

Proposed Minutes

ELKINS COMMON COUNCIL REGULAR COUNCIL MEETING MINUTES

***401 Davis Avenue
Council Chamber, 2nd Floor
November 19, 2020
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.H. Friddle, III, J.A. Guye, G.M. Hinchman, C.C. Lowther, C. L. Metheny, D.C. Parker, L.H. Vest, and K.L. Wilmoth; City Treasurer T. Judy; Fire Chief T. W. Meader; Police Chief T. Bennett; 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

Matt Ogden, 1510 S. Kerens Ave, advised council that he was the one who brought the new state legislation to their attention and asked for reconsideration of the current UTV/ATV ordinance. Mr. Ogden is a full-time firefighter and part-time paramedic. In the last fifteen years he has never seen an accident or fatality involving UTV's. The concerns he has heard are based on noise and safety and so in response he prepared a written statement for council (see attached).

Susan Phares, who resides at the corner of Graham and S. High Street, reports seeing people in vehicles speeding down her street and has witnessed two accidents in the last eight months. She is concerned about adding additional vehicles. She is also concerned about the noise. Elkins is in a bowl that echoes sound. She came back for the peace, quiet and friendly people and believes allowing UTV's into the city will change the character of the town.

Nanci Bross-Fregonara, 210 Boundary Ave, echoes Ms. Phares statements. She is concerned over the existing noise created by dynamic air-brakes that she believes violates the city ordinance and is not being enforced. This will add an extra burden to the already stressed police department. Perhaps the city should consider creating routes outside of downtown and residential neighborhoods instead of a blanket policy.

MINUTES

Cm. Metheny, **MOVED APPROVAL OF THE MINUTES OF THE NOVEMBER 5 REGULAR MEETING.**
The motion carried.

Cw. Cuonzo, **MOVED APPROVAL OF THE MINUTES OF THE NOVEMBER 9 PUBLIC HEARING.** The motion carried.

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Cm. Metheny, **MOVED APPROVAL OF THE MINUTES OF THE NOVEMBER 9, 2020 SPECIAL CALL MEETING.** The motion carried.

NEW BUSINESS

Cm. Parker, **MOVED APPROVAL OF ORDINANCE 276: AN ORDINANCE AMENDING THE CITY OF ELKINS CHARTER OF 1901 PURSUANT TO WEST VIRGINIA CODE § 8-4-8 (2ND AND FINAL READING.** The Clerk presented the amended ordinance with all objected-to sections either removed or amended to satisfy the remaining objections. 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 carried. Council votes were as follows:

R. Chenoweth	Yes	M. Hinchman	Yes	L. Vest	Yes
M. Cuonzo	Yes	C. Lowther	Yes	K. Wilmoth	Yes
C. Friddle, III	Yes	C. Metheny	No	Mayor V. Broughton (in case of tie)	n/a
J. Guye	Yes	D. Parker	Yes		

Cm. Friddle, **MOVED APPROVAL OF THE SUBMISSION OF THE OBJECTED-TO PROPOSED CHARTER SECTIONS 1.04 AND 3.08 JOINTLY TO THE MARCH 2, 2021 BALLOT, AND FURTHER MOVED APPROVAL OF THE OBJECTED-TO SECTION 3.01 TO THE MARCH 2, 2021 BALLOT.** 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 carried. Council votes were as follows:

R. Chenoweth	No	M. Hinchman	Yes	L. Vest	No
M. Cuonzo	Yes	C. Lowther	No	K. Wilmoth	Yes
C. Friddle, III	Yes	C. Metheny	No	Mayor V. Broughton (in case of tie)	n/a
J. Guye	Yes	D. Parker	Yes		

Cw. Cuonzo, **MOVED APPROVAL OF THE SUBMISSION OF THE OBJECTED-TO PROPOSED CHARTER SECTION 1.09 TO THE MARCH 2, 2021 BALLOT.** 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 carried. Council votes were as follows:

R. Chenoweth	No	M. Hinchman	Yes	L. Vest	No
M. Cuonzo	Yes	C. Lowther	No	K. Wilmoth	Yes
C. Friddle, III	Yes	C. Metheny	No	Mayor V. Broughton (in case of tie)	n/a
J. Guye	Yes	D. Parker	Yes		

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Cw. Vest, **MOVED APPROVAL OF ORDINANCE 277: AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA, AMENDING CITY CODE, CHAPTER VII TRAFFIC CODE, SECTION 73.665 REGARDING ALL-TERRAIN VEHICLES AND SECTION 73.99 REGARDING PENALTY (1ST OF TWO READINGS).**

Cw. Wilmoth, **MOVED APPROVAL TO POSTPONE ORDINANCE 277 AND REQUEST THAT IT BE RETURNED TO COMMITTEE FOR FURTHER REVIEW ON LIMITING WHERE UTV’S AND ATV’S CAN OPERATE.** 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 failed. Council votes were as follows:

R. Chenoweth	Yes	M. Hinchman	No	L. Vest	No
M. Cuonzo	Yes	C. Lowther	No	K. Wilmoth	Yes
C. Friddle, III	No	C. Metheny	No	Mayor V. Broughton (in case of tie)	No
J. Guye	Yes	D. Parker	Yes		

On the original motion to approve Ordinance 277, the chair called for a roll call vote. The clerk called roll in random order. The motion carried. Council votes were as follows:

R. Chenoweth	No	M. Hinchman	Yes	L. Vest	Yes
M. Cuonzo	No	C. Lowther	Yes	K. Wilmoth	No
C. Friddle, III	Yes	C. Metheny	Yes	Mayor V. Broughton (in case of tie)	Yes
J. Guye	No	D. Parker	No		

New business items c, d and e were moved to the end of the agenda by the Mayor with unanimous consent.

Cm. Metheny, **MOVED APPROVAL OF RESOLUTION 1361: APPROVING “FULL-TIME REGULAR EMPLOYEE” STATUS AND CONFIRMING COMPENSATION LEVEL FOR D. PARSONS.** The motion carried.

Cw. Cuonzo, **MOVED APPROVAL OF RESOLUTION 1362: AUTHORIZING APPLICATION FOR DEMONSTRATION CITY GRANT THROUGH THE WEST VIRGINIA DIVISION OF FORESTRY.** The motion carried.

Cw. Cuonzo, **MOVED APPROVAL OF RESOLUTION 1363: ACCEPTING CONDITIONS OF AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE WILDLIFE SERVICES AND THE CITY OF ELKINS, AND AUTHORIZING EXECUTION OF AGREEMENT.** The motion carried.

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Cm. Friddle, **MOVED APPROVAL TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING A REAL ESTATE MATTER.** The motion carried. Council entered executive session at 8:02 p.m. and returned at 8:19 p.m. The chair announced no action was taken.

Cm. Metheny, **MOVED APPROVAL OF ORDINANCE 278: AN ORDINANCE AUTHORIZING THE PUBLIC SALE AND TRANSFER BY DEED TO THE SUCCESSFUL BIDDER OF LOT NO. 155 OF THE PARK VIEW ADDITION IN THE CITY OF ELKINS (1ST OF TWO READINGS).** The motion carried.

Cw. Guye, **MOVED APPROVAL OF ORDINANCE 279: AN ORDINANCE AUTHORIZING THE PUBLIC SALE AND TRANSFER BY DEED TO THE SUCCESSFUL BIDDER OF BLOCK 9, PARTS OF LOT 50-51 OF THE GRAHAM AND DAVIS ADDITION OF THE CITY OF ELKINS (1ST OF TWO READINGS)0.** The motion carried.

Cm. Friddle, **MOVED APPROVAL OF THE READVERTISEMENT AND PUBLIC AUCTION OF A PARCEL OF LAND SITUATE IN THE B.L. HINKLE ADDITION OF THE CITY OF ELKINS WITH A STARTING BID OF \$3000.** The motion carried.

City Clerk J. Sutton and Operations Manager B. Pingley presented council with design drawings for the City Hall parking lot project provided by Pickering Associates and answered questions.

Cw. Wilmoth, **MOVED APPROVAL OF THE CITY HALL PARKING LOT DESIGN DRAWINGS AS PRESENTED BY PICKERING ASSOCIATES.** The motion carried.

The Clerk presented information to council regarding the increasing number of Covid-19 cases in the state and in Randolph County. No action was taken regarding the scheduled in-person committee and council meetings. However, staff and the mayor will continue to monitor the situation.

APPROVAL OF VENDOR INVOICE PAYMENTS

Cm. Friddle, **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 2-13, 2020

CORRESPONDENCE AND NOTIFICATIONS

Council received the following correspondence and notifications:

- Issued building permits
- Treasurer's report
- Elkins Tree Board and Tree City reports

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

ISSUED BUILDING PERMITS				
Permit	Applicant	Location	Description	Value
200270	Barrick, Helen	907 Cole Ave.	Install Metal Roof	9,246.00
200271	Randolph Co Board of Education	Wimer Stadium	Demolition of Bleachers and Concessions	1,000.00
200272	Runner, Carolyn	116 Sixteenth St.	Build 2800 sq ft House	289,000.00
200273	T-Mart	1214 S Davis Ave.	Repair Roof	800.00
200274	Snider, Robert	2 Lincoln Ave.	Stand-by Generator	6,613.00
200275	Miller, Daniel	500 Lincoln Ave.	Install Shower and Tile	2,000.00
200276	City of Elkins (Roger Fussell)	506 Randolph Ave.	Asbestos Abatement	20,000.00
200277	City of Elkins (Roger Fussell)	506 Randolph Ave.	Demolition	19,500.00

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

The meeting adjourned at 8:49 p.m.

*Approved by council at the meeting
of MONTH DAY, YEAR*

Van T. Broughton, Mayor

Attest:

Jessica R. Sutton, City Clerk