

**ELKINS COMMON COUNCIL  
PUBLIC HEARING  
MINUTES**

*401 Davis Avenue  
Council Chamber, 2nd Floor  
September 15, 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, J.A. Guye, C.J. Higgins, G.M. Hinchman, C.C. Lowther, D.C. Parker, L.S. Severino, and L.H. Vest; City Treasurer T. Judy; Fire Chief S.D. Himes; Police Chief T. Bennett; Interim Operations Manager M. Himes; City Attorney G. S. Roberts; and City Clerk J.R. Sutton (acting as recording secretary).

Councilperson M. D. Cuonzo was absent.

Mayor J. Marco called the first hearing to order at 7:00 p.m.

- a. *An Ordinance to Amend and Reenact the Rates, Rules, and Regulations for Furnishing Water Service at Elkins and Vicinity, Randolph County, West Virginia, by Increasing the Rates Charged Thereof*

No comments were entered. The hearing was closed at 7:01 p.m.

Mayor J. Marco called the second hearing to order at 7:01 p.m.

- b. *A Resolution to Amend the 2015 City of Elkins Comprehensive Plan*

No comments were entered. The hearing was closed at 7:02 p.m.

**ELKINS COMMON COUNCIL  
REGULAR COUNCIL MEETING  
MINUTES**

*401 Davis Avenue  
Council Chamber, 2nd Floor  
September 15, 2022  
Immediately following the public hearings*

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, J.A. Guye, C.J. Higgins, G.M. Hinchman, C.C. Lowther, D.C. Parker, L.S. Severino, and L.H. Vest; City Treasurer T. Judy; Fire Chief S.D. Himes; Police Chief T. Bennett; Interim Operations Manager M. Himes; City Attorney G. S. Roberts; and City Clerk J.R. Sutton (acting as recording secretary).

Councilperson M. D. Cuonzo was absent.

**MINUTES**

Cm. Chenoweth, **MOVED APPROVAL OF THE MINUTES OF THE SEPTEMBER 1, 2022 REGULAR MEETING.** The motion carried.

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

**STAFF REPORTS** were provided by all administrative officers and the city attorney.

**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 29 – September 9, 2022

**NEW BUSINESS**

Cm. Hinchman, **MOVED APPROVAL OF ORDINANCE 302: AN ORDINANCE TO AMEND AND REENACT THE RATES, RULES, AND REGULATIONS FOR FURNISHING WATER SERVICE AT ELKINS AND VICINITY, RANDOLPH COUNTY, WEST VIRGINIA BY INCREASING THE RATES CHARGED THEREFORE (2<sup>ND</sup> AND FINAL READING).** Cm. Chenoweth, **MOVED APPROVAL OF AMENDING ORDINANCE 302 STEP 2 TO INCLUDE THE SAME LANGUAGE AS APPEARS IN STEP 1 REGARDING THE AFTER HOURS SERVICE FEE.** The motion to amend carried.  
The original motion carried.

Cm. Lowther, **MOVED APPROVAL OF ORDINANCE 303: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA TO VACATE, ABANDON, AND CLOSE A PORTION OF THAT CERTAIN PUBLIC RIGHT OF WAY KNOWN AS GORMAN AVENUE BETWEEN MARTIN STREET AND REED STREET ADJACENT TO THE DAVIS MEDICAL CENTER (2<sup>ND</sup> AND FINAL READING).** The motion carried.

Cm. Higgins, **MOVED APPROVAL OF ORDINANCE 304: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA TO ESTABLISH A MUNICIPAL COURT ADMINISTRATIVE FEE BY AMENDING CHAPTER 37: MUNICIPAL COURT, BY ADDING §37.13, ADMINISTRATIVE FEE, PURSUANT TO ITS STATUS AS A HOME RULE CITY (2<sup>ND</sup> AND FINAL READING).** The motion carried.

Cm. Higgins, **MOVED APPROVAL OF ORDINANCE 305: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA TO AMEND ELKINS CITY CODE §37.10 MUNICIPAL COURT TECHNOLOGY AND MAINTENANCE FEE PURSUANT TO ITS STATUS AS A HOME RULE CITY (2<sup>ND</sup> AND FINAL READING).** The motion carried.

Cm. Chenoweth, **MOVED APPROVAL OF ORDINANCE 306: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA, AMENDING ELKINS CITY CODE CHAPTER 92, FIRE PREVENTION BY ADDING §92.037©, APPLICATION FOR ORIGINAL APPOINTMENT AND THE RULES AND REGULATIONS OF THE FIREMAN’S CIVIL SERVICE COMMISSION, SECTION 4.04 APPLICATIONS FOR ORIGINAL APPOINTMENTS, PURSUANT TO ITS STATUS AS A HOME RULE CITY (2<sup>ND</sup> AND FINAL READING)** The motion carried.

Cm. Lowther, **MOVED APPROVAL OF RESOLUTION 1563: A RESOLUTION AMENDING THE 2015 CITY OF ELKINS COMPREHENSIVE PLAN.** Cm. Chenoweth, **MOVED APPROVAL OF AMENDING RESOLUTION 1563 BY CHANGING THE DATE 2014 TO 2015 IN THE SECOND MODIFICATION.** The motion to amend carried. The original motion carried.

Cm. Chenoweth, **MOVED APPROVAL OF RESOLUTION 1564: APPROVING COMPLETION OF PROBATION AND CONFIRMING COMPENSATION LEVEL FOR D. SICCA.** The motion carried.

Cm. Chenoweth, **MOVED APPROVAL OF RESOLUTION 1565: ACCEPTING CONDITIONS AND TERMS OF THE RITE AID/WEST VIRGINIA STATEWIDE SETTLEMENT AGREEMENT AND AUTHORIZING THE EXECUTION OF THE ELECTION AND RELEASE FORM PROVIDED BY THE WEST VIRGINIA ATTORNEY GENERAL.** The motion carried.

Cm. Lowther, **MOVED APPROVAL OF RESOLUTION 1566: ACCEPTING CONDITIONS OF AGREEMENT WITH GAI CONSULTANTS, INC. FOR ELKINS STREETScape MASTERPLAN AND AUTHORIZING EXECUTION OF AGREEMENT.** The motion carried.

Cm. Chenoweth, MOVED APPROVAL OF RESOLUTION **1567: APPROVING THE PROMOTION OF AND ESTABLISHING A NEW COMPENSATION LEVEL FOR MEMBERS OF THE ELKINS POLICE DEPARTMENT.** The motion carried.

Cm. Lowther, MOVED APPROVAL OF A REQUEST FROM **BIG TIMBER BREWING FOR ABCA SPECIAL LICENSURE.** The motion carried.

Cw. Guye, MOVED APPROVAL OF A REQUEST FROM **VALID BOXING, LLC FOR ABCA SPECIAL LICENSURE.** The motion carried.

Cm. Lowther, MOVED APPROVAL OF CANCELLING THE **OCTOBER 6, 2022 REGULAR COUNCIL MEETING.** The motion carried.

**MAYOR'S COMMENTS** were provided

Cw. Bross-Fregonara, MOVED ADJOURNMENT. The motion carried.

The meeting adjourned at 8:06 p.m.

*Approved by council at the meeting  
of October 20, 2022*

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Jerry A. Marco, Mayor

*Attest:*

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Jessica R. Sutton, City Clerk