

Approved Minutes

ELKINS COMMON COUNCIL REGULAR COUNCIL MEETING MINUTES

***401 Davis Avenue
Council Chamber, 2nd Floor
September 20, 2012
7:00 p.m.***

Elkins Common Council met in regular session in the council chamber of city hall at 7:00 p.m. Thursday, September 20, 2012. Present were Mayor Duke Talbott; Councilpersons: J. S. Bibey, N. E. Bross-Fregonara, V. T. Broughton, M. D. Cuonzo, T. Z. Hensil, C. G. Kinnison, C. L. Metheny, J. J. Sabatino, M. D. Scott, and R. A. Woolwine; Operations Manager R.P. Pingley; Police Chief Captain H. R. White, Jr.; Fire Chief T. W. Meader; City Clerk S.R. Stokes; City Attorney G. S. Roberts; and Inter-Mountain Reporter Anthony Gaynor. Absent was Treasurer L. D. Daniels-Smith.

AGENDA ADJUSTMENTS

- a. Execution of a contract for continuation of approved funds for the Randolph-Elkins Health Department.
- b. Personnel matter related to city operations.
- c. Execution of financial report and request for payment of funds awarded under a West Virginia Development Office grant for the construction of public restrooms and a storage building at Glendale Park.

PUBLIC COMMENT

There was none.

EMPLOYEE RECOGNITION

LeeRoy Whitmire, supervisor of the Wastewater Collection and Transmission Department, has announced that he will be retiring at the end of the month after 27 years with the city of Elkins. Both Mayor Talbott and Operations Manager Pingley spoke in appreciation of his service.

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INFORMATIONAL PRESENTATION

Chelley Depp, president of the Randolph County Convention and Visitors Bureau (RCCVB), presented the RCCVB’s annual report.

CONSENT CALENDAR

Cm. Metheny, seconded by Cm. Broughton, **MOVED THAT COUNCIL APPROVE THE MINUTES OF THE MEETING OF SEPTEMBER 6, 2012.** The motion carried.

UNFINISHED BUSINESS

Cm. Scott, seconded by Cm. Broughton, **MOVED THAT ORDINANCE 159, AMENDING SECTION 5-6(B) OF CITY CODE (CONCERNING THE ISSUING OF BUILDING PERMITS) BE APPROVED ON SECOND AND FINAL READING.** The motion carried.

NEW BUSINESS

Council members and administrative officers removed to the police station for training in marijuana identification presented by Chief White. Participants examined marijuana (live plants, dried plants, and seeds) and paraphernalia (pipes, bowls, bongs, water pipes, and rolling papers). Chief White also explained some of the terminology and practices common among marijuana users.

Council next took up two items related to a feasibility study for the development of a hotel on the lot behind city hall.

Cm. Woolwine, seconded by Cm. Broughton, **MOVED THAT COUNCIL ADOPT RESOLUTION 378, AUTHORIZING BUDGET REVISION 4, A TRANSFER FROM THE RAINY DAY FUND TO CITY HALL PROFESSIONAL SERVICES TO PAY FOR THE STUDY.** The chair requested a roll-call vote. The motion carried. Council votes were as follows:

J. S. Bibey	Yes	C. G. Kinnison	Yes
N. E. Bross-Fregonara	Yes	C.L. Metheny	Yes
V. T. Broughton	Yes	J. J. Sabatino	Yes
M. D. Cuonzo	Yes	M. D. Scott	No
T. Z. Hensil	Yes	R. A. Woolwine	Yes

Cw. Bross-Fregonara, seconded by Cm. Sabatino, **MOVED THAT COUNCIL ADOPT RESOLUTION 379, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH REVPAR INTERNATIONAL TO PERFORM THE STUDY.** Discussion ensued in which the following concerns were expressed: the feasibility study focuses on only one industry; it will be paid for out of the Rainy Day Fund; and development of a hotel on that site might negatively affect parking availability in downtown Elkins. The mayor asked Robbie Morris, of the Randolph County Development Authority, to respond to these concerns. Morris explained that the site is well-suited for a hotel, given that (1) covenants prohibit

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new hotels inside the railyard, (2) several area tourism-based businesses have requested additional hotel accommodations, and (3) parking concerns will be addressed in the study. (One service that will be provided by REVPAR is the preparation of recommended bid specifications, which will include requirements related to preserving parking spaces for public and city use.) The motion carried.

City Clerk Stokes advised council that he has received new record books and can begin entering the council meeting minutes that have not been entered since May 2011. Because the minutes in question exist only as computer files, they have not been signed, as mandated by city code. Through discussion, council members formed a consensus that the mayor should sign the minutes from his term, apply the date on which he signs, and also apply an “as of” date in a similar sense to the way in which a *nunc pro tunc* order can retroactively establish effective dates in a legal proceeding. During this discussion, Cm. Metheny also requested that meeting minutes include more detail, including capturing the names of anyone who votes against a motion even when no roll-call vote has been requested.

Cm. Sabatino, seconded by Cm. Hensil, **MOVED THAT COUNCIL ADOPT RESOLUTION 380, SUPPORTING NATIONAL VOTER REGISTRATION DAY AND ESTABLISHING SEPTEMBER 25, 2012 AS VOTER REGISTRATION DAY IN ELKINS.** The motion carried.

Cw. Cuonzo, seconded by Cm. Broughton, **MOVED THAT COUNCIL ADOPT RESOLUTION 381, ENDORSING THE KUMP CENTER’S APPLICATION FOR A GOVERNOR’S COMMUNITY PARTICIPATION PROGRAM GRANT TO BE USED FOR IMPROVING THE FACILITY’S ENTRANCE.** The motion carried.

Cm. Woolwine, seconded by Cm. Broughton, **MOVED THAT COUNCIL ADOPT RESOLUTION 382, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH LEXIS-NEXIS FOR CREDIT AND DEBIT CARD PROCESSING.** The mayor reminded council members that they had voted against a similar resolution (number 374) at the September 6 meeting; that action was taken to provide the treasurer time to evaluate a late-arriving request from another vendor to match the terms offered by Lexis-Nexis. That vendor was not able to match the terms, and so the treasurer had requested to execute the same contract (except with dates adjusted because of the delay) with Lexis-Nexis that was previously attached to Resolution 374. The motion carried.

Council next considered three scheduling items related to the Mountain State Forest Festival.

Cw. Cuonzo, seconded by Cm. Sabatino, **MOVED THAT COUNCIL GRANT A REQUEST FROM BEANDER’S TO CLOSE THE ADJACENT ALLEY DURING FESTIVAL EVENTS, OCTOBER 3-7.** The motion carried.

Cm. Broughton, seconded by Cw. Cuonzo, **MOVED THAT COUNCIL CLOSE CITY HALL TO THE PUBLIC ON FRIDAY, OCTOBER 5, WHICH WOULD REMAIN A NORMAL WORKDAY FOR CITY EMPLOYEES.** The motion carried.

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Cm. Woolwine, seconded by Cm. Hensil, **MOVED THAT COUNCIL CANCEL ITS SCHEDULED OCTOBER 4 MEETING.** The motion carried.

Council next considered two other scheduling items.

Cw. Cuonzo, seconded by Cm. Broughton, **MOVED THAT THE CITY'S OBSERVANCE OF HALLOWEEN TRICK-OR-TREATING BE ON WEDNESDAY, OCTOBER 31, 6-7:30 P.M.** The motion carried.

Council discussed the date on which it wants to call the 2013 municipal election. The consensus was that the election should be called at the regular council meeting of October 18, 2012.

Cm. Scott, seconded by Cm. Sabatino, **MOVED THAT COUNCIL AUTHORIZE A DOOR PRIZE FOR THE ANNUAL CHRISTMAS PARTY IN THE FORM OF A \$100 GIFT CARD TO AN AREA BUSINESS.** The motion carried.

Cw. Cuonzo, seconded by Cw. Bross-Fregonara, **MOVED THAT COUNCIL AUTHORIZE THE FORMATION OF A CITY OF ELKINS RELAY FOR LIFE 2013 TEAM, INCLUDING PAYMENT BY THE CITY OF THE \$10.00 REGISTRATION FEE FOR EACH EMPLOYEE THAT PARTICIPATES AND UP TO \$300.00 IN OTHER EVENT COSTS.** The motion carried.

Cw. Cuonzo, seconded by Cw. Bross-Fregonara, **MOVED THAT COUNCIL ADOPT PROPOSED CHANGES TO THE CITY'S PERSONNEL MANUAL.** Cw. Cuonzo, seconded by Cw. Bross-Fregonara, **MOVED TO AMEND THAT MOTION BY REQUIRING AN ADDITIONAL CHANGE NOT SHOWN ON THE PAGES PROVIDED TO COUNCIL (viz., on page 37, change "Job openings above entry-level will be filled by promotion from within or by external recruiting" to "Job openings above entry-level will be filled by promotion from within or filled by external recruiting").** The motion to amend carried. The amended motion carried.

Cm. Hensil, seconded by Cm. Broughton, **MOVED THAT COUNCIL ADOPT RESOLUTION 383, AUTHORIZING PAYMENT OF INVOICES RELATED TO THE WATER SYSTEM IMPROVEMENT PROJECT.** The motion carried.

Cm. Broughton, seconded by Cw. Cuonzo, **MOVED THAT COUNCIL WAIVE THE WATER-TAP FEE FOR THE INSTALLATION OF A LARGER WATER LINE IN BLUEGRASS PARK.** The motion carried.

Cw. Bross-Fregonara, seconded by Cw. Cuonzo, **MOVED THAT COUNCIL ADOPT RESOLUTION 384, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR CONTINUATION OF APPROVED FUNDS FOR THE RANDOLPH-ELKINS HEALTH DEPARTMENT.** (These funds had already been appropriated in the FY 2013 budget; this action authorized the contract with the health department.) The motion carried.

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Cm. Broughton, seconded by Cm. Hensil, **MOVED THAT COUNCIL ADOPT RESOLUTION 385, AUTHORIZING THE MAYOR TO EXECUTE A FINANCIAL REPORT AND REQUEST FOR PAYMENT OF FUNDS AWARDED UNDER A WEST VIRGINIA DEVELOPMENT OFFICE GRANT FOR THE CONSTRUCTION OF PUBLIC RESTROOMS AND A STORAGE BUILDING AT GLENDALE PARK.** (This is additional documentation required for the grant already accepted by Resolution 357.)
The motion carried.

Cm. Woolwine, seconded by Cm. Broughton, **MOVED THAT COUNCIL ENTER EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER RELATED TO CITY OPERATIONS.** The motion carried. The executive session began at 9:05 p.m. and ended at 9:43 p.m. The mayor announced that no decisions were made and no actions were taken.

APPROVAL OF VENDOR INVOICE PAYMENTS

Cm. Scott, seconded by Cm. Broughton, **MOVED THAT COUNCIL APPROVE THE INVOICES PRESENTED.** The motion carried.

COMMITTEE REPORTS

Building Committee

Cm. Sabatino, seconded by Cm. Woolwine, **MOVED THAT COUNCIL ISSUE THE APPROVED BUILDING PERMITS.** A question arose concerning whether this was proper, given that Ordinance 159, which had passed on second and final reading earlier in the meeting, eliminated this requirement. The city attorney recommended proceeding with the previous practice one final time. The motion carried.

APPROVED BUILDING PERMITS				
Permit	Applicant	Location	Description	Value
1122	Roettger, Sharyn	1727 S. Davis Ave.	Reroof	\$7,000
1123	Randolph County Commission	4 Randolph Ave	Demolition of basement partition walls	\$43,871
1124	Kevin & Roslyn Howell & Lynn Phillips	501 Randolph Ave.	Repair concrete at gas pumps	\$800
1125	Weese, Micky	525 West Main Street	Reroof	\$8,700
1126	Randolph County Housing Authority	4th St. Apart. 117	Remodel	\$9,000
1127	Marshall, Herbert & Twilia	110 Mt. View Drive	24' x 26' garage	\$24,000
1128	Harris, Judy	616 Yokum St.	Reroof with metal	\$7,279
Sign 5-12	Y.M.C.A.	400 Davis Ave.	Repair and replace existing sign logo's	\$2,000

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1129	Woodford Methodist Church	115 First St.	Replace handrail on existing handicap ramp	\$2,000
1130	Keith, Doug	226 Ferndale Dr.	Install metal roof	\$9,100

Sanitation and Landfill Committee

Cm. Metheny announced that the committee’s next meeting would be rescheduled to the earliest date when the city’s utilities counsel is available to address the committee.

Municipal Property Committee

Cw. Bross-Fregonara announced that the committee’s October meeting would be rescheduled to a date and time to be announced later. There will be no further meetings in September.

ADMINISTRATIVE OFFICER REPORTS

Operations Manager

Operations Manager Pingley reported on paving, new traffic lights, and the implementation of a new work-order system.

Treasurer

Treasurer Daniels-Smith was absent while attending training.

Police Chief

Chief White reported that students from Davis and Elkins College will be interning with the department, at no cost to the city. Patrolman Boatwright will be graduating from the state police academy on Friday, September 28.

Fire Chief

Chief Meader reported that the department had completed successful tests of the pump trucks and aerial truck.

MAYOR’S COMMENTS

City Hall Grounds Improvements

Mayor Talbott reported on city hall grounds improvements performed by Randolph County Community Corrections personnel, a professional landscaper, city hall custodians, and the Street Department. This work included pruning, mulching, repainting parking spaces, removing deteriorated parking signs, and repainting the flag pole. The mayor commended Streets Department worker Larry Griffith for his work matching new curbs to the adjacent original cut-stone curbs on the north side of Fourth Street.

Flag Raising With American Legion

The mayor told council that there will be a flag-raising ceremony to rededicate the flag pole on Tuesday, September 25, 2012 at 12:30 p.m. In attendance will be the president of the Elkins

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chapter of the American Legion and community corrections personnel who have helped make grounds improvements. He encouraged council members and administrative officers to attend.

Planning commission update

The mayor reported that efforts to identify new planning commission members were nearly complete and that he would soon present his nominees to council.

OTHER BUSINESS

There was no other business.

The meeting adjourned at 10:16 p.m.

Duke Talbott, Mayor

Date

Sutton Stokes, City Clerk

Date