

# **ELKINS COMMON COUNCIL REGULAR COUNCIL MEETING AGENDA**

*401 Davis Avenue  
Council Chamber, 2nd Floor  
March 3, 2022  
7:00 p.m.*

**1. Invocation and Pledge of Allegiance**

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

**3. Agenda adjustments**

- a. *Ordinance 297*: An Ordinance of the Common Council Of Elkins, West Virginia , Pursuant to Petition Filed By Robert L. Morris, Jr., Executive Director, On Behalf of The Randolph County Development Authority, Regarding Certain Tracts of Real Property In Leadsville District, Randolph County, Owned By the Randolph County Development Authority And Known And Identified as Area 1 and Area 2 On The Attached Plat, To Incorporate and Annex Such Property Into The City of Elkins Pursuant To West Virginia Code §8-6-4 (1<sup>st</sup> of two readings)
- b. *Resolution 1500*: Accepting Conditions of Lease between the Elkins Historic Landmarks Commission and the City of Elkins, and Authorizing Execution of Agreement

**4. Public comment**

**5. Minutes**

- a. Minutes proposed for the regular council meeting of February 17, 2022

**6. Correspondence and Notifications**

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

**7. Presentation**

- a. Elkins Parks and Recreation Director Tom Tesar

- b. Elkins Depot Welcome Center and Elkins-Randolph Tourism CVB Director Anne Beardslee

**8. Committee Reports**

**9. Staff reports**

**10. Approval of vendor invoice payments**

Vendor invoices presented for approval:

- A/P History Check Report for the period February 14 – 25, 2022

(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.)

**11. New business**

- a. *Ordinance 296*: An Ordinance of the City of Elkins, West Virginia to Amend and Revise Elkins City Code Section 92.002 Fire Seasons: Outdoor Fires (2<sup>nd</sup> and final reading)
- b. *Ordinance 297*: An Ordinance of the Common Council Of Elkins, West Virginia , Pursuant to Petition Filed By Robert L. Morris, Jr., Executive Director, On Behalf of The Randolph County Development Authority, Regarding Certain Tracts of Real Property In Leadsville District, Randolph County, Owned By the Randolph County Development Authority And Known And Identified as Area 1 and Area 2 On The Attached Plat, To Incorporate and Annex Such Property Into The City of Elkins Pursuant To West Virginia Code §8-6-4 (1<sup>st</sup> of two readings)
- c. *Resolution 1498*: Authorizing Application and Acceptance of Various Grants for the benefit of the Kump Education Center
- d. *Resolution 1499*: Authorizing the Disposition of Elkins Police Department Vehicles
- e. *Resolution 1500*: Accepting Conditions of Lease between the Elkins Historic Landmarks Commission and the City of Elkins, and Authorizing Execution of Agreement
- f. *Health Insurance Premium increase*

**12. Mayor’s comments**

**13. Adjournment**

## ***Proposed Minutes***

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

***401 Davis Avenue  
Council Chamber, 2nd Floor  
February 17, 2022  
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; Fire Chief S.D. Himes; Probationary Patrolman Goux; Interim Operations Manager M. Himes; City Attorney G. S. Roberts; and City Clerk J.R. Sutton (acting as recording secretary).

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

### **MINUTES**

Cm. Chenoweth, **MOVED APPROVAL OF THE MINUTES OF THE FEBRUARY 3, 2022.** The motion carried.

### **CORRESPONDENCE AND NOTIFICATIONS**

Council received the following correspondence and notifications:

- Issued building permits
- Treasurer's report
- Events
- Elkins Tree Board annual report
- Tree City USA summary
- Approved minutes of council committees, boards, and commissions

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>220023</b>	<b>Jobe, Nancy</b>	<b>31 Cherry St</b>	<b>Replace Roof Shingles</b>	<b>11,000.00</b>
<b>220024</b>	<b>Epperson, Mark</b>	<b>39 Cherry St</b>	<b>Remodel Bath, Kitchen &amp; Upgrade Electric</b>	<b>11,000.00</b>
<b>220025</b>	<b>Louk, Robert</b>	<b>220 Central St.</b>	<b>Electric Service</b>	<b>3,400.00</b>

**Proposed Minutes**

<b>ISSUED BUILDING PERMITS</b>				
<b>Permit</b>	<b>Applicant</b>	<b>Location</b>	<b>Description</b>	<b>Value</b>
<b>220026</b>	<b>Davis, Matt &amp; Sherri</b>	<b>3 Guy St</b>	<b>Remodel Kitchen &amp; 2 Baths</b>	<b>10,000.00</b>
<b>220027</b>	<b>Bialek, James</b>	<b>110 Evergreen Dr</b>	<b>Change Office into Bath</b>	<b>10,000.00</b>
<b>220028</b>	<b>Crider, Janet</b>	<b>116 Chestnut St</b>	<b>Repair Roof and Ceiling</b>	<b>6,900.00</b>

**PRESENTATION**

Maryann Durland, President of the Elkins Historic Landmarks Commission reviewed past, current, and future activities of the organization. They completed approval of the new Graham-Davis historical district; oversaw improvements to the Darden Carriage House; offered for sale historical plaques; and received an assessment of the Darden House from Mike Gioulis. The commission continues to work on extending the downtown historical district, the Maplewood Cemetery, and increases use of the Darden House. Ms. Durland also presented information on two grants they are seeking city approval to apply for.

Nanci Bross-Fregonara, Secretary of the Elkins Tree Board and councilor, provided the organization's annual report detailing their accomplishments in 2021. Mrs. Bross-Fregonara is very pleased with the diverse, educated and committee board members currently serving. She highlighted the Tree City USA Growth Award the city received and the intention to apply for the Tree City USA designation for the fourteenth year in a row. Mrs. Bross-Fregonara thanked council for the additional funding to support their contract with an arborist. This has had a very positive effect on their work. She also expressed appreciation for their partnerships with the WV. DOF, Kump Education Center, Emma Scott Garden Club, and Elkins Parks and Recreation Commission.

**COMMITTEE REPORTS** were provided by all chairs.

**STAFF REPORTS** were provided by administrative officers present and the chief wastewater operator.

**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 January 31 – February 11, 2022.

**Proposed Minutes**

**UNFINISHED BUSINESS**

Cm. Chenoweth, **MOVED APPROVAL OF ENTERING INTO EXECUTIVE SESSION TO DISCUSS RETROACTIVE PAY FOR TEMPORARY ASSIGNMENT FOR SPECIFIC EMPLOYEES.** The motion carried. Council entered into executive session at 8:02 p.m. and returned at 8:11 p.m. The chair announced that no action was taken.

**NEW BUSINESS**

Cw. Cuonzo, **MOVED APPROVAL OF ORDINANCE 295: AN ORDINANCE OF THE CITY OF ELKINS, WEST VIRGINIA TO VACATE, ABANDON, AND CLOSE A PORTION OF THOSE CERTAIN PUBLIC RIGHTS OF WAY OF AN UNOPENED ALLEY KNOWN AS COKE LANE WHICH LIES BEHIND THE RANDOLPH COUNTY HOUSING AUTHORITY OWNED PROPERTY KNOWN AS RIVERSIDE PLACE APARTMENTS, FORMERLY KNOWN AS “ALLEGHENY APARTMENTS” LOCATED ON S. DAVIS AVENUE, ELKINS, W.VA. (2<sup>ND</sup> AND FINAL READING).** The motion carried.

Cm. Parker, **MOVED APPROVAL OF ORDINANCE 296: AN ORDINANCE OF THE CITY OF ELKINS, WEST VIRGINIA TO AMEND AND REVISE ELKINS CITY CODE SECTION 92.002 FIRE SEASONS: OUTDOOR FIRES (1<sup>ST</sup> OF TWO READINGS).** The motion carried.

Cm. Hinchman, **MOVED APPROVAL OF RESOLUTION 1491: AUTHORIZING APPLICATION FOR STATE FARM NEIGHBORHOOD ASSIST GRANT BY THE ELKINS FIRE DEPARTMENT .** The motion carried.

Cm. Hinchman, **MOVED APPROVAL OF RESOLUTION 1492: GENERAL FUND BUDGET REVISIONS NO. 9 AND 10 FOR FY22.** The motion carried.

Cm. Hinchman, **MOVED APPROVAL OF RESOLUTION 1493: APPROVAL OF BUDGET REVISION 2022-001-04 FOR FISCAL YEAR 2022.** In accordance with the requirements of the state auditor’s office for interdepartmental budget revisions, the chair ordered a roll-call vote. The recording secretary called roll in random order. The motion carried. Council votes were as follows:

N. Bross-Fregonara	Yes	J. Guye	Yes	D. Parker	Yes
R. Chenoweth	Yes	C. Higgins	Yes	L. Vest	Yes
M. Cuonzo	Yes	M. Hinchman	Yes	Mayor J. Marco (in case of tie)	n/a
C. Friddle, III	Yes	C. Lowther	absent		

Cm. Hinchman, **MOVED APPROVAL OF RESOLUTION 1494: AUTHORIZING CLOSURE OF MOUNTAIN VALLEY BANK ACCOUNT USED FOR THE PURPOSE OF THE WATER SYSTEM IMPROVEMENTS PROJECT.** The motion carried.

**Proposed Minutes**

Cm. Chenoweth, **MOVED APPROVAL OF RESOLUTION 1495: APPROVING “FULL-TIME REGULAR EMPLOYEE” STATUS AND CONFIRMING COMPENSATION LEVEL FOR G. HARTLEY.** The motion carried.

Cw. Cuonzo, **MOVED APPROVAL OF RESOLUTION 1496: ACCEPTING CONDITIONS OF AGREEMENT BETWEEN UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) ANIMAL PLANT HEALTH INSPECTION SERVICE (APHIS) WILDLIFE SERVICE (WS) AND THE CITY OF ELKINS, AND AUTHORIZING EXECUTION OF AGREEMENT.** The motion carried.

Cm. Chenoweth, **MOVED APPROVAL OF RESOLUTION 1497: AMENDING THE CITY OF ELKINS PERSONNEL POLICY CH. 4.G: TEMPORARY ASSIGNMENT.** The motion carried.

Cm. Friddle, **MOVED APPROVAL OF ENTERING INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PROSPECTIVE PERSONNEL, SPECIFICALLY THE APPOINTMENT OF AN OPERATIONS MANAGER.** The motion carried. Council entered executive session at 8:21 p.m. and returned at 8:36 p.m. The chair announced that no action was taken.

Cm. Friddle, **MOVED APPROVAL OF THE APPOINTMENT OF JOSHUA SANSON AS THE CITY OF ELKINS OPERATIONS MANAGER EFFECTIVE FEBRUARY 28, 2022 AND AT A COMPENSATION LEVEL OF \$58,000 ANNUALLY.** The motion carried.

Cw. N. Bross-Fregonara advised council of recent discussion in the Rules & Ordinances Committee regarding what happens in the downtown with sidewalks and other streetscape features. The City has adopted a streetscape vision and best practices, but no enforceable guidelines. She is recommending the city put out an RFQ to secure a firm for a streetscape design to meet City and Main Street goals. She will also be looking at funding options for the services.

Treasurer T. Judy notified council of a five percent (5%) increase in health care insurance premiums effective July 1, 2022. This equates to approximately \$12 – 15,000 for general fund employees. Mrs. Judy reports there have been no increases to the employee portion of premiums for around five years. She is requesting council guidance on if the city wants to absorb the increase or if it should be passed on to employees. This will have to be determined prior to sending final budgets to the Auditor. Council requested that the increase be attributed to the city for now, but that the issue be taken to the February 28<sup>th</sup> Personnel Committee meeting and to council on March 3<sup>rd</sup> for a final decision.

**MAYOR’S COMMENTS**

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

The meeting adjourned at 8:53 p.m.

**Proposed Minutes**

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

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

*Attest:*

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

# BUILDING PERMITS

Presented at council meeting of: March 3, 2022

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

ISSUED BUILDING PERMITS				
Permit	Applicant	Location	Description	Value
220024	Epperson, Mark	39 Cherry St	Remodel Bath, Kitchen & Upgrade Electric	11,000.00
220025	Louk, Robert	220 Central St.	Electric Service	3,400.00
220026	Davis, Matt & Sherri	3/Guy St	Remodel Kitchen & 2 Baths	10,000.00
220027	Bialek, James	110 Evergreen Dr	Change Office into Bath	10,000.00
220028	Crider, Janet	116 Chestnut St	Repair Roof and Ceiling	6,900.00
220029	Fitzgibbon, Andy	1646 Taylor Ave	Electric Service	4,800.00
220030	Derring, Scott	513 Davis Ave	Electric Service	1,200.00
220031	Hymes, Tiffany	1522 S Davis Ave	Replace Roof Shingles	7,669.00
220032	Pifer, Susan	206 Southview Dr	Replace Roof Shingles	11,980.00
220033	Pritt, Arthur	109 Conaway Dr	Construct a Deck	800.00
220034	Conrad, Allen	403 Scott Ford Rd	Parking Pad	4,500.00
220035	Alverado, Brenda	114 Second St	Electric Upgrade	2,000.00
220036	Brown, William	7 Eleventh St.	Build Metal Building	60,000.00
220037	Randolph Co Development Authority	10 Eleventh St.	Concrete Floor	11,475.00
220038	Harper, Gyvonne	111 Davis St ***	Dewatering System	19,399.00
220039	Vandevender, Lena	219 Davis St	Demo Block Garage	1,000.00
220040	Jamar, Stephanie	209 Graham St	Electrical Upgrade	800.00
220041	Hutton, Brandi	136 Guy St	New Siding	1,900.00
220042	Andrevich, Elizabeth	62 Eleventh St	Electrical Service	2,000.00
220043	Reneau, Jeremy	137 Guy St	Remodel Porch and Closet	4,000.00
220044	Doerr Development LLC	401-403 Edgewater Dr	Build Two 1400 Sq Ft Bungalows	400,000.00
220045	Mountain Mama's Storage	340 Graham St ***	Replace Roof Shingles	5,000.00
220046	Gillispie, Sidney	114 Earle St	Remodel Bathroom	10,000.00



# ELKINS TREE BOARD

## MEETING MINUTES

Darden House, Davis Ave.

February 1, 2022 • 5:30 p.m.

**Present:** Marilyn Cuonzo, Chair; Nanci Bross-Fregonara, Secretary; Linda Silva, Treasurer; and members Linda Burke, Ryan LaBrozzi, Sam Golston and Angela Daniels. AmeriCorps member Haley Shreve, FOT coordinator Katy McClane and EPRC Director Tom Tesar were also present.

### PUBLIC COMMENT

No public comment.

### MINUTES

**CUONZO MOVED APPROVAL OF THE MINUTES OF THE JANUARY 11, 2022, MEETING. MOTION CARRIED.**

### BUDGET REPORT

Silva reported the current ETB budget balance is: **\$2,924.96**. Fencing, t-posts and 56 trees were ordered. **DANIELS MOVED APPROVAL OF THE BUDGET REPORT. MOTION CARRIED.**

### OLD BUSINESS

**CITY PARK UNDERSTORY PROGRAM/EPRC Discussion:** 30 trees will be planted (locations determined). Shreve will work with other volunteers to set planting date which will include AmeriCorps members and Friends of Trees/D&E students. Other EPRC priorities include adding more trees to Pollinator Alley (Tesar will work with Golston on this) and finishing the Toumayan Trail interpretive trunks project. Shreve to gather EPRC, WV DNR, and ETB to move this project forward.

**LIBRARY PROJECT:** Due to the current status of library, this project has been put on hold.

### NEW BUSINESS

**CALENDAR OF EVENTS:** Pruning/grafting Workshop set for March with Dave Proudfoot at Kump House. Details to come, but tentatively planning on March 26. Pruning workshop at Glendale with DOF folks will be set with Sam Adams when it is convenient for him (usually during the week). Plans to add trees to Bluegrass Park were discussed. LaBrozzi to coordinate effort with Tesar and gather volunteers once date is fixed. Trees from the ETB nursery can be used. Still awaiting word from the Mon Power trees project from DOF folks.

**ARBOR DAY:** The ETB Arbor Day Planting ceremony will take place April 29 at Glendale Park at 2 p.m. The ETB will work with the RC Democratic Women's Club Earth Day celebration set for April 30 at City Park.

**ANNOUNCEMENTS:** *Golston expressed the desire to see the Urban Canopy project with its previous goals, be revisited. Biola had initiated the project years ago and former AmeriCorps member Eric Schwartz began work on that, but that has not been worked on since he left.*

The next regular meeting of the Tree Board is set for **Tuesday, March 1 at 5:30 p.m.** The meeting was adjourned at 7 p.m.

The foregoing minutes were approved at the meeting of March 1, 2022, 2021.

Marilyn Cuonzo, Chair  
Name & Title

Marilyn Cuonzo  
Signature

# SPECIAL HIRING COMMITTEE MEETING MINUTES

*401 Davis Avenue  
City Hall, Council Chambers  
February 3, 2022  
11:00 a.m.*

Present were Committee Members: Cm. C. Friddle, chair; Cm. D. Parker; Mayor J. Marco; and City Clerk J. Sutton

## MINUTES

Cm. Parker, **MOVED APPROVAL OF THE MINUTES OF THE JANUARY 18, 2022.** The motion carried.

## NEW BUSINESS

Cm. Friddle, **MOVED APPROVAL TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PROSPECTIVE EMPLOYEES.** The motion carried. The committee entered into executive session at 11:05 a.m. and returned at 11:33 a.m. The chair announced that no action was taken.

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

The meeting adjourned at 11:34 a.m.

The foregoing minutes were approved at the meeting of n/a, 2022 (final meeting)

Jessica Sutton, City Clerk  
Name & Title

James R. Sutton  
Signature

**PERSONNEL COMMITTEE  
REGULAR MEETING  
MINUTES**

*401 Davis Avenue  
City Hall, Council Chambers  
February 10, 2022  
12:00 p.m.*

Present were Committee Members: R. Chenoweth, chair; C. Lowther; and L. Vest

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

**MINUTES**

XYZ, MOVED APPROVAL OF THE MINUTES OF THE JANUARY 13, 2022, MEETING. The motion carried.

**UNFINISHED BUSINESS**

Cm. Lowther, MOVED APPROVAL OF A RECOMMENDATION TO COUNCIL TO AMEND THE CITY OF ELKINS PERSONNEL MANUAL SEC. 4.G. TO REFLECT THE CHANGES DISCUSSED AND AGREED UPON BY THE COMMITTEE TODAY. The motion carried.

**NEW BUSINESS**

Without objection the chair moved item b to the first item of new business.

Cm. Lowther, MOVED APPROVAL FOR THE COMMITTEE TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING RETROACTIVE PAY FOR TEMPORARY ASSIGNMENT. The motion carried. The committee entered executive session at 12:47 p.m. and returned at 1:12 p.m. The chair announced that no action was taken and that he would confer with the Treasurer regarding the application of personnel policy section 4.G.

Committee chair R. Chenoweth inquired about the status of the compensation review. City Clerk J. Sutton advised that the administrative officers were working on this but not prepared to present information today. There was some conversation including AlignHR representative L. Hannigan, the committee and administrators to clarify the next steps. The committee requested a special call meeting be scheduled for February 28, 2022, at 12:00 p.m. to discuss this item.

Cm. Lowther, MOVED APPROVAL OF THE DISTRIBUTION OF OPERATIONS EMPLOYEE SALARIES ACROSS FUNDS AS FOLLOWS:

**OPERATIONS MANAGER = 75% GENERAL FUND + 25% SANITATION FUND**

**OPERATIONS ASSISTANT = 25% GENERAL FUND + 25% WATER FUND + 25% WASTEWATER (SEWER) FUND + 25% SANITATION FUND**  
**OPERATIONS ADMINISTRATIVE ASSISTANT = 75% GENERAL FUND + 25% SANITATION FUND**  
**GIS TECHNICIAN = 50% GENERAL FUND + 25% WATER FUND + 25% WASTEWATER (SEWER) FUND**

The motion carried.

### ANNOUNCEMENTS

Treasurer T. Judy provided projections of longevity pay costs should the city choose to adopt this policy and asks that this be on the next personnel meeting agenda for discussion.

Mrs. Judy also reports that health insurance premiums will increase by 5% next fiscal year. She will be asking council if they want to absorb this increase or pass it on to employees.

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

The meeting adjourned at 1:36 p.m.

The foregoing minutes were approved at the meeting of Feb. 28, 2022

Robert Chenoweth, Chair  
Name & Title

Robert Chenoweth  
Signature

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE: 2/14/2022 THRU 2/25/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00741	Great-West Trust Company LLC							
I-VF 202202221301	Voya	D	2/22/2022	420.00		003409		
I-VF2202202221301	Voya AT	D	2/22/2022	50.00		003409		470.00
00032	Absolute Assurance Drug Test L							
I-3902A	Random Testing	R	2/15/2022	148.00		011224		
I-3903A	Random Testing	R	2/15/2022	264.00		011224		412.00
00047	Truist Governmental Finance							
I-00004 022722	9948000234-04 022722	R	2/15/2022	2,256.75		011225		
I-00005 022422	9948000234-05 022422	R	2/15/2022	2,596.05		011225		
I-00006 022722	9948000234-06 022722 #7	R	2/15/2022	2,643.26		011225		7,496.06
00075	Encova Insurance							
I-36242775	WCB 2/1/22 installment	R	2/15/2022	6,090.00		011226		6,090.00
00202	Davis Trust Company							
I-12755 022222	3113776-12755 #50 022222	R	2/15/2022	4,256.84		011227		4,256.84
00211	Depot Welcome Center							
I-H/M DEC 2021	H/M Collection Dec 2021	R	2/15/2022	3,699.32		011228		3,699.32
00247	Elkins Truck Service, Inc							
I-152164	Chain Spreaders	R	2/15/2022	179.94		011229		179.94
00314	Guttman Energy, Inc.							
I-F61494931	Fleet Fuel 012422-013022	R	2/15/2022	3,688.26		011230		3,688.26
00396	Kay Casto & Chaney PLLC							
I-137359	Billie v EMWD	R	2/15/2022	894.50		011231		894.50
00465	Steve's Electrical Service LLC							
I-202174	Labor 011322-012022	R	2/15/2022	1,000.00		011232		
I-202176	Maint/Labor 0120-012722 parts	R	2/15/2022	2,050.00		011232		
I-202177	Labor 012722-020322	R	2/15/2022	1,800.00		011232		4,850.00
00468	Miss Utility of West Virginia,							
I-WV22-79	Message Fees January 2022	R	2/15/2022	87.30		011233		87.30
00471	Mon Power							
I-CITYPARK 020922	City Park 011222-020722	R	2/15/2022	5.80		011234		
I-RRAVE 021422	SW Morris/RRave 0114-021022	R	2/15/2022	7.70		011234		13.50

VENDOR SET: 01 Elkins  
 BANK: Pool Pooled Cash  
 DATE RANGE: 2/14/2022 THRU 2/25/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00483	Mountain Valley Bank							
I-1202553-15	022822 1202553-15 022822 55/60	R	2/15/2022	841.58		011235		
I-1202553-16	022822 1202553-16 022822 55/60	R	2/15/2022	576.24		011235		
I-1202553-21	022822 1202553-22 022822 41/84	R	2/15/2022	2,369.18		011235		3,787.00
00540	Pitney Bowes Inc							
I-1019547096	Postage Meter Supplies	R	2/15/2022	634.94		011236		634.94
00551	Preiser Scientific, Inc.							
I-537224-3 -4	Lab Chemicals	R	2/15/2022	2,769.98		011237		2,769.98
00590	Reserve Account - Pitney Bowes							
I-Pstg Alloc 01/22	Postage Allocation 01/2022	R	2/15/2022	470.33		011238		470.33
00665	State Electric Supply Company							
I-15781716-00	Ground Fault	R	2/15/2022	1,363.00		011239		1,363.00
00701	Toshiba Financial Services							
I-464287580	Tosh-E4515AC 012722-022722	R	2/15/2022	205.35		011240		205.35
00707	Trickett Hardware, Inc.							
I-4997	Drill pump/fern-co	R	2/15/2022	15.48		011241		15.48
00726	USA Blue Book							
I-820939	Beveler/Dollys/Socket Set	R	2/15/2022	2,752.90		011242		2,752.90
00779	Woodford Oil Company							
I-4275758	CHV Capella WF 68 6/1	R	2/15/2022	260.16		011243		
I-4278558	134 gal dyed diesel w/add	R	2/15/2022	454.26		011243		714.42
00799	WV Dept of Transportation							
I-WS4597	Insp Fee-SLS9 @ CR9 Harpertwn	R	2/15/2022	255.00		011244		255.00
00900	National Road Utility Supply,							
I-332511-12-14	Main line/Service line Supplie	R	2/15/2022	5,337.13		011245		
I-332513	Cplngs/Tubing/Gaskets	R	2/15/2022	895.44		011245		6,232.57
01066	Steve's Welding & Fabrication,							
I-SW3651	Hydrostatic testing cylinders	R	2/15/2022	2,503.65		011246		2,503.65
01313	COE Water O & M Account							
I-Wtr O/M Dep 013122	Water O/M Deposit 013122	R	2/15/2022	6,702.33		011247		6,702.33

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE: 2/14/2022 THRU 2/25/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01390	Phoenix Solutions, LLC							
I-3788	Chemicals	R	2/15/2022	10,147.50		011248		
I-3800	Chemicals	R	2/15/2022	3,121.33		011248		
I-3832	Chemicals	R	2/15/2022	2,670.00		011248		
I-3855	Chemicals	R	2/15/2022	6,782.00		011248		22,720.83
01445	Linda Silva							
I-CKREQ 021022	Reimb for hose cart	R	2/15/2022	129.98		011249		129.98
01594	Pace Analytical Services LLC							
I-Preliminary	Analytical Charges	R	2/15/2022	958.50		011250		958.50
01681	DataMax Corporation							
I-01312022	BL Revenue 01/2022	R	2/15/2022	9,313.13		011251		9,313.13
01697	C-Com LLC							
I-654126	Labor-WL Adapter-Sonic Firewal	R	2/15/2022	2,612.00		011252		
I-654127	Labor/Repairs-Computers	R	2/15/2022	2,175.00		011252		
I-654128	Monthly Maint/Upgrade Macrium	R	2/15/2022	1,525.00		011252		6,312.00
01751	COE WWTP							
I-202201201627	WTP Backwash 12/2021	R	2/15/2022	1,060.53		011253		1,060.53
01790	Crim Law Office PLLC							
I-248	Attny Srvs Water Bd 08/2021	R	2/15/2022	200.00		011254		
I-258	Attny Srvs - Water Bd 10/2021	R	2/15/2022	1,030.00		011254		
I-260 ATTNY	City Attny Serv November 2021	R	2/15/2022	6,360.00		011254		7,590.00
01833	P3 Cost Analysts							
I-11627	Telecom/Utility Savings	R	2/15/2022	1,593.72		011255		1,593.72
01854	Mission Communications LLC							
I-1059638	SCADA Alarm Monitor	R	2/15/2022	359.40		011256		359.40
02194	Northern Eagle Inc							
I-0700877-Street	Skid Drinking Water	R	2/15/2022	252.00		011257		252.00
02217	Steve Hannan Construction							
I-17	Labor to install insulation	R	2/15/2022	6,650.00		011258		6,650.00
02256	Zoro.com							
I-SO25120446	Fittings	R	2/15/2022	101.40		011259		
I-SO25171404	Fittings	R	2/15/2022	107.40		011259		208.80



VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE: 2/14/2022 THRU 2/25/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01753	Fifth Third Bank							
C-WVSTATEPOLICE	Rtn 2nd set of inspec stickers	R	2/15/2022	210.00CR		011260		
I-MCard Pmt 013122	MasterCard Stmt Pmt 013122	R	2/15/2022	74,378.03		011260		74,168.03
1	GLADY LLC							
I-000202202151299	US REFUND	R	2/15/2022	605.50		011261		605.50
1	WALGREEN CO.							
I-000202202171300	US REFUND	R	2/17/2022	2,144.39		011262		2,144.39
0016	Child Support Enforcement							
I-CDS202202221301	Child Support	R	2/22/2022	528.00		011263		528.00
00121	Citizens Bank of WVFP							
I-FP 202202221301	Fire Pension	R	2/22/2022	506.23		011264		506.23
00122	Citizens Bank of WVpp							
I-PP 202202221301	Police Pension	R	2/22/2022	146.69		011265		
I-PPN202202221301	Police Pension-2010 Forward	R	2/22/2022	361.88		011265		508.57
00147	COE Misc							
I-MIS202202221301	Misc Reimbursements	R	2/22/2022	203.00		011266		203.00
00150	COE Payroll							
I-T1 202202221301	Federal Withholding	R	2/22/2022	11,516.20		011267		11,516.20
00151	COE Payroll							
I-T3 202202221301	FICA	R	2/22/2022	12,461.32		011268		
I-T4 202202221301	Medicare	R	2/22/2022	4,216.26		011268		16,677.58
00152	COE Payroll							
I-T2 202202221301	State Withholding	R	2/22/2022	5,709.00		011269		5,709.00
00203	Davis Trust Company							
I-CC 202202221301	Employee Christmas Club	R	2/22/2022	1,840.00		011270		1,840.00
00747	Washington National Insurance							
I-WN 202202221301	Washington National Insurance	R	2/22/2022	879.47		011271		879.47
00837	COE Payroll Reimbursement							
I-001202202221301	Payroll Reimbursement	R	2/22/2022	64,361.57		011272		
I-006202202221301	Payroll Reimbursement	R	2/22/2022	4,521.23		011272		
I-400202202221301	Payroll Reimbursement	R	2/22/2022	17,063.75		011272		
I-401202202221301	Payroll Reimbursement	R	2/22/2022	13,410.41		011272		
I-404202202221301	Payroll Reimbursement	R	2/22/2022	6,677.26		011272		106,034.22

VENDOR SET: 01 Elkins  
BANK: Pool Pooled Cash

DATE RANGE: 2/14/2022 THRU 2/25/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01885	Colonial Life							
	I-CL 202202221301 Colonial Life-AT	R	2/22/2022	122.06		011273		
	I-CLP202202221301 Colonial Life-PT	R	2/22/2022	52.52		011273		174.58
00096	AFLAC							
	I-AF 202202081298 Aflac-After Tax Ins	R	2/22/2022	51.48		011274		
	I-AF 202202221301 Aflac-After Tax Ins	R	2/22/2022	51.48		011274		
	I-AFL202202081298 Aflac Insurance	R	2/22/2022	99.30		011274		
	I-AFL202202221301 Aflac Insurance	R	2/22/2022	99.30		011274		301.56
00242	Elkins Professional Firefighte							
	I-EPF202202081298 Elkins Professional FF	R	2/22/2022	90.00		011275		
	I-EPF202202221301 Elkins Professional FF	R	2/22/2022	90.00		011275		180.00
00591	Retiree Health Benefit Trust F							
	I-RChen Feb 2022 RCheoweth Feb 2022	R	2/22/2022	48.00		011276		
	I-RHB202202221301 Retiree Health Benefit Trust	R	2/22/2022	3,360.00		011276		
	I-Retires 02/22 RHBT Feb 2022	R	2/22/2022	2,176.80		011276		5,584.80
00792	WV Consolidated Retirement Boa							
	I-RTD202202081298 Retirement	R	2/22/2022	6,692.16		011277		
	I-RTD202202221301 Retirement	R	2/22/2022	6,921.32		011277		13,613.48
00805	FBMC							
	I-MFB202202081298 Mt. Flex Benefit	R	2/22/2022	1,601.19		011278		
	I-MFB202202221301 Mt. Flex Benefit	R	2/22/2022	1,601.19		011278		
	I-RChen Feb 2022 RChenoweth Feb 2022	R	2/22/2022	55.60		011278		3,257.98
00810	WV Public Employee Insurance A							
	I-BL 202202221301 Basic Life Benefit	R	2/22/2022	180.00		011279		
	I-BL1202202221301 Basic Life Benefit +	R	2/22/2022	1.30		011279		
	I-DL 202202081298 Dependent Life	R	2/22/2022	83.27		011279		
	I-DL 202202221301 Dependent Life	R	2/22/2022	83.27		011279		
	I-HPA202202081298 Ins-Health Plan A	R	2/22/2022	719.00		011279		
	I-HPA202202221301 Ins-Health Plan A	R	2/22/2022	719.00		011279		
	I-ICA202202081298 Ins - Emp/Child-Plan A	R	2/22/2022	901.00		011279		
	I-ICA202202221301 Ins - Emp/Child-Plan A	R	2/22/2022	901.00		011279		
	I-ICB202202081298 Ins- Emp/child - Plan B	R	2/22/2022	792.00		011279		
	I-ICB202202221301 Ins- Emp/child - Plan B	R	2/22/2022	792.00		011279		
	I-IFA202202081298 Ins - Family - Plan A	R	2/22/2022	11,948.50		011279		
	I-IFA202202221301 Ins - Family - Plan A	R	2/22/2022	11,948.50		011279		
	I-IFB202202081298 Ins - Family - Plan B	R	2/22/2022	6,769.00		011279		
	I-IFB202202221301 Ins - Family - Plan B	R	2/22/2022	6,769.00		011279		
	I-IFD202202081298 Ins-Fam-Plan B - Post Tax	R	2/22/2022	450.50		011279		
	I-IFD202202221301 Ins-Fam-Plan B - Post Tax	R	2/22/2022	450.50		011279		
	I-ISA202202081298 Ins - Single - Plan A	R	2/22/2022	3,510.00		011279		
	I-ISA202202221301 Ins - Single - Plan A	R	2/22/2022	3,510.00		011279		
	I-ISB202202081298 Ins-Single - Plan B	R	2/22/2022	2,304.50		011279		

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE: 2/14/2022 THRU 2/25/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-ISB202202221301	Ins-Single - Plan B	R	2/22/2022	2,304.50		011279		
I-OL 202202081298	Optional Life	R	2/22/2022	318.80		011279		
I-OL 202202221301	Optional Life	R	2/22/2022	318.80		011279		
I-RChen Feb 2022	RChenoweth Health/Life 2/22	R	2/22/2022	1,041.00		011279		
I-TOF202202081298	Tobacco Surcharge Family	R	2/22/2022	375.00		011279		
I-TOF202202221301	Tobacco Surcharge Family	R	2/22/2022	375.00		011279		
I-TOS202202081298	Tobacco Surcharge Single	R	2/22/2022	125.00		011279		
I-TOS202202221301	Tobacco Surcharge Single	R	2/22/2022	125.00		011279		57,815.44
00952	WV Consolidated Retirement Boa							
I-RTF202202081298	Retirement	R	2/22/2022	2,078.86		011280		
I-RTF202202221301	Retirement	R	2/22/2022	2,225.00		011280		
I-RTN202202081298	Retirement	R	2/22/2022	3,312.46		011280		
I-RTN202202221301	Retirement	R	2/22/2022	3,479.50		011280		11,095.82
00993	WV Consolidated Retirement Boa							
I-RT6202202081298	Retirement 6%	R	2/22/2022	7,811.74		011281		
I-RT6202202221301	Retirement 6%	R	2/22/2022	7,674.75		011281		15,486.49
00119	CIT Technology Finance Serv, I							
I-39452427	Kyocera 030622	R	2/23/2022	52.50		011282		
I-39458888	Konica Contract 3/8/22	R	2/23/2022	55.00		011282		107.50
00126	City of Clarksburg							
I-20220214363-8941	Compost 011322	R	2/23/2022	55.20		011283		55.20
00169	Assured Partners of West Virgi							
I-18670	Position Bond Renewal	R	2/23/2022	1,477.00		011284		1,477.00
00214	The Digital Soup LLC							
I-22375	Migrate PAC software	R	2/23/2022	75.00		011285		75.00
00244	Elkins Rotary Club							
I-4350	Annual Meal Costs	R	2/23/2022	930.00		011286		930.00
00314	Guttman Energy, Inc.							
I-F61566646	Fleet Fuel 013122-020622	R	2/23/2022	3,299.28		011287		3,299.28
00791	Toshika Financial Services							
I-465519791	LEX C4150 T-E3005AC	R	2/23/2022	221.37		011288		221.37
00810	WV Public Employee Insurance A							
I-Admn Fees 02/2022	Mallow/Singleton Admn Fees	R	2/23/2022	100.00		011289		100.00

VENDOR SET: 01 Elkins  
 BANK: Pool Pooled Cash  
 DATE RANGE: 2/14/2022 THRU 2/25/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00944	Interstate Rescue							
I-35236	Hurst Rescue Tool Annual Serv	R	2/23/2022	2,245.00		011290		2,245.00
01986	The Cincinnati Insurance Compa							
I-6788847 021222	Bond Premium 6788847	R	2/23/2022	1,000.00		011291		1,000.00
02270	Seth Davis							
I-Reimb 021522	Reimb Windshield Wipers/Fluid	R	2/23/2022	65.37		011292		65.37
02275	Douglas Shoulders							
I-PerDiem2/25/22	WD training classes	R	2/25/2022	667.50		011293		667.50
02276	Ronald Walters, Jr.							
I-Per Diem 2/25/22	WD training classes	R	2/25/2022	272.50		011294		272.50

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

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	71	456,569.62	0.00	456,569.62
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	1	470.00	0.00	470.00
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: Pool TOTALS:	72	457,039.62	0.00	457,039.62
BANK: Pool TOTALS:	72	457,039.62	0.00	457,039.62
REPORT TOTALS:	72	457,039.62	0.00	457,039.62

SELECTION CRITERIA

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

CHECK SELECTION

CHECK RANGE: 000000 THRU 999999  
DATE RANGE: 2/14/2022 THRU 2/25/2022  
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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## ORDINANCE 296

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**AN ORDINANCE OF THE CITY OF ELKINS, WEST VIRGINIA TO AMEND  
AND REVISE ELKINS CITY CODE SECTION 92.002 FIRE SEASONS:  
OUTDOOR FIRES**

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**WHEREAS**, the Common Council of the City of Elkins, West Virginia has previously determined that the adoption of the West Virginia State Fire Code is in the best interest of the citizens and residents of the City of Elkins by safeguarding the life and property of such citizens and residents from the hazards of fire and explosion within the corporate limits of the City of Elkins; as authorized by W.Va. Code §8-12-5(15) and W.Va. Code §8-11-4; and

**WHEREAS**, the Common Council has determined that it is in the best interests of its citizens and residents to amend Elkins City Code §92.002 Fire Seasons: Outdoor Fires and to repeal and rescind two other Sections in the same Chapter that are no longer necessary in light of the amended Section; and

**NOW THEREFORE, BE IT ORDAINED and ENACTED** by the Common Council of the City of Elkins, West Virginia that (1) Elkins City Code §92.002 Fire Seasons: Outdoor Fires shall be amended as follows and (2) Elkins City Code §92.003 Burning Paper, Refuse, and the Like: In Streets and §92.018 Amendments shall be repealed and rescinded as no longer necessary:

§92.002 – Outdoor Fire: Burning for Disposal

(A) Fires to dispose of natural, untreated, and unprocessed materials (such as tree trimmings, grass, leaves, and similar garden waste) are permitted inside the City limits on the following days and times:

- 5 p.m. Thursdays to 7 a.m. Fridays
- 5 p.m. Fridays to 7 a.m. Saturdays
- 5 p.m. Saturdays to 7 a.m. Sundays

All such fires are to be fully extinguished by 7 a.m.

- (1) Prior to such fires, a permit must be applied for and received from the Chief of the Elkins Fire Department or a designee thereof. The Fire Chief shall have discretion in issuing these permits and may require changes to the proposed burning plan as necessary to reduce the risk of harm to life and property.
  - (2) Before such fires are ignited, the area immediately surrounding the material to be burned shall be cleared of other flammable material for a distance sufficient to ensure that the fire will be contained. This safety strip shall in no event measure less than 10 feet from all sides of the material to be burned.
  - (3) Fires shall be attended at all times. The issuance of permits does not relieve holders thereof from their responsibility to monitor wind and other conditions that may necessitate the cancelling or early extinguishing of otherwise permitted fires. Elkins Fire Department personnel also have the authority to order the extinguishing of any fire, permitted or not, when in their judgment it poses a risk to life or property.
- (B) Fires to dispose of non-natural materials, including but not limited to paper, garbage, lumber and other construction debris, and other refuse, are prohibited, even if contained in a “burn barrel” or similar container.
- (C) Fires to clear grasslands or forests are prohibited.
- (D) Small fires set for the purpose of food preparation or for providing light or warmth, the area around which has been cleared of flammable materials in the manner described above, are allowed whenever wind and other conditions do not render them unsafe.
- (E) Any person who sets or causes to be set any fire in violation of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount set forth by Council from time to time.

(F) Any person who sets or causes to be set any fire that escaped the safety strip and causes damage to the lands or property of another is guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount set forth by Council from time to time.

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.

This Ordinance shall become effective upon passage.

PASSED AND APPROVED ON FIRST READING: February 17,  
2022.

PASSED AND APPROVED ON SECOND AND FINAL READING THE \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2022.

CITY OF ELKINS, WEST VIRGINIA

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

Attest:

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



## ORDINANCE 297

An Ordinance of the Common Council Of Elkins, West Virginia, Pursuant to Petition Filed By Robert L. Morris, Jr., Executive Director, On Behalf of The Randolph County Development Authority, Regarding Certain Tracts of Real Property In Leadsville District, Randolph County, Owned By the Randolph County Development Authority And Known And Identified as Area 1 and Area 2 On The Attached Plat, To Incorporate and Annex Such Property Into The City of Elkins Pursuant To West Virginia Code §8-6-4

**WHEREAS**, The Common Council of the City of Elkins has received a Petition from Robert L. Morris, Jr., Executive Director, on behalf of the Randolph County Development Authority (RCDA) requesting the City of Elkins to annex two tracts of real property namely Area 1 , 69.59 acres more or less and Area 2, 5.09 acres more or less, owned by the RCDA, located in Leadsville District, Randolph County and on a plat attached hereto and both tracts being more particularly described as follows:

AREA 1 – 69.59 ACRES ±  
(Subject to 1.50 Acres for Route 21 R/W)

All that certain lot or parcel of real estate situate in Leadsville District, Randolph County, West Virginia, lying along the northeastern side of County Route 21, and to the east of County Route 21/5, more particularly bounded and described as follows:

Beginning at a point in the center of County Route 21, on the northwestern side of the WV State Rail Authority (454/608), thence with the center of County Route 21, for the following six (6) lines

N 52°32'00" W 503.05 feet to a point, thence with a curve to the left with an arc length of 365.46', a radius of 953.47', and a chord bearing

N 63°30'50" W 363.23 feet to a point, thence

N 74°29'40" W 80.65 feet to a point, thence

N 67°55'00" W 127.19 feet to a point, thence

N 56°31'00" W 73.25 feet to a point, thence

N 53°52'30" W 385.58 feet to a point, corner to other lands of I. O. O. F. (123/520), namely the RESERVED AREA as shown on the hereinafter referred to plat, thence leaving County Route 21, and running with the RESERVED AREA, for the following four (4) lines

N 25°00'00" E at 26.00 feet passing an iron rebar (set), online, in all 351.83 feet to an iron rebar (set), thence

N 38°00'00" W 374.86 feet to an iron rebar (set), thence

N 48°33'00" W 156.30 feet to an iron rebar (set), thence

N 64°30'00" W 97.42 feet to an iron rebar (set), corner to the RESERVED AREA, in a line of N/F City of Elkins (163/140, THIRD), flood control, thence with City of Elkins (163/140, THIRD), flood control

N 30°25'40" E 456.81 feet to an iron rebar (set), in a line of City of Elkins (163/140, THIRD), flood control, in a line of N/F City of Elkins (184/322) railroad grade, thence with the southern side of City of Elkins (184/322) railroad grade

S 81°52'20" E 1,564.86 feet to an angle iron (found), corner to City of Elkins (184/322) railroad grade, on the southwestern side of N/F WV State Rail Authority (454/608), tracks in use, corner to N/F James F. Wilson, Trustee (WB 23/667), thence leaving the City of Elkins and the Rail Authority, and running with Wilson, for two lines

S 07°37'15" W 229.29 feet to an iron rebar (set), thence

S 52°05'00" E 1,674.78 feet to a point in swamp, corner to Wilson, on the northwestern side of N/F WV State Rail Authority (454/608), from which an iron rebar (set), bears S 52°05'00" E 14.00 feet, thence with the northwestern side of WV State Rail Authority (454/608), tracks in use, for the following four (4) lines

S 70°56'00" W 46.40 feet to a point, thence with a curve to the right with an arc length of 123.08', a radius of 413.21', and a chord bearing

S 79°28'00" W 122.63 feet to a point, thence

S 88°00'00" W 334.23 feet to a point, thence with a curve to the left with an arc length of 981.19', a radius of 1,457.69', and a chord bearing

S 68°43'00" W 962.77 feet to a point, thence

S 49°26'00" W at 92.16 feet passing an iron rebar (set), on line, in all 126.51 feet to the point of beginning, containing 69.59 acres, more or less, subject to 1.50 acres, more or less, for County Route 21 right-of-way, as surveyed in December, 2021, by James Bruce Davis, W. V. P. S. #796, and as shown as AREA 1, on a plat attached hereto and made a part of this description.

ORDINANCE 297

2

Being a part of the same real estate conveyed to The Independent Order of Odd Fellows of the State of West Virginia, by The Elkins Development Company, by Deed dated the 1st day of December, 1924, and recorded in the Office of the Clerk of the County Commission of Randolph County, West Virginia, in Deed Book 123 at page 520. Also being the same real estate conveyed to the Randolph County Development Authority, by the Grand Lodge of the Independent Order of Odd Fellows of West Virginia, by deed dated the 20<sup>th</sup> day of January, 2022 and of record in the aforesaid Clerk's Office in Deed Book 624 at page 181.

AREA 2 – 5.09 ACRES ±

All that certain lot or parcel of real estate situate in Leadsville District, Randolph County, West Virginia, lying to the north of County Route 21, and to the east of County Route 21/5, more particularly bounded and described as follows:

Beginning at an iron rebar (set), southeast of County Route 21/5, on the southwestern side of the Railroad, corner to N/F City of Elkins (163/140, THIRD), flood control, thence with the southwestern side of the Railroad

S 61°05'20" E 986.40 feet to a point, thence

S 64°10'00" E 102.64 feet to an iron rebar (set), on the southwestern side of the Railroad, corner to N/F City of Elkins (184/322), old railroad bed, thence with City of Elkins (184/322), old railroad bed

N 81°52'20" W 1,176.34 feet to an iron rebar (set), in a line of City of Elkins (184/322), old railroad bed, in a line of said City of Elkins (163/140, THIRD), flood control, thence with City of Elkins (163/140, THIRD), flood control

N 30°25'40" E 412.04 feet to the point of beginning, containing 5.09 acres, more or less, as surveyed in December, 2021, by James Bruce Davis, W. V. P. S. #796, and as shown as AREA 2, on a plat attached hereto and made a part of this description.

Being a part of the same real estate conveyed to The Independent Order of Odd Fellows of the State of West Virginia, by The Elkins Development Company, by Deed dated the 1st day of December, 1924, and recorded in the Office of the Clerk of the County Commission of Randolph County, West Virginia, in Deed Book 123 at page 520. Also being the same real estate conveyed to the Randolph County Development Authority, by the Grand Lodge of the Independent Order of Odd Fellows of West Virginia, by deed dated the 20<sup>th</sup> day of January, 2022 and of record in the aforesaid Clerk's Office in Deed Book 624 at page 181.

ORDINANCE 297

3

**WHEREAS**, on February 2, 2022, at a regular meeting of the RCDA, the Board of Directors authorized Robert L. Morris, Jr., Executive Director, to file said Petition and execute any documents necessary to complete the request ; and

**WHEREAS**, West Virginia Code Chapter § 8-6-4 provides that annexation of additional territory may be had without a vote, if the Petition is filed with the City Council by a majority of the qualified voters of the additional territory to be annexed, and that the Petition to be annexed is filed by the majority of the freeholders of the additional property whether they reside or have a place of business therein or not; and

**WHEREAS**, it has been determined that Robert L. Morris, Jr. possesses the authority to act on behalf of the qualified voters and freeholders of the additional territory to be annexed, namely RCDA, which is the subject of the Petition; and

**WHEREAS**, the Common Council of the City of Elkins has determined that the aforementioned Petition from Robert L. Morris, Jr., Executive Director, on behalf of the RCDA, is sufficient in every respect, pursuant to West Virginia Code § 8-6-4, and that the territory to be annexed is contiguous to the current municipal boundaries.

**NOW THEREFORE**, be it ordained and enacted by the Common Council of the City of Elkins, West Virginia as follows:

- (1) That the above bounded and described tracts of real property, the boundaries of which are being reflected in a Plat attached hereto and made a part hereof, shall be annexed into the City of Elkins pursuant to the Petition filed by the RCDA and that the annexed area be designated as “D – Industrial ” as contemplated by the current zoning use designations. The zoning use district assigned to the designated annexed area shall be shown on the official zoning map of the City of Elkins in the office of the City Clerk.
- (2) That upon passage of this Ordinance, a certificate finding that the Petition for Annexation is sufficient in every respect, shall be forwarded to the County Commission of Randolph County, West Virginia, pursuant to West Virginia Code§ 8-6-4(g), notifying the Commission that it shall enter an order as described in West Virginia Code §8-6-3 describing the annexation of the additional territory to the corporate limits of the City of Elkins.

This Ordinance shall become effective upon passage.

**PASSED AND APPROVED ON FIRST READING \_\_\_\_\_, 2022.**

**PASSED AND APPROVED ON SECOND AND FINAL READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022**

**CITY OF ELKINS, WEST VIRGINIA**

ORDINANCE 297

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**Jerry A. Marco, Mayor**

**Attest:**

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**Jessica R. Sutton, City Clerk**

ORDINANCE 297

5



**RANDOLPH  
COUNTY**  
WEST VIRGINIA

**DEVELOPMENT  
AUTHORITY**  
PLAN ■ INVEST ■ PROSPER

February 22, 2022

The Honorable Jerry Marco  
Mayor, City of Elkins  
401 Davis Avenue  
Elkins, West Virginia 26241

Re: Annexation Request

Dear Mayor Marco,

On behalf of the Randolph County Development Authority, please accept this letter as our official "Petition" to request certain real estate owned by the Randolph County Development Authority be annexed into the corporate limits of the City of Elkins.

Enclosed herewith, please find a plat and two legal descriptions of the property we wish to annex. The parcels are identified on the plat as "Area 1" and "Area 2". During a regular meeting of the Randolph County Development Authority Board of Directors on February 2, 2022, I was authorized to file said petition and execute any documents necessary to complete the request and subsequent annexation. I hereby certify the Randolph County Development Authority is the only freeholder of the real estate included in this annexation request.

We appreciate your consideration of our request and look forward to working with you on this project. Should you have any questions or need additional information, please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Robert L. Morris, Jr.", is written over a white background.

Robert L. Morris, Jr.  
Executive Director

Enclosures

Cc: Jessica Sutton, Clerk





DESCRIPTION OF SURVEY FOR  
KAUFMAN REALTY  
OF LANDS OWNED BY  
I.O.O.F  
AREA 1 – 69.59 ACRES ±  
(SUBJECT TO 1.50 ACRES FOR ROUTE 21 R/W)

All that certain lot or parcel of real estate situate in Leadsville District, Randolph County, West Virginia, lying along the northeastern side of County Route 21, and to the east of County Route 21/5, more particularly bounded and described as follows:

Beginning at a point in the center of County Route 21, on the northwestern side of the WV State Rail Authority (454/608), thence with the center of County Route 21, for the following six (6) lines

N 52°32'00" W 503.05 feet to a point, thence with a curve to the left with an arc length of 365.46', a radius of 953.47', and a chord bearing

N 63°30'50" W 363.23 feet to a point, thence

N 74°29'40" W 80.65 feet to a point, thence

N 67°55'00" W 127.19 feet to a point, thence

N 56°31'00" W 73.25 feet to a point, thence

N 53°52'30" W 385.58 feet to a point, corner to other lands of I. O. O. F. (123/520), namely the RESERVED AREA as shown on the hereinafter referred to plat, thence leaving County Route 21, and running with the RESERVED AREA, for the following four (4) lines

N 25°00'00" E at 26.00 feet passing an iron rebar (set), on line, in all 351.83 feet to an iron rebar (set), thence

N 38°00'00" W 374.86 feet to an iron rebar (set), thence

N 48°33'00" W 156.30 feet to an iron rebar (set), thence

N 64°30'00" W 97.42 feet to an iron rebar (set), corner to the RESERVED AREA, in a line of N/F City of Elkins (163/140, THIRD), flood control, thence with City of Elkins (163/140, THIRD), flood control

N 30°25'40" E 456.81 feet to an iron rebar (set), in a line of City of Elkins (163/140, THIRD), flood control, in a line of N/F City of Elkins (184/322) railroad grade, thence with the southern side of City of Elkins (184/322) railroad grade

S 81°52'20" E 1,564.86 feet to an angle iron (found), corner to City of Elkins (184/322) railroad grade, on the southwestern side of N/F WV State Rail Authority (454/608), tracks in use, corner to N/F James F. Wilson, Trustee (WB 23/667), thence leaving the City of Elkins and the Rail Authority, and running with Wilson, for two lines

S 07°37'15" W 229.29 feet to an iron rebar (set), thence

S 52°05'00" E 1,674.78 feet to a point in swamp, corner to Wilson, on the northwestern side of N/F WV State Rail Authority (454/608), from which an iron rebar (set), bears S 52°05'00" E 14.00 feet, thence with the northwestern side of WV State Rail Authority (454/608), tracks in use, for the following four (4) lines

S 70°56'00" W 46.40 feet to a point, thence with a curve to the right with an arc length of 123.08', a radius of 413.21', and a chord bearing



S 79°28'00" W 122.63 feet to a point, thence

S 88°00'00" W 334.23 feet to a point, thence with a curve to the left with an arc length of 981.19', a radius of 1,457.69', and a chord bearing

S 68°43'00" W 962.77 feet to a point, thence

S 49°26'00" W at 92.16 feet passing an iron rebar (set), on line, in all 126.51 feet to the point of beginning, containing 69.59 acres, more or less, subject to 1.50 acres, more or less, for County Route 21 right-of-way, as surveyed in December, 2021, by James Bruce Davis, W. V. P. S. #796, and as shown as AREA 1, on a plat attached hereto and made a part of this description.

Being a part of the same real estate conveyed to The Independent Order of Odd Fellows of the State of West Virginia, by The Elkins Development Company, in a Deed dated the 1st day of December, 1924, and recorded in the Office of the Clerk of the County Commission of Randolph County, West Virginia, in Deed Book 123 at page 520.

DESCRIPTION WRITTEN 12-20-21, BY:

JAMES BRUCE DAVIS, W. V. P. S. #796

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DESCRIPTION OF SURVEY FOR  
KAUFMAN REALTY  
OF LANDS OWNED BY  
I.O.O.F  
(AREA 2 – 5.09 ACRES ±)

All that certain lot or parcel of real estate situate in Leadsville District, Randolph County, West Virginia, lying to the north of County Route 21, and to the east of County Route 21/5, more particularly bounded and described as follows:

Beginning at an iron rebar (set), southeast of County Route 21/5, on the southwestern side of the Railroad, corner to N/F City of Elkins (163/140, THIRD), flood control, thence with the southwestern side of the Railroad

S 61°05'20" E 986.40 feet to a point, thence

S 64°10'00" E 102.64 feet to an iron rebar (set), on the southwestern side of the Railroad, corner to N/F City of Elkins (184/322), old railroad bed, thence with City of Elkins (184/322), old railroad bed

N 81°52'20" W 1,176.34 feet to an iron rebar (set), in a line of City of Elkins (184/322), old railroad bed, in a line of said City of Elkins (163/140, THIRD), flood control, thence with City of Elkins (163/140, THIRD), flood control

N 30°25'40" E 412.04 feet to the point of beginning, containing 5.09 acres, more or less, as surveyed in December, 2021, by James Bruce Davis, W. V. P. S. #796, and as shown as AREA 2, on a plat attached hereto and made a part of this description.

Being a part of the same real estate conveyed to The Independent Order of Odd Fellows of the State of West Virginia, by The Elkins Development Company, in a Deed dated the 1st day of December, 1924, and recorded in the Office of the Clerk of the County Commission of Randolph County, West Virginia, in Deed Book 123 at page 520.

DESCRIPTION WRITTEN 12-20-21, BY:  
JAMES BRUCE DAVIS, W. V. P. S. #796

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

**A RESOLUTION OF COMMON COUNCIL**

(#1498)  
March 3, 2022

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***Authorizing Application and Acceptance of Various Grants for the  
Benefit of the Kump Education Center***

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**WHEREAS**, the City of Elkins (“City”) is the owner of the real property and structures known as the historic Kump House; and,

**WHEREAS**, the Kump Education Center (“KEC”), a non-profit educational organization, has been granted authority by the City to manage the Kump House facilities and programming; and,

**WHEREAS**, the KEC has identified various funding opportunities to fulfill current KEC needs including the American Recovery Plan Act; the Appalachian Forest National Heritage Area Tourism Development Grant; Preservation Alliance of West Virginia Saving Historic Places Grant; and the WV Humanities Council mini-grant (see attached document); and,

**WHEREAS**, Council’s Municipal Properties and Finance Committee, after consultation with Administrative Officers has recommended approval of authorization for the application and acceptance of these various grants; and,

**WHEREAS**, having reviewed and considered the intent, the Common Council believes that it would be in the best interest of the citizens of Elkins to apply for these grants for the Kump House and the Kump Education Center;

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

The Elkins Common Council hereby authorizes the application and acceptance by the Kump Education Center of the grants identified above.

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

*Attest:*

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

**GRANT APPLICATIONS FOR KUMP EDUCATION CENTER February and April 2022**

Due Dates	Grantor & Title	Project Proposal	Reason for Need	Amount of Money
<p><b>February 28</b> Monday</p> <p>Pavilion</p>	<p>City of Elkins</p> <p>American Recovery Plan Act</p> <p>Kump Pavilion</p>	<p>We will build a 12 X 12 pavilion as an outdoor learning space between the City Tree Nursery (old garden) and the south lawn. This covered space will keep our outdoor classroom dry for summer school students in the Randolph County SOLE program, YMCA Summer Science, &amp; others. It will provide dry picnic tables for tourists &amp; local families and cover bands and performers who offer entertainment during outdoor events on the south lawn.</p>	<p>Outdoor areas are safer for students and other visitors during times of Covid spread.</p>	<p><b>Request \$6,000*</b></p> <p><b>No Match Needed</b></p> <p><b>Total Project Cost: \$6,000*</b></p> <p><i>*awaiting final labor estimate from Ed Devine</i></p>
<p><b>March 1</b> Tuesday</p> <p>Portico and front porch Handrails</p>	<p>Appalachian Forest National Heritage Area Tourism Development Grant</p> <p>Portico and front entrance Handrails</p>	<p>We plan to add steel handrails up the steps at the formal front entrance and in the two stairwells under the side portico as well as around the side porch deck which stands 3 to 7 feet off the ground. This will make young and old visitors much safer when they go up the steps and / or stand on the porch deck. It will also help stop wheelchairs from rolling off the side porch when we add a wheelchair lift beside the porch to give ADA access to our historic spaces.</p>	<p>Elderly &amp; disabled individuals cannot access our most historic space where Eleanor Roosevelt visited in the 1930s without handrails.</p>	<p><b>Request \$5,000</b></p> <p><b>Match is 50% of amount received (or a 66/33% split)</b></p> <p><b>Kump House Trust to provide \$2,500 cash match</b></p> <p><b>Total Project cost is \$7,500</b></p> <p><b>Cost to City: None</b></p>
<p><b>March 18</b> Friday</p> <p>Roof Repair &amp; Gutters</p>	<p>Preservation Alliance of West Virginia Saving Historic Places Grant</p> <p>Roof Repair &amp; Gutters</p>	<p>The roof over the "Sleeping Porch" leaks because water does not drain properly, and ice builds up in the downspouts. Damage to plaster and woodwork continues inside. We plan to patch and repaint the metal roof and create more effective drainage from slanting gutters to a newly added downspout.</p>	<p>The roof leak prevents our use of this large room and ice hanging off gutters creates unsafe conditions.</p>	<p><b>Request \$8,500</b></p> <p><b>85/15 Match</b></p> <p><b>Total Cost \$10,000</b></p> <p><b>KEC to provide \$1,500 cash match</b></p> <p><b>Cost to City: None</b></p>
<p><b>April 1</b> Friday</p> <p>Interpretive Materials for interior of Kump House</p>	<p>WV Humanities Council Mini-Grant</p> <p>Interior Interpretive Materials</p>	<p>We need historical interpretive materials for the interior of the Kump House and parking signage that would make the house more attractive for public tours. This would include 6 pull-up banners displays and dress holders for a small new exhibition of two Kump family wedding dresses with several other mementos from the 1907 wedding of Edna Scott to H.G. Kump and 1936 wedding of Peggy Kump to Don Roberts in the West Virginia Governor's Mansion. The pull-up banners would describe other aspects of the home and Gov. Kump's legacy. A late June Open House event*, Wedding Traditions at the Crossroads will showcase the new displays. <i>*will determine date/tittle once grant materials process begins</i></p>	<p>Funds will assist with displaying historic family clothing and enhance the visitor experience with more interpretive materials as we contemplate offering house tours during the summer.</p>	<p><b>Request \$1,500</b></p> <p><b>In-Kind Match of time on task</b></p> <p><b>Cost to City: None</b></p>

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

**A RESOLUTION OF COMMON COUNCIL**

(#1499)  
March 3, 2022

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***Authorizing the Disposition of Elkins Police Department Vehicles***

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**WHEREAS**, Elkins City Code §31.24(A) authorizes the city to lease or convey city property to non-profit organizations for less than fair market value, and without public auction, when the non-profit organization is providing services that benefit the public and are services that the city could lawfully provide, provided that Council makes certain factual determinations; and,

**WHEREAS**, the City of Elkins Finance and Municipal Properties Committees recommend the conveyance of property, specifically two decommissioned Elkins Police Department vehicles, both 2013 Ford Taurus Interceptors, currently owned by the City of Elkins to the Randolph County Sheriff's Department ("RCSD") for use in the delivery of public safety services and for no compensation; and,

**WHEREAS**, the City of Elkins Common Council ("Council") determines that there is a lack of need for such property by the City; and,

**WHEREAS**, Council determines that there is a demonstratable need exhibited by the RCSD in service to the public; and,

**WHEREAS**, in the event the RCSD should cease to provide such services to the public, the property shall by operation of law, revert to and vest in the city, and such non-profit organization shall thereafter have no right, title or interest therein and thereto; and,

**WHEREAS**, any lease, deed or other instrument of property transfer executed pursuant to Elkins City Code §31.24 shall contain the wording in division (B) of this same chapter; and,

**WHEREAS**, the RCSD has agreed to accept the transfer of the real property described above for these purposes; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the Elkins Common Council approves of and authorizes the conveyance of property, specifically the two vehicles as described above, to the Randolph County Sheriff's Office for no compensation.

---

Jerry A. Marco, Mayor

*Attest:*

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Jessica R. Sutton, City Clerk

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

**A RESOLUTION OF COMMON COUNCIL**

(#1500)  
March 3, 2022

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***Accepting Conditions of Lease between the Elkins Historic Landmarks Commission  
and the City of Elkins, and Authorizing Execution of Agreement***

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**WHEREAS**, The City of Elkins, West Virginia (“City”) is the owner of the real property and structures known as the historic Darden House; and,

**WHEREAS**, the Elkins Historic Landmarks is a statutory body created under West Virginia Code § 8-26A-4; and,

**WHEREAS**, the City has received a proposed Lease (copy attached) with the Elkins Historic Landmarks Commission for the use of the Darden House; and,

**WHEREAS**, it appears that entering into this Lease is in the best interests of the citizens of the City of Elkins;

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

The Elkins Common Council hereby accepts the terms of and authorizes execution of this Lease with the Elkins Historic Landmarks Commission by the Mayor on behalf of the City of Elkins.

---

Jerry A. Marco, Mayor

Attest:

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Jessica R. Sutton, City Clerk

## LEASE

THIS LEASE made and entered into in duplicate this \_\_\_\_ day of February, 2022, by and between the CITY OF ELKINS, a West Virginia municipal corporation, (“Lessor”), and the ELKINS, WEST VIRGINIA, HISTORIC LANDMARKS COMMISSION, a statutory body created under West Virginia Code §8-26A-4, (“Lessee”) and sometimes referred to herein as “Party” or “Parties”.

WITNESSETH: That, subject to the terms and conditions hereinafter set out, Lessor hereby lets and leases unto Lessee the Premises commonly known as the Darden House, along with the parking behind the House and reasonable access to the House, with a physical address of 421 Davis Avenue, Elkins, West Virginia for the purpose of permitting Lessee to occupy and explore potential uses for the premises, including the possible rehabilitation or remodeling thereof. The remainder of the real property and the improvements thereon located at 421 Davis Avenue, Elkins, West Virginia, more particularly described and referred to as the parcels described in the deed dated March 19, 1997 to the City of Elkins, of record in the Office of the Clerk of the County Commission of Randolph County, West Virginia, in Deed Book 451, at page 172 (copy attached) are specifically reserved by the Lessor for its own purpose and use.



1. TERMS AND RENTAL. This Lease shall be considered a month-to-month lease. The Lessee shall be permitted to occupy the Premises on a month-to-month arrangement starting on [LEASE START DATE] and will renew automatically for another month unless ended upon notice of termination of a minimum of thirty (30) days from either Party to the other Party. It is recognized that the minimum termination period for the State of West Virginia is thirty (30) days.

2. COVENANTS OF LESSEE. The Lessee hereby covenants and agrees in consideration for the use of the Premises:

a. TO PAY UTILITIES. That it will promptly pay all gas, electric, water, sewer, sanitation and internet telephone charges which may become payable during the term of this Lease for these services gas, electricity, water and telephone service consumed on or rendered to the leased premises.

b. TO KEEP IN REPAIR AND IN GOOD CONDITION. That it will keep the leased premises, excluding the walls, roof and other structural members of the building, but including the heating equipment, in such repair as the same are at the commencement of said term, reasonable wear and tear and damage by fire or other unavoidable casualty excepted.

c. NOT TO INJURE OR DEFACE. That it will not injure, overload or deface, or allow to be injured or defaced, the premises or any part thereof.

d. NOT TO MAKE UNLAWFUL USE, ETC. That it will use the premises for the sole purpose set forth above and will not make, or allow to



be made, any improper or offensive use of the premises which would be injurious to any person or property, or which would violate the laws of the State of West Virginia or of the United States, or any ordinance of the City of Elkins, or which would affect or endanger any insurance coverage on the building situate on the premises or increase the premium thereof.

e. NOT TO MAKE ALTERATIONS. That it will not make any alterations or additions in and to the premises without the written consent of Lessor. Any alterations or additions so made shall be considered part of the real estate and shall belong to Lessor upon the conclusion of this Lease.

f. ASSIGNMENT. That it may assign, sublet or part with the possession of all or any part of the leased premises. The Lessee shall notify the Lessor in writing of any such said assignments or subleases at the time of the execution of said assignment or sublease. The Lessee shall provide the Lessor a current list of all assignments or subleases **at the time of the signing of the Lease.** ~~.on the renewal date of the Lease.~~

g. TO PERMIT LESSOR TO ENTER. That it will allow Lessor, at all reasonable times, to enter and view the premises and to make any repairs which it may see fit to make.

h. TO YIELD UP PREMISES. That at the expiration of the term of this Lease, it will peaceably yield the premises up to Lessor, in good repair

in all respects, reasonable use and wear and damage by fire and other unavoidable casualties excepted.

i. TO INDEMNIFY AGAINST ACCIDENTS AND NEGLIGENCE.

That it will save harmless and indemnify Lessor from and against all loss, liability or expense that may be incurred by reason of any claim arising out of or in connection with Lessee's occupancy and use of the leased premises, including, without limiting the generality of the foregoing, any accident with appliances and fixtures installed by the Lessee, if any, or the gas, water or other pipes or from any damage or neglect arising from or in any way connected with the use, misuse or abuse of City water or from any neglect in not removing snow and ice from the sidewalks. Lessee shall maintain liability insurance coverage, naming Lessor as an additional insured, with a limit of not less than \$1,000,000.00 each occurrence and \$2,000,000.00 aggregate. Lessee's insurance policy shall apply as primary insurance with respect to any other insurance maintained by the Lessor. the liability **The Declaration Page for liability insurance coverage shall be furnished at the time of the signing of the Lease.**

j. TO BEAR RISK FOR CONTENTS. That all property of any kind that may be on the premises during the term of this Lease shall be at the sole risk of Lessee, and that Lessor shall not be liable to Lessee or any other

person for any injury, loss or damage to property or to any person on the premises.

k. NO WAIVER. That no assent, expressed or implied, by Lessor to any breach of any of Lessee's covenants shall be deemed to be a waiver of any succeeding breach of the same covenant or of any other covenant herein.

3. COVENANT OF LESSOR. The Lessor hereby covenants and agrees that it will provide, if it desires to do so, fire and hazard insurance on the leased premises but not the contents therein.

4. FIRE OR OTHER UNAVOIDABLE CASUALTY. In case the premises or any part thereof shall at any time during the term of this Lease be destroyed or damaged by fire or other unavoidable casualty so as to be unfit for occupancy and use, this Lease shall terminate.

5. RIGHT OF REENTRY. If Lessee shall neglect or fail to perform any of its covenants, Lessor may, immediately or at any time, thereafter, enter into the premises and repossess the same as of its former state and expel Lessee, but without prejudice to any remedies which might otherwise be used by Lessor for any breach of Lessee's covenants.

6. RENEWAL. The terms and conditions of this Lease shall remain in full force and effect from the effective date of this Lease **on a month to month arrangement** or unless terminated upon thirty (30) days written notice by either Party.

7. NOTICE. Whenever notice is required hereunder, it shall be addressed as follows until written notice of change of address is given to the other party:

LESSOR: Mayor of the City of Elkins, City Hall,  
401 Davis Avenue, Elkins, WV 26241

LESSEE: Elkins, West Virginia, Historic Landmarks Commission,  
P. O. Box 1863, Elkins, WV 26241

In Witness Whereof, Lessor and Lessee have set their hands and seals the day and year first written above.

CITY OF ELKINS,  
a municipal corporation,

By: \_\_\_\_\_  
Its Mayor

ELKINS, WEST VIRGINIA,  
HISTORIC LANDMARKS COMMISSION,  
a statutory body

By: \_\_\_\_\_  
Its: \_\_\_\_\_