

**ELKINS COMMON COUNCIL  
SPECIAL COUNCIL MEETING  
MINUTES**

***401 Davis Avenue  
Council Chamber, 2nd Floor  
October 8, 2015  
7:00 p.m.***

Elkins Common Council met in special session in the council chamber of city hall. Present were Mayor Van T. Broughton; Councilpersons N. E. Bross-Fregonara, M. D. Cuonzo, R.P. Dusenbury, M. L. Marstiller, C. L. Metheny, E.R. Ochsendorf, D.C. Parker, M. D. Scott, L.H. Vest and R. A. Woolwine; Police Chief C. Cross; City Treasurer T. Judy (née Fox); Fire Chief T. W. Meader; Operations Manager R.P. Pingley; City Attorney G. S. Roberts; City Clerk S.R. Stokes (acting as recording secretary); and Inter-Mountain Reporter C. Lee.

Also present were Robert Rodecker, Esq., counsel to the city regarding the Suddenlink franchise renewal and transfer of control, and E. Michael Keleman, representing Suddenlink.

At 7 p.m., Mayor Broughton opened the public hearings regarding the renewal and transfer of control of the Suddenlink cable franchise and asked if anyone present wished to speak. There being no one who wished to speak, he declared the hearing closed at 7:01 p.m.

**PUBLIC COMMENT**

Missy Anello, of Elkins, spoke in favor of additional police officers and equipment.

Jack Tribble, a U.S. Forest Service District Ranger in the Monongahela National Forest, speaking on behalf of Clyde Thompson, supervisor of the Monongahela National Forest, stated that USFS supports and will help fund the project to connect the Allegheny Highlands Trail to the Elkins railyard via two bridges.

Todd Miller, of Elkins, and Erin Young, of Elkins, spoke in favor of the project to connect the Allegheny Highlands Trail to the Elkins railyard via two bridges.

Gene Ochsendorf read into the record a letter from Dave Clark (executive director of Woodlands Development Group) supporting the project to connect the Allegheny Highlands Trail to the Elkins railyard via two bridges.

**MINUTES**

Cm. Metheny, seconded by Cm. Marstiller, **MOVED APPROVAL OF THE MINUTES PROPOSED FOR THE SPECIAL COUNCIL MEETING OF SEPTEMBER 24, 2015.** The motion carried.

Cm. Marstiller, seconded by Cw. Cuonzo, **MOVED APPROVAL OF THE MINUTES PROPOSED FOR THE SPECIAL COUNCIL MEETING OF SEPTEMBER 28, 2015.** The motion carried.

**NEW BUSINESS**

Cm. Scott, seconded by Cm. Parker, **MOVED APPROVAL OF ORDINANCE 201, RENEWING SUDDENLINK'S CABLE FRANCHISE IN THE CITY OF ELKINS, ON FINAL READING.** Mr. Rodecker informed council that, after confirming the reinsertion of no-recourse language and upon his recommendation that Suddenlink's offer to increase its line-of-credit from \$5,000 to \$25,000 be accepted, the Rules and Ordinances Committee had earlier that evening recommended council approve Ordinances 201 and 202 on final reading. The motion carried.

Cm. Scott, seconded by Cw. Cuonzo, **MOVED APPROVAL OF ORDINANCE 202, APPROVING TRANSFER OF CONTROL OF SUDDENLINK'S CABLE FRANCHISE TO ALTICE, FINAL READING.** The motion carried.

**Approved Minutes**

Cw. Cuonzo, seconded by Cm. Woolwine, **MOVED APPROVAL OF ORDINANCE 203, AMENDING PAST ORDINANCES REGARDING FIRE PROTECTION SERVICE FEES, FINAL READING.** The motion carried.

Cw. Cuonzo, seconded by Cm. Marstiller, **MOVED ADOPTION OF RESOLUTION 807, IMPLEMENTING A MOTOR VEHICLE POLICY.** Cm. Metheny, seconded by Cm. Marstiller, **MOVED TO TABLE THE MOTION TO ADOPT RESOLUTION 807, PENDING ADDITIONAL EDITING BY STAFF.** The motion to table carried.

Cm. Marstiller, seconded by Cm. Ochsendorf, **MOVED ADOPTION OF RESOLUTION 808, APPOINTING T. JUDY TO A TWO-YEAR TERM AS CITY TREASURER.** The motion carried.

Cm. Marstiller, seconded by Cw. Bross-Fregonara, **MOVED ADOPTION OF THE SECOND (“YELLOW”) VERSION OF RESOLUTION 809, SUPPORTING CONSTRUCTION BY DOH OF TWO BRIDGES CONNECTING THE ALLEGHENY HIGHLANDS TRAIL TO DOWNTOWN ELKINS.** (Two versions of Resolution 809 had been circulated, the “original” with council packets and a second version, printed on yellow paper, left at councilmembers’ places at the tables in council chambers.) Cm. Marstiller, seconded by Cw. Bross-Fregonara, **MOVED TO AMEND HIS MOTION BY STRIKING THE WORDING OF THE “YELLOW” VERSION OF RESOLUTION 809 AND REPLACING IT WITH THE WORDING OF THE “ORIGINAL” VERSION OF RESOLUTION 809.** The motion to amend carried. The amended motion (to adopt the “original” version of Resolution 809) carried.

Cm. Woolwine, seconded by Cw. Cuonzo, **MOVED ADOPTION OF RESOLUTION 810, PROPOSING AN FY 2016 SANITATION FUND BUDGET.** The motion carried.

Cm. Woolwine, seconded by Cw. Cuonzo, **MOVED ADOPTION OF RESOLUTION 811, PROPOSING AN FY 2016 WATER FUND BUDGET.** The motion carried.

Cm. Marstiller, seconded by Cm. Woolwine, **MOVED ADOPTION OF RESOLUTION 812, ADJUSTING COMPENSATION FOR OPERATIONS MANAGER B. PINGLEY.** The motion carried.

Cm. Woolwine, seconded by Cm. Marstiller, **MOVED ADOPTION OF RESOLUTION 813, A BUDGET REVISION TRANSFERRING FUNDS BETWEEN CITY CLERK DEPARTMENT AND PLANNING AND ZONING.** The motion carried.

Cm. Woolwine, seconded by Cm. Marstiller, **MOVED ADOPTION OF RESOLUTION 813, A BUDGET REVISION TRANSFERRING FUNDS BETWEEN CITY CLERK DEPARTMENT AND PLANNING AND ZONING.** In accordance with the requirements of the state auditor’s office for inter-departmental budget revisions, the chair ordered a roll-call vote. The clerk called the roll in random order. The motion carried. Council votes were as follows:

N. E. Bross-Fregonara	Yes	G. Ochsendorf	Yes
M. D. Cuonzo	Yes	D. Parker	Yes
R.P. Dusenbury	Yes	M. D. Scott	Yes
M. L. Marstiller	Yes	L.H. Vest	Yes
C.L. Metheny	Yes	R. A. Woolwine	Yes

Cw. Cuonzo, seconded by Cm. Scott, **MOVED ADOPTION OF RESOLUTION 814, AUTHORIZING DRAFT ON THE OHIO VALLEY BANK LINE-OF-CREDIT FOR THE WATER SYSTEM IMPROVEMENT PROJECT.** The motion carried.

Cm. Woolwine, seconded by Cm. Marstiller **MOVED THAT COUNCIL ENTER EXECUTIVE SESSION UNDER THE PERSONNEL EXEMPTION FOR THE AGENDA ITEM “PERSONNEL MATTER IN THE POLICE DEPARTMENT.”** The motion carried. The executive session began at 8:17 p.m. and ended at 9:00 p.m. The mayor announced that no decisions were made nor actions taken.

**APPROVAL OF VENDOR INVOICE PAYMENTS**

Cm. Scott, seconded by Cw. Bross-Fregonara, **MOVED APPROVAL OF THE INVOICES PRESENTED.** The motion carried.

**Approved Minutes**

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

- Accounts Payable check transactions dated September 22-October 5, 2015.

**CORRESPONDENCE AND NOTIFICATIONS**

Council received the following correspondence and notifications:

- Issued building permits.
- September revenues vs. expenditures.
- Treasurer’s memo re: Delinquent business licenses and B&O tax returns.

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

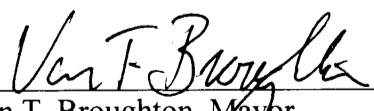
ISSUED BUILDING PERMITS				
Permit	Applicant	Location	Description	Value
152106	Yorkey, James	1626 S. Davis Ave.	Remodel kitchen	\$12,000
152107	Highland Community Builders	20 Northview Dr.	New 1000 sq. ft. single family dwelling	\$105,000
152108	Sabo, William	214 Ferndale Dr.	Install standby generator	\$5,000
152109	Newman, Jean	334 Graham St.	Reshingle garage	\$5,000
152110	Bailey, Jason	1080 Harrison Ave.	Construct a 600 sq. ft. Garage	\$16,000
152111	Teter, Joy Lou	201 Whiteman Ave.	Screen in breezeway	\$1,800
152112	Smith, Neil	220 Edgewater Dr.	Install over existing porch	\$8,500
152113	Wadsworth, Harry & Mae	213 First St.	Install metal roof	\$10,400
152114	Worden, George & Marsha	1116 S. Kerens Ave.	Install metal roof	\$15,200
152115	Guthrie, Nayoka	1219 S. Henry Ave.	Install standby generator	\$6,191
152116	Greenfield Cabinetry LLC	888 Industrial Paark Rd.	12' x 16' concrete pad	\$3,000
152117	Connolly, Lee	202 Southview Dr.	Replace shingles and gutter	\$10,200

Through discussion, council reached consensus on:

- Canceling the regular meeting of October 15.
- Holding a special meeting at 7 p.m. on October 22.
- Holding a special meeting at 12 p.m. on October 30.

Cm. Metheny, seconded by Cm. Ochsendorf, **MOVED ADJOURNMENT.** The motion carried.  
The meeting adjourned at 9:15 p.m.

*Approved by council at the meeting of October 22, 2015*

  
\_\_\_\_\_  
Van T. Broughton, Mayor

Attest:   
\_\_\_\_\_  
Sutton R. Stokes, City Clerk

VENDOR SET: 01 Elkins  
 BANK: Pool Pooled Cash  
 DATE RANGE: 9/22/2015 THRU 10/05/2015

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00576	Rand Co Humane Society	R	9/22/2015			001098		318.75
00047	BB&T Governmental Finance	R	9/24/2015			001099		2,722.68
00055	Paul Bender	R	9/24/2015			001100		850.00
00057	BFMC, Inc.	R	9/24/2015			001101		587.16
00169	Commercial Insurance	R	9/24/2015			001102		33,837.00
00206	Ginger Defibaugh	R	9/24/2015			001103		243.11
00305	Vallie Goots	R	9/24/2015			001104		75.94
00314	Guttman Energy, Inc.	R	9/24/2015			001105		1,832.92
01016	Heritage Hearing Aid Center, L	R	9/24/2015			001106		35.00
00855	LMC & Associates	R	9/24/2015			001107		2,300.00
00465	Steve's Electrical Service LLC	R	9/24/2015			001108		2,280.00
00471	Mon Power	R	9/24/2015			001109		31,076.42
00472	Monongahela Valley Bank	R	9/24/2015			001110		1,520.92
00484	Mountaineer Gas Company	R	9/24/2015			001111		302.82
00544	Steven Poage	R	9/24/2015			001112		177.68
00591	Retiree Health Benefit Trust F	R	9/24/2015			001113		489.00
00662	Melissa Stainaker	R	9/24/2015			001114		58.65
00701	Toshiba Financial Services	R	9/24/2015			001115		89.00
00707	Trickett Hardware	R	9/24/2015			001116		47.12
00412	Morphotrust USA	R	9/25/2015			001117		28.85

VENDOR SET: 01 ELIQUIS  
 BANK: Pool Pc h

DATE RANGE: 9/22/2015 THRU 10/05/2015

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00116	Child Support Enforcement	R	9/29/2015			001120		860.11
00147	COE Misc	R	9/29/2015			001121		296.89
00150	COE Payroll	R	9/29/2015			001122		10,892.21
00151	COE Payroll	R	9/29/2015			001123		13,382.22
00152	COE Payroll	R	9/29/2015			001124		4,080.00
00837	COE Payroll Reimbursement	R	9/29/2015			001125		74,336.50
00203	Davis Trust Company	R	9/29/2015			001126		1,110.00
00949	PHEAA	R	9/29/2015			001127		73.55
00721	Live United	R	9/29/2015			001128		15.00
00741	Voya Financial	R	9/29/2015			001129		107.00
00747	Washington National Insurance	R	9/29/2015			001130		351.67
01021	Allegheny Environmental Serv	R	9/29/2015			001131		600.00
00030	Art Medium, The	R	9/29/2015			001132		112.00
00038	Avaya Financial Services	R	9/29/2015			001133		861.48
00852	BB&T3 Governmental Finance	R	9/29/2015			001134		2,970.92
00080	Van Broughton	R	9/29/2015			001135		43.63
00126	City of Clarksburg	R	9/29/2015			001136		597.80
00314	Guttman Energy, Inc.	R	9/29/2015			001137		2,367.30
00468	Miss Utility of WV	R	9/29/2015			001138		64.40
00471	Mon Power	R	9/29/2015			001139		218.72

VENDOR SET: 01 Elkins  
 BANK: Pool Pooled Cash  
 DATE RANGE: 9/22/2015 THRU 10/05/2015

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00262	U.S Bank Equipment Finance	R	9/29/2015			001142		70.70
01023	WV DEP	R	9/29/2015			001143		2,193.75
01024	WV Division of Highways	R	9/29/2015			001144		212.50
00808	WV Municipal League	R	9/29/2015			001145		500.00
01022	WVDEP Solid Waste Authority	R	9/29/2015			001146		1,000.00
00149	COE Parks and Recreation	R	10/01/2015			001147		17,500.00
00202	Davis Trust Company	R	10/01/2015			001148		1,002.46
00235	Elkins Building Comm.	R	10/01/2015			001149		3,861.46
00361	Grover C, Jackson, Jr.	R	10/01/2015			001150		1,800.00
00396	Kay Casto & Chaney PLLC	R	10/01/2015			001151		137.50
00590	Reserve Account - Pitney Bowes	R	10/01/2015			001152		2,260.55
00673	Summit Community Bank	R	10/01/2015			001153		1,203.51
00211	Depot Welcome Center	R	10/01/2015			001154		1,636.25
00314	Guttman Energy, Inc.	R	10/01/2015			001155		1,889.75
00572	Rand Co CVB	R	10/01/2015			001156		14,726.26
00576	Rand Co Humane Society	R	10/01/2015			001157		266.25
00590	Reserve Account - Pitney Bowes	R	10/01/2015			001158		1,262.43

NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
61	246,331.42	6.00	246,331.42
0	0.00	0.00	0.00
0	0.00	0.00	0.00
TOTALS			

REGULAR CHECKS:  
 HAND CHECKS:  
 DRAFTS:

VENDOR SET: 01  
 BANK: Pool Pd  
 DATE RANGE: 9/22/2015 THRU 10/05/2015

VENDOR I.D.	NAME	NO	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
					INVOICE AMOUNT	DISCOUNTS		CHECK AMOUNT	
VENDOR SET: 01	BANK: Pool	TOTALS:			246,331.42	0.00		246,331.42	
BANK: Pool	TOTALS:	61			246,331.42	0.00		246,331.42	
REPORT TOTALS:		61			246,331.42	0.00		246,331.42	

SELECTION CRITERIA

VENDOR SET: 01-Elkins  
VENDOR: ALL  
BANK CODES: ALL  
FUNDS: ALL

CHECK SELECTION

CHECK RANGE: 000000 THRU 999999  
DATE RANGE: 9/22/2015 THRU 10/05/2015  
CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99  
INCLUDE ALL VOIDS: YES

PRINT OPTIONS

SEQUENCE: CHECK NUMBER

PRINT TRANSACTIONS: NO  
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