

# ELKINS COMMON COUNCIL REGULAR COUNCIL MEETING AGENDA

*401 Davis Avenue  
Council Chamber, 2nd Floor  
September 16, 2021  
7:00 p.m.*

**1. Invocation and Pledge of Allegiance**

**2. Call to order and roll call**

**3. Public comment**

**4. Presentation**

- a. Elkins Randolph County Regional Airport Authority

**5. Minutes**

- a. Minutes proposed for the regular council meeting of September 2, 2021

**6. New business**

- a. *Ordinance 289*: An Ordinance of the City of Elkins, West Virginia, To Correct City Code References to the Official name for the City Owned Property Known Now as the Phil Gainer Community Center (2<sup>nd</sup> and final reading)
- b. *Resolution 1434*: Authorizing Application for Demonstration City Grant through the West Virginia Division of Forestry
- c. *Resolution 1440*: Approving "Full-Time" Regular Employee Status and Confirming a Compensation Level for R. Wickham

**7. Approval of vendor invoice payments**

Vendor invoices presented for approval:

- A/P History Check Report for the period August 30 – September 10, 2021

(Available for public review in the city clerk's office two business days before this meeting, as required by W. Va. Ethics Commission Open Meetings Advisory Opinion 2012-04.)

**8. Correspondence and Notifications**

- a. Issued building permits
- b. Treasurer's report

**9. Committee Reports**

**10. Administrative officer reports**

**11. Mayor's comments**

**12. Adjournment**

## ***Proposed Minutes***

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

***401 Davis Avenue  
Council Chamber, 2nd Floor  
September 2, 2021  
7:00 p.m.***

Elkins Common Council met in regular session in the council chamber of city hall. Present were Mayor Jerry A. Marco; Councilpersons N.E. Bross-Fregonara, R.C. Chenoweth, M. D. Cuonzo, C.H. Friddle, III, J.A. Guye, C.J. Higgins, G.M. Hinchman, D.C. Parker, and L.H. Vest; City Treasurer T. Judy; Interim Fire Chief S.D. Himes; Police Lt. R. Belt; Interim Operations Manager M. Himes; City Attorney G. S. Roberts; City Clerk J.R. Sutton (acting as recording secretary); and Inter-Mountain Reporter B. Johnson.

Councilor C.C. Lowther and Police Chief T. Bennett were absent.

### **PRESENTATION**

Mark Doak with Envision Elkins addressed council. Mr. Doak believes that the 2020 census data has presented everyone with a challenge. The decrease in Elkins population to 6,934 leads to a decrease in business. What can we do? Envision Elkins is an informal group of commercial property owners who continue to invest in Elkins. They see their role as promoting positivity, educating, and commenting on issues that affect the community. They do not take on projects. The group meets monthly and share meeting notes with approximately fifty members. They feel that local government has an important role and appreciate council's efforts to create and use the Strategic Plan and for implementing the Streetscape vision. The outstanding EPD and EFD services create a safe community and investment in infrastructure is needed to grow as well. Mr. Doak spoke about how he believes the community can grow, including increasing population, recreation tourism and attracting retirees. He also provided ways in which we can create a vibrant business environment such as annexation, public safety and by attracting Corridor H travelers to the downtown. In summary, Elkins has a strong and diverse economic base. We are optimistic, but optimism isn't action. We need to work together to attract and retain residents.

### **MINUTES**

Cm. Chenoweth, **MOVED APPROVAL OF THE MINUTES OF THE AUGUST 19,2021 MEETING.** The motion carried.

**Proposed Minutes**

**NEW BUSINESS**

Cw. Bross-Fregonara, MOVED APPROVAL OF ORDINANCE 288: AN ORDINANCE OF THE CITY OF ELKINS, WEST VIRGINIA, REDUCING THE SPEED LIMIT ON BOUNDARY AVENUE BETWEEN SYCAMORE STREET AND HIGH STREET (2<sup>ND</sup> AND FINAL READING). The motion carried.

Cw. Bross-Fregonara, MOVED APPROVAL OF ORDINANCE 289: AN ORDINANCE OF THE CITY OF ELKINS, WEST VIRGINIA, TO CORRECT CITY CODE REFERENCES TO THE OFFICIAL NAME FOR THE CITY OWNED PROPERTY KNOWN NOW AS THE PHIL GAINER COMMUNITY CENTER (1<sup>ST</sup> OF TWO READINGS). The motion carried.

Cw. Cuonzo, MOVED APPROVAL OF RESOLUTION 1437: ANNOUNCING SUPPORT FOR THE APPALACHIAN FOREST NATIONAL HERITAGE AREA POLLINATOR INITIATIVE. The motion carried.

Cm. Hinchman, MOVED APPROVAL OF RESOLUTION 1438: APPROVING INVOICES RELATING TO THE CITY HALL PARKING LOT PROJECT. The motion carried.

Cw. Cuonzo, MOVED APPROVAL OF RESOLUTION 1439: CITY OF ELKINS PARKING LOT PROJECT CHANGE ORDER NO. 1. The motion carried.

**APPROVAL OF VENDOR INVOICE PAYMENTS**

Cm. Hinchman, 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 August 16-27, 2021

**CORRESPONDENCE AND NOTIFICATIONS**

Council received the following correspondence and notifications:

- Issued building permits

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>210181</b>	<b>Prichard, Donald Jr</b>	<b>512 Yokum St</b>	<b>Install Metal Roof on Back Addition</b>	<b>2,200.00</b>
<b>210182</b>	<b>Kiess, Jeffrey (Pending Fire Marshall Review)</b>	<b>1027 N Randolph Ave</b>	<b>Build 2000 Sq Ft Utility Building</b>	<b>60,000.00</b>

**Proposed Minutes**

<b>ISSUED BUILDING PERMITS</b>				
<b>Permit</b>	<b>Applicant</b>	<b>Location</b>	<b>Description</b>	<b>Value</b>
210183	Griggs, Chad	5 Key St	New Roof & HVAC	22,000.00
210184	Davis, Mary	101 Wilson LN.	Replace Front Porch & Remodel Bath	9,000.00
210185	Gabel, Paul	107 Wilson LN	Replace Roof Shingles	10,053.00
210186	Woodford Oil Co.	1214 S Davis Ave	Demolition of Garage	10,000.00
210187	Kessler, Ellen	227 Lough St.	Replace Roof Shingles	12,000.00
210188	Summerfield, Ryan	155 Oak Crest Dr	Replace Roof Shingles	22,446.00
210189	MPL Properties LLC	117 Graham St. ***	Replace Roof Shingles	12,300.00
210190	Dotson, Jennifer	108 Gilmore St. ***	Replace Siding & Windows	25,000.00
210191	Gillispie, Sidney	200 Buffalo St	Replace Roof Shingles	9,775.00
210192	Hayes, Susan	103 Sunset Dr	Replace Roof Shingles	10,108.00
210193	Gillispie, Sidney	118 Earle St	Demolition	12,500.00
210194	Boyer, Phyllis	17 Northview Dr	New 1840 Sq Ft Home	206,000.00

\*\*\* Flood Plain Permit

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

The meeting adjourned at 7:42 p.m.

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

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Jerry A. Marco, Mayor

*Attest:*

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Jessica R. Sutton, City Clerk

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA, TO CORRECT CITY CODE REFERENCES TO THE OFFICIAL NAME FOR THE CITY-OWNED PROPERTY KNOWN NOW AS THE PHIL GAINER COMMUNITY CENTER**

**WHEREAS**, in 2014, the City of Elkins purchased from the West Virginia State Armory Board a building and the surrounding real property that had previously served as the National Guard Armory for this community; and

**WHEREAS**, at the time of the purchase the building was named the Elkins Recreation and Event Center to be supervised by the Elkins Parks and Recreation Commission; and

**WHEREAS**, on July 15, 2017, the building was rededicated and renamed the Phil Gainer Community Center, in honor of Phil Gainer, a dedicated long-time Elkins Parks and Recreation Director who had passed away in 2106; and

**WHEREAS**, there are several references in the Elkins City Code wherein this City-owned property is referred to by its original name; and

**WHEREAS**, the Common Council has determined that the Elkins City Code shall be amended to reflect the name change for this City-owned property.

**NOW, THEREFORE**, be it ordained and enacted by the Common Council of the City of Elkins that all references in the Elkins City Code to the Elkins Recreation and Event Center shall be changed to the new name of the Phil Gainer Community Center.

This Ordinance shall become effective upon passage.

If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

PASSED AND APPROVED ON FIRST READING: Sept. 2, 2021

PASSED AND APPROVED ON SECOND AND FINAL READING THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

CITY OF ELKINS, WEST VIRGINIA

\_\_\_\_\_  
Jerry A. Marco, Mayor

*Attest:*

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

**IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV**

**A RESOLUTION OF COMMON COUNCIL**

(#1434)

September 16, 2021

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***Authorizing Application for Demonstration City Grant through  
the West Virginia Division of Forestry***

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**WHEREAS**, the City of Elkins, West Virginia (“City”) has, per Resolution #1154, adopted the 2018 – 2023 Strategic Plan, including milestones and deadlines to serve as a guide in decision-making and resource assignment for the City; and,

**WHEREAS**, Strategic Focus Area #1, Section B, identifies public landscaping and education as a goal; and,

**WHEREAS**, the West Virginia Division of Forestry (WVDOF) has made available funding to assist in the enhancement of urban forestry efforts; and,

**WHEREAS**, the Elkins Tree Board believes this grant funding will help promote their mission and maintain Elkins’ status as a Tree City USA; and,

**WHEREAS**, upon the recommendation of the Elkins Tree Board and the Municipal Properties Committee, the Common Council believes it is in the best interest of the citizens of Elkins to apply for this grant.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The Common Council hereby endorses and supports the Demonstration City Grant application, and hereby authorizes Mayor Jerry A. Marco, or his designee, to enter into a contractual agreement with the WVDOF to receive and administer grant funds pursuant to provisions of the Demonstration City Grant program, if awarded.

\_\_\_\_\_  
Jerry A. Marco, Mayor

*Attest:*

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

# DEMONSTRATION CITY GRANT APPLICATION

## GENERAL INFORMATION SECTION

Group Name Elkins Tree Board of the City of Elkins

Federal Employment Identification Number (FEIN) 55-6000170

Project Location Downtown Elkins, WV

Address 401 Davis St.

City Elkins State WV Zip 26241

### Contact Information for individual responsible for completion of project

Name Marilynn Cuonzo, President, ETB and City of Elkins Councilor

Phone Number 304.636.5900 Email mcuonzo@cityofelkinswv.com

### Please review and check the following

- Acknowledgment that the project will be completed and that paid invoices will be submitted no later than one month after the end date on the agreement
- Acknowledgment that you are a vendor of the state of WV or have applied to become a vendor
- Acknowledgment that no portion of the grant will be used for administrative costs, staff salaries of any type, construction, equipment, and purchasing land or land charges
- Acknowledgement that the applicant will comply with Section 889 of the 2019 National Defense Authorization Act which prohibits grant recipients from procuring or using certain "covered telecommunication equipment or services" <https://www.ndia.org/policy/section-889>
- Acknowledgement that the applicant will comply with the Trafficking Victims Protection Reauthorization Act and the National Security Presidential Directive (NSPD) 22 which provides "zero tolerance policy" regarding trafficking in persons <https://www.acquisition.gov/far/22.1703>

### Submit Application to:

Robert Hannah  
West Virginia Division of Forestry  
P.O. Box 40  
Farmington, WV 26571

or

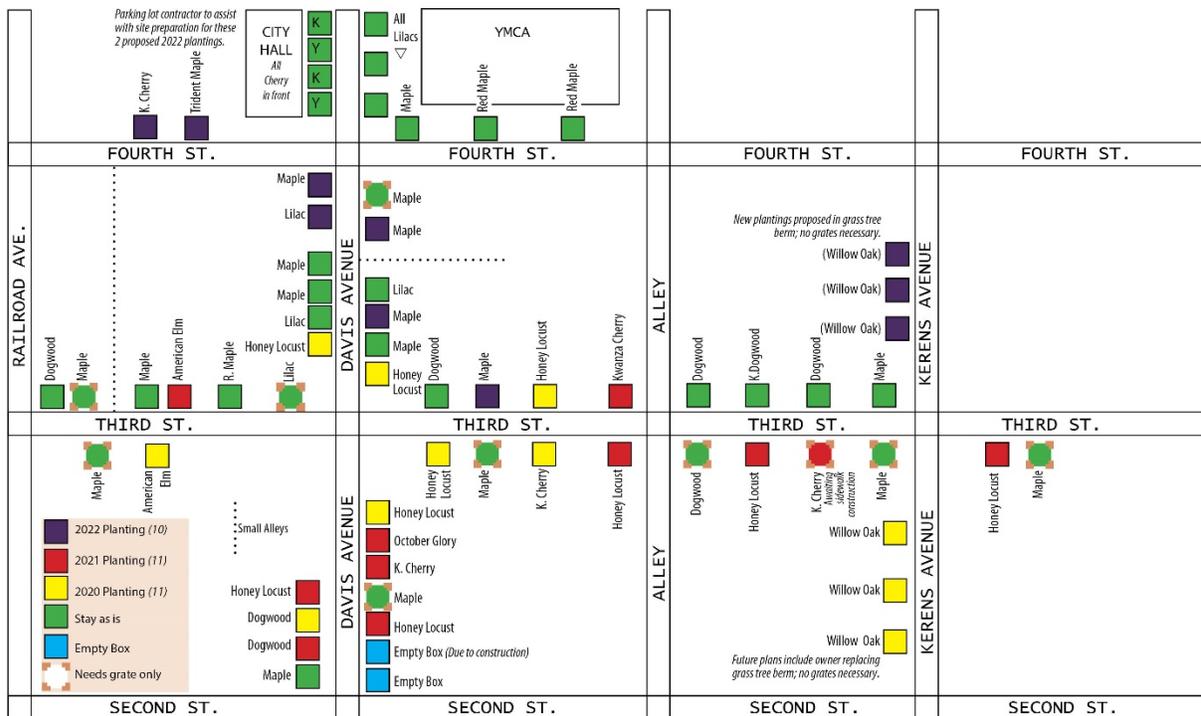
[robert.l.hannah@wv.gov](mailto:robert.l.hannah@wv.gov)

## TECHNICAL PROPOSAL

A Technical Proposal shall be responsive to the following criteria. Also see Section VI of the Guide, Rating Criteria. The Technical Proposal is in essay form and should clearly describe the project and contain the relevant items from the following.

- a. Describe the location(s) where the project will take place. See attached street grid.**

*Please note: The location and species of the 2022 planting are indicated in purple.*



- b. Describe the overall goal of the project.** How will this project address needs and enhance urban forestry efforts in your community? What problems or issues will be addressed?

*The City of Elkins proposes to continue last year's successful tree-planting project within the Main Street area of downtown Elkins which is resulting in a unified, well-planned tree landscape. The site is on the main corridors of the historic district.*

*Currently there are a noticeable mixture of tree boxes and at-grade tree plantings, tree*

*species that are inappropriate for urban environments, as well as a few trees that are unhealthy. This grant would be a continuation of our long-term goal of alleviating these problems. Because of the success of last year's efforts, the City of Elkins is providing funds for additional decorative grates to further enhance the project and provide additional protection to the downtown trees.*

*The 2022 plan is to remove the tree boxes indicated on map in purple, remove the unhealthy/inappropriate trees and replace them with trees that would flourish in an urban setting. Last year the demonstration grant provided funding to replace 11 trees downtown and all are continuing to thrive.*

*The city arborist and contractor for this project has chosen species of trees that would have the least negative impact on businesses and most positive impact on creating an inviting environment for residents and visitors. In choosing tree species that are easy to maintain, clean and allow for visibility, the City of Elkins would improve downtown for everyone. Business owners were also consulted for any preferences.*

*This grant funding allows for planting/replacing more trees and maintaining them with the expertise of the city's arborist and the Elkins Tree Board. After the heat wave experienced this past summer, the Tree Board will be investing in a portable watering system and recognizes that we will need to use more volunteer time in watering our recently planted trees. We continue to use the small signs which encourage residents and visitors to respect the trees.*

*By improving the downtown tree canopy, the shaded sidewalks will mitigate temperature extremes, reduce energy consumption, and create a healthier, more inviting environment for our citizens and visitors.*

*The 10 trees, fulfilling the tree establishment specifications, will be planted in the designated locations. This involves both the removal of unhealthy and inappropriate trees, the removal of tree boxes to allow for inground planting by the COE Street*

*Department. The sites will be enlarged by cutting the sidewalks in a similar fashion as last year. Fortunately, utility lines are placed in the rear of downtown buildings and three trees do not necessitate the cutting of concrete because they will be planted in a grass tree berm.*

*The Elkins Tree Board will follow the recommendations of arborist David Mitchell of Mitchell Tree Care, LLC. His recommendations are included in the estimate. We have doubled the pruning portion of the grant (from the 2021 grant) to allow for increased professional care for our trees.*

*The trees will be planted in the Spring 2022 in properly prepared beds. The contractor will amend the soil appropriately. Utilizing self-watering bags and/or watering system provided by the Tree Board and mulched as appropriate, the trees will have an optimal chance of survival. The contractor for the purchase of the trees and the planting will be David Mitchell of Mitchell Tree Care, LLC. Signed agreements and background materials are attached.*

*The Elkins Tree Board has a tree purchasing budget which will allow for replacing any trees after the first year. Additional grants will be applied for.*



*Each newly planted tree will also be marked with a small ground level sign. As part of the volunteer match element, the Elkins Tree Board along with volunteers, City of Elkins Street Department and urban forestry representatives of the WV Division of Forestry has pruning workshop to maintain downtown trees. In addition, the ETB, Elkins Friends of Trees and other volunteers annually mulch the trees.*

**c. For projects that involve tree plantings, provide the following information:**

1. Number of trees by species for each planting site.
2. Certify that planting stock and planting methods will meet WV DOF standards for Nursery Stock (see Appendix 1 of the guide)

3. Caliper size of hardwoods or height of conifers.
4. Describe any site preparations.
5. Include a vicinity map of the planting location(s). (A map from Google can be copied into a word document and then tree planting locations can be applied using the "paint" function.) Maps must include the location of any overhead utility lines.
6. Is there a budget to maintain and replace trees for at least three years?

*Information included in attachments (estimate) and technical description in Section b.*

- d. For other projects that involve assessments and/or inventories,** provide the following information:
1. Describe project and scope. What will be done and why.
  2. Describe materials and methods needed to implement the project.
  3. Describe products and results such as reducing storm water runoff and setting tree canopy cover goals.

*Not applicable.*

- e. For projects involving contracting with landscapers, consultants, or other entities,** provide the following information:
1. Identify the firm(s) that will perform the project.
  2. Specify their qualifications and experience with similar projects.
  3. Identify the scope of the services they will provide.

*See attached estimate and resume for Mitchell Tree Care, LLC*

**COST PROPOSAL WORKSHEET 1 – EXPENDITURE OF GRANT FUNDS**

**Table A: Cost of trees and planting materials**

Description	Material Provider	Quantity	Unit Price (\$)	Total Price (\$)
2' and 2.5" caliper balled and burlapped stock as listed		10	Varies, see invoice	\$1,710
<b>Total Cost of Materials (\$)</b>				<b>\$1,710</b>

**Table B: Cost of professional/contractual services**

Description	Service Provider	Quantity	Unit Price (\$)	Total Price (\$)
Tree Installation, delivery, mulching	Mitchell Tree Care		Varies, see invoice	\$4,572.60
Professional pruning	Mitchell Tree Care			\$2,450.00
<b>Total Cost of Services (\$)</b>				<b>\$7022.60</b>

**Table C: Additional costs**

Description	Source	Quantity	Unit Price (\$)	Total Price (\$)
Protective tree grates	Northco	4	800	\$3,200
<b>Total Cost of Additional Costs</b>				<b>\$3,200</b>

**Total Grant Funds Requested (Table A + Table B + Table C) = \$ 11,932.60**

**COST PROPOSAL WORKSHEET 2 – MATCHING FUNDS**

**Table D: Cash match**

Description	Material Provider	Quantity	Unit Price (\$)	Total Price (\$)
Protective Grates	Northco	3	800	2,400
<b>Total Cost of Materials (\$)</b>				<b>\$2,400</b>

**Table E: In-kind match (paid labor and equipment provided by applicant)**

Description	Service Provider	Quantity	Unit Price (\$)	Total Price (\$)
Removal of designated trees and tree boxes/sidewalk cutting & install grates-Labor	City of Elkins			\$3,633
Removal of designated trees & boxes, Install grates-Equipment	City of Elkins			\$4,200
Disposal fees	City of Elkins			\$100
<b>Total Cost of Services (\$)</b>				<b>\$7,933</b>

**Table F: Volunteer and donation match (donated labor and equipment)**

Description	Source	Quantity	Unit Price (\$)	Total Price (\$)
Mulching and pruning trees on an annual basis	Elkins Tree Board	100 hours	\$10/hour	\$1,000
Water buggy/cart	Elkins Tree Board	1	\$400	\$400
Mulch	Elkins Tree Board	40 bags	\$5	\$200
<b>Total Additional Donations (\$)</b>				<b>\$1,600</b>

**Total Matching Funds Provided (Table D + Table E + Table F) = \$11,933.00**

## Appendix 1

# Tree Establishment Specifications

This section must be returned with any application for tree planting.

### I. Stock Specifications

All trees planted must meet the following specifications and need to be inspected prior to planting.

- A. Main Trunk - Trees will have a single trunk with the lower 3 feet clear of branches (unless previously approved) and be at least 1 ½" in caliper.
- B. Health - Trees will be healthy, vigorous and well-grown, showing evidence of proper root and shoot pruning. Trees will be free from significant mechanical injury to the trunk, root ball and branches. Trees will also be free of any insect or disease problems.
- C. Form - Trees will have been properly pruned to removed narrow branch angles, included bark, broken and crossing branches. Trees will have been pruned to establish a central trunk and to eliminate co-dominate branching. Previous pruning should not include excessive heading or topping cuts (rounding-over) to reduce the overall height of the tree.
- D. Root Ball - Root balls will have a flattened top with good root flare. Broken or damaged roots more than 1/4" in diameter should be pruned with a clean cut.
- E. Substitutions - Substitutions may only be made with express consent from the Community representative.
- F. Stock Inspections - The Community Representative reserves the right to inspect trees prior to planting and to reject any trees not meeting the specifications described herein.

### II. Planting Specifications

All planting activities must be approved by the individual responsible for implementing the grant.

- A. Planting Location - All planting sites will be identified and marked by the Community Representative and indicated to the Contractor. Express permission from the Community Representative is required to change any planting location. All trees will be centered between curb and sidewalk unless otherwise specified. Contractor will be responsible for notifying any appropriate utility authority prior to digging and be responsible for any damage to utilities.

- B. Temporary Storage - Root balls, of trees not immediately planted after delivery, must be adequately protected by mulching and watering until planting occurs. Contractor assumes all risk and expense of temporary storage.
- C. Planting Holes - Planting holes may be dug by hand, backhoe, tree spade or other approved equipment. An auger is not considered approved equipment. The top diameter of the planting hole shall be two times that of root ball. The bottom of the hole shall be flat and deep enough to have the tree at its original planting depth or slightly higher. Holes should be dug on day tree is planted.
- D. Planting Depth - Trees will be planted at the same depth they were growing in the nursery or up to two inches higher than that level. The root collar must be at or slightly above ground line. **Contractor will be required to replant any trees, at their expense, that are planted too deeply.**
- E. Wire Baskets & Burlap - **Wire baskets should be completely removed** when possible or at a minimum **removed from the top half of the root ball. Contractor will be required to replant any tree, at their expense, when a portion of the wire basket can be found from minor excavation.** All burlap and twine will be removed from the upper half of the root ball and any remaining burlap must be untreated.
- F. Backfilling - Planting is only allowed when soil is not frozen and temperatures are above 30 degrees. Backfilling shall occur with quality topsoil. Soil will be adequately tamped as to eliminate air pockets during backfilling. All trees will be planted as straight as possible.
- G. Surplus Excavation - Any surplus soil will be removed and disposed of by the Contractor. Surplus soil shall not be mounded around trunk above ground level.
- H. Staking and Guying - Only trees prone to leaning or in areas exposed to high wind should be staked and guyed. If staking is necessary for support, two stakes on opposite sides on the trunk shall be used with a wide, belt-like, tie material to hold the tree upright. **Wire in a garden hose or any other rigid material shall not be used to guy trees. All trunk wrap, twine and other material shall be removed at the time planting.**
- I. Mulching - All trees will be mulched at the time of planting with wood or bark chips. Mulch shall be 2" to 3" deep and at least 18" in diameter or cover the entire planting hole. Mulch should not be in direct contact with the trunk and a mulch-free area on 2" around the trunk should be maintained.

- J. Watering - Trees will be thoroughly watered to settle backfill when half of backfill is in place and again after all backfill is placed.
- K. Fertilization - Trees shall not be fertilized at the time of planting, unless previously specified.
- L. Pruning - All dead, broken, or damaged branches, and sprouts should be removed at the time of planting. All pruning will be with a clean cut outside the branch collar. Excessive pruning and heading (rounding-over) is not acceptable. Only individuals knowledgeable of proper pruning techniques shall prune trees.

## Acceptance of the Tree Planting Specifications

These specifications will be followed for all trees planted with funds provided by this Demonstration City Grant for the City/Town of Elkins.

The undersigned Contractor agrees to provide and/or plant trees to meet all requirements in the above Tree Planting Specifications. My signature indicates that I have read and understand all specifications.

Company Name: Mitchell Tree Care, LLC

Contractor Signature: 

Date: 7-8-21

Witnessed by: 

Title: \_\_\_\_\_

Date: 9/8/2021

## Appendix 2

### MAINTENANCE PLAN

**This section must be returned with any application for tree planting.**

Newly planted trees require special attention to maintenance practices during the first three growing seasons following planting. All trees shall receive at least the following maintenance practices for a three-year period:

**1. WATERING:** Ample soil moisture shall be maintained following planting. A thorough watering each five to seven days, depending on drainage and precipitation, is usually adequate during the growing season. A thorough watering allows moisture to reach the deepest roots. **How will watering be accomplished and who will be responsible?**

*The 2019 grant funding included the purchase of bags to assist with the watering. This year's grant includes the purchase of a water tank and buggy to assist ETB volunteers with maintaining and monitoring watering.*

**2. FERTILIZATION:** Trees shall not be fertilized at the time of planting. Fertilizer can kill young roots very rapidly. If fertilizer is not applied wisely, it may not benefit the tree at all and may even adversely affect the tree. Soil conditions, especially pH and organic matter content, vary greatly making the proper use and selection of fertilizer a complex process. Any fertilization should be based on a soil test. Soil Conservation Districts can provide tests and advice on application rates, timing, and fertilizer selection. **Under what circumstances (if any) will trees be fertilized and who will be responsible?**

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**3. MULCHING:** Mulching provides trees with a stable root environment that is cooler and contains more moisture than surrounding soil. Mulch can also prevent mechanical damage by keeping lawn mowers and weed whips away from the thin bark. Trees must be mulched at the time of planting and every consecutive spring. Mulch should only be **two to three** inches deep (do not mound) and cover the entire root system. Mulch should not contact the trunk; a mulch-free area of one to two inches around the trunk should be maintained. **How will trees be mulched and who will be responsible for re-mulching each year?**

*The Elkins Tree Board mulches the downtown trees annually.*

4. **PRUNING:** Excessive pruning at the time of planting should be avoided. During the first two years, only dead, broken, or injured branches, and sprouts shall be removed. Trees will never be topped or rounded-over. Pruning during the third year can begin to improve structure and encourage sturdy crotch development. Structural pruning advice is available through the Urban Forestry Coordinator. **Describe pruning methods, both short and long term, and who will be responsible?**

*Mitchell Tree Care, ETB and Friends of Trees volunteers will continue to prune the trees in the proper methods demonstrated by DOF personnel. We have a long history of successful pruning and maintenance of our urban trees.*

5. **STAKING AND GUYING:** Often it is not necessary to stake and guy quality nursery stock that has been properly planted. Studies have shown that trees will establish more quickly and develop stronger trunks and root systems if not staked at the time of planting. If staking is necessary for support, two stakes used in conjunction with a wide flexible tie material will hold the tree upright, provide flexibility, and minimize injury to the trunk. Do not use wire in a garden hose or any other in-flexible, narrow material. All guy and support material must be removed after the first growing season. **Will trees be staked and guyed? What material will be used and who will be responsible for the removal?**

*Mitchell Tree Care will assess each tree planting and provide appropriate measures to ensure a tree's success.*

6. **PROVIDE ADDITIONAL MAINTENANCE INFORMATION:**

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**Community or Organization:** City of Elkins and the Elkins Tree Board

**Signature:** \_\_\_\_\_

**Print Name:** Marilynn Cuonzo

**Job Title:** Chair, Elkins Tree Board

**Date:** 9/16/2021

Business Location:  
14 Monongahela Avenue  
Morgantown, WV 26505  
304 / 296-5225



Mailing Address:  
P.O. Box 2100  
Morgantown, West Virginia 26505

8-31-21

City of Elkins, WV

Quote:

Quantity of (7) Tree Grates

in Elkins, West Virginia

Same as previously supplied

3" x 7' Core 10 Steel

Price: \$800.00 EACH

Thank You,  
Louis Hamrick  
Northco Corp  
304-296-5225 Office



# MITCHELL TREE CARE, LLC

## ESTIMATE

David K Mitchell  
ISA Certified Arborist®, MA-5607A  
WV #057177  
WV Licensed Pesticide Applicator, Cat.4a

Customer: City of Elkins

Date: September 8, 2021

Location of work: Downtown Elkins

Description of work items and price per item:

- Prune street trees to encourage proper growth and good clearance on buildings, roads and sidewalks.
- Plant 10 trees in established tree pits in downtown Elkins trees described below:
  - Three 2" caliper Willow Oak at a bumpout on Kerens Ave
  - Four 2" caliper 'Kwanzan' Cherry trees
  - One 2" caliper 'Skyline' Honey Locust
  - One 2" caliper 'Princeton' American Elm
  - One 2" caliper Kousa Dogwood
- Install trees according to the Ansi A300 Part 6.
- Tree installation priced as follows: Wholesale tree cost + 6% sales tax + twice wholesale cost for install + \$90 delivery + \$15 for mulch.

Cost:

● Pruning, lump sum					\$2450.00
● Trees, installed	<u>Species (wholesale cost)</u>	<u>Price per tree</u>	<u># trees</u>	<u>Total</u>	
○	Willow Oak (\$179)	\$652.74	3	\$1958.22	
○	'Kwanzan' Cherry (\$159)	\$591.54	4	\$2366.16	
○	'Skyline' Honey Locust (\$169)	\$622.14	1	\$622.14	
○	American Elm (\$179)	\$652.74	1	\$652.74	
○	Kousa Dogwood (\$189)	\$683.34	1	\$683.34	
Sub-Total					\$8732.60
<u>6% WV Sales Tax:</u>					EXEMPT
<u>Total:</u>					\$8732.60

I, \_\_\_\_\_ (client) agree that Mitchell Tree Care, LLC, its employees and subcontractors, will perform the work on my property described above at the price quoted on this form. Any change in described work or pricing must be agreed upon by the client and Mitchell Tree Care, LLC in writing prior to implementing the change. Payment by the client is due and payable within 30 days of receipt of our invoice. If payment is not received within said 30-day period, client will be assessed a late charge equal to 5% of the unpaid amount.

\_\_\_\_\_  
Client signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mitchell Tree Care Signature

\_\_\_\_\_  
Date



# MITCHELL TREE CARE, LLC

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## Company Biography

Mitchell Tree Care is a tree care company that works in both residential and commercial settings. We are a licensed contractor in the state of West Virginia, WV# 057177. The company works with clients to ensure the best outcomes possible for properties, utilizing trees to maximize their potential for ecosystem services and aesthetic contributions to the landscape. Mitchell Tree Care was founded in 2014 by owner operator David Mitchell. David Mitchell is an ISA Certified Arborist® # MA 5607-A, and has held this certification since May of 2014. David has a BS in Horticulture from West Virginia University, and an MS in Forestry from Virginia Tech. During the MS program, he focused on urban soils and trees, and their role in stormwater management.

Mitchell Tree Care works on preservation and removal of trees in and around Morgantown, WV. For example, we removed 45 Ash trees killed by Emerald Ash Borer at Camp Muffly park, a facility operated by Monongalia County. We have worked for the WVU Core Arboretum to preserve American Elm trees threatened by Dutch Elm Disease, and have removed hazardous trees over the trails at that facility. We take pride in helping to preserve Ash trees by treating with a systemic pesticide to prevent infestation by Emerald Ash Borer, this work has mostly been for residential clients, though the company maintains a stand of ash for the City of Morgantown as well. We also preserve trees through risk assessment and structural support services.

Mitchell Tree Care plants trees to help restore canopy cover where trees must be removed due to damage from invasive pests or poor pruning in the past. During planting we strive to select optimal trees for the sites, using large maturing trees when the site is large enough, trying to select native trees particularly for flowering options, and encouraging care of trees early in their life to ensure lower maintenance in the long term.

VENDOR SET: 01 Elkins

BANK: PKPRO Parking Project

DATE RANGE: 8/30/2021 THRU 9/10/2021

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00547	Polino Contracting, Inc.							
I-App1 #3	contracted services	R	9/03/2021	239,742.10		000016		239,742.10

\*\* T O T A L S \*\*

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1	239,742.10	0.00	239,742.10
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: PKPRO TOTALS:	1	239,742.10	0.00	239,742.10
BANK: PKPRO TOTALS:	1	239,742.10	0.00	239,742.10

VENDOR SET: 01 Elkins  
 BANK: Pool Pooled Cash  
 DATE RANGE: 8/30/2021 THRU 9/10/2021

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01683	Micrologic Inc							
	C-CRB693-19	N	9/01/2021	54.67CR		000000		
	I-B693-19	N	9/01/2021	54.67		000000		
00150	COE Payroll							
	I-T1 202108301257	R	8/30/2021	764.88		010454		764.88
00151	COE Payroll							
	I-T3 202108301257	R	8/30/2021	651.08		010455		
	I-T4 202108301257	R	8/30/2021	152.28		010455		803.36
00152	COE Payroll							
	I-T2 202108301257	R	8/30/2021	298.00		010456		298.00
00837	COE Payroll Reimbursement							
	I-001202108301257	R	8/30/2021	3,786.14		010457		3,786.14
01937	COE Capital Reserve							
	I-Transfer Funds	R	8/30/2021	352,511.00		010458		352,511.00
02094	COE Sewer Project							
	I-Transfer 8/31	R	8/31/2021	370,873.00		010459		370,873.00
00119	CIT Technology Finance Serv, I							
	I-38332324	R	9/01/2021	52.50		010460		
	I-38337842	R	9/01/2021	55.00		010460		107.50
00121	Citizens Bank of WVFP							
	I-FP Cont 09/2021	R	9/01/2021	33,000.00		010461		33,000.00
00143	COE General Fund 2							
	I-09/2021 Indirects	R	9/01/2021	27,702.07		010462		27,702.07
00149	COE Parks and Recreation							
	I-09/2021 Support	R	9/01/2021	25,483.00		010463		25,483.00
00174	Continental Research Corp							
	I-0028132	R	9/01/2021	135.00		010464		135.00
00235	Elkins Building Comm.							
	I-09/2021 Pmt	R	9/01/2021	3,483.79		010465		3,483.79
00314	Guttman Energy, Inc.							
	I-F60598835	R	9/01/2021	2,747.58		010466		2,747.58

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE: 8/30/2021 THRU 9/10/2021

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00378	J F Allen Co.							
I-13720-731-733	57 Gravel	R	9/01/2021	1,346.23		010467		1,346.23
00381	Grover C Jackson Jr							
I-09/21 RENT	Rent 09/2021	R	9/01/2021	1,800.00		010468		1,800.00
00422	Leslie Equipment Co.							
I-919301	Sleeve/HoseFitting/Hose	R	9/01/2021	214.70		010469		214.70
00471	Mon Power							
I-071221 City Park	071321-081021 City Park	R	9/01/2021	1.07		010470		
I-081321 RR Ave	07/06/21-08/13/21`	R	9/01/2021	7.19		010470		
I-081621 Barron	Barron Ave 0717-081621	R	9/01/2021	10,553.19		010470		10,561.45
00606	Steven C. Rodeheaver							
I-11633	brooms/mopheads/handles	R	9/01/2021	276.00		010471		276.00
01390	Phoenix Solutions, LLC							
I-3427	Chemicals	R	9/01/2021	7,839.21		010472		7,839.21
02109	Glenda Helmick							
I-Refund 090521	Reservation Refund 090521	R	9/01/2021	65.00		010473		65.00
02118	Don's Auto Body Repair							
I-080321	Dump Truck Door repairs	R	9/01/2021	650.00		010474		650.00
02182	Ramon Goux							
I-082121 Exp	Travel WVSP Academy-Goux	R	9/01/2021	163.52		010475		163.52
00116	Child Support Enforcement							
I-CDS202109081260	Child Support	R	9/08/2021	630.45		010476		630.45
00121	Citizens Bank of WVFP							
I-PP 202109081260	Fire Pension	R	9/08/2021	479.62		010477		479.62
00122	Citizens Bank of WVFP							
I-PP 202109081260	Police Pension	R	9/08/2021	119.62		010478		
I-PPN202109081260	Police Pension-2010 Forward	R	9/08/2021	353.12		010478		472.74
00147	COE Misc							
I-MIS202109081260	Misc Reimbursements	R	9/08/2021	192.00		010479		192.00
00150	COE Payroll							
I-T1 202109081260	Federal Withholding	R	9/08/2021	10,391.17		010480		10,391.17

VENDOR SET: 01 Elkins  
 BANK: Pool Pooled Cash  
 DATE RANGE: 8/30/2021 THRU 9/10/2021

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00151	COE Payroll							
I-T3 202109081260	FICA	R	9/08/2021	11,466.24		010481		
I-T4 202109081260	Medicare	R	9/08/2021	3,898.54		010481		15,364.78
00152	COE Payroll							
I-T2 202109081260	State Withholding	R	9/08/2021	5,143.00		010482		5,143.00
00203	Davis Trust Company							
I-CC 202109081260	Employee Christmas Club	R	9/08/2021	1,550.00		010483		1,550.00
00741	Great-West Trust Company LLC							
I-VF 202109081260	Voya	R	9/08/2021	339.00		010484		339.00
00747	Washington National Insurance							
I-WN 202109081260	Washington National Insurance	R	9/08/2021	545.22		010485		545.22
00837	COE Payroll Reimbursement							
I-001202109081260	Payroll Reimbursement	R	9/08/2021	59,459.20		010486		
I-006202109081260	Payroll Reimbursement	R	9/08/2021	5,768.78		010486		
I-400202109081260	Payroll Reimbursement	R	9/08/2021	14,710.00		010486		
I-401202109081260	Payroll Reimbursement	R	9/08/2021	12,554.53		010486		
I-404202109081260	Payroll Reimbursement	R	9/08/2021	6,200.93		010486		98,693.44
01885	Colonial Life							
I-CL 202109081260	Colonial Life-AT	R	9/08/2021	122.06		010487		
I-CLP202109081260	Colonial Life-PT	R	9/08/2021	52.52		010487		174.58
1	WATSON, IRENE							
I-000202109071258	US REFUND	R	9/08/2021	25.00		010488		25.00
1	LINZALONE, KAREN							
I-000202109071259	US REFUND	R	9/08/2021	643.75		010489		643.75
00024	Appalachian Tire Products							
I-1300016321	13-Tires	R	9/08/2021	6,506.62		010490		6,506.62
00032	Absolute Assurance Drug Test L							
I-2539A	PreEmp L Gassnola	R	9/08/2021	39.00		010491		39.00
00034	ATCO International							
I-10582669-2799	Santastic/PTwls/TPaper/Cups	R	9/08/2021	1,018.57		010492		1,018.57
00082	Builders Group, Inc.							
I-K72858	Battery Pack/Sawzall/Blades	R	9/08/2021	457.32		010493		457.32

VENDOR SET: 01 Elkins  
 BANK: Pool Pooled Cash  
 DATE RANGE: 8/30/2021 THRU 9/10/2021

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00156	COE Sewer Depreciation Account							
I-SWR DEPR 09/2021	Sewer Depr Deposit	R	9/08/2021	4,687.81		010494		4,687.81
00314	Guttman Energy, Inc.							
I-F60625350	Fleet Fuel 082321-082921	R	9/08/2021	3,020.77		010495		3,020.77
00457	Metalworks, Inc.							
I-11415	Repair Air Cylinder	R	9/08/2021	145.00		010496		
I-11430	Vactor Tk Repairs	R	9/08/2021	235.00		010496		380.00
00471	Mon Power							
I-90008199487	COE Master Billing 082021	R	9/08/2021	34,657.52		010497		34,657.52
00483	Mountain Valley Bank							
I-1202553-14 091121	1202553-14 091121	R	9/08/2021	406.14		010498		
I-1202553-17 091221	1202553-17 091221	R	9/08/2021	447.24		010498		
I-1202553-19 090421	1202553-19 090421	R	9/08/2021	655.53		010498		
I-1202553-22 091121	1202553-22 Int pmt	R	9/08/2021	145.69		010498		1,654.60
00484	Mountaineer Gas Company							
I-083021	Nat'l Gas 083021	R	9/08/2021	780.41		010499		
I-153 BH 081221	153 Bearhunter Est	R	9/08/2021	11.25		010499		
I-ScottFd 081221	500 Scott Fd 071521-081221	R	9/08/2021	33.70		010499		825.36
00514	Office Products							
I-6985	5x8 file box - Magistrate Ct	R	9/08/2021	29.00		010500		29.00
00701	Toshiba Financial Services							
I-450648118	LEX M5255/ TOSHIBA E4515AC	R	9/08/2021	437.19		010501		
I-450951934	LEX C4150/ROSH E3004AC	R	9/08/2021	221.37		010501		
I-451245542	Toshiba E4515AC	R	9/08/2021	121.35		010501		
I-451353841	LEX XM3250 091321	R	9/08/2021	69.00		010501		848.91
00711	Tygart Valley Transfer, Inc.							
I-107047	Commercial-DMH Compactor	R	9/08/2021	116.42		010502		
I-107052	Com-DMH Open Top	R	9/08/2021	163.33		010502		
I-107061	Commercial-203 Andrews St	R	9/08/2021	327.54		010502		
I-107079	Residential	R	9/08/2021	835.79		010502		
I-107082	Residential	R	9/08/2021	804.51		010502		
I-107083	Commercial	R	9/08/2021	703.73		010502		
I-107084	Commercial	R	9/08/2021	339.70		010502		
I-107110	Commercial-4th St Missy	R	9/08/2021	92.09		010502		
I-107115	Commercial-Greenfields	R	9/08/2021	313.64		010502		
I-107126	Commercial - D&E Main	R	9/08/2021	132.06		010502		
I-107137	Commercial-Housing Auth	R	9/08/2021	503.90		010502		
I-107139	Residential	R	9/08/2021	342.31		010502		
I-107140	Residential	R	9/08/2021	513.46		010502		
I-107141	Residential	R	9/08/2021	448.30		010502		

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE: 8/30/2021 THRU 9/10/2021

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-107163	Commercial	R	9/08/2021	128.58		010502		
I-107168	Residential	R	9/08/2021	38.23		010502		
I-107182	Residential	R	9/08/2021	473.50		010502		
I-107183	Residential	R	9/08/2021	569.93		010502		
I-107184	Commercial	R	9/08/2021	553.43		010502		
I-107227	Commercial	R	9/08/2021	130.32		010502		
I-107230	Residential	R	9/08/2021	621.19		010502		
I-107232	Residential	R	9/08/2021	421.37		010502		
I-107233	Commercial	R	9/08/2021	503.90		010502		
I-107250	Comm - DM Compactor	R	9/08/2021	143.35		010502		
I-107267	Commercial	R	9/08/2021	337.09		010502		
I-107274	Residential	R	9/08/2021	550.82		010502		
I-107283	Commercial	R	9/08/2021	628.14		010502		
I-107284	Residential	R	9/08/2021	619.45		010502		
I-107304	Comm-Final	R	9/08/2021	185.05		010502		
I-107314	Comm-DM Compactor	R	9/08/2021	122.50		010502		
I-107338	Residential	R	9/08/2021	763.68		010502		
I-107339	Residential	R	9/08/2021	728.05		010502		
I-107340	Commercial	R	9/08/2021	677.66		010502		
I-107369	Commercial	R	9/08/2021	234.58		010502		
I-107383	Commercial	R	9/08/2021	465.68		010502		
I-107393	Residential	R	9/08/2021	502.17		010502		
I-107394	Residential	R	9/08/2021	447.43		010502		
I-107395	Commercial	R	9/08/2021	462.20		010502		
I-107398	Residential	R	9/08/2021	59.08		010502		
I-107407	Residential	R	9/08/2021	26.06		010502		
I-107417	Commercial	R	9/08/2021	123.37		010502		
I-107418	Commercial	R	9/08/2021	33.88		010502		
I-107447	Residential	R	9/08/2021	478.71		010502		
I-107448	Residential	R	9/08/2021	555.16		010502		
I-107449	Commercial	R	9/08/2021	520.41		010502		
I-107471	Commercial Greenfields	R	9/08/2021	238.05		010502		
I-107480	Commercial	R	9/08/2021	275.41		010502		
I-107496	Residential	R	9/08/2021	424.84		010502		
I-107497	Residential	R	9/08/2021	575.15		010502		
I-107498	Commercial	R	9/08/2021	500.43		010502		
I-107518	Comm - DM Compactor	R	9/08/2021	138.14		010502		
I-107522	Comm-D&E Maintenance	R	9/08/2021	118.16		010502		
I-107530	Commercial	R	9/08/2021	249.35		010502		
I-107533	Residential	R	9/08/2021	72.98		010502		
I-107547	Residential	R	9/08/2021	433.53		010502		
I-107548	Residential	R	9/08/2021	557.77		010502		
I-107549	Commercial	R	9/08/2021	606.42		010502		
I-107563	Comm-DM Compactor	R	9/08/2021	132.93		010502		
I-107567	Commercial-Greenfields	R	9/08/2021	260.64		010502		
I-107597	Residential	R	9/08/2021	803.64		010502		
I-107599	Residential	R	9/08/2021	739.35		010502		
I-107600	Commercial	R	9/08/2021	814.93		010502		

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE: 8/30/2021 THRU 9/10/2021

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-107620	Residential	R	9/08/2021	59.08		010502		
I-107621	Residential	R	9/08/2021	39.10		010502		
I-107633	Commercial	R	9/08/2021	270.20		010502		
I-107642	Residential	R	9/08/2021	508.25		010502		
I-107644	Residential	R	9/08/2021	523.02		010502		
I-107645	Commercial	R	9/08/2021	478.71		010502		
I-107658	Comm DM Compactor	R	9/08/2021	136.40		010502		
I-107659	Comm - D&E Maintenance	R	9/08/2021	96.44		010502		
I-107660	Comm-Greenfields	R	9/08/2021	259.77		010502		
I-107662	Comm D&E Moyer Hall Final	R	9/08/2021	83.40		010502		
I-107670	Comm-TVMall CPG	R	9/08/2021	429.19		010502		
I-107676	Residential	R	9/08/2021	481.32		010502		
I-107677	Commercial	R	9/08/2021	669.84		010502		
I-107678	Residential	R	9/08/2021	576.01		010502		
I-107681	Commercial	R	9/08/2021	152.91		010502		
I-107691	Comm Key Street	R	9/08/2021	170.28		010502		
I-107693	Residential	R	9/08/2021	32.15		010502		
I-107696	Commercial - Housing Auth	R	9/08/2021	488.27		010502		
I-107701	Commercial-Kroger Compactor	R	9/08/2021	501.30		010502		
I-107715	Commercial	R	9/08/2021	602.08		010502		
I-107716	Residential	R	9/08/2021	456.99		010502		
I-107717	Residential	R	9/08/2021	647.26		010502		
I-107719	Residential	R	9/08/2021	49.52		010502		
I-107728	Comm-Greenfields	R	9/08/2021	217.20		010502		
I-107732	Comm-DMH	R	9/08/2021	157.25		010502		
I-107734	Residential	R	9/08/2021	124.24		010502		
I-107753	Residential	R	9/08/2021	651.60		010502		
I-107754	Commercial	R	9/08/2021	850.56		010502		
I-107755	Residential	R	9/08/2021	677.66		010502		
I-107783	Residential	R	9/08/2021	92.09		010502		
I-107799	Commercial	R	9/08/2021	41.70		010502		
I-107806	Residential	R	9/08/2021	800.16		010502		
I-107811	Residential	R	9/08/2021	860.11		010502		
I-107812	Commercial	R	9/08/2021	916.58		010502		
I-107818	Commercial	R	9/08/2021	142.48		010502		
I-107836	Commercial-Greenfields	R	9/08/2021	325.80		010502		
I-107839	Commercial-DM Open Top	R	9/08/2021	210.25		010502		
I-107860	Residential	R	9/08/2021	457.86		010502		
I-107861	Commercial	R	9/08/2021	509.99		010502		
I-107862	Residential	R	9/08/2021	508.25		010502		
I-107879	Commercial-Power Co	R	9/08/2021	175.50		010502		
I-107885	Commercial-DM Compactor	R	9/08/2021	130.32		010502		
I-107894	Commercial	R	9/08/2021	165.07		010502		
I-107906	Commercial	R	9/08/2021	631.62		010502		
I-107907	Residential	R	9/08/2021	527.36		010502		
I-107908	Residential	R	9/08/2021	590.78		010502		
I-107916	Residential	R	9/08/2021	94.70		010502		
I-107925	Commercial-Greenfields	R	9/08/2021	218.94		010502		

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE: 8/30/2021 THRU 9/10/2021

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-107933	Commercial 5 Key St	R	9/08/2021	199.82		010502		
I-107950	Residential	R	9/08/2021	581.23		010502		
I-107954	Commercial	R	9/08/2021	505.64		010502		
I-107956	Residential	R	9/08/2021	425.71		010502		
I-107964	Comm-Housing Authority	R	9/08/2021	483.92		010502		
I-107969	Comm-DM Compactor	R	9/08/2021	147.70		010502		
I-107983	Residential	R	9/08/2021	86.01		010502		
I-107989	Residential	R	9/08/2021	619.45		010502		
I-107993	Commercial	R	9/08/2021	734.14		010502		
I-107994	Residential	R	9/08/2021	590.78		010502		
I-108018	Commercial-DM	R	9/08/2021	139.88		010502		
I-108023	Commercial	R	9/08/2021	186.79		010502		
I-108029	Comm-Greenfields	R	9/08/2021	269.33		010502		
I-108037	Commercial	R	9/08/2021	153.78		010502		
I-108043	Residential	R	9/08/2021	804.51		010502		
I-108048	Residential	R	9/08/2021	778.44		010502		
I-108049	Commercial	R	9/08/2021	762.81		010502		
I-108071	Commercial	R	9/08/2021	132.06		010502		
I-108094	Residential	R	9/08/2021	512.59		010502		
I-108095	Residential	R	9/08/2021	522.15		010502		
I-108096	Commercial	R	9/08/2021	446.56		010502		51,556.33
00779	Woodford Oil Company							
I-4216018	2 Chv Hyd Oil AW 46	R	9/08/2021	103.00		010503		103.00
00803	WV Division of Motor Vehicles							
I-083021 TICE	ID - B Tice	R	9/08/2021	25.00		010504		25.00
00812	WV Regional Jail and Correctio							
I-8121lea86	47 Days Inmate Housing TVRJ	R	9/08/2021	2,267.75		010505		2,267.75
00880	Wilma Armentrout							
I-REFND Rental 083121	Refund Classroom Rental	R	9/08/2021	160.00		010506		160.00
00884	Colonial Court Service Station							
I-562566	Tires	R	9/08/2021	578.48		010507		
I-562580	16 Glacier Grip Tires (Tahoes)	R	9/08/2021	2,956.00		010507		
I-562581	4-Glacier Grip Tires 20 F250	R	9/08/2021	758.08		010507		
I-562640	Recharge AC 09 F250	R	9/08/2021	79.95		010507		4,372.51
01091	HD Supply Facilities Maintenanc							
I-203888	10 Shovels	R	9/08/2021	512.71		010508		512.71

VENDOR SET: 01 Elkins  
 BANK: Pool Pooled Cash  
 DATE RANGE: 8/30/2021 THRU 9/10/2021

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01133	Bates Carpet & Furniture Cente							
I-27085	Flooring - Municipal Ct Office	R	9/08/2021	2,117.95		010509		2,117.95
01790	Crim Law Office PLLC							
I-219 April 2021	Attorney Services April 2021	R	9/08/2021	7,910.00		010510		
I-220 MunCt April 21	Municipal Ct April 2021	R	9/08/2021	3,670.00		010510		11,580.00
02035	C & S Enterprise							
I-082521	Mini Excavator Rental	R	9/08/2021	275.00		010511		275.00
02065	AlignHR LLC							
I-6605	HR Managed Services	R	9/08/2021	2,500.00		010512		2,500.00
02193	K&S Roofing LLC							
I-5011	Replace roof-Lift Station 3	R	9/08/2021	4,864.00		010513		4,864.00
02194	St Brendan Parish							
I-REFUND 082821	Pavilion Reservation Cancelled	R	9/08/2021	100.00		010514		100.00

\* \* T O T A L S \* \*

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	61	1,113,815.91	0.00	1,113,815.91
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	1	0.00	0.00	0.00
VOID CHECKS:	0	0.00	0.00	0.00
VOID DEBITS:		0.00		
VOID CREDITS:		0.00	0.00	

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: Pool TOTALS:	62	1,113,815.91	0.00	1,113,815.91
BANK: Pool TOTALS:	62	1,113,815.91	0.00	1,113,815.91

VENDOR SET: 01 Elkins  
 BANK: SEWDP Sewer Depreciation  
 DATE RANGE: 8/30/2021 THRU 9/10/2021

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01111	Advanced UV Systems							
I-3016	UV Lamps	R	9/07/2021	9,700.00		000027		9,700.00

\*\*\* TOTALS \*\*\*

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1	9,700.00	0.00	9,700.00
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: SEWDEPTOTALS:	1	9,700.00	0.00	9,700.00
BANK: SEWDP TOTALS:	1	9,700.00	0.00	9,700.00

VENDOR SET: 01 Elkins  
 BANK: SEWPJ Sewer Project  
 DATE RANGE: 8/30/2021 THRU 9/10/2021

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00085	Burgess & Niple, Inc.							
I-983143	contracted services	R	9/01/2021	24,090.74		000069		
I-983300	contracted services	R	9/01/2021	4,080.00		000069		28,170.74
02121	Bear Contracting, LLC							
I-C-544595-2021-9	Bear Contracting, LLC	R	9/01/2021	342,702.43		000070		342,702.43

** T O T A L S **	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	2	370,873.17	0.00	370,873.17
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0 VOID DEBITS	0.00		
	VOID CREDITS	0.00	0.00	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: SEWPJTOTALS:	2	370,873.17	0.00	370,873.17
BANK: SEWPJ TOTALS:	2	370,873.17	0.00	370,873.17

VENDOR SET: 01 Elkins  
 BANK: WATDP Water Depreciation  
 DATE RANGE: 8/30/2021 THRU 9/10/2021

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00900	National Road Utility Supply,							
I-331414	setters, couplings	R	9/01/2021	6,153.69		000025		
I-331415	meter pits, clamps	R	9/01/2021	1,115.82		000025		
I-331416	valves	R	9/01/2021	589.60		000025		
I-331417	clamps, gaskets, meter pits	R	9/01/2021	6,000.40		000025		
I-331418	meter box frame & cover	R	9/01/2021	1,031.52		000025		
I-331419	sealed cage	R	9/01/2021	1,065.75		000025		15,956.78

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1	15,956.78	0.00	15,956.78
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: WATDPTOTALS:	1	15,956.78	0.00	15,956.78
BANK: WATDP TOTALS:	1	15,956.78	0.00	15,956.78

VENDOR SET: 01 Elkins  
 BANK: WATIM Water System Improvement  
 DATE RANGE: 8/30/2021 THRU 9/10/2021

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00107	Chapman Technical Group							
I-18558	contracted services	R	9/08/2021	10,923.73		000160		
I-18582	contracted services	R	9/08/2021	10,133.32		000160		
I-18850	contracted services	R	9/08/2021	19,776.42		000160		
I-19100	contracted services	R	9/08/2021	29,598.83		000160		
I-19125	contracted services	R	9/08/2021	14,303.90		000160		
I-19198	contracted services	R	9/08/2021	26,910.80		000160		
I-19246	contracted services	R	9/08/2021	19,770.23		000160		
I-19308	contracted services	R	9/08/2021	72,175.56		000160		203,592.79
02102	Newman Plumbing, Inc.							
I-App1 #7	contracted services	R	9/08/2021	148,529.50		000161		
I-App1 #8F	contracted services	R	9/08/2021	138,484.87		000161		287,014.37
00582	Region VII Plan. & Development							
I-8102021	contracted services	R	9/09/2021	25,000.00		000162		25,000.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	3	515,607.16	0.00	515,607.16
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: WATIM TOTALS:	3	515,607.16	0.00	515,607.16
BANK: WATIM TOTALS:	3	515,607.16	0.00	515,607.16
REPORT TOTALS:	70	2,265,695.12	0.00	2,265,695.12

SELECTION CRITERIA

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VENDOR SET: 01-Elkins  
VENDOR: ALL  
BANK CODES: Exclude: PCARD  
FUNDS: All

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CHECK SELECTION

CHECK RANGE: 000000 THRU 999999  
DATE RANGE: 8/30/2021 THRU 9/10/2021  
CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99  
INCLUDE ALL VOIDS: YES

---

PRINT OPTIONS

SEQUENCE: CHECK NUMBER

PRINT TRANSACTIONS: YES  
PRINT G/L: NO  
UNPOSTED ONLY: NO  
EXCLUDE UNPOSTED: NO  
MANUAL ONLY: NO  
STUB COMMENTS: NO  
REPORT FOOTER: NO  
CHECK STATUS: NO  
PRINT STATUS: \* - All

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## **BUILDING PERMITS**

*Presented at council meeting of: September 16, 2021*

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>210195</b>	<b>McCutcheon, Robert</b>	<b>252 Terrace Ave</b>	<b>Replace Roof Shingles</b>	<b>8,925.00</b>
<b>210196</b>	<b>Wagner Properties LLC</b>	<b>1107 S Davis Ave</b>	<b>Replace Sidewalk</b>	<b>3,000.00</b>
<b>210197</b>	<b>Skidmore, Loretta</b>	<b>1525 Lavalette Ave.</b>	<b>Repair Front Porch</b>	<b>2,000.00</b>
<b>210198</b>	<b>Cash Cabins, LLC</b>	<b>114 Pleasant Ave.</b>	<b>New Roof, Windows and Siding</b>	<b>15,800.00</b>
<b>210199</b>	<b>Cook, Jennifer</b>	<b>1627 S Davis Ave.</b>	<b>Replace Roof Shingles</b>	<b>18,355.00</b>
<b>210200</b>	<b>McFarlands Auto</b>	<b>1313 Harrison Ave</b>	<b>Electrical Upgrade</b>	<b>800.00</b>
<b>210201</b>	<b>Wilson, Stacy &amp; Philip</b>	<b>1221 S Henry Ave</b>	<b>Replace Roof Shingles</b>	<b>12,722.00</b>

## Monthly Report for FY2021

Month of August

Fund	Revenues	Expenditures
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General	\$395,978.02	\$841,232.05	Percent Collected as per Budget
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Percent of Yr.  
Completed  
16.66

County Tax	\$121,334.71	12.89%	1,042,254.00
B & O Tax	\$77,646.27	25.23%	1,267,000.00
Hotel/Motel Tax	\$21,355.90	26.15%	141,000.00
Gas & Oil Severance Tax	\$0.00	0.00%	11,000.00
2% City Utility Tax	\$5,891.43	18.53%	65,000.00
Utility Excise Tax	\$17,129.80	13.23%	290,000.00
Liquor Tax	\$0.00	24.06%	102,000.00
Police	\$3,346.82	28.30%	19,200.00
Municipal Court	\$5,456.93	23.07%	48,726.00
Code Enforcement	\$2,534.90	17.96%	27,200.00
Fire Fees	\$85,766.54	14.47%	913,000.00
Business License	\$1,160.00	20.55%	26,500.00
Intergovernmental	\$36,018.46	22.07%	338,381.00
Franchise/IRP Fees	\$1,197.65	22.49%	155,000.00
Phil Gainer Community Center	\$9,750.00	101.73%	30,000.00
Misc. Revenue	\$7,388.61	17.92%	93,960.00
Municipal Sales Tax	\$0.00	31.27%	1,200,000.00
	<b>\$395,978.02</b>	<b>21.78%</b>	<b>5,770,221.00</b>

Sanitation	\$117,515.65	\$89,247.08	17.61%	1,382,100.00
Water	\$289,022.07	\$269,245.43	16.89%	3,464,400.00
Sewer	\$187,512.51	\$173,977.35	17.46%	2,360,650.00
Landfill	\$35.33	\$32.93	9.83%	5,500.00

# FINANCE COMMITTEE REGULAR MEETING MINUTES

*401 Davis Avenue  
City Hall, Council Chambers  
July 9, 2021  
9:00 a.m.*

Present were Committee Members: M. Hinchman, chair; C. Lowther; and R. Chenoweth

Also present were: Mayor J. Marco; City Attorney G. Roberts; Treasurer T. Judy; Interim Fire Chief S. Himes; Police Chief T. Bennett; Operations Manager B. Pingley; and City Clerk J. Sutton

## MINUTES

Cm. Lowther, **MOVED APPROVAL OF THE MINUTES OF THE JUNE 7, 2021 MEETING.** The motion carried.

## OLD BUSINESS

T. Judy presented recommendations for FY21 excess revenues. Ms. Judy anticipates approximately \$1,291,840 in excess revenue for this fiscal year. \$458,086 was budgeted for FY21 under unassigned funds, leaving \$833,654 to be moved. Of this amount \$681,143 is committed funds for the Fire Department; \$50 is a donation to the Elkins Tree Board; \$50.00 is a donation to the Elkins Police Department. This leaves \$152,511 which Ms. Judy is recommending be transferred to the City Hall Parking Lot Project.

Cm. Lowther, **MOVED APPROVAL OF A RECOMMENDATION TO COUNCIL TO TRANSFER EXCESS UNASSIGNED FUNDS OF APPROXIMATELY \$152,511 TO THE CITY HALL PARKING LOT PROJECT FUND.** The motion carried.

Tina Vial, President of the Randolph County Humane Society, presented information regarding and requested support for their Trap Neuter Vaccinate and Release (TNVR) program. Five years ago, the city partnered with RCHS as a Humane City and in 2019 contributed \$5000 towards the TVNR program. As a result of that contribution the RCHS was able to process 85 cats in one year. The RCHS is requesting a donation of \$10,000 for the purpose of processing 100-120 cats within city limits over the next year. The committee took no action at this time.

## NEW BUSINESS

Karen Jacobson, Executive Director of the Randolph County Housing Authority appeared before the committee to request financial assistance for the Youth Build program. They are entering a bridge year during which they will not have access to the traditional Department of Labor

funding. The RCHA is hoping to raise \$37,000 in total. They have \$17,000 committee already and are asking the city for \$7,000 towards that goal.

In addition, Mrs. Jacobson is hopeful that YouthBuild can partner with the city to provide labor on projects that will be mutually beneficial. RCHA anticipates 8-10 participants starting in September 2021. The committee took no action at this time.

Phil Wilson, President of Elkins baseball and manager of the American Legion Post 29 baseball, is requesting \$3000 from the city to support fall tournaments. He anticipates these tournaments would bring in families from WV and surrounding states. No action was taken at this time.

Cm. Chenoweth, **MOVED APPROVAL TO ENTER INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER RELATED TO THE HIRING OF A FIRE CHIEF. The motion carried.** The committee entered executive session at 9:34 a.m. and returned at 9:57 a.m. The Chair announced that no action was taken.

Cm. Chenoweth, **MOVED APPROVAL OF ALLOWING THE SPECIAL FIRE CHIEF HIRING COMMITTEE TO NEGOTIATE A SALARY UP TO \$55,000 ANNUALLY FOR THE NEW FIRE CHIEF. The motion carried.**

#### ANNOUNCEMENTS

T. Judy asked the committee to consider the impact on the approved budget when discussing the creation of new positions and suggests these decisions be made prior to the annual budget approval.

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

The meeting adjourned at 9:58 a.m.

The foregoing minutes were approved at the meeting of Aug. 2, 2021

Mike Hutchinson Chair  
Name & Title

[Signature]  
Signature

**RULES AND ORDINANCE COMMITTEE  
SPECIAL MEETING  
MINUTES**

*401 Davis Avenue  
City Hall, Council Chambers  
August 18, 2021  
10:30*

Present were Committee Members: N. Bross-Fregonara, Chair; M. Cuonzo; and C. Higgins

Also present were: Mayor J. Marco; City Attorney G. Roberts; Treasurer T. Judy; Fire Chief S. Himes, City Clerk J. Sutton; and External Affairs Specialist S. Stokes.

**MINUTES**

Cm. Higgins, **MOVED APPROVAL OF THE MINUTES OF THE JULY 14, 2021 MEETING.** The motion carried.

**OLD BUSINESS**

The committee continued discussion of a home conversion policy. The main concern of the committee is that properties are being converted without zoning authorization or updated certificates of occupancy being issued. City Attorney G. Roberts believes that policy already exists to address these concerns, but that better public education and enforcement may be what is needed. The committee requested that the Clerk review the current code and the current processes in place that trigger a zoning approval and/or new certificate of occupancy and present this information to the committee at their next meeting.

**NEW BUSINESS**

City Clerk J. Sutton updated the committee on the timeline for the Home Rule amendment application. The expectation is to present our request to the Home Rule Board at their January 2022 meeting.

The committee reviewed the current vacant structures ordinance. City Attorney G. Roberts asked the committee to identify what issues need to be addressed that are not already. Cw. Bross-Fregonara believes that the policy is not being equally enforced, one example of which is “snowbirds”, who although meeting the definition have never been required to register their properties as vacant. Cw. Cuonzo believes that “snowbirds” have a right to leave and maintain a home here, but situations where there is no occupancy throughout the year need to be addressed. She believes that with a property worded ordinance we can encourage people to make decisions about their properties that will result in occupancy. Cw. Bross-Fregonara also believes that the inconsistency in enforcement comes from different interpretations of the definition of a vacant structure. There is a difference between maintained and human-occupied. The intent of the

ordinance has always been to encourage people to move on their properties regardless of their condition. The committee requests that Counselor Roberts prepare options for the definitions of vacant and occupied that reflect the intent of the ordinance and that the timeframe for being considered vacant be adjusted from 45 days to 180 days.

#### ANNOUNCEMENTS

City Clerk J. Sutton relayed a concern from PGCC manager Chris Lee about references in the City Code to the PGCC by its previous name the Elkins Recreation and Events Center. An ordinance will be prepared by City Attorney G. Roberts and taken directly to council.

Cw. Cuonzo, **MOVED ADJOURNMENT.** The motion carried.

The meeting adjourned at 11:49 a.m.

The foregoing minutes were approved at the meeting of Sept. 8, 2021

Nanci Bross-Fregonara, Chair  
Name & Title

Nanci E. Bross  
Signature

# ELKINS PLANNING COMMISSION MEETING MINUTES

*401 Davis Avenue*

*Virtual*

*July 1, 2021*

*1:00 p.m.*

Present were Members: N. Bross-Fregonara, President; D. Talbott, V.P.; K. Somers, R. Woolwine; P. Kolsun; B. Woods; and Mayor J. Marco.

Also present: C. DeMuth of the WVU LUSD Clinic; City Clerk J. Sutton; City Attorney G. Roberts; and GIS Technician B. Martin.

## **PUBLIC COMMENT**

Ben Martin, resident and city employee, submitted a written comment to the commission prior to today's meeting (see attached). Mr. Martin believes the Wees District better aligns with the City Residential Zone as opposed to the Single-family Residential Zone. Further points are detailed in the attached email.

## **MINUTES**

B. Woods MOVED APPROVAL OF THE MINUTES OF THE MAY 20, 2021 MINUTES. The motion carried.

## **OLD BUSINESS**

The Commission discussed B. Martin's submitted comment. N. Bross-Fregonara believes that the current map reflects where the city and specifically the Wees District wants to be in the future. She believes that keeping the character of the neighborhood and the type of housing will attract more investment. B. Woods believes that the integrity of the neighborhood can remain intact even if other types of housing stock is incorporated. Mr. Woods referenced D.C. as an example. The commission questioned if public input was needed. K. Somers informed the commission that input had already been solicited from the residents of that neighborhood, and it was in favor of keeping single-family homes. The commission discussed the pros and cons as well as the impact on the process if a change as significant as this was made now. Ultimately, no change was made.

Additional clarifying questions were asked and answered, including what 'grandfathered-in' means; and what the telecommunications overlay implies.

C. DeMuth, with the assistance of City GIS Technician B. Martin, identified a few areas of the proposed zoning map that needed corrected due to changes in the parcels. C. DeMuth will make the recommended changes and provide an updated map to the commission.



**ELKINS COMMON COUNCIL AND ELKINS PLANNING  
COMMISSION  
SPECIAL JOINT MEETING  
MINUTES**

*401 Davis Avenue  
Council Chamber, 2nd Floor  
July 21, 2021  
5:00 p.m.*

Elkins Common Council and the Elkins Planning met in a special joint session in the council chamber of city hall. Present were Mayor Jerry A. Marco; Councilpersons N.E. Bross-Fregonara, R.C. Chenoweth, M.D. Cuonzo, C.H. Friddle, III, J.A. Guye, C.J. Higgins, G.M. Hinchman, and D.C. Parker; Elkins Planning Commission Vice President D. Talbott, Members, B. Woods, R. Woolwine; Executive Secretary R.A. Wickham (acting as recording secretary); Attorney G. Roberts; GIS Technician Ben Martin; and Inter-Mountain Reporter B. Johnson.

Councilpersons L.H. Vest and C.C. Lowther; and Planning Commission Members K. Somers and P. Kolsun were absent.

**PUBLIC COMMENT**

Jennifer Griggs, Third Ward resident, spoke to the council about the proposed zoning ordinance changes. Jennifer applauded the planning commission for taking on the task of creating a new zoning ordinance. Ms. Griggs expressed concerns related to the very specific definitions of dwellings in the new zoning codes, specifically that a single-family dwelling is exclusive to one family. Coming from another area she is used to shared/transitional housing among people who are not family, and per the new code it seems like the owner would have to apply for a variance in this situation. She suggested including more types of housing other than single-family and multi-family. Ms. Griggs also suggested adding specific verbiage regarding political signs to limit the number of days they can be displayed before and after an election. Ms. Griggs also expressed concern related to Group residential facilities, specifically developmentally disabled and behaviorally disabled persons. She questioned where these definitions came from and expressed that more groups may want to live in a group home who do not fall under those medical codes. Ms. Griggs also asked for more clarification on the definition of a habitable structure in the ordinance. and how zoning permits may affect homeowners. She questioned whether a homeowner would need to obtain a zoning permit along with a building permit to alter their current residence. Her final concern was related to the term "grandfathering" and the idea that grandfathering will go away at the sale of property, specifically for commercial uses. She believes that grandfathering should carry through the sale of commercial and residential property.

**PRESENTATION**

Christy DeMuth, of the WVU Land Use and Sustainable Development Law Clinic, spoke to council about the proposed zoning update and the study and report on zoning that was conducted over the last 5 years. The new zoning ordinance was created to reflect the goals of the 2015 comprehensive plan; to encourage better aesthetic design and maintain residential integrity; to illustrate the city's commitment to planning that would attract both personal and commercial investment in the community; to protect residents from uncertainty by having well-defined zoning districts; to prepare the city for the future by responding to challenges or contemporary uses; and to provide quantitative and qualitative details which support code enforcements but also allow for flexibility with conditional parameters, among other reasons. As part of the Study and Report on Zoning, the Planning commission held 40 meetings open to the public, two open houses, and conducted an online survey to gather feedback from the community about what was important to them. Mrs. DeMuth provided a summary of the changes expected under this new ordinance including the regulation of signs, urban agriculture, the conversion of old schools and churches, and parking.. The new zoning ordinance would bring the zoning district count up from five to eight districts. The proposed zoning districts are single-family residential, city residential, recreational, central business district, commercial, educational, industrial, and agricultural. Mrs. DeMuth reviewed the definition of each district and finished her presentation with common zoning questions such as property taxes, home-based business, and development of existing property.

## NEW BUSINESS

- N. Bross-Fregonara advised that there are still two required public hearings before the zoning ordinance can be passed. City Attorney
- G. Roberts explained "grandfathering" as it is defined within the ordinance and advised that all concerns related to "grandfathering" and the transfer of property are addressed in the proposal.
- G. Roberts spoke to council and urged them to submit any questions or concerns to the planning commission or the WVU LUSD Clinic.
- M. Cuonzo and C. Higgins inquired about political signs and signs that display profane language. Christy DeMuth stated that these are protected by the Supreme Court under freedom of speech and cannot be regulated in the ordinance, except when they are displayed in a public right-of-way. G. Roberts assured the body that the adoption of this ordinance would not drastically change the city from the way it is now, it would just lay the framework for the city for the upcoming years.
- M. Cuonzo questioned who would enforce the requirements regarding landscaping of commercial properties. G. Roberts stated that this would be addressed by Code Enforcement, and businesses that wanted to apply for a variance would have to go through the Board of Zoning Appeals.
- C. Higgins questions Christy DeMuth on how the River Front Study would factor into the proposed ordinance. Mrs. DeMuth responded that they are working with City Clerk J. Sutton to make sure it aligns with the proposed ordinance.
- N. Bross-Fregonana stated to council that the ordinance will always need to be amended and changed as the city and the country move forward, but there is an urgency to approve it to address things that are happening now which may not align with the future zoning ordinance.

The Planning Commission pushed back the deadline for council to submit questions/concerns from July 26<sup>th</sup> to July 30<sup>th</sup> at the request of Cw. Cuonzo. The planning commission will meet



**PUBLIC SAFETY COMMITTEE  
REGULAR MEETING  
MINUTES**

*401 Davis Avenue  
City Hall, Council Chambers  
August 9, 2021  
10:00 a.m.*

Present were Committee Members: D. Parker, chair; J. Guye; and M. Hinchman

Also present were: Mayor J. Marco; Operations Manager B. Pingley; Treasurer T. Judy; City Attorney G. Roberts; and City Clerk J. Sutton

**PUBLIC COMMENT**

Ruthann Talbott of 241 Boundary Avenue addressed council regarding the speed limit on Boundary Avenue. She has lived on this street for seven years and has observed many neighbors walking by. Mrs. Talbot also has six children that have been taught to be careful of the traffic which frequently travels faster than the speed limit in front of their house. She is begging the committee to consider reducing the speed limit for the safety of her family and neighbors and also asks for better signage and enforcement.

**MINUTES**

Cm. Hinchman, **MOVED APPROVAL OF THE MINUTES OF THE JULY 19, 2021 MEETING. The motion carried.**

**OLD BUSINESS**

Police Chief T. Bennett was not present to update the committee on the body and vehicle cameras. Cm. Parker advised that he has heard from a few councilors that they are not comfortable moving forward with this. Mayor Marco echoed that he has heard the same and that some councilors may be interested in only vehicle cameras to start. He believes the city will find better pricing if we purchase the body and vehicle cameras together. Cm. Hinchman believes there may be grant or ARPA funds available. Clerk J. Sutton also advised that prior to putting out an RFP, Chief Bennett needs to develop policies detailing how the equipment will be used, stored and accessed. This item will remain on the committee's agenda for further discussion.

**NEW BUSINESS**

Cm. Parker, **MOVED APPROVAL OF A RECOMMENDATION TO COUNCIL FOR A REDUCTION OF THE SPEED LIMIT ON BOUNDARY AVENUE, FROM HIGH STREET TO SYCAMORE STREET, FROM TWENTY-FIVE (25) MPH TO (15) FIFTEEN MPH. The motion carried.**

The committee reviewed the properties the Building Inspector has identified as meeting the criteria for demolition and prioritized them primarily on how they impact the neighborhood and their visibility. The committee has directed the City Attorney to pursue legal authority and the Operations Manager to secure demolition quotes for the following properties.

- 201 Graham Street
- 326 S. Randolph Avenue
- 943 S. Davis Avenue
- 15 River Street
- 5 Bell Street
- 10 Bell Street
- 413 Harpertown Road

The committee is requesting demolition quotes be bundled to reduce the costs if possible. \$50,000 has been approved by council for FY22 for demolition expenditures.

**REPORTS**

No fire or police reports were provided. Operations Manager B. Pingley provided a written Code Enforcement report for actions taken 7/19/21 to 8/9/21.

**ANNOUNCEMENTS**

Cm. Parker advised that he and Chief Bennett have had preliminary conversations with the magistrates about the amount of bond being set. They intend to put a meeting together with legislators for further discussion.

Cw. Guye would like the shopping court ordinance and the pooper scooper ordinance put on the next committee agenda for discussion.

Cw. Guye, **MOVED ADJOURNMENT.** The motion carried.

The meeting adjourned at 11:27 a.m.

The foregoing minutes were approved at the meeting of Sept. 13, 2021

David C. Parker,  
Name & Title                      chair

[Signature]  
Signature