SERVICE COMMISSION, SECTION 4.04 APPLICATIONS FOR ORIGINAL APPOINTMENTS, PURSUANT TO ITS STATUS AS A HOME RULE CITY (1ST OF TWO READINGS) The motion carried.

Cm. Lowther, MOVED APPROVAL OF RESOLUTION 1560: REAPPOINTMENT OF LARRY WING TO THE ELKINS-RANDOLPH COUNTY REGIONAL AIRPORT AUTHORITY. The motion carried.

Cm. Hinchman, MOVED APPROVAL OF RESOLUTION 1561: AUTHORIZING TRANSFER OF PARCEL OF LAND IN LEADSVILLE DISTRICT, RANDOLPH COUNTY, WEST VIRGINIA TO THE RANDOLPH COUNTY DEVELOPMENT AUTHORITY. The motion carried.

Cw. Cuonzo, MOVED APPROVAL OF RESOLUTION 1562: AUTHORIZING CONDITIONS OF CONTRACT BETWEEN THE CITY OF ELKINS AND TERRI REED CUTRIGHT & ASSOCIATES, LLC. The motion carried.

Cm. Hinchman, MOVED APPROVAL OF A REQUEST FROM WASTEWATER CHIEF OPERATOR W. HIMES TO APPLY \$900 IN ARPA FUNDS REMAINING FROM THE PURCHASE OF A BACKHOE TO THE PURCHASE OF THE PREVIOUSLY APPROVED UTILITY BED. The motion carried.

MAYOR’S COMMENTS were provided.

Cm. Hinchman, MOVED ADJOURNMENT. The motion carried.

The meeting adjourned at 7:39 p.m.

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

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk

FINANCE COMMITTEE REGULAR MEETING MINUTES

*401 Davis Avenue
City Hall, Council Chambers
August 9, 2022
2:30 p.m.*

Present were Committee Members: M. Hinchman and R. Chenoweth

Also present were: Mayor J. Marco; Treasurer T. Judy; Police Chief T. Bennett; Interim Operations Manager M. Himes; Fire Chief S. Himes; and City Clerk J. Sutton

C. Lowther was absent

MINUTES

Cm. Chenoweth, **MOVED APPROVAL OF THE MINUTES OF THE JULY 5, 2022, MEETING.** The motion carried.

Cm. Chenoweth, **MOVED APPROVAL OF THE MINUTES OF THE JULY 20, 2022, MEETING.** The motion carried.

NEW BUSINESS

Randolph County Development Authority Executive Director Robbie Morris presented information on the development of the proposed event center in the Railyard. The facility will be 16,000 sq. ft. and include a 350 seat theater and conference space for up to 500 people with the ability to break into smaller spaces. Mr. Morris submitted a project budget with an updated cost estimate of \$9.4 million and with a current funding gap of \$3.8 million. The RCDA has a pending application with the WVEDA in the amount of approximately \$5.3 million. Mr. Morris mentioned that grant funders look to see how much local investment is being made when considering a project. To date, the Randolph County Commission has designated \$250,000 and the RCDA will be investing an undetermined amount as well once other financing is secured. Mr. Morris is requesting a donation from the city. Information was also provided on job creation and retention as well as anticipated private investment gains.

Cm. Chenoweth, **MOVED APPROVAL OF A RECOMMENDATION TO COUNCIL THAT A TOTAL OF \$400,000 BE COMMITTED FROM CITY FUNDS TO BE ALLOCATED EQUALLY, \$200,000 IN FY23 AND \$200,000 IN FY24.** The motion carried.

The committee and treasurer recommend use of Financial Stabilization funds but also asked the Clerk to investigate if ARPA funds could be used for this purpose.

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

The meeting adjourned at 3:05 p.m.

The foregoing minutes were approved at the meeting of Sept. 12, 2022

Mike Henderson Chair
Name & Title

[Signature]
Signature

PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES

*401 Davis Avenue
City Hall, Council Chambers
August 8, 2022
10:00 a.m.*

Present were Committee Members: D. Parker, L. Severino, and J. Guye

Also present were: Interim Operations Manager M. Himes; City Clerk J. Sutton; Police Chief T. Bennett; Fire Chief S. Himes; Treasurer T. Judy; Mayor J. Marco, Code Enforcement Officer/Building Inspector P. Isner; and External Affairs Specialist S. Stokes.

MINUTES

Cw. Guye, **MOVED APPROVAL OF THE MINUTES OF THE JULY 11, 2022, MEETING.** The motion carried.

REPORTS

Police - Chief Bennett reports that for the month of July the department received 687 calls for service resulting in 39 cases, 30 arrests, and 38 citations. The department also completed 40 hours of SWAT training for the Regional Task Force and 60 hours of additional traffic patrol for the Governor's Highway Safety Program. The body worn cameras were ordered on July 26 and are expected to take 14-16 weeks for delivery. The department currently has 2 vacancies and one officers on extended medical leave. The Chief does not want to hire a non-certified officer until he can be assured of space at the State Police Academy.

Fire – Chief Himes reports that for the month of July the department responded to 73 calls for service. The department also installed 78 smoke alarms provided from the WV State Fire Marshall's Office which benefitted 99 residents. They are hoping to secure 15-20 more to meet additional need.

Code Enforcement – Mr. Isner has been working on the property list for the DEP RADPP program (see below) and believes that if these properties are demolished that the city will be hard pressed to find any more that rise to this level.

Mayor's Task Force – D. Parker reports they are waiting to see what happens with the drug company settlement monies before making decisions about a a sober living facility. They also continue tow work on peer counselor training and compensation. This Wednesday is the large

group meeting, 1:00 p.m. at the PGCC. The main item on the agenda is how to coordinate communication between organizations to reduce time and redundancy.

WV DEP RADPP grant – Mayor Marco, T. Judy, P. Isner, G. Roberts and S. Stokes have collected information necessary for the final application which is due August 15, 2022. Region VII is compiling the information for submission. It was agreed that the Interim Operations Manager should assume control of the grant and work with Region VII on the submission and administration if approved.

NEW BUSINESS


T. Judy requested the ‘security camera’ item be added to the agenda due to the theft of catalytic converters from vehicles located on city property – Jones Drive and Baxter St. She would like the committee to consider the installation of security cameras. There was no further discussion.

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

The meeting adjourned at 10:34 a.m.

The foregoing minutes were approved at the meeting of Sept 12, 2022

David C. Parker,
Name & Title
Chair


Signature

**AD-HOC SPECIAL HIRING COMMITTEE
REGULAR MEETING
MINUTES**

*401 Davis Avenue
City Hall, Council Chambers
August 9, 2022
3:00 p.m.*

Present were Committee Members: R. Chenoweth and L. Vest

Also present were: Mayor J. Marco and City Clerk J. Sutton

C. Lowther was absent

MINUTES

Cw. Vest, **MOVED APPROVAL OF THE MINUTES OF THE JULY 14, 2022, MEETING.** The motion carried.

UNFINISHED BUSINESS

Cw. Vest, **MOVED APPROVAL TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PROSPECTIVE EMPLOYEES.** The motion carried. The committee entered executive session at 3:10 p.m. and returned at 3:35. The chair announced no action was taken.

ANNOUNCEMENTS

The committee will meet again on August 16, 2022, at 2:00 p.m. to review interview questions.

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

The meeting adjourned at 3:40 p.m.

The foregoing minutes were approved at the meeting of Aug 22, 2022

Robert Chenoweth, Chair
Name & Title

Robert Chenoweth
Signature

AD-HOC SPECIAL HIRING COMMITTEE MEETING MINUTES

*401 Davis Avenue
City Hall, Council Chambers
August 22, 2022
2:30 p.m.*

Present were Committee Members: C. Lowther and R. Chenoweth

Also present were: City Attorney G. Roberts and External Affairs Specialist S. Stokes (acting as recording secretary)

L. Vest was absent

MINUTES

Cm. Lowther, **MOVED APPROVAL OF THE MINUTES OF THE AUGUST 9, 2022, MEETING.** The motion carried.

UNFINISHED BUSINESS

The committee discussed the applications received for the Operations manager position and confirmed the scheduled interviews. No action was taken.

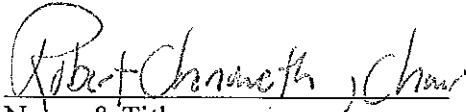
NEW BUSINESS

The committee discussed the bank of interview questions and selected twelve for use at the upcoming interviews.

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

The meeting adjourned at 3:39 p.m.

The foregoing minutes were approved at the meeting of Sept. 1, 2022


Name & Title


Signature

**AD-HOC SPECIAL HIRING COMMITTEE
REGULAR MEETING
MINUTES**

*401 Davis Avenue
City Hall, Council Chambers
September 1, 2022
3:30 p.m.*

Present were Committee Members: R. Chenoweth and C. Lowther

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

L. Vest was absent

MINUTES

Cm. Lowther, **MOVED APPROVAL OF THE MINUTES OF THE AUGUST 22, 2022, MEETING.** The motion carried.

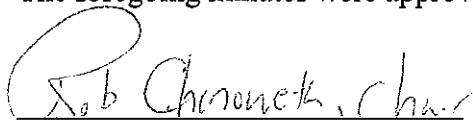
NEW BUSINESS

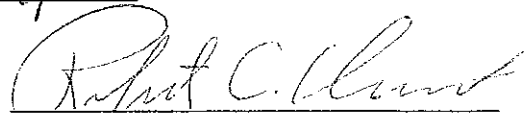
Cm. Lowther, **MOVED APPROVAL TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PROSPECTIVE PERSONNEL FOR THE OPERATIONS MANAGER POSITION.** The motion carried. The committee entered executive session at 3:31 p.m. and returned at 4:15 p.m. The chair announced that no action was taken.

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

The meeting adjourned at 4:16 p.m.

The foregoing minutes were approved at the meeting of Sept 12, 2022


Name & Title


Signature

**PUBLIC SAFETY COMMITTEE
REGULAR MEETING
MINUTES**

*401 Davis Avenue
City Hall, Council Chambers
June 13, 2022
10:00 a.m.*

Present were Committee Members: D. Parker, J. Guye and M. Hinchman

Also present were: Mayor J. Marco; Operations Manager J. Sanson; City Clerk J. Sutton; Police Chief T. Bennett; Fire Chief S. Himes; Treasurer T. Judy; Code Enforcement Officer P. Isner; and External Affairs Specialist S. Stokes.

PUBLIC COMMENT

Bob Cowgill, resident of 108 Evans Avenue, spoke and submitted a written copy of his comments regarding traffic problems in downtown Elkins (see attached).

MINUTES

Cm. Hinchman, **MOVED APPROVAL OF THE MINUTES OF THE MAY 9, 2022, MEETING.** The motion carried.

REPORTS

Police – Chief Bennett reports the one vehicle is in the shop for repairs. The body worn cameras will be ready for purchase after July 1, however the Chief is still awaiting a decision on the Homeland Security grant needed for the purchase. They expected notification in May, but have yet to receive any. The EPD is accepting a donated vehicle from the Tucker County Commission for use by their participant on the drug task force.

Fire -- Chief Himes reports the department will receive training on elevators from the Braxton County OEM Director. He hopes to develop this into a two day course in the future. The Chief is also planning for a swift water rescue class soon. On July 1 the testing schedule for pumps, ladders, etc. resets for the year.

Code Enforcement – Mr. Isner provided a written report of activity for 5/9 – 6/13. He also reports that a court date of June 21 is set to hear the city’s request to demolish 943 Davis Ave. They don’t anticipate any problem. Asbestos testing was conducted on three other properties of concern, and the results were shared, however the city does not have authority to take action. The costs of abatement and demolition will be provided to the property owners and they will be encouraged to pursue the demolitions. The treasurer also reported there is approximately \$10,000 remaining in the fiscal year’s budget. Depending on if the structure at 943 Davis is approved

and demolished and the final invoicing for asbestos testing. This money can be designated by council for use in FY23 as part of the carryover in July.

Mayor’s Task Force – D. Parker reported recent activities, including a public meeting last Tuesday; efforts to widen community partners beyond social services; and consideration of how to compensate peer support specialists. They also continue to pursue resources and a location for transitional living facility for women. They need \$150,000 in seed money to replicate a successful formula used in other cities.

NEW BUSINESS

The committee discussed downtown intersection traffic controls. Chief Himes agrees in large part to the public comments made today and having seen a lot of changes over the years wonders if there is any rhyme or reason. The removal of the traffic light at the corner of 4th and Davis presented a challenge for EFD and pedestrians. Mr. Parker inquired about the solar powered cross walk that was approved by council for this intersection. An internal decision was made to move it to Railroad Avenue in front of the Depot, but it has not yet been installed. Cw. Guye recalls that around 2006 the DOH replaced the traffic lights at 1st, 2nd and 3rd along Davis, but determined that there was no longer one needed at 4th Street. Chief Bennett advised the committee to not only consider the traffic of today, but what to expect 5-10 years from now, especially when Corridor H is completed. Clerk J. Sutton recommends some expertise be applied to the process. It’s possible that a traffic study could be included in the Streetscape Design planning that is already underway. She will check and report back to the committee. Mr. Sanson also advised that the installation of a traffic light may require DOH approval. He will confirm this and report back.

ANNOUNCEMENTS

Next meeting is July 11, 2022 at 10:00 a.m.

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

The meeting adjourned at 11:05 a.m.

The foregoing minutes were approved at the meeting of Jul 11, 2022

David C. Parker,
Name & Title *Chair*

David Hinchman
Signature

6/1/21

To: Mayor Jerry Marco

Subject: Traffic Problems Downtown Elkins

The following is a proposal to alleviate several traffic and safety problems on streets in downtown.

As a member of the West Virginia Highlanders I participated in several events at Old Town Alexandria, Va. which is visited by many tourists and most of the busy intersections are all-way stops. In our area the city of Buckhannon has done the same thing and this seems to work very well.

The main traffic problem in Elkins is the traffic on Railroad Avenue from the Veterans Memorial to the intersection of First Street. All-Way stops at these intersections would make these intersections safer.

Other intersections to consider are Third Street and Kerens Avenue. When cars are parked near the corners, drivers on Kerens Avenue cannot see if traffic is coming without pulling out into the intersection.

Also the intersections of Fourth Street and Kerens Avenue by the City Building and the YMCA would be safer with all way stops.

Some of the other side streets would also be safer with All-Way Stops.

I made this same proposal several years ago with the Mayor and Street Department and did not get a response. I would appreciate your consideration and a reply.

Sincerely,

Bob Cowgill

Elkins resident

ELKINS TREE BOARD

MEETING MINUTES

Darden House, Davis Ave.
July 5, 2022 • 5:30 p.m.

Present: Marilynn Cuonzo, Chair; Nanci Bross-Fregonara, Secretary; Linda Silva, Treasurer; Linda Burke, Vice Chair, and Angela Simmons and Aira Burkhart. Member Sam Golston was not present.

PUBLIC COMMENT

No public comment.

MINUTES

SIMMONS MOVED APPROVAL OF THE MINUTES OF THE JUNE 7, 2022, MEETING. MOTION CARRIED.

BUDGET REPORT

Silva reported the current ETB budget balance is: \$4,000 as we were starting the new budget year. **SIMMONS MOTIONED THAT \$100 BE ALLOTTED FOR NAME TAGS FROM WOOD TECH CENTER. MOTION CARRIED.**

OLD BUSINESS

TREE NURSERY WORKDAY REVIEW: Once again, Mountain School volunteers were a godsend; Lots of work done on trees and fencing.

CITY PARK UPDATE: Need to find hawthorns to replace those that have dies. Will order more. Burkhart and Burke to look for possible sources for fall.

ADOPT-A-TREE PLAN: Possibly have an event on a Saturday when adopters can pick their tree at the nursery. So many nice ones! Perhaps take photos of Tessa again with her tree. Simmons to see what the schedule is for the Forest Festival—maybe Saturday, Oct. 1.

AUGUST GATHERING: In lieu of a formal meeting, we will meet informally at Bross-Fregonara house, Tuesday August 2 at 5:30 p.m. Bring an appetizer to share!

NEW BUSINESS

NEW BOARD MEMBER: Welcomed new member Aira Burkhart after Ryan's resignation. Still have an opening on the board.

ENVISIONING FY 2023 BUDGET: Ideas include purchasing larger trees and possibly shrubs, matching grants for tree removals and other greenspace projects. Other possible outreach projects: cutting willows workshop and Winter Walk at Glendale.

ANNOUNCEMENTS

Tree Nursery Workday is set for Saturday, July 16, 9 a.m.-11 p.m. and Saturday, August 20, 9 a.m.– Noon.

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

The meeting was adjourned at 7:00 p.m.

The foregoing minutes were approved at the meeting of 9-13, 2022.

Nanci Bross-Fregonara, Sec'y
Name & Title

Nanci Bross-Fregonara
Signature

VENDOR SET: 01 Elkins
 BANK: ARPA Amercia Rescue Plan Act
 DATE RANGE: 8/29/2022 THRU 9/09/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00085	Burgess & Niple, Inc.							
I-1039423	Water & Sewer Assessments	R	9/01/2022	1,992.00		000066		1,992.00
00267	Fastenal Company							
I-WVELK170169	bandsaw, impact wrench, sawzal	R	9/01/2022	1,843.60		000067		1,843.60
00422	Leslie Equipment Co.							
I-1008169	JD 310SL Backhoe	R	9/01/2022	134,100.00		000068		134,100.00
02351	Compressor World							
I-10058347	2-Kaishan compressors	R	9/01/2022	19,892.00		000069		19,892.00
00855	LMC & Associates							
I-2893ARPA	website design & development	R	9/07/2022	3,333.33		000070		3,333.33
02256	Zoro.com							
I-S028167237	penlight, ratchet, shutoff tool	R	9/07/2022	524.49		000071		
I-S028168805	pliers, wrenches, tubing cutte	R	9/07/2022	870.96		000071		1,395.45

*** TOTALS ***

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	6	162,556.38	0.00	162,556.38
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: ARPA TOTALS:	6	162,556.38	0.00	162,556.38
BANK: ARPA TOTALS:	6	162,556.38	0.00	162,556.38

VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE: 8/29/2022 THRU 9/09/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00102	Central Supply Company of WV							
	C-040422-OVRPMT Overpayment on Account	N	9/07/2022	784.73CR		000000		
	D-Reverse overpmt refund check received	N	9/07/2022	784.73		000000		
01245	Business First IT							
	C-CR-MuniCt CR-Muni Court monitor	N	9/08/2022	310.00CR		000000		
	D-Corr 080222 PCard Corr entry for PCard	N	9/08/2022	310.00		000000		
00741	Great-West Trust Company LLC							
	I-VF 202209061344 Voya	D	9/07/2022	355.00		004017		
	I-VF2202209061344 Voya AT	D	9/07/2022	50.00		004017		405.00
00032	Absolute Assurance Drug Test L							
	I-08052054 New Emp C Hitt	R	9/01/2022	39.00		012153		
	I-08052216 annual admin fee	R	9/01/2022	100.00		012153		139.00
00034	ATCO International							
	I-10600124 TPaper/Marker/Pen/MopHead	R	9/01/2022	593.19		012154		
	I-10600397 Clamps	R	9/01/2022	200.64		012154		793.83
00119	CIT Technology Finance Serv, I							
	I-40602176 Kyocera copier	R	9/01/2022	52.50		012155		
	I-40608185 Konica Minolta	R	9/01/2022	55.00		012155		107.50
00121	Citizens Bank of WVFP							
	I-PPEN 090122 Fire Pension Cont 090122	R	9/01/2022	6,250.00		012156		6,250.00
00122	Citizens Bank of WVFP							
	I-PPEN 090122 Police Pension Cont 090122	R	9/01/2022	3,375.00		012157		3,375.00
00149	COE Parks and Recreation							
	I-ParksSupport 0922 Parks Support 090122	R	9/01/2022	25,483.00		012158		25,483.00
00235	Elkins Building Comm.							
	I-09/22 Bond Pmt Bond Pmt 090122	R	9/01/2022	3,483.79		012159		3,483.79
00381	Grover C Jackson Jr							
	I-Rent 09/22 Monthly Rent 09/2022	R	9/01/2022	1,800.00		012160		1,800.00
00396	Kay Casto & Chaney PLLC							
	I-1390181 136751 Services 12/7/21 073122	R	9/01/2022	4,827.05		012161		
	I-139020 PSC Case 22-0522-CTV-PW	R	9/01/2022	149.00		012161		4,976.05

VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE: 8/29/2022 THRU 9/09/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00457	Metalworks, Inc.							
I-11812	grate repair	R	9/01/2022	80.00		012162		80.00
00471	Mon Power							
I-081922	LT31 Barron LT31 Barron 071622-081522	R	9/01/2022	11,499.19		012163		11,499.19
00483	Mountain Valley Bank							
I-1202553-19	090422 1202553-19 57/60 090422	R	9/01/2022	655.53		012164		655.53
00701	Toshiba Financial Services							
I-480054345	copier services	R	9/01/2022	627.21		012165		
I-480337377	Lexmark, E30005 copiers	R	9/01/2022	342.89		012165		
I-480523661	E5615AC copier	R	9/01/2022	208.46		012165		1,178.56
00808	WV Municipal League							
I-7.27.2022	annual registration	R	9/01/2022	300.00		012166		
I-REG Higgins	Clint Higgins Annual Conf Reg	R	9/01/2022	300.00		012166		600.00
00884	Colonial Court Service Station							
I-41818	towing	R	9/01/2022	85.00		012167		
I-571742	6 LT235-80-R17 tires	R	9/01/2022	1,500.00		012167		1,585.00
01594	Pace Analytical Services LLC							
I-2230372687	lab services	R	9/01/2022	1,937.40		012168		1,937.40
01764	Marilynn Cuonzo							
I-ckrequest82922	lunch for volunteers	R	9/01/2022	61.42		012169		61.42
02157	Jerry A Marco							
I-ckrequest082922	red jacket for forest festival	R	9/01/2022	218.00		012170		218.00
02309	Twin A Equipment Repair LLC							
I-264	labor, supplies 7500 tk	R	9/01/2022	658.00		012171		658.00
02344	Todd Harsh							
I-ExpenseRpt08252022	mileage W/RWA conference	R	9/01/2022	62.50		012172		62.50
02345	Zach Judy							
I-ckrequest82622	test reimbursement	R	9/01/2022	45.00		012173		45.00
02346	ERCC							
I-ckrequest82322	pavilion reservation refund	R	9/01/2022	100.00		012174		100.00

VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE: 8/29/2022 THRU 9/09/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02347	LEAF							
I-13610112	Toshiba E4515AC	R	9/01/2022	319.40		012175		319.40
02349	Scotty Marshall							
I-Bondrefund81822	Bond refund Case 22CR261	R	9/01/2022	50.00		012176		50.00
1	PRISTINE PROPERTIES							
I-000202208291343	BP REFUND	R	9/01/2022	75.00		012177		75.00
00116	Child Support Enforcement							
I-CDS202209061344	Child Support	R	9/07/2022	528.00		012178		528.00
00121	Citizens Bank of WVFP							
I-FP 202209061344	Fire Pension	R	9/07/2022	483.11		012179		483.11
00122	Citizens Bank of WVFP							
I-PP 202209061344	Police Pension	R	9/07/2022	196.91		012180		
I-PPN202209061344	Police Pension-2010 Forward	R	9/07/2022	371.11		012180		568.02
00147	COE Misc							
I-MIS202209061344	Misc Reimbursements	R	9/07/2022	328.56		012181		328.56
00150	COE Payroll							
I-T1 202209061344	Federal Withholding	R	9/07/2022	11,653.72		012182		11,653.72
00151	COE Payroll							
I-T3 202209061344	FICA	R	9/07/2022	12,138.34		012183		
I-T4 202209061344	Medicare	R	9/07/2022	4,190.28		012183		16,328.62
00152	COE Payroll							
I-T2 202209061344	State Withholding	R	9/07/2022	5,679.00		012184		5,679.00
00203	Davis Trust Company							
I-CC 202209061344	Employee Christmas Club	R	9/07/2022	1,600.00		012185		1,600.00
00747	Washington National Insurance							
I-WN 202209061344	Washington National Insurance	R	9/07/2022	492.96		012186		492.96
00837	COE Payroll Reimbursement							
I-001202209061344	Payroll Reimbursement	R	9/07/2022	47,707.16		012187		
I-006202209061344	Payroll Reimbursement	R	9/07/2022	5,537.23		012187		
I-036202209061344	Payroll Reimbursement	R	9/07/2022	12,991.08		012187		
I-400202209061344	Payroll Reimbursement	R	9/07/2022	15,399.91		012187		
I-401202209061344	Payroll Reimbursement	R	9/07/2022	14,382.59		012187		
I-404202209061344	Payroll Reimbursement	R	9/07/2022	9,274.72		012187		105,292.69

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 DATE RANGE: 8/29/2022 THRU 9/09/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01885	Colonial Life							
I-CL 202209061344	Colonial Life-AT	R	9/07/2022	85.92		012188		
I-CLP202209061344	Colonial Life-PT	R	9/07/2022	52.52		012188		138.44
00912	WV Regional Jail and Correctio							
I-8122ea86	12 days Inmate Housing 08/22	R	9/07/2022	1,061.50		012189		1,061.50
00075	Encova Insurance							
I-36366803	worker's comp addl premium	R	9/07/2022	3,816.00		012190		3,816.00
00156	COE Sewer Depreciation Account							
I-SwrDepr 083122	Sewer Depr Deposit	R	9/07/2022	8,053.80		012191		8,053.80
00202	Davis Trust Company							
I-12755 092222	3113776-12755 092222	R	9/07/2022	4,256.84		012192		4,256.84
00211	Elkins Depot Welcome Center							
I-H/M July 2022	H/M Collection July 2022	R	9/07/2022	15,106.02		012193		15,106.02
00244	Elkins Rotary Club							
I-4457	Annual dues	R	9/07/2022	1,074.00		012194		1,074.00
00247	Elkins Truck Service, Inc							
I-153039	vac truck repair	R	9/07/2022	44.73		012195		44.73
00422	Leslie Equipment Co.							
I-1008170	Ram 77E Hammer	R	9/07/2022	13,500.00		012196		13,500.00
00471	Mon Power							
I-90008718895	Consumption & Lighting 081922	R	9/07/2022	43,955.83		012197		43,955.83
00483	Mountain Valley Bank							
I-1202553-21 092822	1202553-21 092822 48/84	R	9/07/2022	2,369.18		012198		
I-1202553-22 090722	1202553-22 090722 Int	R	9/07/2022	98.98		012198		2,468.16
00514	Office Products							
I-7864	J. Haden name plate	R	9/07/2022	20.00		012199		20.00
00644	Smith Backhoe & Dozer Service,							
I-104213	Sayre St repairs	R	9/07/2022	8,973.87		012200		8,973.87
00671	Sutton Stokes							
I-PerExpRPT	mileage WVML Conf.	R	9/07/2022	115.13		012201		115.13

VENDOR SET: 01 Elkins
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VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00701	Toshiba Financial Services							
I-480791128	Lexmark 3250 copier	R	9/07/2022	147.46		012202		147.46
00707	Trickett Hardware, Inc.							
I-5074	nozzle, screws, bolts, keys	R	9/07/2022	71.65		012203		71.65
00779	Woodford Oil Company							
I-4354028	Multifak Grease	R	9/07/2022	658.75		012204		658.75
00855	LMC & Associates							
I-2893	web maintenance	R	9/07/2022	172.50		012205		172.50
00952	WV Consolidated Retirement Boa							
I-RTF202208091332R	Retirement	R	9/07/2022	2,269.28		012206		
I-RTG202208231342R	Retirement	R	9/07/2022	2,167.46		012206		
I-RTN202208091332R	Retirement	R	9/07/2022	4,169.58		012206		
I-RTN202208231342R	Retirement	R	9/07/2022	3,292.38		012206		
I-RTN20228091333R	Retirement	R	9/07/2022	5,440.00		012206		17,338.70
00993	WV Consolidated Retirement Boa							
I-RT6 Sanson/Stanley	employer Rtrmnt & chg 070122	R	9/07/2022	31.40		012207		31.40
01292	COE Sewer O & M Account							
I-SewerO&M83122	Sewer O&M 083122	R	9/07/2022	12,631.00		012208		12,631.00
01392	William Butcher							
I-PerDiem0801-0802	Training	R	9/07/2022	44.25		012209		44.25
01449	Dodson Pest Control							
I-23-173102-084222	Darden House pest control	R	9/07/2022	60.00		012210		60.00
01494	Travis Bennett							
I-PerDiem TN	8-24 thru 8-27 training	R	9/07/2022	276.50		012211		276.50
01643	John P Place Inc							
I-SP-22145-GR	o-rings, wear plates	R	9/07/2022	498.00		012212		498.00
01646	Mountain State ESC							
I-ETC082422-1	Wastewater Microbiology Class	R	9/07/2022	440.00		012213		440.00
01681	DataMax Corporation							
I-13696	Collection Aug 2022	R	9/07/2022	13.24		012214		13.24

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 DATE RANGE: 8/29/2022 THRU 9/09/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01833	P3 Cost Analysts							
I-14535	contracted services	R	9/07/2022	707.57		012215		707.57
01942	Elkins Municipal Building Comm							
I-1214756-11 091522	1214756-11 091522 13	R	9/07/2022	4,833.20		012216		4,833.20
02065	AlignHR LLC							
I-7500	contracted services	R	9/07/2022	2,500.00		012217		2,500.00
02188	WV DOT -Division of Highways							
I-ckrequest090222	right of way permit	R	9/07/2022	25.50		012218		25.50
02220	Long Branch Equipment LLC							
I-LB193	air leak repair	R	9/07/2022	760.00		012219		
I-LB198	bed removal and install bed	R	9/07/2022	3,800.00		012219		4,560.00
02352	George M. Hinchman							
C-CRR29700779	Credit CRR29700779	R	9/07/2022	4,216.99CR		012220		
I-R29700779	Email/Bkup/Spt/Phone	R	9/07/2022	4,216.99		012220		
I-ckrequest083122	WVML Annual Conference	R	9/07/2022	300.00		012220		300.00
00711	Tygart Valley Transfer, Inc.							
I-00005868	Comm	R	9/08/2022	117.29		012221		
I-00005873	Comm	R	9/08/2022	256.30		012221		
I-00005879	Comm	R	9/08/2022	209.38		012221		
I-00005885	Res	R	9/08/2022	768.02		012221		
I-00005889	Comm	R	9/08/2022	314.51		012221		
I-00005892	Res	R	9/08/2022	900.95		012221		
I-00005894	Comm	R	9/08/2022	850.56		012221		
I-00005904	Comm	R	9/08/2022	185.92		012221		
I-00005907	Comm	R	9/08/2022	205.91		012221		
I-00005910	Comm	R	9/08/2022	291.05		012221		
I-00005916	Comm	R	9/08/2022	311.03		012221		
I-00005923	Comm	R	9/08/2022	136.40		012221		
I-00005924	Res	R	9/08/2022	76.45		012221		
I-00005946	Comm	R	9/08/2022	212.86		012221		
I-00005961	Comm	R	9/08/2022	74.72		012221		
I-00005965	Comm	R	9/08/2022	139.01		012221		
I-00005972	Comm	R	9/08/2022	464.81		012221		
I-00005981	Comm	R	9/08/2022	301.47		012221		
I-00005988	Comm	R	9/08/2022	139.01		012221		
I-00006001	Comm	R	9/08/2022	222.41		012221		
I-00006009	Comm	R	9/08/2022	174.63		012221		
I-00006012	Comm	R	9/08/2022	152.91		012221		
I-00006014	Comm	R	9/08/2022	176.37		012221		
I-00006018	Commercial	R	9/08/2022	141.61		012221		
I-00006033	Res	R	9/08/2022	559.51		012221		
I-00006039	Res	R	9/08/2022	441.35		012221		

VENDOR SET: 01 Elkins
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 DATE RANGE: 8/29/2022 THRU 9/09/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-00006041	Comm	R	9/08/2022	574.28		012221		
I-00006060	Comm	R	9/08/2022	522.15		012221		
I-00006074	Comm	R	9/08/2022	588.18		012221		
I-00006075	Res	R	9/08/2022	570.80		012221		
I-00006079	Comm	R	9/08/2022	227.63		012221		
I-00006081	Res	R	9/08/2022	537.79		012221		
I-00006098	Comm	R	9/08/2022	283.23		012221		
I-00006111	Comm	R	9/08/2022	146.83		012221		
I-00006122	Res	R	9/08/2022	57.34		012221		
I-00006130	Res	R	9/08/2022	693.30		012221		
I-00006136	Res	R	9/08/2022	634.22		012221		
I-00006138	Comm	R	9/08/2022	962.63		012221		
I-00006169	Comm	R	9/08/2022	159.86		012221		
I-00006175	Comm	R	9/08/2022	118.16		012221		
I-00006181	Commercial	R	9/08/2022	206.77		012221		
I-00006184	Res	R	9/08/2022	814.07		012221		
I-00006185	Comm	R	9/08/2022	1,002.60		012221		
I-00006186	Res	R	9/08/2022	896.60		012221		
I-00006205	Comm	R	9/08/2022	264.98		012221		
I-00006207	Comm	R	9/08/2022	208.51		012221		
I-00006215	Comm	R	9/08/2022	78.19		012221		
I-00006222	Comm	R	9/08/2022	135.53		012221		
I-00006245	Res	R	9/08/2022	582.96		012221		
I-00006247	Res	R	9/08/2022	542.13		012221		
I-00006248	Comm	R	9/08/2022	662.03		012221		
I-00006266	Commercial	R	9/08/2022	264.98		012221		
I-00006270	Commercial	R	9/08/2022	193.74		012221		
I-00006286	Comm	R	9/08/2022	560.38		012221		
I-00006295	Res	R	9/08/2022	564.72		012221		
I-00006299	Res	R	9/08/2022	476.10		012221		
I-00006317	Commercial	R	9/08/2022	122.50		012221		
I-00006329	Comm	R	9/08/2022	210.25		012221		
I-00006331	Residential	R	9/08/2022	627.27		012221		
I-00006334	Res	R	9/08/2022	594.26		012221		
I-00006336	Comm	R	9/08/2022	728.92		012221		
I-112391	Comm Greenfields	R	9/08/2022	199.82		012221		
I-112393	Res	R	9/08/2022	515.20		012221		
I-112394	Res	R	9/08/2022	541.26		012221		
I-112395	Comm	R	9/08/2022	556.03		012221		
I-112423	Res	R	9/08/2022	661.16		012221		
I-112427	Comm Stonemile	R	9/08/2022	331.88		012221		
I-112432	Res	R	9/08/2022	453.51		012221		
I-112433	Comm	R	9/08/2022	615.11		012221		
I-112459	Comm	R	9/08/2022	225.02		012221		
I-112461	Res	R	9/08/2022	520.41		012221		
I-112465	Res	R	9/08/2022	545.61		012221		
I-112466	Comm	R	9/08/2022	490.87		012221		
I-112485	Res	R	9/08/2022	574.28		012221		

VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE: 8/29/2022 THRU 9/09/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-112489	Comm	R	9/08/2022	946.99		012221		
I-112493	Res	R	9/08/2022	582.96		012221		
I-112494	Comm	R	9/08/2022	170.28		012221		
I-112517	Comm	R	9/08/2022	39.96		012221		
I-112519	Comm	R	9/08/2022	910.50		012221		
I-112521	Res	R	9/08/2022	910.50		012221		
I-112522	Res	R	9/08/2022	836.65		012221		
I-112550	Comm	R	9/08/2022	149.43		012221		
I-112555	Res	R	9/08/2022	601.21		012221		
I-112558	Res	R	9/08/2022	477.84		012221		
I-112560	Comm	R	9/08/2022	459.60		012221		
I-112577	Com	R	9/08/2022	109.47		012221		
I-112584	Comm	R	9/08/2022	493.48		012221		
I-112586	Res	R	9/08/2022	554.29		012221		
I-112589	Res	R	9/08/2022	524.76		012221		
I-6360	commercial waste	R	9/08/2022	112.08		012221		
I-6368	commercial waste	R	9/08/2022	234.58		012221		
I-6371	residential waste	R	9/08/2022	122.50		012221		
I-6381	commercial waste	R	9/08/2022	120.76		012221		
I-6383	residential waste	R	9/08/2022	823.62		012221		
I-6388	residential waste	R	9/08/2022	985.22		012221		
I-6391	commercial waste	R	9/08/2022	872.28		012221		
I-6403	commercial waste	R	9/08/2022	675.06		012221		
I-6411	commercial waste	R	9/08/2022	273.67		012221		
I-6420	commercial waste	R	9/08/2022	219.81		012221		
I-6429	residential waste	R	9/08/2022	551.69		012221		
I-6432	residential waste	R	9/08/2022	102.52		012221		
I-6435	residential waste	R	9/08/2022	459.60		012221		
I-6436	commercial waste	R	9/08/2022	574.28		012221		
I-6456	commercial waste	R	9/08/2022	223.28		012221		
I-6461	residential waste	R	9/08/2022	77.32		012221		
I-6466	commercial waste	R	9/08/2022	307.56		012221		
I-6475	residential waste	R	9/08/2022	638.57		012221		
I-6477	commercial waste	R	9/08/2022	592.52		012221		
I-6479	residential waste	R	9/08/2022	521.28		012221		
I-6507	commercial waste	R	9/08/2022	165.94		012221		
I-6511	residential waste	R	9/08/2022	521.28		012221		
I-6515	commercial waste	R	9/08/2022	145.96		012221		
I-6521	residential waste	R	9/08/2022	553.43		012221		
I-6524	commercial waste	R	9/08/2022	205.91		012221		
I-6527	commercial waste	R	9/08/2022	527.36		012221		
I-6549	residential waste	R	9/08/2022	406.60		012221		
I-6560	commercial waste	R	9/08/2022	114.68		012221		
I-6566	residential waste	R	9/08/2022	609.90		012221		
I-6573	commercial waste	R	9/08/2022	847.95		012221		
I-6600	commercial waste	R	9/08/2022	337.96		012221		
I-6604	commercial waste	R	9/08/2022	66.90		012221		
I-6615	residential waste	R	9/08/2022	879.23		012221		

VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE: 8/29/2022 THRU 9/09/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-6616	residential waste	R	9/08/2022	718.50		012221		
I-6624	commercial waste	R	9/08/2022	829.70		012221		
I-6645	commercial waste	R	9/08/2022	241.53		012221		
I-6648	commercial waste	R	9/08/2022	188.53		012221		
I-6653	commercial waste	R	9/08/2022	241.53		012221		
I-6655	residential waste	R	9/08/2022	477.84		012221		
I-6661	residential waste	R	9/08/2022	516.07		012221		
I-6667	commercial waste	R	9/08/2022	424.84		012221		
I-6682	commercial waste	R	9/08/2022	205.04		012221		
I-6688	commercial waste	R	9/08/2022	270.20		012221		
I-6694	residential waste	R	9/08/2022	570.80		012221		
I-6696	residential waste	R	9/08/2022	541.26		012221		
I-6700	commercial waste	R	9/08/2022	738.48		012221		57,472.03

01392	William Butcher							
I-AdditionalPer Diem	per diem training addition	R	9/08/2022	44.25		012222		44.25

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	70	413,898.17	0.00	413,898.17
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	1	405.00	0.00	405.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	2	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: Pool TOTALS:	73	414,303.17	0.00	414,303.17
BANK: Pool TOTALS:	73	414,303.17	0.00	414,303.17

VENDOR SET: 01 Elkins
 BANK: SEIZU Police Seizure
 DATE RANGE: 8/29/2022 THRU 9/09/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02341	RCSO/MRDTF							
	I-ckrequest82922 Nick Owens seizure	R	9/01/2022	1,749.00		000013		1,749.00

* * T O T A L S * *

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1	1,749.00	0.00	1,749.00
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: SEIZU TOTALS:	1	1,749.00	0.00	1,749.00
BANK: SEIZU TOTALS:	1	1,749.00	0.00	1,749.00
REPORT TOTALS:	80	578,608.55	0.00	578,608.55

SELECTION CRITERIA

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

CHECK SELECTION

CHECK RANGE: 000000 THRU 999999
DATE RANGE: 8/29/2022 THRU 9/09/2022
CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99
INCLUDE ALL VOIDS: YES

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

ORDINANCE NUMBER 302

<p>AN ORDINANCE TO AMEND AND REENACT THE RATES, RULES AND REGULATIONS FOR FURNISHING WATER SERVICE AT ELKINS AND VICINITY, RANDOLPH COUNTY, WEST VIRGINIA BY INCREASING THE RATES CHARGED THEREFORE</p>
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WHEREAS, Chapter 24, Article 2, Section 4b of the *West Virginia Code*, effective July 1, 1981, as amended, gives to municipally operated public utilities the approval authority to set their own rates and charges; and,

WHEREAS, the current rates and charges for water service provided by the City of Elkins are based upon a test year ended June 30, 2014; and,

WHEREAS, the 2015 Legislature amended Chapter 24 of the *West Virginia Code* to require all municipalities to maintain a cash working capital reserve; and,

WHEREAS, the Public Service Commission of West Virginia, in 2021 issued a General Order which revised the method of calculation of the cash working capital reserve fund which requires adjustment of the frequency of the funding of such cash working capital reserve fund requiring the City to increase its rates; and

WHEREAS, the City Water Board is experiencing difficulty in meeting its current obligations; and

WHEREAS, in order to provide revenues sufficient to pay the expenses of current and future operations, to provide working capital reserves and to provide sufficient funding for its ongoing debt service obligations, the Common Council of the City of Elkins deems it necessary to increase, in two steps, the rates and charges for the furnishing of water services.

THEREFORE, THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA HEREBY ORDAINS:

SECTION ONE – RATES, RULES AND REGULATIONS

The following rates, fees and charges for water service provided by it to customers throughout its territory served, are hereby fixed and determined as rates, fees and charges to be charged in lieu of those rates, fees and charges contained in its water tariff,

P.S.C. W. Va. No. 18, currently on file with the Public Service Commission of West Virginia.

STEP 1

**[EFFECTIVE IMMEDIATELY UPON
PASSAGE OF ORDINANCE OR AS OTHERWISE ORDERED BY
THE PUBLIC SERVICE COMMISSION OF WEST VIRGINIA]**

APPLICABILITY

Applicable within the entire territory served

AVAILABILITY OF SERVICE

Available for general domestic, commercial, industrial and sale for resale water service.

METERED RATES (Customers with metered water supply)

First	2,000 gallons used per month	\$20.15 per 1,000 gallons
Next	3,000 gallons used per month	\$11.25 per 1,000 gallons
Next	5,000 gallons used per month	\$ 9.35 per 1,000 gallons
All Over	10,000 gallons used per month	\$ 6.90 per 1,000 gallons

FLAT RATE CHARGE (Customers with non-metered water supply)

Equivalent to 4,500 gallons of water used per month \$68.43

MINIMUM CHARGE

No bill shall be rendered for less than the following amounts according to the size of the meter installed:

5/8 inch meter	\$ 40.30	per month
3/4 inch meter	\$ 60.45	per month
1 inch meter	\$ 100.75	per month
1 1/4 inch meter	\$ 141.05	per month
1 1/2 inch meter	\$ 201.50	per month
2 inch meter	\$ 322.40	per month
3 inch meter	\$ 604.50	per month
4 inch meter	\$ 1,007.50	per month
6 inch meter	\$ 2,015.00	per month
8 inch meter	\$ 3,224.00	per month

SALE FOR RESALE

All water for resale will be billed in accordance to the approved rate of \$ 6.450 per 1,000 gallons used per month.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the water utility or a maximum of \$25.00 will be imposed upon any customer whose check for payment is returned by the bank due to insufficient funds.

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

DISCONNECT CHARGE/ RECONNECTION CHARGE

Water service will not be restored until all past due water bills have been paid in full and all accrued penalties plus a disconnection charge of \$25.00 have been paid.

There shall be a \$25.00 reconnection charge paid prior to restoration of water service which has been previously disconnected for any reason.

SHUTOFF FEE - \$25.00

To be charged whenever the water utility is requested by the customer to turn off water at the meter outside of normal business hours, as defined by the Public Service Commission of West Virginia.

AFTER HOURS SERVICE FEE

A service fee of \$25.00 will be charged for each separate service call after regular working hours and holidays.

TAP FEE

The charge for an approved service connection to the water system will be seven hundred and fifty dollars (\$750.00) or the actual cost of connection (solely determined by the Water Board), whichever is greater, for all new taps to the system.

LEAK ADJUSTMENT

\$0.58 per 1,000 gallons is to be used when a bill reflects unusual consumption which can be attributed to eligible leakage on the customer's side of the meter. This rate shall be applied to all such consumption above the customer's historical usage.

SECURITY DEPOSIT

Not to exceed two-twelfths ($2/12$) of the average estimated charge for residential service or one-sixth ($1/6$) of the annual estimated charge for commercial service, or fifty dollars, whichever is greater.

STEP 2

1

APPLICABILITY

Applicable within the entire territory served

AVAILABILITY OF SERVICE

Available for general domestic, commercial, industrial and sale for resale water service.

METERED RATES (Customers with metered water supply)

First	2,000 gallons used per month	\$20.75 per 1,000 gallons
Next	3,000 gallons used per month	\$11.50 per 1,000 gallons
Next	5,000 gallons used per month	\$ 9.60 per 1,000 gallons
All Over	10,000 gallons used per month	\$ 7.10 per 1,000 gallons

FLAT RATE CHARGE (Customers with non-metered water supply)

Equivalent to 4,500 gallons of water used per month \$70.25

MINIMUM CHARGE

No bill shall be rendered for less than the following amounts according to the size of the meter installed:

5/8 inch meter	\$ 41.50	per month
3/4 inch meter	\$ 62.25	per month
1 inch meter	\$ 103.75	per month
1 1/4 inch meter	\$ 145.25	per month
1 1/2 inch meter	\$ 207.50	per month
2 inch meter	\$ 332.00	per month
3 inch meter	\$ 622.50	per month
4 inch meter	\$ 1,037.50	per month
6 inch meter	\$ 2,075.00	per month
8 inch meter	\$ 3,320.00	per month

SALE FOR RESALE

All water for resale will be billed in accordance to the approved rate of \$ 6.51 per 1,000 gallons used per month.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the water utility or a maximum of \$25.00 will be imposed upon any customer whose check for payment is returned by the bank due to insufficient funds.

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

DISCONNECT CHARGE/ RECONNECTION CHARGE

Water service will not be restored until all past due water bills have been paid in full and all accrued penalties plus a disconnection charge of \$25.00 have been paid.

There shall be a \$25.00 reconnection charge paid prior to restoration of water service which has been previously disconnected for any reason.

SHUTOFF FEE - \$25.00

To be charged whenever the water utility is requested by the customer to turn off water at the meter outside of normal business hours, as defined by the Public Service Commission of West Virginia.

TAP FEE

The charge for an approved service connection to the water system will be seven hundred and fifty dollars (\$750.00) or the actual cost of connection (solely determined by the Water Board), whichever is greater, for all new taps to the system.

LEAK ADJUSTMENT

\$0.58 per 1,000 gallons is to be used when a bill reflects unusual consumption which can be attributed to eligible leakage on the customer's side of the meter. This rate shall be applied to all such consumption above the customer's historical usage.

SECURITY DEPOSIT

Not to exceed two-twelfths (2/12) of the average estimated charge for residential service or one-sixth (1/6) of the annual estimated charge for commercial service, or fifty dollars, whichever is greater.

SECTION TWO – EFFECTIVE DATE

The Town Council finds that the Town is in financial distress and that a 45-day waiting period would be detrimental to the ability of the Town to deliver continued and compliant public sewer services. Therefore, the Step 1 increased water rates and charges provided herein shall become effective as of September 16, 2022.

The Step 2 rates, fees, and charges provided herein shall become effective as of June 1, 2023.

SECTION THREE – SEPARABILITY; REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are separable, and if any clause, provision or section hereof be held void or unenforceable by any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective date of the charges herein set forth, all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent that the provisions of this Ordinance do not touch upon the provisions of prior ordinances, resolutions, orders or parts thereof, the same shall remain in full force and effect.

SECTION FOUR – STATUTORY NOTICE AND PUBLIC HEARING

Upon introduction hereof, the City Clerk shall publish Notice of this Ordinance in *The Inter-Mountain*, being a newspaper published and of general circulation in Randolph County, West Virginia, as a Class I publication. The publication shall be made at least five (5) days before the meeting of the City Council at which a final reading and vote on the ordinance will be held. Said notice shall state that this Ordinance has been introduced, and that any person interested may appear before Council on the **15th day of September, 2022, at 7:00 p.m.** and present protests, if any. At such hearing all objections and suggestions shall be heard and the Council shall take such action as it shall deem proper on the premises.

Further, said Notice shall advise the public that a copy of this ordinance is available for public inspection.

Passed on First Reading

Sept 1, 2022

Passed on Second Reading
Following Public Hearing

_____, 2022

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk

ORDINANCE 303

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA TO VACATE, ABANDON AND CLOSE A PORTION OF THAT CERTAIN PUBLIC RIGHT OF WAY KNOWN AS GORMAN AVENUE BETWEEN MARTIN STREET AND REED STREET ADJACENT TO THE DAVIS MEDICAL CENTER

WHEREAS, the City of Elkins has received a petition from the Davis Medical Center (“Petitioner”) requesting the vacation, abandonment and closure of a part of Gorman Avenue between Martin Street and Reed Street; and

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

WHEREAS, on August 17, 2022, the Municipal Properties Committee conducted a public hearing and found, after hearing testimony from Steve Johnson of the Davis Health System, from John Monk of the Department of Highways, from Chief Bennett and from Chief Himes, that abandoning a part of Gorman Avenue between Martin Street and Reed Street would not be detrimental to the traveling public and would be beneficial to the Petitioner, its patients and employees; and

WHEREAS the interest of the City and its residents will be best served by vacating and abandoning a part of the public right of way known as Gorman Avenue between Martin Street and Reed Street adjacent to the Davis Medical Center; and

WHEREAS it appearing that the Petitioner is the sole owner of the property abutting this part of Gorman Avenue between Martin Street and Reed Street 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 public right of way being Gorman Avenue between Martin Street and Reed Street, 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 Gorman Avenue between Martin Street and Reed Street, as shown on the attached plat, be and is hereby vacated, abandoned, and closed, and that from and after the final adoption of this Ordinance, the same shall cease to be a public road or way.

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 the Davis Health System.

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: September 1, 2022.

PASSED AND APPROVED ON THE SECOND AND FINAL READING:
_____, 2022.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk



812 Gorman Avenue • Elkins, WV 26241 • 304.636.3300 • Fax 304.637.3435 • davishealthsystem.org

May 18, 2022

Elkins City Council
401 Davis Avenue
Elkins, WV 26241

Elkins City Council,

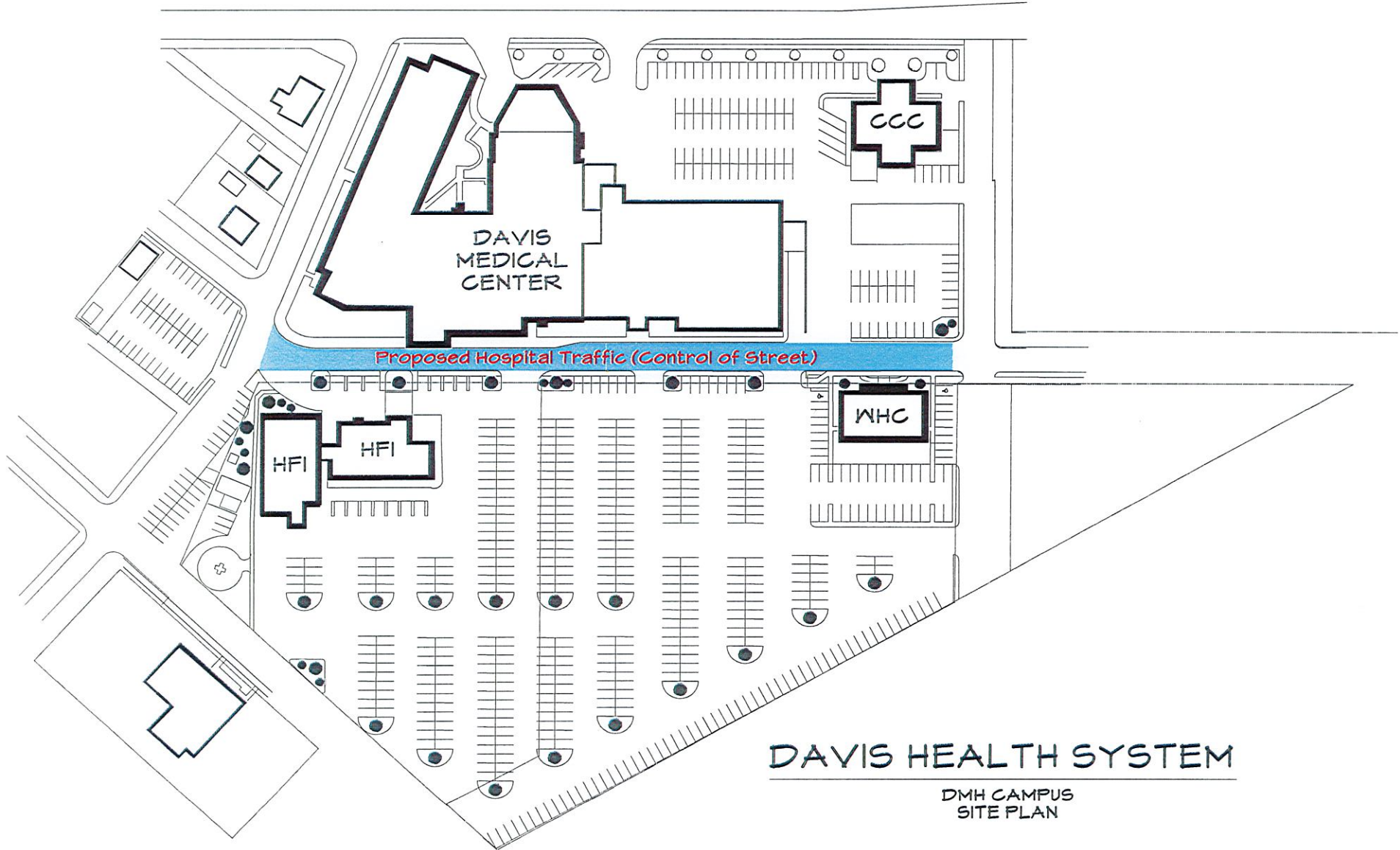
Please let this letter serve as a petition to Council for Davis Medical Center to control traffic pattern of the surface of Gorman Avenue from Reed Street to Martin Street.

Davis Medical Center proposes to take ownership/or control of the surface of Gorman Avenue for the purpose of safety for patients and visitors at the hospital. All utilities, etc. under the surface of the road will remain the property and responsibility of the City of Elkins. The surface of that portion of Gorman Avenue will be the responsibility of Davis Medical Center. Any and all emergency vehicle access will be maintained at all times.

Sincerely,

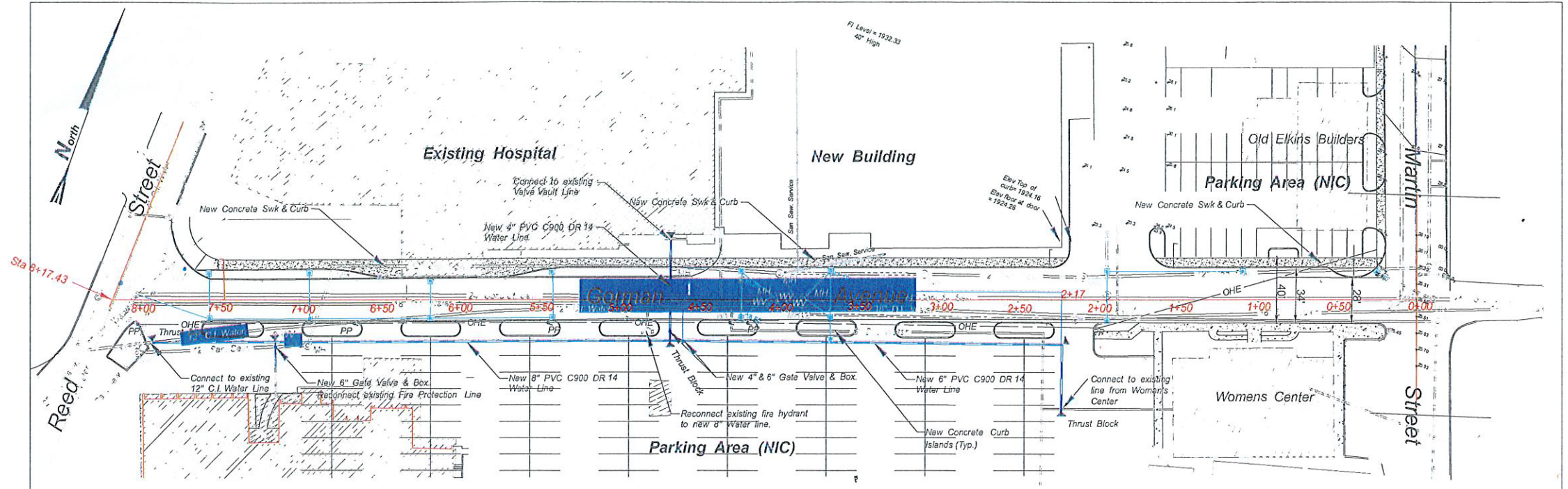
A handwritten signature in blue ink, appearing to read "Steve Johnson", is written over the typed name.

Steve Johnson
Director of Support Services
Davis Health System



DAVIS HEALTH SYSTEM

DMH CAMPUS
SITE PLAN



STREET PLAN & PROFILE
Scale: 1" = 30'



STREET PLAN & PROFILE
Scale: Hor: 1" = 30' Vert: 1" = 1'

STREET PLAN & PROFILE	
GORMAN AVENUE RECONSTRUCTION	
DAVIS MEMORIAL HOSPITAL	
SWECKER ENGINEERING AND SURVEYING ELKINS, W. Va.	Scale: 1" = 30' Hor 1" = 1' Vert
	Date: Nov. 12, 2013
APP.	Ck'd: B.S.J.
	Dwn: W.D.S.
	Ck'd:
	Des: W.D.S.
SHEET 2 OF 7 SHEETS	

ORDINANCE 304

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA TO ESTABLISH A MUNICIPAL COURT ADMINISTRATIVE FEE BY AMENDING CHAPTER 37: MUNICIPAL COURT BY ADDING §37.13, ADMINISTRATIVE FEE PURSUANT TO ITS STATUS AS A HOME RULE CITY

WHEREAS, by the authority granted to the City of Elkins by its participation in the West Virginia Home Rule Program, Phase III under West Virginia Code §8-1-5a, and by its Second Amendment to its Home Rule Plan, all of which has been approved by the West Virginia Home Rule Board, the City of Elkins was granted the authority to assess a Municipal Court administrative fee for each defendant found guilty or pleading nolo contendere regarding misdemeanor violations.

WHEREAS, it is in the best interests of its citizens to assess an administrative fee which will help defray the costs of maintaining a Municipal Court which is funded through the use of the City's general revenues; and

NOW, THEREFORE, be it ORDAINED and ENACTED by the Common Council of the City of Elkins to amend Elkins City Code, Chapter 37, Municipal Court by adding §37.13 as follows:

§37.13 Administrative Fee

The Court shall assess a mandatory administrative fee of forty-five dollars (\$45.00) upon each and every defendant found guilty or pleading nolo contendere regarding a misdemeanor violation, including traffic violations and moving violations, but excluding municipal parking ordinance violations. The City shall use the money received by this fee to help in the costs of maintaining the Municipal Court.

If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

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

PASSED AND APPROVED ON THE FIRST READING: September 1, 2022.

PASSED AND APPROVED ON THE SECOND AND FINAL READING:

_____, 2022.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk

ORDINANCE 305

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS,
WEST VIRGINIA, TO AMEND ELKINS CITY CODE §37.10, MUNICIPAL
COURT TECHNOLOGY AND TECHNOLOGY MAINTAINENCE FEE,
PURSUANT TO ITS STATUS AS A HOME RULE CITY**

WHEREAS, by the authority granted to the City of Elkins by its participation in the West Virginia Home Rule Pilot Program, Phase III, under W.Va. Code §8-1-5a, and by the Amendment to its Home Rule Plan, all of which has been approved by the West Virginia Home Rule Board, the City of Elkins was granted the authority to impose a technology and technology maintenance fee upon persons convicted in the Municipal Court; and

WHEREAS, also by the authority granted to the City of Elkins pursuant to its Second Amendment to its Home Rule Plan ,all of which was approved by the West Virginia Home Rule Board, the City of Elkins was granted the authority to raise the amount of said fee from the current one dollar (\$1.00) amount up to and including ten dollars (\$10.00); and

WHEREAS, it is in the best interests of its citizens to increase said fee which will help defray the costs of the technology and technology maintenance in Municipal Court; and

NOW THEREFORE, BE IT ORDAINED and ENACTED by the Common Council of the City of Elkins to amend the City Code § 37.10, Municipal Court Technology and Maintenance Fee by amending this section, as follows:

§ 37. 10 Municipal Court Technology and Technology Maintenance Fee

The Court shall assess a mandatory fee of ten dollars (\$10.00) upon each and every defendant found guilty or pleading nolo contendere regarding a misdemeanor violation, including traffic violations and moving violations, but excluding municipal parking ordinance violations. The City shall use the money raised by this fee to fund the current technological costs of its Municipal Court and to update the Municipal Court's technology as needed.

If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon passage.

PASSED AND APPROVED ON THE FIRST READING: September 1,
2022.

PASSED AND APPROVED ON THE SECOND AND FINAL READING:
_____, 2022.

CITY OF ELKINS, WEST VIRGINIA

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk

ORDINANCE 306

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA, AMENDING ELKINS CITY CODE, CHAPTER 92, FIRE PREVENTION BY ADDING §92.037(C), FOR APPLICATION ORIGINAL APPOINTMENT AND THE RULES AND REGULATIONS OF THE FIREMEN'S CIVIL SERVICE COMMISSION, SECTION 4.04 APPLICATIONS FOR ORIGINAL APPOINTMENTS, PURSUANT TO ITS STATUS AS A HOME RULE CITY

WHEREAS, by the authority granted to the City of Elkins by its participation in the West Virginia Home Rule Program, Phase III, under W.Va. Code §8-1-5a, and by its second Amendment to its Home Rule Plan, all of which have been approved by the West Virginia Home Rule Board, the City of Elkins was granted the authority to raise the maximum age at the time of application for entry-level civilian service fire positions also known as original appointments, regardless of veteran status or previous or current paid fire service; and

WHEREAS, the Common Council has previously adopted Rules and Regulations of the Firemen's Civil Service Commission, which sets out age requirements in Section 4.04; and

WHEREAS, it is in the best interests of its citizens to raise the maximum age for entry level applications for civil service fire positions also known as original appointments in order to increase the pool of eligible candidates; and

NOW THEREFORE, BE IT ORDAINED and ENACTED that the Elkins City Code, Chapter 92, Fire Prevention be amended by adding a new section as follows:

§92.037 (C) FIREFIGHTER'S CIVIL SERVICE COMMISSION

Pursuant to the authority granted to the City under the Municipal Home Rule Program, authorized by West Virginia Code §8-1-5a, the Firemen's

Civil Service Commission may accept applications for entry-level civil service fire positions, regardless of veteran status or previous or current paid fire service, for applicants, who are at the time of their application, no more than forty (40) years old.

NOW THEREFORE,BE IT FURTHER ORDAINED and ENACTED that the Rules and Regulations of the Firemen's Civil Service Commission be amended only as follows:

Section 4.04 APPLICATIONS FOR ORIGINAL APPOINTMENTS

Applicants for original appointments more shall not be less than eighteen (18) nor more than forty (40) years of age on the date of his or her application; provided, however, person qualifying for appointment by reinstatement under the provisions of section 4.05 may be over thirty-five (35) years of age.

If any applicant is an honorably discharged veteran of any branch of the United , or States armed forces, armed services reserve, or National Guard , then the individual may apply for am original appointment if the applicant is not more than forty(40) years of age.

If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon passage.

PASSED AND APPROVED ON THE FIRST READING: September 1,
2022.

PASSED AND APPROVED ON THE SECOND READING: _____,
2022.

CITY OF ELKINS, WEST VIRGINIA

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1563)
September 15, 2022

A Resolution Amending the 2015 City of Elkins Comprehensive Plan

WHEREAS, the Planning Commission for the City of Elkins, West Virginia, pursuant to Chapter 8A of the West Virginia Code, has prepared amendment to the 2015 comprehensive plan for the city; and,

WHEREAS, the Planning Commission has recommended that City Council adopt the comprehensive plan amendment; and,

WHEREAS, pursuant to West Virginia Code §8A-3-7, a public hearing was held before the City of Elkins' Planning Commission on Monday, July 18, 2022; and,

WHEREAS, the Planning Commission presented the comprehensive plan to City Council on Thursday, July 28, 2022; and,

WHEREAS, pursuant to §8A-3-7, a public hearing was held before City Council on Thursday, September 15, 2022; and,

NOW, THEREFORE, IT BE RESOLVED by the City Council for the City of Elkins, West Virginia, that, pursuant to West Virginia Code §8A-3-8, the comprehensive plan amendment prepared by the Planning Commission for the City of Elkins, West Virginia, is made a part of this resolution by reference and is hereby adopted without any amendments thereto entered into the official minutes of the City Council.

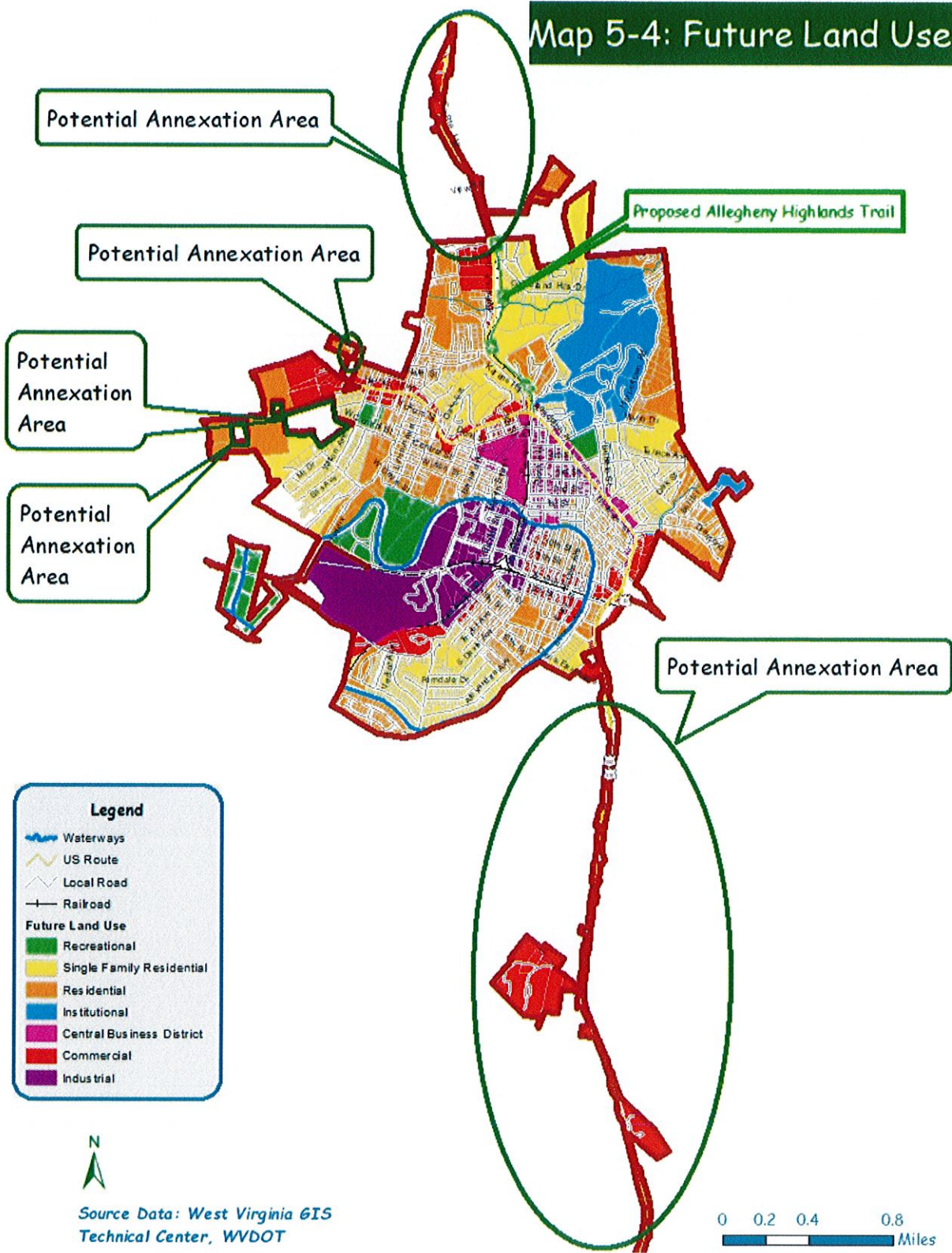
BE IT FURTHER RESOLVED, that a copy of this adopted comprehensive plan amendment shall, pursuant to West Virginia Code §8A-3-9, be filed in the office of the clerk of the county commission for Randolph County, West Virginia.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk

Map 5-4: Future Land Use



AMENDMENT TO THE POLICY PLAN (2015 EDITION)

The following amendments to the 2015 Comprehensive Plan have been developed by the Elkins Planning Commission and recommended to City Council for adoption. The location of changes is identified by page number.

MODIFY: Elkins Comprehensive Plan, 2015 Edition, page 5-18, Add the following action item for Action Step 1 at the end of the bulleted list:

- The development of telecommunication facilities is important to improve the quality of life, support economic development opportunities, and provide emergency services. However, the need for telecommunication facilities must be balanced with scenic viewsheds and residential development in the city. Careful consideration must take place when siting new facilities; such as collocation, concealment, and landscaping. Most of the city is built-out with compact residential and commercial development. Topography and existing facilities should be considered when determining locations for new telecommunication facilities. Placement of telecommunication facilities in or adjacent to residential areas and downtown should be avoided. If facilities are placed downtown, the facilities should be in industrial zoned areas.

MODIFY: Elkins Comprehensive Plan, 2014 Edition, page 5-19, Replace Future Land Use Classifications with the following:

As the city is urban in nature and does not have any lands that are classified as agriculture or conservation, rural lands were not identified on future land use map. The city plans to continue to grow with possible annexation areas and therefore will continue a more urban, built-out land use pattern. The city supports the preservation of agricultural lands and in the future would consider annexation of agricultural lands.

Future Land Use Classifications

Recreational— areas intended for parks and recreation uses. The proposed Allegheny Highlands Trails is also shown on the map. The current route has not yet been finalized therefore the route is only the approximate location.

Single family residential- intended to provide for low density residential uses.

Residential- intended to provide for single-family and multi-family residential uses.

~~Wees Historic District- this classification would allow additional requirements in order to preserve the historical character of the area~~

Institutional- areas owned by Davis & Elkins College

Central Business District- intended to provide for small-scale business uses to serve surrounding neighborhoods. Residential uses would allow for a mix of single family and multifamily uses, especially in the second story of commercial buildings.

Commercial- intended to provide for businesses that require larger buildings and would have more of an impact of surrounding uses.

Industrial- intent of this classification is to accommodate industrial uses.

MODIFY: Elkins Comprehensive Plan, 2015 Edition, page 5-18 and page 5-23, Replace Future Land Use Map with the following updated map:

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1564)
September 15, 2022

***Approving Completion of Probation and
Confirming Compensation Level for [REDACTED]***

WHEREAS, the City of Elkins operates the Elkins Fire Department (“the Department”) under the civil service provisions contained in West Virginia Code §8-15-16 *et seq.*, and accordingly vests the Elkins Fire Civil Service Commission (“the Commission”) with authority over various aspects of officer promotions and related matters; and,

WHEREAS, Section 4.15 of the Rules and Regulations of the Commission requires that all original appointments to any positions in the department shall be for a probationary period of one year; and,

WHEREAS, D. Sicca will complete his one-year probationary period as of September 19, 2022; and,

WHEREAS, the City of Elkins Personnel Policy Manual Sec. 4-H provides that any employee who is promoted to a higher grade classification shall be placed in the step of the new grade which best reflects the base differential between the current grade and the new grade classification; and,

WHEREAS, the closest wage differential in the new grade, Grade 7, is Step 2 at the associated wage of \$13.25 per hour; and,

WHEREAS, Elkins City Code, §30.02 provides Council with the power to prescribe and set forth compensation paid in the annual budget or through other ordinance; and,

WHEREAS, West Virginia Code, §8-5-12 provides that every municipality shall by ordinance or budget fix or cause to be fixed the salary or compensation of every municipal officer and employee; and,

WHEREAS, sufficient funds are available within the Fire Department account of the current fiscal year’s General Fund budget; *now, therefore, be it*

RESOLVED AND ORDAINED by the Common Council of the City of Elkins that [REDACTED] is hereby promoted to the rank of Firefighter I as of September 19, 2022; and,

FURTHER, that the amount of compensation for each shall be \$13.25 per hour, effective that date.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk



Elkins Fire Department

216 4th Street Elkins, WV 26241



TO: Mayor Jerry Marco

Clerk Jessica Sutton, FCSC

FROM: Stephen Himes, Fire Chief

DATE: September 19, 2022

RE: Derek Sicca appointment

This is to inform that you that Derek E. Sicca was hired as a Probationary Firefighter on September 19, 2021. Derek's performance during his probationary period has been exemplary. In accordance with WV Code 8-15-16 and section 4.15 of the Rules and Regulations of the Firemen's Civil Service Commission of the City of Elkins, WV, it is my recommendation that he receive absolute appointment, effective September 19, 2022.

A handwritten signature in cursive script that reads "Stephen Himes".

Stephen Himes, BS, NRP

Fire Chief

**Elkins Common Council: Agenda Item Request
Personnel Action**

Name of Employee



Requesting Official's name: Stephen D. Himes

title: Fire Chief

Requested Personnel Action (check one):

- New employee has completed probationary period and is recommended for full-time regular status
 - Promoted/transferred employee has completed probationary period and is recommended for confirmation in new position
 - Other (please describe in detail):
-

Employee's Direct Supervisor: Captain Ronald R. Corcoran

Effective date of personnel action: September 19, 2022

Employee's title/dept. after action:

Firefighter 1 / Fire Department

Employee's previous Grade: 6 and Step: 2 Wage: \$ 12.50

Employee's new Grade: 7 and Step: 2 Wage: \$ 13.25

Administrative Officer's signature:

Stephen Himes

Date:

9/6/22

****Route to Mayor****

Mayor's initials:

JAM

Elkins City Clerk

-1 of 1-

Date created: 1/27/2022 3:29:00 PM

Last saved: 1/27/22 3:29 PM

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1565)

September 15, 2022

Accepting Conditions and Terms of the Rite Aid/West Virginia Statewide Settlement Agreement and Authorizing the Execution of the Election and Release Form Provided by the West Virginia Attorney General

WHEREAS, the State of West Virginia and its many communities have unfortunately become the epicenter of a national opioid crisis for over the last two decades or more; and

WHEREAS, numerous lawsuits have been filed by local governments and the State against many companies in the opioid supply chain; and

WHEREAS, the City of Elkins, West Virginia has received a request from the Office of the West Virginia Attorney General to consider accepting the conditions and terms of Rite Aid/West Virginia Statewide Settlement Agreement (“Rite Aid Settlement”) from an opioid supply chain participant which will be allocated between the State and its local governments; and

WHEREAS, as a result of one of the lawsuits filed by the State, the State has reached a \$30 million statewide settlement with the opioid distributor, Rite Aid Corporation; and

WHEREAS, under the terms of the Rite Aid Settlement Agreement 24.5% will go to local governments for assistance in combatting the opioid crisis in their community; and

WHEREAS, under the terms of the Rite Aid Settlement, the local governments that want to be considered for the distribution of the settlement proceeds are required to approve the terms of the Rite Aid Settlement and the West Virginia Local Government Election and Release Form; and

WHEREAS, approving the terms of the Rite Aid Settlement and the West Virginia Local Government Election and Release Form would be in the best interests of the citizens of the City of Elkins.

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Common Council approves the terms of the Rite Aid Settlement and the West Virginia Local Government Election and Release Form, as set forth in the attached document, authorizes Mayor Marco to execute the West Virginia Local Government Election and Release Form on behalf of the City and directs the City Clerk to submit the signed documents along with a copy of this Resolution to the Office of the West Virginia Attorney General.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk

WEST VIRGINIA LOCAL GOVERNMENT
ELECTION AND RELEASE FORM

This Election and Release Form for West Virginia Participating Local Governments resolves opioid-related Claims against Rite Aid under the terms and conditions set forth in the Rite Aid West Virginia State-Wide Opioid Settlement Agreement executed on August 8, 2022 (the "Agreement"), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Local Government agrees that, in exchange for the consideration described in the Agreement, the Participating Local Government is bound by all the terms and conditions of the Agreement. By executing this Election and Release Form, the Participating Local Government submits to the jurisdiction of the panel overseeing the mass litigation proceeding captioned *In re: Opioid Litigation*, Civil Action No. 19-C-9000, in the Circuit Court of Kanawha County, West Virginia (the "Court"). To the extent the Participating Local Government has asserted Claims against Rite Aid in Actions that are pending before the Court, the Participating Local Government hereby grants all necessary right and authority to the West Virginia Attorney General to seek dismissal of the Participating Local Government's Action through the submission of the Consent Judgment as contemplated in the Agreement. If the Participating Local Government's Action is pending in another court as of the Effective Date, the Participating Local Government hereby agrees to dismiss (or if necessary move to dismiss) that Action as to Rite Aid and any other Released Entities within seven (7) business days of the Effective Date.

Dated: _____

LOCAL GOVERNMENT

BY: _____

PRINTED NAME: _____

TITLE: _____

ADDRESS: _____

TELEPHONE: _____

EMAIL ADDRESS: _____

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1566)

September 15, 2022

***Accepting Conditions of Agreement with GAI Consultants, Inc.
for Elkins Streetscape Masterplan, and Authorizing Execution of Agreement***

WHEREAS, the City of Elkins, West Virginia (“City”) has, per Resolution #1036, adopted the Elkins Main Street Streetscape Vision to promote and support beautification of the downtown; and,

WHEREAS, the City has, per Resolution #1154, adopted the 2018 – 2023 Strategic Plan, including milestones and deadlines to serve as a guide in decision-making and resource assignment for the City; and,

WHEREAS, under Strategic Area #1, item C, the City identifies Implementation of the Main Street Streetscape Plan as a goal; and,

WHEREAS, the City per Resolution #1520, adopted May 5, 2022, authorized the solicitation of an architectural and engineering firm for the purpose of developing a downtown streetscape masterplan; and,

WHEREAS, Elkins City Code §4.04 authorizes the contracting for and expenditure of public funds for the purpose of providing public improvement projects; and,

WHEREAS, the Municipal Properties and Rules and Ordinances Committees recommend pursuit of conceptual design services from a qualified landscape architect, design, and/or engineering firm to accomplish this goal; and,

WHEREAS, the City has received and reviewed qualifications and proposals from several firms and determined GAI Consultants, Inc. to be the best choice for the project; and,

WHEREAS, the Finance Committee recommends the use of \$30,000 in General Funds for the services as described above and in the attached document; and,

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby approves the agreement with GAI Consultants, Inc. for the purpose of developing an Elkins Streetscape Masterplan and authorizes execution of this agreement by the Mayor.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk



Planning | Urban Design
Landscape Architecture
Economics | Real Estate

September 9, 2022

GAI Project R220575.00

City of Elkins, West Virginia
Attention: Ms. Melody Himes, Operations Assistant
401 Davis Avenue
Elkins, West Virginia 26241

Elkins Streetscape Masterplan Elkins, West Virginia

Dear Ms. Himes:

It was a pleasure interviewing for you and your committee on August 2, 2022, to discuss the streetscape master plan and public realm improvements across the downtown of Elkins, West Virginia. We are excited about the opportunity to work with the City of Elkins again following the completion of the Elkins Riverfront Plan and appreciate you considering us for such an exciting project!

The study area will focus on a multi-block area of downtown Elkins, which is captured in the attached project area map. It is my understanding that the city will work with Elkins Mainstreet for the duration of this project and assist in the collection of potential stakeholders to be involved for our project engagement. Our firm will meet with these stakeholder as we develop a masterplan, renderings, phasing, and cost opinion recommendations to showcase potential improvements utilizing "complete street" principles for the downtown area of Elkins.

This scope is tailored in a manner so that each task will be able to build upon the information gathered in the previous task. GAI Consultants, Inc./Community Solutions Group (GAI / CSG) is qualified to provide the requested services entirely from our Charleston office.

We look forward to engaging with the City of Elkins, Elkins Mainstreet, and the collective stakeholders (OWNER) in a collaborative planning and design process, making the group's vision a reality.

Scope of Services

Based on our understanding of the project requirements/criteria provided to date, GAI will perform the following described Scope of Services:

Task 1. Review Existing Plans / Base Map Prep / Programming

GAI/CSG will begin working on the project with the following startup tasks that will serve as the foundation for developing the concept plan.

GAI Consultants, Inc.
500 Lee Street East
Suite 700
Charleston, West Virginia 25301
T 304.926.8100
gaiconsultants.com

A GAI Consultants, Inc. Service Group

© 2022 GAI Consultants

Subtask 1.1. Existing Information Review / Base Map Preparation

GAI /CSG will review any existing planning documents and studies prepared to date. GAI / CSG will obtain available architectural plans, boundary, utility, and topographic survey information (prepared by others) to use as the basis for the master planning work. Mapping data collected may include aerial photography, topography, hydrology, parcels, roads, parking areas, structures, and vegetation. **No additional surveying is included in this proposal.**

Subtask 1.2. Initial Site Visit / Kickoff Meeting / Programming

GAI / CSG will undertake an initial site visit / walking audit with the Owner. For purposes of this proposal, we are assuming that the study area will focus on the downtown core highlighted in Attachment A. This initial walkthrough will improve the team's understanding of the project site and the issues surrounding the development of the project and will enable our project team to better communicate with the project's stakeholders. GAI / CSG will document its observations with relevant photographs and notes that summarize the opportunities and constraints identified during the walking audit.

Prior to beginning in-depth analysis, GAI / CSG will conduct one (1) vision session/public meeting with the Owner. This facilitated work session is structured to be a highly participative meeting in which participants can explore key aspects to be included into the Concept Plan. The purpose of this meeting is to:

- Define the intent / extent of the Study Area;
- Identify project goals, objectives and overarching priorities to be addressed in the Concept Plan;
- Establish criteria for a successful project that will inform Concept Plan development and evaluation;
- Identify unique cultural considerations;
- Identify opportunities, constraints and issues;
- Build consensus and align project direction;
- Review project requirements, site conditions, and roles and responsibilities;
- Identify new information needs and next steps; and
- Transfer any information to the Consultant which would assist in the completion of the project.

This will establish the framework for developing physical planning concepts. We go to great lengths to avoid preconceptions, challenge our own assumptions, and look with a fresh and inquisitive eye at each master planning project we undertake. **We take nothing for granted**, making each planning effort a search for appropriate guidelines that accurately reflects the current and future space needs and are respectful of the character of the surrounding area and of our clients' aspirations.

Task 2. Inventory and Analysis

Subtask 2.1. Site Analysis

GAI will perform necessary site analysis of the project to determine the optimum usage of the right of way and public realm. If available, additional information such as historic roadway plans, traffic counts, city mapping, reports, etc. provided by the City of Elkins will also be reviewed and included in our analysis for the preparation of the conceptual development drawings.

Our analysis will include a review of the base mapping, and a site visit and walkover by GAI. Additional information provided by the city will also be reviewed if applicable for the preparation of the Master Plan. We anticipate the following as necessary elements to be researched and analyzed for the site:

- **Physical Attributes:** Lighting, signage and furnishings, maintenance infrastructure, public access and circulation, sports and play facilities, stormwater and utilities
- **Environmental Attributes:** Natural resources and landscape features; scenic resources, water quality (point and non-point sources)
- **Cultural Attributes:** Historic resources
- **Integration and Synthesis:** Spatial Analysis, Site Development Capacity, and Suitability Analysis.

Subtask 2.2. Schematic Design Concepts

Working with the OWNER and their representatives, GAI will evaluate the desired scope of development for the project to identify specific design requirements that may be required to complete the master plan and preliminary cost opinions. This will require several scope development meetings to identify and refine all the elements in the scope of work. For purposes of this proposal, we have assumed up to two (2) virtual meetings to complete this step.

We anticipate developing site-specific scenarios to address the overall project. We will work with your described vision of the project and suggest creative and aesthetic options to enhance the property image while still being functional. We anticipate that at a minimum, the following items shall be addressed in the schematic design:

- Parking
- Linkages
- Gateways
- Landscaping
- Storm water
- Lighting
- Street furniture and amenities
- Signage and Wayfinding
- Sidewalks and typical sections

Through the development of these design themes GAI will develop up to three (3) typical cross sections capturing the full right-of-way improvements for pedestrians, non-motorized vehicle/cycling, as well as vehicular opportunities for safety and access through the City of Elkins.

Task 3. Final Master Plan / Graphics / Cost Opinion

Subtask 3.1. Final Master Plan

After the Owner and relevant stakeholders have reviewed and approved the conceptual plans, GAI will prepare final graphics, including cross section, perspectives, and a final color rendered master plan which will convey the site design objective in a clear and imaginative manner. The plan will illustrate the schematic design from a bird's eye view and will include:

- Illustration of the desired character and vision of the master plan.
- Recommendations for context sensitive development.
- Proposed aesthetic improvements.
- Preservation of any potential cultural and historical assets.
- Community and greenway linkages

Subtask 3.2. Preliminary Cost Opinion

A final budgetary Cost Opinion reflecting phasing, quantities, and unit rates derived from the final Master Plan will be submitted to the Owner. This will prove to be an invaluable resource as it pertains to establish construction budgeting and obtaining future funding to implement the various stages of the Master Plan.

Deliverables

GAI / CSG will prepare the following deliverables for the conceptual site plan at the conclusion of the project process:

- One (1) board with colored renderings of final plan
- Six (06) 11x17" project summary hard copies with color renderings and site narratives
- One (1) Cost opinion
- One (1) compact disc (or thumb drive) containing digital files of renderings and cost opinion

Compensation

GAI / CSG will perform the services described herein for a Lump-Sum Fee of \$30,000 according to the breakdown by task below. GAI / CSG will not exceed this fee or perform out of scope services without prior written consent and approval from the Owner.

For and in consideration:

Task	Description	Estimated Budget
1	Base Map Prep / Programming	\$8,500
2	Inventory and Analysis	\$12,500
3	Final Master Plan / Graphics / Cost Opinion	\$9,000
	<i>Total</i>	\$30,000

**Schedule will be mutually agreed upon by consultant and owner and tailored to meet the Owners specific milestones as needed prior to execution of contract.*

Assumptions and Understandings

This proposal contains our best evaluation of the tasks required to accomplish the Owner's goals for the project based on the information presently available. GAI / CSG will perform its services in accordance with good and accepted professional standards and practices at the time it performs its services. However, unknown variables on the site may have a significant effect on the complexity of the project. We have stated throughout the proposal any assumptions specific to that task. Presented below are items that are specifically excluded from the scope of services and assumptions that could affect the scope and price of the project.

Assumptions

GAI / CSG will perform all services hereunder in a reasonably skillful and prudent manner and shall exercise that degree of professional care consistent with that exercised by members of the same profession practicing currently under the same or similar circumstances in the State of West Virginia and all GAI / CSG's services hereunder shall be performed as expeditiously as is consistent with such standards.

- The schedule will be extended in the event unforeseen developments or circumstances arise that are beyond the control of GAI / CSG.
- The Owner will provide permissions for access by GAI / CSG to any private property that may be required for GAI / CSG to perform its services.
- GAI / CSG may rely on documents, data, or other information pertinent to the project received from other sources.
- The Owner will review and provide comments and approvals on all interim and final deliverables submitted by GAI / CSG in a mutually agreed time frame.
- GAI / CSG will initiate performance upon receipt of the Owner's authorization and perform in accordance with agreed upon schedule(s).

Performance by either party will be excused due to unforeseen events or circumstances beyond the control of either party.

Exclusions

The scope of work **does not include** the following services based on the project requirements. As project needs arise, GAI / CSG can prepare a supplement to the contract for these additional services at the request of the Owner at any time during the project.

- Aerial mapping or field surveying.
- Permitting Services
- Environmental site assessments, testing, or permitting.
- Archeological site assessments
- Utility, geotechnical, and structural investigations.
- Building feasibility assessments.
- Traffic studies.
- Variance and zoning applications.
- Construction documents.
- Other services not specifically included in the proposal.

Closing

GAI appreciates the opportunity to provide these services to the City of Elkins and we look forward to the opportunity to work together with you on this exciting project. Please contact me anytime at 681.245.6482, or via email at j.yost@gaiconsultants.com, with any questions about this proposal.

Sincerely,

**Community Solutions Group,
a GAI Consultants, Inc. Service Group**

James C. Yost

Digitally signed by James C. Yost
DN: E=J.Yost@gaiconsultants.com,
CN=James C. Yost
Date: 2022.09.09 10:43:13-04'00'

James Yost, PLA, ASLA
Project Landscape Architect

JY/lmt

Attachments:

- Attachment A. Study Area of Focus
- Exhibit A. GAI Standard Terms and Conditions for Professional Services

September 9, 2022
GAI Project R220575.00

Planning | Urban Design
Landscape Architecture
Economics | Real Estate

ATTACHMENT A

Study Area of Focus



Downtown Parking Area



On-Street Parking

- Free, 3-Hour (Green line)
- Unrestricted (Red line)
- No Parking (Black line)



IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1567)

September 15, 2022

***Approving the Promotion of and Establishing a New Compensation Level for
Members of the Elkins Police Department***

WHEREAS, the City of Elkins operates the Elkins Police Department (“the Department”) under the civil service provisions contained in West Virginia Code §8-14-6 *et seq.*, and accordingly vests the Elkins Police Civil Service Commission (“the Commission”) with authority over various aspects of officer promotions and related matters; and,

WHEREAS, on June 15, 2017, the Elkins Common Council approved the amended *Rules and Regulations of the Elkins Police Civil Service Commission*; and,

WHEREAS, section 6.02 of those rules contains the following provision:

“Persons who have completed at least two (2) years continuous service in the next lower grade shall be eligible to apply for promotion in accordance with the provisions of this part”; and,

WHEREAS, section 6.05 of those rules contains the following provision:

“[I]n the event that there is only one applicant lawfully qualified to be promoted, the Commission may certify that single applicant as eligible for promotion without administering a written examination”; and,

WHEREAS, a vacancy in the rank of 1st sergeant currently exists in the Department; and,

WHEREAS, Corporal [REDACTED] was promoted to his current rank on August 11, 2020; and,

WHEREAS, Corporal [REDACTED] is the only Elkins Police Department officer holding that rank; and,

WHEREAS, the Elkins Police Civil Service Commission has accordingly waived the written examination and certified that Sergeant [REDACTED] is eligible for promotion to the rank of 1st sergeant as of August 11, 2022; and,

WHEREAS, upon the promotion of [REDACTED] to 1st sergeant, a vacancy in the rank of sergeant exists in the Department; and,

WHEREAS, Corporal [REDACTED] was promoted to his current rank on August 11, 2020; and,

WHEREAS, Corporal [REDACTED] is the only Elkins Police Department officer holding that rank eligible to be considered for promotion; and,

WHEREAS, the Elkins Police Civil Service Commission has accordingly waived the written examination and certified that Corporal [REDACTED] is eligible for promotion to the rank of 1st sergeant as of August 11, 2022; and,

WHEREAS, the City of Elkins Personnel Policy Manual Sec. 4-H provides that any employee who is promoted to a higher grade classification shall be placed in the step of the new grade which best reflects the base differential between the current grade and the new grade classification; and,

WHEREAS, the closest wage differential for [REDACTED] in the new grade, Grade 13, is Step 24 at the associated wage of \$23.40 per hour; and,

WHEREAS, the closest wage differential for [REDACTED] in the new grade, Grade 12, is Step 25 at the associated wage of \$22.30 per hour; and,

WHEREAS, Elkins City Code, §2-2 provides Council with the power to prescribe and set forth compensation paid in the annual budget or through other ordinance; and,

WHEREAS, West Virginia Code, §8-5-12 provides that every municipality shall by ordinance or budget fix or cause to be fixed the salary or compensation of every municipal officer and employee; and,

WHEREAS, sufficient funds are available within the Police Department account of the current fiscal year's General Fund budget; *now, therefore, be it*

RESOLVED AND ORDAINED by the Common Council of the City of Elkins that [REDACTED] is hereby promoted to the rank of 1st sergeant as of August 11, 2022; and,

FURTHER, that the amount of compensation shall be \$23.40 per hour, effective that date.

RESOLVED AND ORDAINED by the Common Council of the City of Elkins that [REDACTED] is hereby promoted to the rank of sergeant as of August 11, 2022; and,

FURTHER, that the amount of compensation shall be \$22.30 per hour, effective that date.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk




ELKINS CITY POLICE DEPARTMENT
401 DAVIS AVENUE ELKINS, WV. 26241
PHONE (304)636-0678
FAX (304)636-7866



MAYOR JERRY MARCO,

THE ELKINS POLICE DEPARTMENT HAS ONE VACANT FIRST SERGEANT POSITION. I CPT. R.W. BELT, AM REQUESTING A CIVIL SERVICE MEETING BE CALLED FOR THE PROMOTIONS OF, SERGEANT T. H. FOSTER TO FSGT AND CORPORAL T.D. TICE TO SGT EFFECTIVE 08/11/2022. WITH THE FSGT. POSITION BEING FILLED THE RANK OF SERGEANT WILL BECOME VACANT. CORPORAL B.D. TICE IS ELIGIBLE FOR PROMOTION TO SGT. AT THAT TIME. ALSO, I AM REQUESTING THAT A DATE BE SELECTED FOR A CORPORAL PROMOTION TEST TO BE GIVEN FOR ELIGIBLE PATROLMAN.

X  08/09/22

R.W. BELT
CAPTAIN



**WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION
NONINTOXICATING FLOOR PLAN EXTENSION ON-PREMISES**

County: Randolph

WVABCA License Number: 42-A-004-015310

<input checked="" type="checkbox"/> <u>1</u> # of days for Nonintoxicating Floor Plan Extension * Fee: \$50.00 per Day	<input type="checkbox"/> Dates and Times <u>10/8</u> (date) Start <u>8 AM</u> End <u>11 PM</u> (times) ____ (date) Start _____ End _____ (times) ____ (date) Start _____ End _____ (times) ____ (date) Start _____ End _____ (times) ____ (date) Start _____ End _____ (times) ____ (date) Start _____ End _____ (times) ____ (date) Start _____ End _____ (times)
---	---

Name of Establishment (DBA): Big Timber Brewing Company

Phone No: 304-940-1540 Licensee's or Managers Name: Ashley Kwasniewski

(1) Name of Event: Parade Watch Party

(2) Distance to nearest residence: 100 ft Distance to nearest church: 620 ft
Distance to nearest school: 1020 ft Distance to nearest government building: 980 ft

(3) Please provide details and information regarding the event (purpose, entertainment, etc.)
Parking lot party expanding our brew pub to watch parade and listen to music.

(4) List complete information in the form of a diagram (on the second page), giving measured dimensions of the proposed area for the extension and a description of how the area is to be designated as a containment area (fenced or bound area) for patrons of the establishment. Please provide detailed information regarding the designated area and connection to the currently licensed premises.

(5) County and Municipal Endorsement/Consent:
Licensees must obtain a letter of endorsement on official letterhead for the "Nonintoxicating Floor Plan Extension" from the following:
a) If held outside of a municipality, the letter must come from the County Commission.
b) If held within a municipality the letter must be signed by the Mayor, City Manager or Mayor's designee.
Letters must accompany the application.



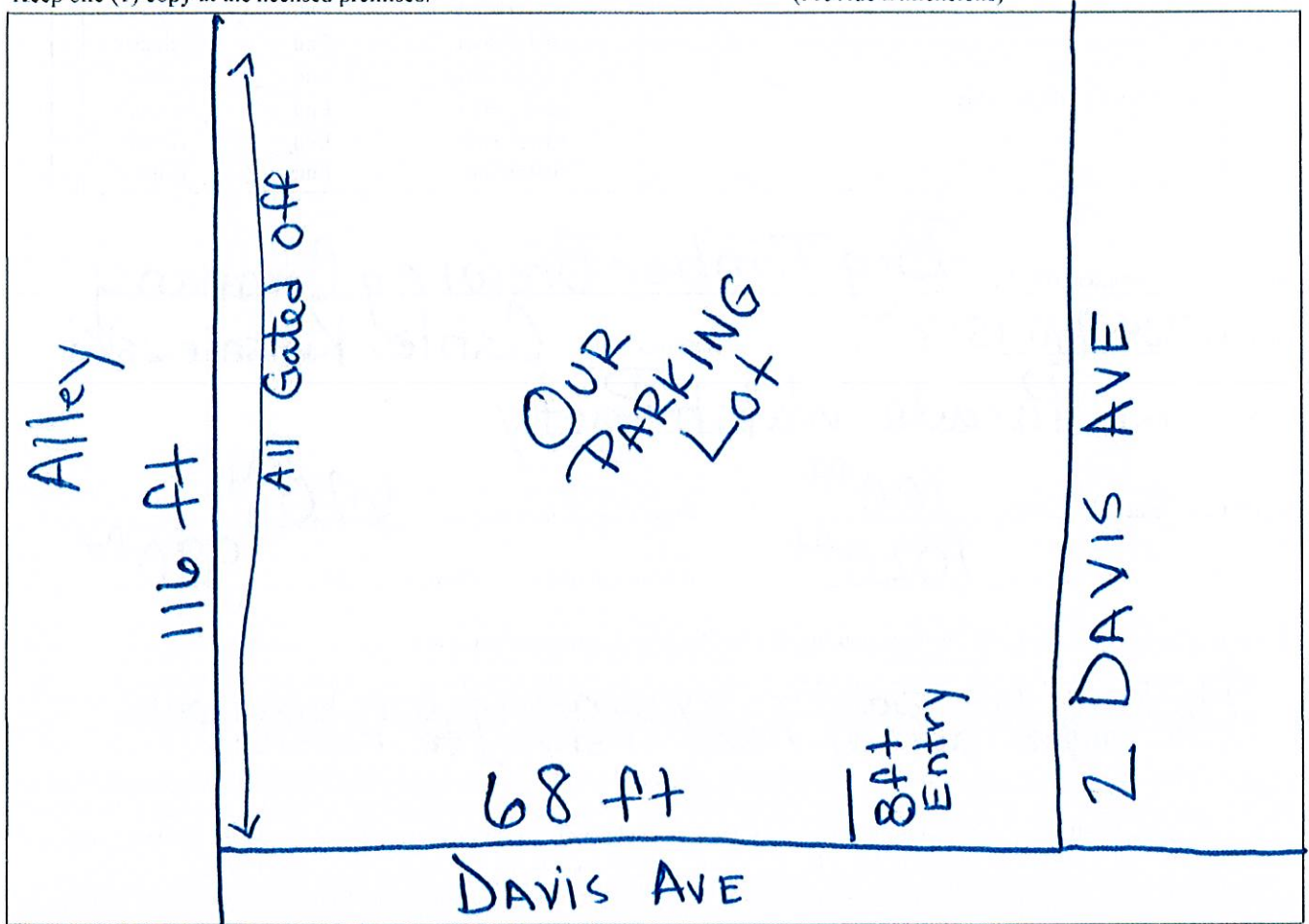
(6) Please provide details concerning security and additional staff within the "Nonintoxicating Floor Plan Extension" area:

We will have gate security at our one and only entrance. Event will be held during day for high visibility. City cops will be patrolling parade.

Floor plan extension must show the exact area and measurements of the "Nonintoxicating Floor Plan Extension" area in relationship to the licensed establishment. The area must be contiguous, adjoining and bounded area, such as a parking lot or outdoor area, which shall for the temporary period encompass the licensee's licensed premises.

Keep one (1) copy at the licensed premises.

(Provide Dimensions)



I, _____ (Print), have received and read the requirements and attest to the fact that all preceding information is true and accurate and that all individuals and/or controlling members listed on the license are aware of the submission of an application for a "Nonintoxicating Floor Plan Extension" license.

Licensee's Signature: _____

Date: _____

Title: _____

From: Bryant Pappas <BRYANT_PAPPAS@msn.com>
Date: September 13, 2022 at 12:37:40 AM EDT
To: Rachel Wickham <rwickham@cityofelkinswv.com>
Subject: permission letter / approval for event in Elkins at Phil Gainer Center

Rachel Wickham,

My name is Bryant Pappas, owner of Valid Boxing LLC. My company is involved in promoting professional boxing events and managing boxers. I have an event planned November 4th at the Phil Gainer Center in Elkins. I cleared it with Chris and the board at the Phil Gainer Center, and paid up front. I also applied for and was given my promoter's license by the West Virginia State Athletic Commission as well as secured all the insurance and obtained the surety bond required. I have reserved an ambulance corps as well as other things such as the ring, a great number of hotel rooms, etc. I am looking forward to this event as are the boxers and I hope the people of Elkins.

In order to approve my Special Event permit to serve beer at the Phil Gainer Center with the West Virginia ABCA, I need a letter from the governing body of Elkins stating that I am allowed to have the event here. The letter attesting to that from the Phil Gainer center, which is owned by Elkins. I thought and so did Christthis letter was sufficient as such letters have been in the past. However, the WV ABCA is requesting the letter to come from your office. The event is sanctioned, insured, and approved by the WVAC. We also have a local West Virginia boxer on the card, a fellow civil servant (I am a Police Captain in NY)

I would humbly ask for a letter of approval, either emailed, scanned, or what have you, to my email so I can forward it to the WV ABCA in order to complete my application.

We are reserving several area hotel rooms, and will be frequenting several restaurants, and shops in Elkins. A percentage of my profits are going to the Memorial Sloan Kettering Cancer Center.

I would also like to take the time to invite you, the Mayor, and the City Council to the event, which takes place on Friday, November 4th at the Phil Gainer Center at 6:30 pm. Please let me know as I can mark you off as my guests.

I look forward to hearing from you.

Truly

Bryant Pappas
914 774-6151