

# **ELKINS COMMON COUNCIL PUBLIC HEARING MINUTES**

*401 Davis Avenue  
Council Chamber, 2nd Floor  
July 28, 2022  
7:00 p.m.*

Elkins Common Council met in special 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, J.A. Guye, C.J. Higgins, G.M. Hinchman, C.C. Lowther, L.S. Severino, and L.H. Vest; Fire Chief S.D. Himes; Police Chief T. Bennett; Operations Manager J. Sanson; City Attorney G. S. Roberts; and City Clerk J.R. Sutton (acting as recording secretary).

Councilor D.C. Parker and City Treasurer T. Judy were absent.

Mayor J.A. Marco opened the hearing for public comment. The following was submitted.

Susan Evick, a resident of 123 Evergreen Drive, researched some things after Tuesday's public hearing specifically questions about the changes from restricted residential to single-family residential. She is concerned about not maintaining communities for families. Mrs. Evick wondered why some areas are single-family residential and some are city residential. Mrs. Evick is also wondering if the city can make changes to the Home Rule restriction that mandates certain actions related to short-term rentals in member cities.

The hearing was adjourned at 7:04 p.m.

# **ELKINS COMMON COUNCIL SPECIAL COUNCIL MEETING MINUTES**

*401 Davis Avenue  
Council Chamber, 2nd Floor  
July 28, 2022  
Immediately following the public hearing*

Elkins Common Council met in special 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, J.A. Guye, C.J. Higgins, G.M. Hinchman, C.C. Lowther, L.S. Severino, and L.H. Vest; Fire Chief S.D. Himes; Police Chief T. Bennett; Operations Manager J. Sanson; City Attorney G. S. Roberts; and City Clerk J.R. Sutton (acting as recording secretary).

Councilor D.C. Parker and City Treasurer T. Judy were absent.

## **MINUTES**

Cm. Chenoweth, **MOVED APPROVAL OF THE MINUTES OF THE JULY 7, 2022, MEETING.** The motion carried.

## **CORRESPONDENCE AND NOTIFICATIONS**

Council received the following correspondence and notifications:

- Issued building permits
- Events

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

**STAFF REPORTS** were provided by all present administrative officers 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 July 5 – 22, 2022.

**UNFINISHED BUSINESS**

Cw. Guye, **MOVED APPROVAL OF RESOLUTION 1541: APPOINTMENT OF BUILDING INSPECTOR AND CODE ENFORCEMENT OFFICER AS CITY ZONING OFFICER.** At the request of the City Clerk and the City Attorney the motion was amended as follows, Cw. Guye, **MOVED APPROVAL TO POSTPONE RESOLUTION 1541: APPOINTMENT OF BUILDING INSPECTOR AND CODE ENFORCEMENT OFFICER AS CITY ZONING OFFICER.** The motion carried.

**NEW BUSINESS**

Cm. Chenoweth, **MOVED APPROVAL OF ORDINANCE 299: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA, AMENDING CHAPTER 150.035, REGARDING THE VERSION OF THE INTERNATIONAL BUILDING CODE ADOPTED AS THE STATE BUILDING CODE (2<sup>ND</sup> AND FINAL READING).** The motion carried.

Cw. Cuonzo, **MOVED APPROVAL OF ORDINANCE 300: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA, REVISING CHAPTER 93: STREETS, SIDEWALKS, AND PUBLIC PLACES OF THE CITY CODE TO ESTABLISH RULES AND REGULATIONS FOR OUTDOOR DINING IN PUBLIC SPACES (2<sup>ND</sup> AND FINAL READING).** The motion carried.

Cw. Bross-Fregonara, **MOVED APPROVAL OF ORDINANCE 301: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA REPEALING THE CURRENT CHAPTER 152: ZONING, ELKINS CITY CODE AND OTHER CONFLICTING SECTIONS OF THE CITY CODE AND ENACTING A NEW ZONING ORDINANCE TO BE DESIGNATED AS CHAPTER 152: ZONING, ELKINS CITY CODE (1<sup>ST</sup> OF TWO READINGS).** Cw. Bross-Fregonara, **MOVED APPROVAL OF AN AMENDMENT TO SECTION 21-32, SPECIFICALLY REMOVING THE WORD “PRIVATE RESIDENCE” AND INSERTING “BUILDING” IN THE DEFINITION OF BED AND BREAKFAST III.** The motion carried. The primary motion to approve with carried.

Councilor J. Guye left the meeting for unknown reasons. A quorum was still present.

Cm. Chenoweth, **MOVED APPROVAL OF RESOLUTION 1550: APPOINTING INTERIM OPERATIONS MANAGER AND ESTABLISHING COMPENSATION LEVEL.** The motion carried.

Cw. Bross-Fregonara, **MOVED APPROVAL OF RESOLUTION 1551: ADOPTING CITY COUNCIL RULE ON EXECUTIVE SESSION AND AMENDING CITY OF ELKINS RULES OF COUNCIL.** The motion carried.

Cw. Cuonzo, **MOVED APPROVAL OF RESOLUTION 1552: APPROVAL OF CHANGES TO THE CITY OF ELKINS CLASSIFICATION AND COMPENSATION PLAN.** The motion carried.

Cm. Lowther, **MOVED APPROVAL OF RESOLUTION 1553: APPROVING “FULL-TIME REGULAR EMPLOYEE” STATUS AND CONFIRMING A COMPENSATION LEVEL FOR J. HADEN.** The motion carried.

Cm. Chenoweth, **MOVED APPROVAL OF RESOLUTION 1554: GENERAL FUND BUDGET REVISION 2023-001-01 FOR FY23.** In accordance with Resolution 924 and the amended City of Elkins Rules of Council the chair called for a roll call vote. The clerk called roll in random order. The motion carried. Council votes were as follows:

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

Cm. Chenoweth, **MOVED APPROVAL OF RESOLUTION 1555: APPOINTING A TREASURER AND CONFIRMING THE AMOUNT OF COMPENSATION.** The motion carried.

Cw. Cuonzo, **MOVED APPROVAL OF RESOLUTION 1556: AUTHORIZING CONDITIONS OF LEASE & ADDENDUM AND MAINTENANCE AGREEMENT BETWEEN HART OFFICE SOLUTION AND THE CITY OF ELKINS (STREET DEPARTMENT).** The motion carried.

Cm. Lowther, **MOVED APPROVAL OF RESOLUTION 1557: AUTHORIZING CONDITIONS OF LEASE & ADDENDUM AND MAINTENANCE AGREEMENT BETWEEN HART OFFICE SOLUTION AND THE CITY OF ELKINS (SANITATION DEPARTMENT).** The motion carried.

Councilor and Planning Commission President N. Bross-Fregonara presented the draft comprehensive plan amendments for council consideration.

Cw. Bross-Fregonara, **MOVED ACCEPTANCE OF THE AMENDMENTS TO THE CITY OF ELKINS 2015 COMPREHENSIVE PLAN.** The motion carried.

Cm. Chenoweth, **MOVED APPROVAL OF ESTABLISHING THE DATE FOR THE COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARING ON 7:00 P.M. SEPTEMBER 1, 2022.** The motion carried.

Cm. Chenoweth, **MOVED APPROVAL OF THE USE OF ARPA FUNDS FOR WASTEWATER TREATMENT PLANT PLC UPGRADES IN THE AMOUNT OF \$76,704.90 AND WATER TREATMENT PLANT AIR COMPRESSORS IN THE AMOUNT OF \$21,784.32 AS RECOMMENDED BY THE AD-HOC ARPA ADVISORY COMMITTEE.** The motion carried.

**MAYOR’S COMMENTS** were provided.

Cw. M. Cuonzo thanked the Planning Commission for all their hard work on the new zoning ordinance.

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

The meeting adjourned at 8:02 p.m.

*Approved by council at the meeting of August 18, 2022*

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Jessica R. Sutton, Acting Mayor

*Attest:*

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Sutton R. Stokes, Recording Secretary