Rules and Ordinance Committee

Regular Meeting

Minutes

#### *401 Davis Ave.*

#### *City Hall Council Chambers*

#### *September 10, 2020*

***12:00 p.m.***

Present were Committee Members: L. Vest, Chair, M. Hinchman, and R. Chenoweth

Also present were: Mayor V. Broughton, Police Chief T. Bennett, Treasurer T. Judy, Operations Manager B. Pingley, City Attorney G. Roberts, City Clerk J. Sutton and

C. Boggs (acting as recording secretary)

**PUBLIC COMMENT**

Five (5) public comments were virtually submitted to and read aloud by City Clerk J. Sutton (attached) from the following individuals: Katy McClane, Logan Smith, Susan McMillon, Cm. C. Friddle, and Nanci Bross-Fregonara

Hamer Pellet Fuel owner Steven Hamer was present for in-person public comment. He stated that his company is situated in the Industrial zone and has been found to be compliant with all existing ordinances and regulations. Despite having been reported to the DEP and other regulatory bodies on multiple occasions, no violations have been cited to date. Further, he stated that many claims made against HPF are completely unfounded and lack evidential proof that the factory is the primary or sole cause of the noise complaints. He points out that some claims of excessive noise have allegedly occurred when production was not even taking place. He requested that the potential economic impact be considered and that the proposal to amend Ordinance 210 be dismissed.

**MINUTES**

Cm. Hinchman, **moved approval of the minutes of the August 13, 2020 special call meeting.** The motion carried.

**OLD BUSINESS**

Cm. Chenoweth clarified some of the concerns pertaining to the noise complaints. He expressed that he and the council have no desire to negatively impact the business. However, he feels that any issues could be resolved privately and peacefully without City involvement.

Cm. Hinchman stated that he took the initiative to travel around Elkins, visiting several different points and measuring the decibel levels. Most places registered around 25-30 decibels, and his own residence showed a reading of approximately 45-50 decibels. He stated that he sees no issue and that the business is located in an industrial neighborhood, where some noise is to be expected.

Cw. Vest, **moved to take no action.** The motion carried.

The committee next discussed ATV/UTV use inside of city limits. Matt Ogden, who initially brought the request to the committee, was present to answer questions. Members addressed such questions as the definitions of UTV versus ATV; how a proposed ordinance would correlate with state laws; and why such an ordinance would be needed. Chief Bennett addressed that in many cases it would allow access to locations where it may not otherwise be possible without the purchase of a trailer to haul the vehicle from point to point. He also stated that while UTV’s could be permissible with proper registration, insurance, and permits, ATV’s should not be included and should remain illegal on city streets. City Attorney Roberts suggested the committee review Belington’s ordinance as was previously provided, and that safety should be a consideration. Cm. Hinchman commented that any monies raised form fees associated with UTV use in the city should go back to the police department. Committee members agreed that they would like for Chief Bennett and City Attorney Roberts to work together to draft an ordinance to be presented at the next meeting.

Cw. Vest, **moved that a proposed ordinance be drafted and presented at the next meeting.** The motion carried

Cm. Hinchman moved adjournment. The motion carried.

The meeting adjourned at 12:44 p.m.

The foregoing minutes were approved at the meeting of \_\_\_\_\_\_\_\_\_\_\_, 2020

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Name & Title Signature