

***Approved Minutes***

**ELKINS COMMON COUNCIL  
REGULAR COUNCIL MEETING  
MINUTES**

***401 Davis Avenue  
Council Chamber, 2nd Floor  
December 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, December 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; Treasurer L. D. Daniels-Smith; Police Chief Captain H. R. White, Jr.; City Clerk S.R. Stokes (acting as recorder); City Attorney G. S. Roberts; and Inter-Mountain Reporter Anthony Gaynor.

Fire Chief T. W. Meader was absent.

The meeting was preceded, at 6:30 p.m., by an informational presentation from representatives of Burgess and Niple concerning the stormwater/sewer separation project.

**PUBLIC COMMENT**

There was none.

**CONSENT CALENDAR**

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

**NEW BUSINESS**

Council first took up business related to Ordinance 161, Sewer System Bond Anticipation Notes.

The city's bond counsel, John Stump of Steptoe and Johnson, explained that the proceeds of the Notes will be used (i) to temporarily finance a portion of the costs of design and construction of certain betterments and improvements to the existing public sewerage facilities of the Issuer (the "Project"); and (ii) to pay the costs of issuance hereof and related costs. The Notes are payable solely from (i) the proceeds of revenue bonds or other obligations of the Issuer to be issued subsequent to the issuance of the Notes; (ii) the proceeds of any grants received by the Issuer for the Project; and (iii) Surplus Revenues, if any, of the System.

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A public hearing concerning the issuance of the Bond Anticipation Notes was held. The mayor declared the public meeting open at 7:08 p.m. and asked if there was anyone present who wished to comment. Hearing no one, he declared the public meeting closed at 7:09 p.m.

Cm. Hensil, seconded by Cm. Broughton, **MOVED THAT COUNCIL APPROVE ORDINANCE 161, AUTHORIZING ISSUANCE OF SEWERAGE SYSTEM BOND ANTICIPATION NOTES, SERIES 2012 A, IN AN AMOUNT NOT TO EXCEED \$600,000, ON THIRD AND FINAL READING.** 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	Yes
T. Z. Hensil	Yes	R. A. Woolwine	Yes

Cm. Metheny, seconded by Cm. Broughton, **MOVED THAT COUNCIL ACCEPT A PROPOSAL FOR ISSUANCE OF THE NOTES FROM UNITED BANK, AT AN INTEREST RATE OF 1.84 PERCENT.** The motion carried.

Cm. Metheny, seconded by Cm. Broughton, **MOVED THAT COUNCIL ADOPT RESOLUTION 410, PROVIDING FOR THE ISSUANCE OF THE NOTES AND REDESIGNATING THEM SEWERAGE SYSTEM BOND ANTICIPATION NOTES, SERIES 2013 A.** The motion carried.

Cm. Hensil, seconded by Cm. Broughton, **MOVED THAT COUNCIL ADOPT RESOLUTION 411, AUTHORIZING THE FIRST DRAW AGAINST THE NOTES.** The motion carried.

Cm. Woolwine, seconded by Cm. Bross-Fregonara, **MOVED THAT COUNCIL APPROVE ORDINANCE 162, AMENDING ELKINS CITY CODE § 21-82, CONCERNING FEES CHARGED FOR FILING APPEALS WITH THE BOARD OF ZONING APPEALS, ON SECOND AND FINAL READING.** The motion carried.

Cm. Woolwine, seconded by Cm. Broughton, **MOVED THAT COUNCIL ADOPT RESOLUTION 412, SETTING A \$50 FEE TO BE CHARGED FOR FILING AN APPEAL WITH THE BOARD OF ZONING APPEALS.** The motion carried.

Cm. Woolwine, seconded by Cm. Hensil, **MOVED THAT COUNCIL ADOPT RESOLUTION 413, TRANSFERRING THE CITY’S GENERAL FUND TO MOUNTAIN VALLEY BANK.** Treasurer Daniels-Smith explained that she is recommending this transfer because Huntington Bank will not pledge to protect city funds on deposit there in excess of the \$250,000 insured by the FDIC; also, a better interest rate is available from Mountain Valley Bank. The motion carried.

Cm. Woolwine, seconded by Cm. Cuonzo, **MOVED THAT COUNCIL ADOPT RESOLUTION 414, BUDGET REVISION 10, TRANSFERRING FUNDS WITHIN THE MUNICIPAL COURT.** The motion carried.

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Cm. Woolwine, seconded by Cm. Broughton, **MOVED THAT COUNCIL ADOPT RESOLUTION 415, BUDGET REVISION 11, A TRANSFER FROM THE RAINY DAY FUND TO THE MUNICIPAL COURT’S CAPITAL OUTLAY LINE.** In accordance with the requirements of the state auditor’s office for inter-departmental budget revisions, 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	Yes
T. Z. Hensil	Yes	R. A. Woolwine	Yes

Cm. Woolwine, seconded by Cm. Broughton, **MOVED THAT COUNCIL ADOPT RESOLUTION 416, BUDGET REVISION 12, TRANSFERRING FUNDS WITHIN THE CLERK’S DEPARTMENT.** The motion carried.

Cm. Woolwine, seconded by Cm. Hensil, **MOVED THAT COUNCIL STRIKE THE FOLLOWING ITEM FROM THE AGENDA: “FUNDING REQUEST FROM YOUTH EMPOWERED SOLUTIONS.”** He explained that the Finance Committee, which council authorized to make spending decisions concerning funds in the “Contributions to Outside Organizations” budget line, had decided to contribute \$250 in response to the request from Youth Empowered Solutions. The agenda item was now unnecessary. The motion carried.

Treasurer Daniels-Smith drew council members’ attention to the conflict of interest questionnaires that had been included in their council packets and requested that these be completed and returned to the audit firm by December 28.

**APPROVAL OF VENDOR INVOICE PAYMENTS**

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

**COMMITTEE REPORTS**

**Building Committee**

The Building Committee has approved the following building permits since the previous regular council meeting.

<b>APPROVED BUILDING PERMITS</b>				
<b>Permit</b>	<b>Applicant</b>	<b>Location</b>	<b>Description</b>	<b>Value</b>
1179	Mary's Greenhouse	301 Ward Ave	Install new tub & shower	\$1,500

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1180	Seneca Mall (Old Travel Agency)	108 Third Street	Install bathroom	\$7,500
1181	Coffman, Stacy	212 Davis Ave.	Remodel down stairs office and uppstais apart.	\$9,000
1182	Gainer, Terry	106 Southview	Re-roof	\$3,100
1183	Fisher, Dora	119 Conaway Dr.	Remodel bathroom	\$3,000
1184	Ross, T.R. II	242 Terrace Ave.	Remodel kitchen	\$27,000
1185	Randolph Co. Housing Authority	Apt. 121 Fourth Street	Rewire	\$9,158
1186	Jordan, Bryan	110-1/2 First St.	Install four garage doors	\$924
1187	Aucremanne, Dan & Vicki	110 Henry Ave.	Install metal roof	\$8,852
1188	Collins, Valair	12 First St.	Replace metal roof	\$2,500
1189	Stottlemyer, James	407 Central Street	New electrical service and standby generator	\$5,000

There were no other committee reports.

**ADMINISTRATIVE OFFICER REPORTS****Operations Manager**

Operations Manager Pingley reported that Street Department personnel had spent the day preparing for the forecasted snowstorm. The first round of cleanup from Hurricane Sandy is nearly complete; still to come is cleanup in alleys. Crews are fitting in leaf pickup as time allows.

**Treasurer**

Treasurer Daniels-Smith reported that the state auditor's office had advised her that Elkins has had "the most successful launch" of the state purchasing card of any municipality in the state. Accounts Payable Clerk Tracy Fox has put about \$275,000 on the p-card in less than 30 days.

**Police Chief**

Chief White had no report.

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**Fire Chief**

Chief Meader was absent.

**MAYOR'S COMMENTS**

**Home Rule: Legislative Audit Report**

Mayor Talbott drew council members' attention to the recent release of the Legislative Audit Report on Home Rule and advised them that Elkins could benefit from such a program, should it be expanded by the legislature.

The meeting adjourned at 7:45 p.m.

*Approved by council at the meeting  
of January 4, 2013*

\_\_\_\_\_  
Duke Talbott, Mayor

\_\_\_\_\_  
Date

*Attest:*

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

\_\_\_\_\_  
Date