

**ELKINS COMMON COUNCIL
REGULAR COUNCIL MEETING
MINUTES**

**401 Davis Avenue
Council Chamber, 2nd Floor
August 20, 2015
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 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. 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.

INFORMATIONAL PRESENTATION

Chele Depp, president of the Board of the Elkins-Randolph County Convention and Visitors Bureau, presented that organization's annual report.

MINUTES

Cm. Metheny, seconded by Cm. Ochsendorf, **MOVED APPROVAL OF THE MINUTES OF THE REGULAR COUNCIL MEETING OF AUGUST 6, 2015.** The motion carried.

NEW BUSINESS

Cm. Woolwine, seconded by Cw. Cuonzo, **MOVED APPROVAL OF ORDINANCE 198, ISSUING WATER BONDS, ON THE SECOND OF THREE READINGS.** Cm. Dusenbury requested 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	No	M. D. Scott	Yes
M. L. Marstiller	Yes	L.H. Vest	Yes
C.L. Metheny	Yes	R. A. Woolwine	Yes

Cm. Scott, seconded by Cm. Woolwine, **MOVED APPROVAL OF ORDINANCE 199, LOWERING THE SPEED LIMIT IN HIGHLAND MEADOWS, ON THE FIRST OF TWO READINGS.** The motion carried.

Cm. Marstiller, seconded by Cw. Cuonzo, **MOVED ADOPTION OF RESOLUTION 790, AUTHORIZING REGULAR FULL-TIME STATUS AND CONFIRMING A WAGE FOR J. SHREVE AS A REVENUE/COLLECTIONS CLERK.** The motion carried.

Cm. Marstiller, seconded by Cw. Cuonzo, **MOVED ADOPTION OF RESOLUTION 791, CONFIRMING PROMOTION OF C. CROSS TO FIRST SERGEANT, EFFECTIVE SEPTEMBER 5.** The motion carried.

Cm. Metheny, seconded by Cm. Dusenbury, **MOVED ADOPTION OF RESOLUTION 792, CONFIRMING PROMOTION OF R. BELT TO SERGEANT, EFFECTIVE SEPTEMBER 5.** The motion carried.

Cw. Cuonzo, seconded by Cm. Ochsendorf, **MOVED ADOPTION OF RESOLUTION 793, AUTHORIZING DRAFT ON THE OHIO VALLEY BANK LINE-OF-CREDIT FOR THE WATER SYSTEM IMPROVEMENT PROJECT.** The motion carried.

Approved Minutes

Cm. Scott, seconded by Cm. Marsteller, **MOVED THAT COUNCIL POSTPONE THE REGULAR MEETING OF SEPTEMBER 17 TO SEPTEMBER 24.** The motion carried.

Cm. Marsteller, seconded by Cm. Woolwine, **MOVED THAT COUNCIL ENTER EXECUTIVE SESSION UNDER THE ATTORNEY-CLIENT CONSULTATION EXEMPTION FOR BOTH THE AGENDA ITEM "FORMER ELKINS NATIONAL GUARD ARMORY" AND THE AGENDA ITEM "ELKINS-RANDOLPH COUNTY LANDFILL SURCHARGE AND CLOSURE ACTIVITIES."** The motion carried. The executive session began at 7:45 p.m. and ended at 8:30 p.m. The mayor announced that no decisions were made and no actions were taken.

Cm. Metheny, seconded by Cm. Marsteller, **MOVED APPROVAL OF A REQUEST FROM BEANDER'S TO CLOSE THE ADJACENT ALLEY, SEPT. 30-OCT. 4.** The motion carried.

APPROVAL OF VENDOR INVOICE PAYMENTS

Cw. Cuonzo, seconded by Cm. Scott, **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 4-August 17, 2015.

CORRESPONDENCE AND NOTIFICATIONS

Council received the following correspondence and notifications:

- Issued building permits.
- July revenues and expenditures report.

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

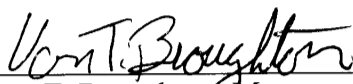
ISSUED BUILDING PERMITS				
Permit	Applicant	Location	Description	Value
152059	Seneca Realty Co.	910-914 S Davis Ave.	Replace roofing	\$5,000
152060	Talbott, William K.	195 Summit St.	Replace shingles	\$3,959
152061	Nelan, Eric	113 Evergreen Dr.	Remove shingles & install metal roof	\$10,000
152062	Fuhrman, Barbara	940 S. Kerens Ave.	Build an 8' x 14' deck	\$1,000
152063	Simon, Mike & Allison	1801 Livingston Ave.	Interior remodel	\$39,894
152064	Wild and Wonderful Antiques & Uniques	301 Davis Ave.	Sign	\$500
152065	Kirkpatrick, Paula	132 Weese St.	16' x 28' family room addition	\$28,000
152066	Citizens Bank of WV	211 Third St.	Asbestos abatement	\$13,132
152067	Tate, Jerrell	113 Riverview Dr.	Repair roof	\$600
152068	Stennes, Michael	185 Summit St.	Build an outdoor fireplace	\$2,500
152069	Lambert, Patricia	1736 S. Davis Ave.	Replace plumbing fixtures	\$3,500

Approved Minutes

Cm. Metheny, seconded by Cm. Ochsendorf, **MOVED ADJOURNMENT.** The motion carried.


The meeting adjourned at 9:05 p.m.

*Approved by council at the meeting
of September 3, 2015*



Van T. Broughton, Mayor

Attest:



Sutton R. Stokes, City Clerk

VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE: 8/04/2015 THRU 8/17/2015

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00407	Kump House Endowment Trust	N	8/04/2015			000000		
00116	Child Support Enforcement	R	8/04/2015			000852		745.41
00147	COE Misc	R	8/04/2015			000853		238.00
00150	COE Payroll	R	8/04/2015			000854		11,105.43
00151	COE Payroll	R	8/04/2015			000855		13,761.68
00152	COE Payroll	R	8/04/2015			000856		4,235.00
00837	COE Payroll Reimbursement	R	8/04/2015			000857		77,790.87
00203	Davis Trust Company	R	8/04/2015			000858		930.00
00949	PREAA	R	8/04/2015			000859		73.55
00721	Live United	R	8/04/2015			000860		15.00
00741	Voya Financial	R	8/04/2015			000861		107.00
00747	Washington National Insurance	R	8/04/2015			000862		351.66
00038	Avaya Financial Services	R	8/04/2015			000863		663.13
00852	BB&T3 Governmental Finance	R	8/04/2015			000864		2,970.92
00975	Delbert G. Carr	R	8/04/2015			000865		120.00
00110	Chase Equipment Finance-Dept.	R	8/04/2015			000866		2,874.17
00126	City of Clarksburg	R	8/04/2015			000867		621.20
00146	COE Landfill	R	8/04/2015			000868		6,612.89
00154	COE Sanitation	R	8/04/2015			000869		295.44
00156	COE Sewer Depreciation Account	R	8/04/2015			000870		4,584.62

VENDOR SET: 01 Eljins
BANK: Pool Pd
DATE RANGE: 8/04/2015 THRU 8/17/2015

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00211	Depot Welcome Center	R	8/04/2015			000873		848.61
00471	Mon Power	R	8/04/2015			000874		23,515.10
00484	Mountaineer Gas Company	R	8/04/2015			000875		2,473.19
00517	Ohio Valley Bank	R	8/04/2015			000876		2,890.06
00572	Rand Co CVB	R	8/04/2015			000877		7,637.47
00673	Summit Community Bank	R	8/04/2015			000878		1,227.30
00701	Toshiba Financial Services	R	8/04/2015			000879		89.00
00707	Trickett Hardware	R	8/04/2015			000880		99.19
00262	U.S Bank Equipment Finance	R	8/04/2015			000881		70.00
00822	WV State Treasurer's Office	R	8/04/2015			000882		1,016.00
00150	COE Payroll	R	8/06/2015			000883		3,433.65
00151	COE Payroll	R	8/06/2015			000884		681.50
00152	COE Payroll	R	8/06/2015			000885		1,264.00
00837	COE Payroll Reimbursement	R	8/06/2015			000886		18,461.60
00075	Brickstreet Mutual Insurance C	R	8/11/2015			000887		7,967.00
00119	CIT Technology Finance Serv, I	R	8/11/2015			000888		88.89
00154	COE Sanitation	R	8/11/2015			000889		598.96
00157	COE Utilities	R	8/11/2015			000890		3,835.69
00200	Davis Electric Co. Inc.	R	8/11/2015			000891		795.50
00202	Davis Trust Company	R	8/11/2015			000892		3,229.52

VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE: 8/04/2015 THRU 8/17/2015

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00314	Guttman Energy, Inc.	R	8/11/2015			000895		2,615.65
00453	McNeer, Highland, McMunn and V	R	8/11/2015			000896		300.00
00471	Mon Power	R	8/11/2015			000897		7,670.85
00508	Norton Harding Jintown	R	8/11/2015			000898		18.66
00671	Sutton Stokes	R	8/11/2015			000899		243.65
00711	Tygarts Valley Transfer, Inc.	R	8/11/2015			000900		40,530.89
00779	Woodford Oil Company	R	8/11/2015			000901		327.60
00982	WV Municipal Bond Commission	R	8/11/2015			000902		101.85
00110	Chase Equipment Finance-Dept.	R	8/12/2015			000903		51,846.96
00823	WV State Treasurer's Office/ M	R	8/12/2015			000904		7,413.03
00202	Davis Trust Company	R	8/12/2015			000905		100.00
00243	Elkins Randolph County Chamber	R	8/12/2015			000906		3,000.00
00104	Elkins Wrecker Service	R	8/12/2015			000907		144.00
00337	Heaster-Hart LLC	R	8/12/2015			000908		194.25
00340	Helping Hand Clearing House, I	R	8/12/2015			000909		300.00
00457	Metalworks, Inc.	R	8/12/2015			000910		145.00
00465	Steve's Electrical Service LLC	R	8/12/2015			000911		2,100.00
00471	Mon Power	R	8/12/2015			000912		91.22
00478	Tomahawk Live Trap	R	8/12/2015			000913		347.98
00812	WV Regional Jail and Correction	R	8/12/2015			000914		386.00

VENDOR SET: 01
BANK: Pool
DATE RANGE: 8/04/2015 THRU 8/17/2015

ELIAMS

Pool

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00155	COE Sewer	R	8/13/2015			000917	134,158.19	
00854	United Bankcard Center	R	8/17/2015			000918	106,503.43	

NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
67	721,024.05	0.00	721,024.05
0	0.00	0.00	0.00
0	0.00	0.00	0.00
0	0.00	0.00	0.00
1	0.00	0.00	0.00

VOID CHECKS: 0 VOID DEBITS 0.00
VOID CREDITS 0.00

TOTAL ERRORS: 0

NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
68	721,024.05	0.00	721,024.05

BANK: Pool TOTALS: 68 721,024.05 0.00 721,024.05

VENDOR SET: 01 ELKINS
 BANK: SEWPJ Sewer Project
 DATE RANGE: 8/04/2015 THRU 8/17/2015

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00085	Burgess & Niple, Inc.	R	8/06/2015			000011	42,410.60	
00396	Kay Casto & Charney PLLC	R	8/06/2015			000012	13.10	
00972	Kanawha Stone Company	R	8/06/2015			000013	75,033.82	

* * T O T A L S * *
 NO 3
 REGULAR CHECKS: 117,457.52
 HAND CHECKS: 0.00
 DRAFTS: 0.00
 EFT: 0.00
 NON CHECKS: 0.00

VOID CHECKS: 0 VOID DEBITS 0.00
 VOID CREDITS 0.00

TOTAL ERRORS: 0

NO 3
 VENDOR SET: 01 BANK: SEWPJTOTALS: 117,457.52
 DISCOUNTS 0.00
 CHECK AMOUNT 117,457.52
 BANK: SEWPJ TOTALS: 117,457.52

VENDOR SET: 01
BANK: WATBN WA
DATE RANGE: 8/04/2015 THRU 8/17/2015

VENDOR I.D. 00396
NAME Kay Casto & Chaney PLLC
STATUS R
CHECK DATE 9/05/2015
CHECK NO 000020
CHECK STATUS
CHECK AMOUNT 4,775.59

* * * T O T A L S * * *
REGULAR CHECKS: 1 4,775.59 0.00 0.00 4,775.59
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

TOTAL ERRORS: 0

VENDOR SET: 01 BANK: WATBN TOTALS: 1 4,775.59 0.00 0.00 4,775.59

BANK: WATBN TOTALS: 1 4,775.59 0.00 0.00 4,775.59

REPORT TOTALS: 72 843,257.16 0.00 0.00 843,257.16

SELECTION CRITERIA

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

CHECK SELECTION

CHECK RANGE: 000000 THRU 999999
DATE RANGE: 8/04/2015 THRU 8/17/2015
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

MEMORANDUM

TO: Elkins City Council
FROM: Phil Isner, Building Inspector/Code Enforcement Officer
RE: "Grandfathered" signs
DATE: August 19, 2015

With the adoption of Ordinance 194, amending City Code, Chapter 5 (regarding Signs and Billboards), certain categories of signs were prospectively prohibited, including "Off-Site Advertising Signs and Billboards."

However, existing nonconforming off-site signs and billboards were "grandfathered" in by the ordinance, meaning that they cannot be ordered removed except under the circumstances detailed in section 5-9 of the ordinance:

- (a) In the event a nonconforming sign is structurally damaged in any matter, it may be repaired or reconstructed and used as before, if such repair or reconstruction is complete within thirty (30) days of the date of such damage, unless thirty percent (30%) or more of the sign and/or its structure is damaged. If thirty percent (30%) or more of the sign and/or its structure is damaged or the repair or reconstruction is not completed within thirty (30) days, the entire sign and its structure shall be removed and a new sign which conforms to the requirements of this article may be erected, if otherwise permitted by this article, except as provided in Section 5-6.
- (b) In the event a nonconforming sign is structurally altered in any manner, the entire sign and sign structure shall be removed and a new sign which conforms to the requirements of this article may be erected, if otherwise permitted by this article.

In the interest of documenting the current structure and placement of current nonconforming signs, I have attached photographic documentation of the only six known nonconforming Off-Site Advertising Signs and Billboards inside Elkins city limits. I request that this memo, with the attached photographs, be read into council minutes as a permanent record.

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