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

Jack Tribble, speaking on behalf of Clive Thompson, supervisor of the Monongahela National Forest, U.S. Forest Service, 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.

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 and no actions were taken.

APPROVAL OF VENDOR INVOICE PAYMENTS

Cm. Scott, seconded by Cw. Bross-Fregonara, **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 dated September 22-October 5, 2015.

CORRESPONDENCE AND NOTIFICATIONS

Council received the following correspondence and notifications:

a. Issued building permits.
b. September revenues vs. expenditures.
c. 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 # p.m.

Approved by council at the meeting of MONTH DAY, YEAR

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Van T. Broughton, Mayor

Attest:

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Sutton R. Stokes, City Clerk