

Approved Minutes

ELKINS COMMON COUNCIL PUBLIC HEARING MINUTES

***401 Davis Avenue
Council Chamber, 2nd Floor
November 2, 2017
6:00 p.m.***

Elkins Common Council met in the council chamber of city hall. Present were Mayor Van T. Broughton; Councilpersons R.C. Chenoweth, M. D. Cuonzo, C. Friddle, III, M.M. Hazen, E.R. Ochsendorf, D.C. Parker, L.H. Vest and R. A. Woolwine; City Attorney G. S. Roberts; and City Clerk J.R. Sutton (acting as recording secretary).

C.C. Lowther and C. L. Metheny were absent.

i. Suddenlink office closure

The public hearing was called to order at 6:04 p.m. The Chair asked for public comment and the following was offered:

Cassie Reed is concerned about the Suddenlink office closure. She has contacted the 800 number in the past without any results, but then received excellent service at the local office. She does not believe that Suddenlink can offer the same service without the local office and that the closure will hurt citizens.

Debbie Barnes is concerned over the Suddenlink office closure. The notice on the door of the business says that there will be no change in service with the closure of the office, but she disagrees. Ms. Barnes owns several rental properties in the area and she does not allow her tenants to have dish service. She also pays a majority of the internet for her properties. She requires frequent contact with Suddenlink for changes in service and equipment needs and does not have the time to travel to Buckhannon. She also does not believe the service provided over the phone will be of equal quality. Further, Ms. Barnes' step-father recently passed away and she assisted her mother in transferring Suddenlink services. Her elderly mother has difficulty handling business over the phone and even Ms. Barnes became frustrated and had to visit the local office for the help she needed. She believes that a majority of Suddenlink's elderly customers will be negatively impacted by the closure of the local office.

Randolph County Commissioner Mark Scott reported that the commission has received numerous complaints both in person and by phone. He has also spoken to residents of Upshur County who report that the Buckhannon Suddenlink office has limited hours. Suddenlink technicians are now required to drive to Buckhannon for equipment needed to service calls in Randolph County. The commission is fighting the closure of the office.

Approved Minutes

Hearing no further comment, Mayor V. T. Broughton **MOVED ADJOURNMENT.** The motion carried.

The meeting adjourned at 6:13 p.m.

**ELKINS COMMON COUNCIL
REGULAR COUNCIL MEETING
MINUTES**

***401 Davis Avenue
Council Chamber, 2nd Floor
November 2, 2017
7:00 p.m.***

Elkins Common Council met in regular session in the council chamber of city hall. Present were Mayor Van T. Broughton; Councilpersons R.C. Chenoweth, M. D. Cuonzo, C. Friddle, III, M.M. Hazen, C. L. Metheny, E.R. Ochsendorf, D.C. Parker, L.H. Vest and R. A. Woolwine; Police Chief G. Galloway; City Treasurer T. Judy; Fire Chief T. W. Meader; Operations Manager R.P. Pingley; City Attorney G. S. Roberts; City Clerk J.R. Sutton (acting as recording secretary); and Inter-Mountain Reporter B. Johnson.

C.C. Lowther was absent.

PUBLIC COMMENT

Kevin Howell, proprietor of Lynn's Self-Serve and Tumble Time gymnastics, thanked council and the Mayor for the opportunity to discuss the proposed 1% sales tax. He is opposed to the tax for the following reasons: He feels it is unfair to businesses in city limits because the consumer has a choice where to spend their money, but the businesses do not have a choice to impose it or not. He also believes it is unfair to only apply the tax to businesses inside city limits as this give a 1% advantage to businesses outside the city. Mr. Howell is also concerned about how the money will be spent. Mr. Howell states that he has heard a variety of reasons from council members as to why they support the 1% sales tax and what the money could be spent on. He does not agree with any of them: 1) that the B&O tax is unfair. He does not believe the sales tax is a fair trade off for B&O and would prefer the City raise B&O taxes instead; 2) Elkins should impose the tax since other municipalities have done it. He does not care what other municipalities are doing; 3) it is only a penny on the dollar. He believes these pennies add up; 4) tourists will pay for most and it will not affect local consumers. This is incorrect as residents are the biggest consumers; 5) that city employees need pay raises and the city is facing increased health care costs; 6) that the state collects the tax and it will be very little work for the City; and 7) the City will build a splash pad. Mr. Howell challenged council to set out a plan prior to

Approved Minutes

voting and to look at other cities who have imposed the tax and see if the number of businesses have increased or decreased.

Brenda Jackson, owner of Trickett's Hardware at 209 Davis Ave., is against the tax. She states that people don't shop downtown anymore. She has been told this is a tourist tax, but she does not have tourists shopping in her store. Ms. Jackson states that she was assured by the Revenue Committee that annexation would be pursued prior to the implementation of the sales tax and she would like to know what businesses have been approached. She believes the downtown businesses are being punished.

Martha Metheny, 1700 Taylor Ave resident and downtown business owner, would like to see where the money would come from and where the revenues is going to help downtown businesses.

Steve Herron, a resident and manager in Elkins, has contact with a lot of businesses in Elkins and has only heard comments opposing the tax, none in favor of it. Mr. Herron in in favor of annexation instead of the tax and believes that the tax may be an additional barrier to future annexation.

PRESENTATION

Heather Biola – Kump Education Center

MINUTES

Cm. Metheny **MOVED APPROVAL OF THE MINUTES OF THE OCTOBER 19, 2017 MEETING.** The motion carried.

Cm. Ochsendorf **MOVED APPROVAL OF THE MINUTES OF THE OCTOBER 24, 2017 SPECIAL CALL MEETING.** The motion carried.

Cw. Hazen **MOVED APPROVAL OF THE MINUTES OF THE OCTOBER 27, 2017 SPECIAL CALL MEETING.** The motion carried.

NEW BUSINESS

City Clerk J. Sutton administered the oath of office to Tasha Hewitt in her new position as an officer in the Elkins Police Department.

Mayor V. Broughton introduced the new EPD K-9 Officer, Juliet. Ptlm. B. Tice is her handler. Juliet is a drug and tracking dog.

Cm. Woolwine **MOVED APPROVAL OF ORDINANCE 247: AMENDING ELKINS CITY CODE CHAPTER 6, BUSINESS LICENSES, REGULATIONS AND TAXES, SECTION 6.02, TAX ON CONSUMER AND ORDINANCE 180 (1ST OF THREE READINGS).** The motion carried.

Approved Minutes

Cm. Friddle III **MOVED APPROVAL OF ORDINANCE 248: AMENDMENT TO THE ELKINS CITY CODE PROVIDING FOR THE REDUCTION OF BUSINESS & OCCUPATIONAL TAX AND IMPOSING CONSUMER SALES TAX (1ST OF THREE READINGS).** Cm. Chenoweth **MOVED THE ITEM BE LAID ON THE TABLE.** In accordance with Resolution 924 and the amended City of Elkins Rules of Council the chair called for a roll call vote. The clerk called roll in random order. The motion to table failed. Council votes were as follows:

| | | | | | |
|----------------|-----|---------------|--------|-------------|-----|
| R. Chenoweth | Yes | C. Lowther | absent | L. Vest | Yes |
| M. Cuonzo | No | C. Metheny | No | R. Woolwine | No |
| C. Friddle III | No | G. Ochsendorf | No | | |
| M. Hazen | No | D. Parker | No | | |

In accordance with Resolution 924 and the amended City of Elkins Rules of Council the chair called for a roll call vote on the original motion. The clerk called roll in random order. The motion carried. Council votes were as follows:

| | | | | | |
|----------------|-----|---------------|--------|-------------|-----|
| R. Chenoweth | No | C. Lowther | absent | L. Vest | No |
| M. Cuonzo | Yes | C. Metheny | Yes | R. Woolwine | Yes |
| C. Friddle III | Yes | G. Ochsendorf | Yes | | |
| M. Hazen | Yes | D. Parker | Yes | | |

Cm. Woolwine **MOVED APPROVAL OF RESOLUTION 1070: AUTHORIZING THE WATER DISTRIBUTION DEPARTMENT TO PURCHASE A FORD F550 MOTOR AND CHASSIS WITH FUNDS FROM ITS CAPITAL OUTLAY ACCOUNT WITH FINANCING FOR FIVE YEARS THROUGH MOUNTAIN VALLEY BANK AT THE PROPOSED TERMS.** The motion carried.

Cm. Woolwine **MOVED APPROVAL OF RESOLUTION 1071: AUTHORIZING EXTENDING THE EXISTING LINE OF CREDIT RELATED TO THE PHIL GAINER COMMUNITY CENTER (FORMERLY THE ELKINS NATIONAL GUARD ARMORY) AT MOUNTAIN VALLEY BANK.** The motion carried.

Cm. Woolwine **MOVED TO ENTER EXECUTIVE SESSION FOR THE PURPOSE OF ATTORNEY CLIENT PRIVILEGE REGARDING THE RCCVB INQUIRY.** The motion carried. Council entered executive session at 7:56 p.m. and returned at 8:25 p.m. The Chair announced that no action was taken.

APPROVAL OF VENDOR INVOICE PAYMENTS

Cm. Woolwine **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 October 18 – October 31, 2017

Approved Minutes**CORRESPONDENCE AND NOTIFICATIONS**

Council received the following correspondence and notifications:

- Issued building permits.
- Events (none)
- Code Enforcement report

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

| ISSUED BUILDING PERMITS | | | | |
|--------------------------------|-------------------------------|--------------------------|--|-------------------|
| Permit | Applicant | Location | Description | Value |
| Permit | Applicant | Location | Description | Value |
| 170280 | Ryan, Kenneth | 1114 S Henry Ave. | Re-Roof | 6,000.00 |
| 170281 | Rinker, Scott | 151 Patricia Ave. | Electric Upgrade | 500.00 |
| 170282 | Canfield, Janet | 1625 1/2 Ward Ave | Upgrade Electrical Service | 1,000.00 |
| 170283 | Stell, Roberta | 207 White Oak Ln. | Windows, Siding and Doors | 18,500.00 |
| 170284 | Hebb, Elwood | 2 Bell St. | Upgrade Electrical Service | 1,000.00 |
| 170285 | Y.M.C.A. | 400 Davis Ave. | Build Depot Style Porch Roofs at Entries | 40,000.00 |
| 170286 | Fresenius Medical Care | 100 Main St. | Repair Dumpster Enclosure | 1,200.00 |
| 170287 | Channell, Roger | 105 Conaway Dr. | Replace Shingles. Garage Door & Baths | 14,000.00 |
| 170288 | Snodgrass, Charlene | 101 Westview Dr. | Replace Soffit and gutter | 2,721.00 |
| 170289 | Holiday Inn Express | 50 Martin St. | Replace Sinks, Vanities, Tub, Shower and Remodel Kitchen and Breakfast Area | 350,000.00 |
| 170290 | Lester, Ann | 133 Vector Ave. | Replace Siding | 20,000.00 |
| 170291 | Bradshaw, Kelly | 619 Yokum St. | Replace Shingles | 4,500.00 |

Approved Minutes

The Mayor announced that Main Street reported approximately 1100 – 1200 children participated in the Downtown Trick-or-Treat event; Batman visited Elkins High School today; and the Mon General ground breaking ceremony is Thursday, November 9 at 2:00 p.m.

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

The meeting adjourned at 8:39 p.m.

*Approved by council at the meeting
of November 16, 2017*

Van T. Broughton, Mayor

Attest:

Jessica R. Sutton, City Clerk