

## ***Approved Minutes***

# **ELKINS COMMON COUNCIL REGULAR COUNCIL MEETING MINUTES**

***401 Davis Avenue  
Council Chamber, 2nd Floor  
December 7, 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.C. Lowther, 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.

### **PUBLIC COMMENT**

Ellen Shepherd - parent, teacher and resident, is concerned about the sales tax and how it will affect her students, most of whom have limited transportation and do most of their shopping downtown. If businesses close this will hurt her students as well as the school overall, as many of these businesses support Jennings Randolph through donations. Ms. Shepherd also believes that employees of the downtown businesses may be negatively affected. She cannot support a tax without knowing the specific and direct benefit it will bring to the community. She asked that council table to ordinance until they have a more definite plan of where the money will be spent.

Martha Metheny – resident and downtown property and business owner asked council to table the sales tax ordinance until they have a plan. She believes a lot of what she has seen and heard from council is all “smoke and mirrors”. She has reviewed the budgets and has concerns over the allocation of funds.

Kathy Vance – resident and business owner at 122 Second St. asks that council table the sales tax ordinance until there is a plan. Over the last year she has asked for budget workshops so that the public can be more involved in the budget process. The burden of the budget is on the residents. In FY2017 the City did business with twenty-five businesses outside of city limits that could be annexed in. The City is spending money at Wal-Mart when they could be spending this money at businesses inside the city limits.

Andrea Kniffen – owner of Beander’s stated that she doesn’t know many of the council members or if they are business owners. Ms. Kniffen receives frequent requests for donations and she loves to help, especially where children are involved. However, it has become harder to do business and also harder to make these outside donations. Although she acknowledges the money she collects for the State sales tax is not hers, she uses it for the operation of her business prior to sending it to the state. She feels the extra one-percent tax will be a further burden to her business and her ability to contribute to outside causes.

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Dave Rao, resident of S. Henry Ave urges council to table to sales tax ordinance and take some time to think about it. He would also like to see Mayor Van Broughton come out one way or the other, to back it or not.

Joe Biola – Prospect St resident advised council that the Charleston paper recently reported five businesses closing in the Town Center Mall. This was on top of an earlier five businesses that have closed. Our businesses are our “Town Center Mall” and he can’t believe that city council wants to put another burden on them.

**PRESENTATION**

Mark Doak of the Downtown Business Owners reported that their informal group has been meeting since September 2016 for the purpose of discussing relevant issues and how they can help move businesses and Elkins forward. At their early meetings they identified themes which Mr. Doak presented in a handout to council and discussed further in his presentation.

Terry Carrington of the WV DEP Make It Shine program presented the City of Elkins with the West Virginia Rehabilitation Environmental Action Plan Clean Community Award for 2017. Elkins was one of eight communities to receive the award, which is based on volunteer engagement, volunteer hours, recycling efforts, youth programs, litter clean up and anti-dumping efforts. The Mayor accepted the award on behalf of the City.

**MINUTES**

Cm. Metheny **MOVED APPROVAL OF THE MINUTES OF THE NOVEMBER 16, 2017 MEETING.** The motion carried.

**NEW BUSINESS**

Cm. Woolwine **MOVED APPROVAL OF ORDINANCE 247: AMENDING CITY CODE CHAPTER 6, BUSINESS LICENSES, REGULATIONS AND TAXES, SECTION 6.02, TAX ON CONSUMER AND ORDINANCE 180 (3<sup>RD</sup> AND FINAL READING).** The motion carried.

Cm. Woolwine **MOVED APPROVAL OF ORDINANCE 248: AMENDMENT TO THE ELKINS CITY CODE PROVIDING FOR THE REDUCTION OF BUSINESS & OCCUPATIONAL TAX AND IMPOSING CONSUMER SALES TAX (3<sup>RD</sup> AND FINAL READING).** 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	Yes	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		

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Cm. Friddle III **MOVED THE PREVIOUS QUESTION.** 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 to stop debate and vote carried. Council votes were as follows:

R. Chenoweth	No	C. Lowther	No	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		

The Chair called for a vote on the previous question of Ordinance #248. 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	No	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		

Cw. Cuonzo **MOVED APPROVAL OF RESOLUTION 1076: AUTHORIZING CITY TO ACT IN RELATION TO DOWNTOWN PARKING.** The motion carried.

Cm. Metheny **MOVED APPROVAL OF RESOLUTION 1077: APPROVING THE PROMOTION OF AND ESTABLISHING A NEW COMPENSATION LEVEL FOR T.C. BENNETT AND A.M. WYSHYVANUK.** The motion carried.

Cm. Parker **MOVED APPROVAL OF RESOLUTION 1078: REAPPOINTING SIDNEY GILLISPIE TO THE HOUSING AUTHORITY OF THE CITY OF ELKINS.** The motion carried.

Cw. Cuonzo **MOVED APPROVAL OF RESOLUTION 1079: CITY OF ELKINS WATER SYSTEMS IMPROVEMENT PROJECT CHANGE ORDER NO. 4 TO CONTRACT NO.2.** The motion carried.

**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 November 15 – December 1, 2017.

**CORRESPONDENCE AND NOTIFICATIONS**

Council received the following correspondence and notifications:

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- Issued building permits.
- Events
- Home Rule annual report

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

<b>ISSUED BUILDING PERMITS</b>				
<b>Permit</b>	<b>Applicant</b>	<b>Location</b>	<b>Description</b>	<b>Value</b>
<b>170304</b>	<b>Randolph Co. Housing Authority</b>	<b>316 Railroad Ave.</b>	<b>Build Staircase, New Electric Service, Fire Service Line and Concrete pad</b>	<b>18,000.00</b>
<b>170305</b>	<b>Howell, Bruce</b>	<b>954 Harrison Ave.</b>	<b>Replace Windows</b>	<b>1,400.00</b>
<b>170306</b>	<b>Howell, Bruce</b>	<b>306,308 &amp;310 Second St. 118 Henry Ave.</b>	<b>Replace Windows Repair Roof, Upg</b>	<b>6,000.00</b>
<b>170307</b>	<b>Watson, Gloria</b>	<b>126 Chestnut St.</b>	<b>Electric Service</b>	<b>1,000.00</b>
<b>170308</b>	<b>Mindel, Valerie</b>	<b>104 Vista Ave.</b>	<b>Remodel Sunroom, Windows and Heat</b>	<b>35,000.00</b>
<b>170309</b>	<b>Randolph Co. Child Advocacy</b>	<b>313 Henry Ave.</b>	<b>Relocate Bathroom and Kitchen</b>	<b>2,400.00</b>
<b>170310</b>	<b>Graziani, Philip</b>	<b>200 Elm St.</b>	<b>Re-Shingle Roof</b>	<b>10,436.00</b>
<b>170311</b>	<b>Summerfield Asset Management</b>	<b>1216 S Henry Ave.</b>	<b>Re-Shingle Roof</b>	<b>17,241.00</b>
<b>170312</b>	<b>Lothes, Charles</b>	<b>107 White Oak Ln.</b>	<b>Replace Wood Siding with Vinyl Siding</b>	<b>13,000.00</b>
<b>170313</b>	<b>George, Rebecca</b>	<b>1708 Lavalette Ave.</b>	<b>Vinyl Siding, Electrical Upgrade, Remodel Baths and Kitchen</b>	<b>15,000.00</b>
<b>170314</b>	<b>Realand LLC.</b>	<b>1710 Lavalette Ave.</b>	<b>New Vinyl Siding and Front Porch</b>	<b>3,500.00</b>
<b>170315</b>	<b>Coberly, Micheal</b>	<b>1117 S Kerens Ave.</b>	<b>Replace Roof Shingles, Soffit and Fascia</b>	<b>7,000.00</b>
<b>170316</b>	<b>Haynes, Stephanie</b>	<b>706 W Main St.</b>	<b>New Shower</b>	<b>3,500.00</b>
<b>170317</b>	<b>Hinchman, Michael &amp; Sharon</b>	<b>116 White Oak LN</b>	<b>Replace Roof Shingles</b>	<b>14,960.00</b>

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**MAYOR'S COMMENTS**

The Mayor thanked Fire Chief Tom Meader and his department on stepping up and doing a great job with the Christmas Lights. It took a lot of work and donations of time and expertise to repair them. The Mayor stated he will work with Fifth Ward council representatives and a committee to be sure this doesn't happen again.

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

The meeting adjourned at 8:04 p.m.

*Approved by council at the meeting  
of December 21, 2017*

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Van T. Broughton, Mayor

*Attest:*

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Jessica R. Sutton, City Clerk