



# City of Elkins Municipal Properties Committee Meeting

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January 13, 2025

11:00 AM

Phil Gainer Community Center  
142 Robert E. Lee Ave. Ext.

**Charter Authority of the Municipal Properties Committee:** Monitor and report to Council on the condition of and proposed plans for city buildings, real estate, and rights-of-way. Review and propose to Council capital investment in buildings, real estate, and associated infrastructure.

## **AGENDA**

- 1. Call to order and roll call**
- 2. Public comment**
- 3. Minutes**
  - a. Proposed minutes for the meeting of November 18, 2024
- 4. Reports**
- 5. New business**
  - a. Request to change parking patterns on South Davis Avenue
  - b. Next steps for Adopt-a-Tree application draft
  - c. Request from Megacorp to purchase city property adjacent to Seneca Mall Parking Lot
  - d. Illegal parking on Williams Street
  - e. Downtown and city hall beautification contracts
- 6. Announcements**
- 7. Adjournment**



## CITY OF ELKINS AGENDA ITEM REPORT

<b>Meeting Date:</b>	January 13, 2025
<b>Section:</b>	Minutes
<b>Category:</b>	Action Item
<b>Agenda Item Name:</b>	Proposed minutes for the meeting of November 18, 2024
<b>Recommended By:</b>	City Clerk
<b>Summary:</b>	Minutes proposed for the meeting of November 18
<b>Fiscal Impact:</b>	n/a
<b>Recommendation:</b>	Consider for approval
<b>Attachments:</b>	1. Municipal Properties - 2024_11_18 - minutes_proposed

**MUNICIPAL PROPERTIES COMMITTEE  
REGULAR MEETING  
MINUTES**

*Phil Gainer Community Center  
142 Robert E. Lee Ave. Ext.  
November 18, 2024  
11 a.m.*

Present were members: N. Bross-Fregonara (Chair), D. Parker, C. Kerns.

Also present were: Jerry Marco (mayor), Mike Kesecker (operations manager), Gerry Roberts (city attorney), Tracy Judy (treasurer), Travis Bennett (police chief), J. Deighan (communications), and Sutton Stokes (city clerk).

**PUBLIC COMMENT**

There was no public comment.

**MINUTES**

Kerns **MOVED APPROVAL OF THE MINUTES OF THE MEETING OF AUGUST 26, 2024.** The motion carried.

**REPORTS**

Heather Biola presented the quarterly report of the Kump Education Center.

Kesecker updated the committee concerning:

- Construction of the new Sanitation Garage. The city has given notice to the owner of the current garage of intent to vacate by January 31.
- City Hall recovery and renovation. First floor demolition begins January.

**NEW BUSINESS**

Parker **MOVED RECOMMENDING COUNCIL APPROVAL OF A PROPOSAL FROM GAI CONSULTANTS TO PERFORM A PARKING STUDY.** The motion carried.

The meeting adjourned at 12:10 p.m.

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Name & Title

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Signature



## CITY OF ELKINS AGENDA ITEM REPORT

<b>Meeting Date:</b>	January 13, 2025
<b>Section:</b>	New business
<b>Category:</b>	Action Item
<b>Agenda Item Name:</b>	Request to change parking patterns on South Davis Avenue
<b>Recommended By:</b>	City Clerk
<b>Summary:</b>	<p>A proposal has been received to change parking restrictions on South Davis Avenue between the Tygart Valley River and 10th Street. (See the red line showing the proposed affected area on the attached map .)</p> <ul style="list-style-type: none"> <li>• Current rule: Cars may not be left in one place longer than 72 hours</li> <li>• Proposed new rule: 3-hour parking</li> <li>• Goal of change: To show continuity with downtown retail and business district and clarify that street parking is available to customers of the adjacent businesses.</li> <li>• Proposed by: Carlie Geiser/Top Knot Hair (914 South Davis Ave)</li> </ul> <p>The attached notice was delivered to the front door of every building on the 900 block of South Davis Avenue.</p> <p>Three emails have been received in opposition to the change, citing limited parking for residents and confusion about the purpose of the change. No emails were received supporting the change.</p>
<b>Fiscal Impact:</b>	n/a
<b>Recommendation:</b>	Consider for recommendation to council
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. parking change notice</li> <li>2. Subject_ Objection to Proposed Parking Rule on South Davis Avenue</li> <li>3. objection to parking rule change</li> <li>4. objection to proposed parking change</li> </ol>



## Notice of Proposed Parking Rule Change

This is to notify you that a proposal has been received to change parking restrictions on South Davis Avenue between the Tygart Valley River and 10<sup>th</sup> Street. (See the red line showing the proposed affected area on the map below.)

- **Current rule:** Cars may not be left in one place longer than 72 hours
- **Proposed new rule:** 3-hour parking
- **Goal of change:** To show continuity with downtown retail and business district and clarify that street parking is available to customers of the adjacent businesses.
- **Proposed by:** Carlie Geiser/Top Knot Hair (914 South Davis Ave)

This proposal will be considered by City Council's Municipal Properties Committee.

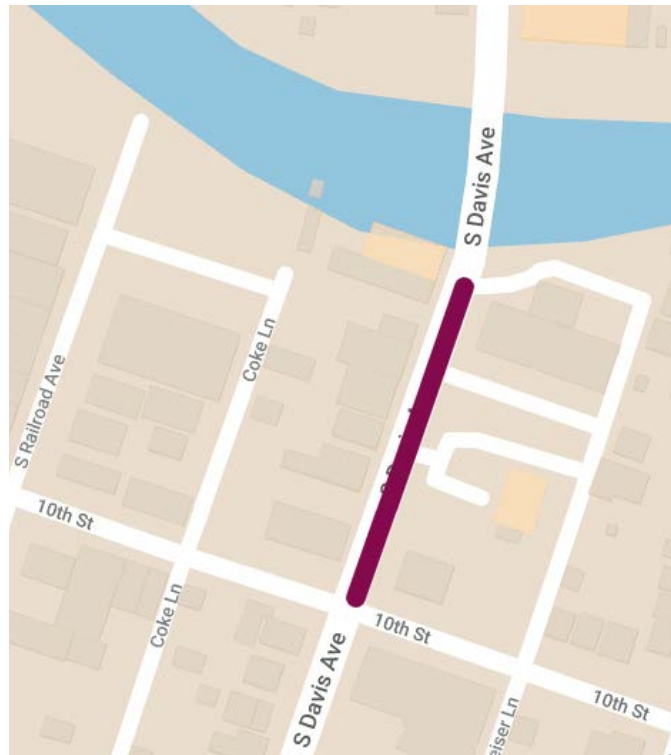
**Date:** January 13, 2025

**Time:** 11 a.m.

**Location:** Phil Gainer Community Center

No change could be made without final approval of City Council, at a later date TBD.

If you have questions, comments, or objections, please plan to attend this meeting and/or submit them to the City Clerk: [suttonstokes@cityofelkinswv.com](mailto:suttonstokes@cityofelkinswv.com).



**From:** [Lisa McIntyre](#)  
**To:** [Sutton Stokes](#)  
**Subject:** Subject: Objection to Proposed Parking Rule on South Davis Avenue  
**Date:** Tuesday, November 26, 2024 1:22:20 PM

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You don't often get email from lisa.mcintyre1111@gmail.com. [Learn why this is important](#)

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments or reply unless you recognize the sender and know the content is safe. Contact Help Desk for assistance.

Dear City Clerk,

I am writing to formally object to the proposed change to parking restrictions on South Davis Avenue, as detailed in the Notice of Proposed Parking Rule Change. My objection is based on the following concerns:

1. **Negative Impact on Residents:** The current 72-hour parking rule provides flexibility for residents who may need to park their vehicles for extended periods due to travel, work schedules, or other personal reasons. Reducing the limit to 3 hours would significantly inconvenience residents who do not have access to private parking and rely on street parking.

2. **Economic Implications for Local Businesses:** While the goal of the proposed change is to show continuity with the downtown retail and business district, it may have unintended negative consequences for local businesses. Customers may find it challenging to adhere to the 3-hour limit, especially if they plan to spend extended time shopping, dining, or using services. This could deter potential customers because they would have to go out and move their vehicles even if they are in the middle services.

3. **Insufficient Justification:** The notice mentions that the goal is to clarify that street parking is available to customers of adjacent businesses. However, it does not provide data or evidence showing that the current 72-hour limit is causing issues for businesses. Without clear justification, the change appears unnecessary and disruptive. Also I want to include tht the business who proposed this is located in a building who has provided paved parking and a nice new sidewalk for all residents of tht building. So it's only hurting residents who do not have parking available or may possibly be elderly ( as my neighbor is who does park out in the street) and disabled people who can't get up and move their car every 3 hours.

4. **Enforcement and Compliance:** A 3-hour parking limit would require strict enforcement to be effective, potentially increasing the burden on local law enforcement and creating additional administrative costs. There is also a risk of increased conflicts between residents, business owners, and enforcement officers over parking violations. To me it feels very likely considering the company proposed this has a parking lot for them to use and the 3 hours is already covered by the 72 hours.

In light of these concerns, I urge the City Council's Municipal Properties Committee to

reconsider the proposed rule change and explore alternative solutions that balance the needs of residents and businesses more effectively. I feel that maybe signs letting customers know they can park there bc most people think they can't bc the distance from the bridge. Alot of places have rules about how far from a bridge you can park. But as your line indicates that they can infact park there so maybe poles with signs marking each parking spot infront of the business and or lines painted on the road and curb would be a more suitable and respectful solution.

Thank you for your attention to this matter. I hope that my concerns, along with those of other residents, will be taken into consideration during the decision-making process.

Sincerely,

LISA MCINTYRE  
947 South Davis Ave  
Apartment B  
ELKINS WV 26241  
(304) 621-5897

**From:** [Sutton Stokes](#)  
**To:** [Cody Kerns](#); [David Parker \(dparker@cityofelkinswv.com\)](mailto:dparker@cityofelkinswv.com); [Nanci Bross-Fregonara](#)  
**Cc:** [Jerry Marco](#); [304mammaw@gmail.com](mailto:304mammaw@gmail.com)  
**Subject:** objection to parking rule change  
**Date:** Thursday, November 21, 2024 9:58:00 AM  
**Attachments:** [parking change notice.docx](#)  
[image001.png](#)

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Members of the Municipal Properties Committee,

In reference to the proposed parking change in the 900 block of South Davis Avenue, please note that an objection has been received by phone from Lucinda Wright (copied on this message: [304mammaw@gmail.com](mailto:304mammaw@gmail.com)).

Ms. Wright, who lives in the apartment building in this block, just south of the bridge, very much hopes that the committee will NOT recommend this change to council.

Thanks,

-Sutton

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[Sutton Stokes](#)

City Clerk

City of Elkins

401 Davis Ave.

Elkins, WV 26241

Email: [suttonstokes@cityofelkinswv.com](mailto:suttonstokes@cityofelkinswv.com)

Phone: (304) 636-1414, ext. 1211

[www.cityofelkinswv.com](http://www.cityofelkinswv.com)

[www.facebook.com/ElkinsCityHall](https://www.facebook.com/ElkinsCityHall)

[www.twitter.com/ElkinsCityHall](https://www.twitter.com/ElkinsCityHall)



**From:** [Cindy Wright](#)  
**To:** [Sutton Stokes](#)  
**Date:** Sunday, December 29, 2024 11:47:50 AM

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Notice of proposal of parking rule change on S Davis Ave Elkins WV

I Lucinda Wright a resident of Elkins for over 45 years am opposed to this change. West Virginia law does not state a specific distance one must park from the entrance or exit of a bridge. However, for safety reasons and avoid obstruction of flow of traffic, drivers must park a safe distance from entrance and exit. As a resident of South Davis Ave I have seen traffic heading into downtown Elkins and traffic heading to South Elkins at the same time when a emergency vehicle is coming thru. If heading downtown yes u can pull over on the sidewalk but if heading to south Elkins and the city changes to this proposal, (removal of yellow line ) please tell me where does that traffic pull over if cars are allowed to park in the area the proposal wants to change. I have seen this happen many times. Safety and saving ones life seems more important to me than providing parking for a business. 2 to 3 minutes can save a persons life. Also there are people who live on South Davis, so I guess they must move their car every 3 hrs. This business knew of the yellow line before she placed her business there. Maybe she could ask the Housing Authority for a few parking places in their lot in the back of the building. I hope the City considers this as a safety issue and does not pass this proposal.

Thank you.  
Lucinda Wright  
914 S Davis Ave  
Elkins WV



## CITY OF ELKINS AGENDA ITEM REPORT

<b>Meeting Date:</b>	January 13, 2025
<b>Section:</b>	New business
<b>Category:</b>	Action Item
<b>Agenda Item Name:</b>	Draft Adopt-a-Tree application
<b>Recommended By:</b>	Tree Board
<b>Summary:</b>	Agenda item is for review of the draft agreement for the Adopt-A-Tree program, for trees to be planted in the city right-of-way between sidewalks and streets.
<b>Fiscal Impact:</b>	TBD
<b>Recommendation:</b>	Consider for next steps and recommendations
<b>Attachments:</b>	1. Elkins Grow Greener Adopt - draft



# ELKINS GROW GREENER ADOPT-A-TREE APPLICATION

*Only completed forms will be accepted. For more information visit [cityofelkinswv.com/city-government/boards-commissions/tree-board/](http://cityofelkinswv.com/city-government/boards-commissions/tree-board/).*

Name: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

City/State/Zip: \_\_\_\_\_  
\_\_\_\_\_

## TREE ADOPTION AGREEMENTS

### Tree Care Pledge

I agree to select a tree and location that are space compatible and appropriate for any utility lines conflicts. I agree to care for this tree and water it for at least two years. I understand an Elkins Tree Board City representative may confirm the type of tree appropriate for the location and make a site visit to my property to verify compliance with program requirements.

### Affidavit of ownership and hold harmless permission to plant tree

The undersigned being duly sworn and upon oath states as follows:

1. I am the current Owner (whether singular or plural) of the property know as \_\_\_\_\_  
(address).
2. All statements contained in this application have been prepared by me or my agents and are true and correct to the best of my knowledge.
3. The affidavit is being submitted with my knowledge and consent.
4. Owner agrees to hold the City harmless for any loss or damage to persons or property occurring as a result of planting a tree in the city's right of way.

Print

Name: \_\_\_\_\_  
\_\_\_\_\_

Owner

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

Phone

: \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

**Location where tree will be planted:**

- Public Right of Way. This is the area usually between the curb and the sidewalk.
- Front yard close to street
- Property Owned by Applicant (required)

**Address where the tree will be planted (if different from above):**

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Tree selection preference options are determined by planting location and availability. The ETB will attempt to provide residents with preferred tree but cannot guarantee.

**Small (up to 15-20 ft. in height, and suitable where utility lines are present, 2' wide tree berm)**

Redbud  Serviceberry

Flowering Dogwood

**Medium (30-35 ft. in height, no utility lines present, 4' wide tree berm)**

Red maple  Washington Hawthorn

**Large (40 ft. plus in height, no utility lines present, 8' wide tree berm)**

Ginkgo  Sugar Maple

**Program Requirements**

- Applicants must reside within the city limits of Elkins.
- One tree per household, per year.
- Priority will be given to residents who are replacing a street tree on their property.
- Applicant must sign the Tree Adoption Agreements.
- Once an application is approved, the resident will be notified of when the pick-up date will be at the Elkins Tree Nursery.

**Email Completed Applications to:** mcuonzo@gmail.com **OR Mail/Drop off completed applications to:** City of Elkins Tree Board, 401 Davis Ave., Elkins, WV 26241.

**EIGHT THINGS YOU SHOULD KNOW WHEN PLANTING A TREE**

1. **Call before you dig**— Several days before planting, call the WV 811 hotline or go online: [wv811.com/homeowners/](http://wv811.com/homeowners/) to have underground utilities located.
2. Make sure street signage will be clearly visible. Street signage includes regulatory, warning, transit, and other City installed signs.
3. Handle with care— Always lift tree by the root ball. Keep roots moist until planting.
4. Digging a proper hole— Dig 2-5 times wider than the diameter of the root ball with sloping sides to allow for proper root growth.
5. Planting depth— The trunk flare should sit slightly above ground level, and the top-most roots should be buried 1-2 inches.
6. Filling the hole— Backfill with native soil unless it's all clay. Tamp in soil gently to fill large air spaces.
7. Mulch— Allow 1-2 inch clearance between the trunk and the mulch. Mulch should be 2-3 inches deep.
8. Trees are living, growing things and require ongoing care to thrive. The ETB provides resources on tree planting and care for young trees.



## CITY OF ELKINS AGENDA ITEM REPORT

<b>Meeting Date:</b>	January 13, 2025
<b>Section:</b>	New business
<b>Category:</b>	Action Item
<b>Agenda Item Name:</b>	Request from Megacorp to purchase city property adjacent to Seneca Mall Parking Lot
<b>Recommended By:</b>	City Attorney
<b>Summary:</b>	See attached letter and map.
<b>Fiscal Impact:</b>	Property would probably need to be auctioned, so it is unknown how much the city would receive. Because the property would be restricted to private use, the city cannot use its Home Rule authority to sell property without an auction.
<b>Recommendation:</b>	Consider presented information and recommend next steps in consultation with the City Attorney
<b>Attachments:</b>	1. Legg_Property_Request

November 20<sup>th</sup>, 2024

Mayor Jerry A. Marco  
City of Elkins, West Virginia

Dear Mayor Marco,

I am writing on behalf of Legg Properties, LLC to formally express our intent to purchase a 10-foot-wide strip of land from the City, located at the rear of the building at 124 3rd Street, Elkins, WV 26241. This strip is currently part of the City's parking lot. After careful evaluation, we believe this property holds significant potential for development and aligns with our commitment to fostering growth and value in the communities we serve.

Attached to this letter you will find a site plan showing the property in question, in blue.

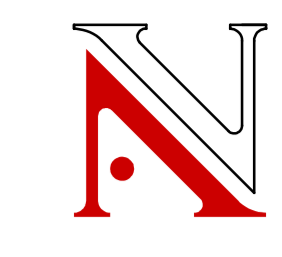
We understand that to consummate such a transaction, the City of Elkins would need to sell this property at public auction. We are prepared to participate in such a transaction and welcome the opportunity to work collaboratively with your office to ensure that this transaction benefits the City and its residents. Please let us know if there are any specific requirements, processes, or timelines we should be aware of to move forward.

Thank you for considering our proposal. We are eager to contribute to the continued success of Elkins and look forward to discussing this opportunity further.

Sincerely,  
Ryan Legg,  
CEO  
Legg Properties  
888 - 445 - 0894

A handwritten signature in black ink, appearing to read "Ryan Legg".

**Ryan Legg**  
Legg Properties, LLC  
1011 Ashes Drive  
Wilmington, NC 28405



VANNOSTRAND ARCHITECTS  
 29 E. MAIN STREET, STE 4  
 P.O. BOX 572  
 BUCKHANNON, WV 26201  
 304-473-6555

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BUILDING RENOVATION  
**LEGG PROPERTIES**  
 124 3rd STREET  
 ELKINS, WEST VIRGINIA 26241

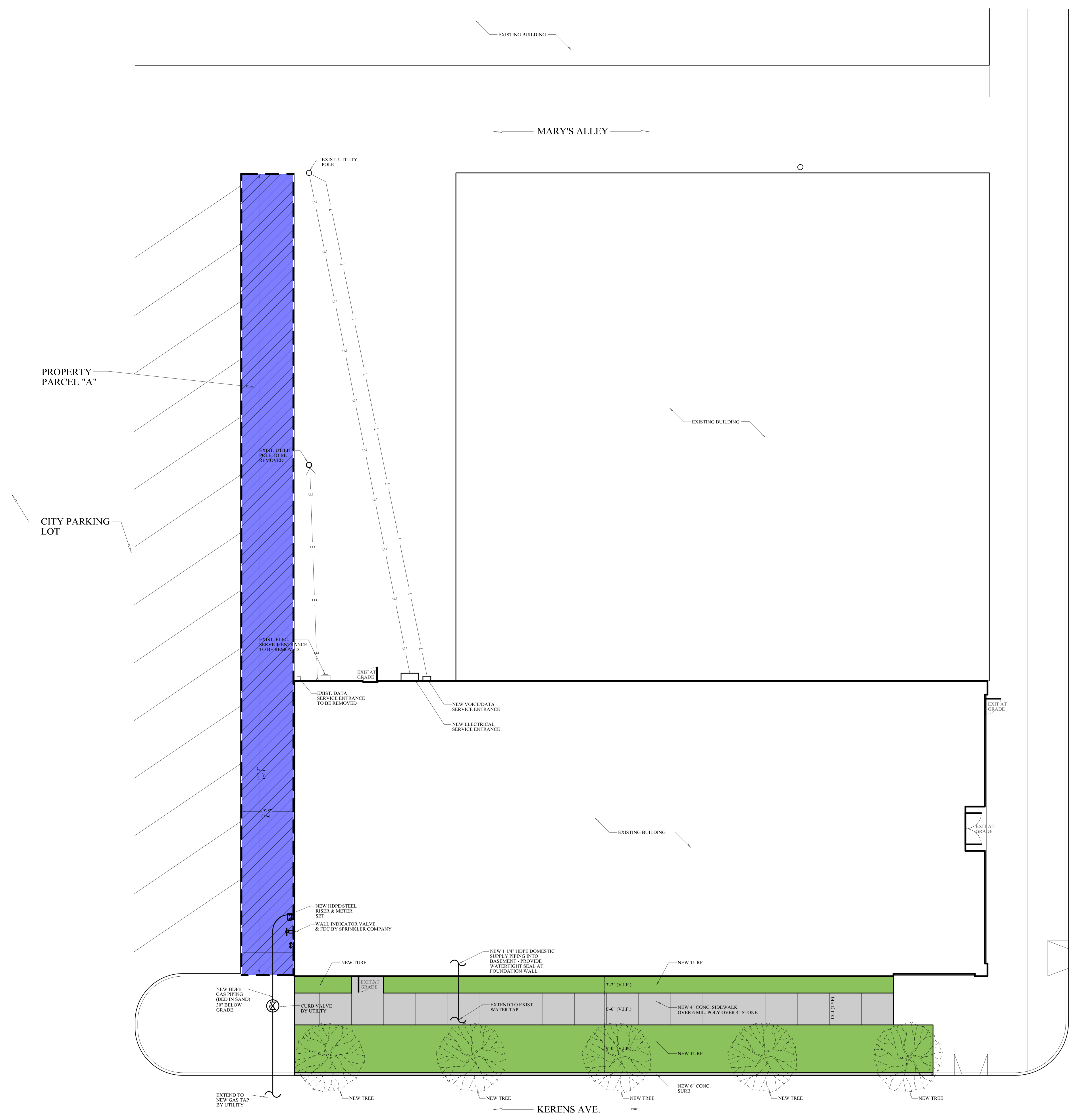


rev	date	description



job: 23030562  
 drawn: DCS  
 checked: RYN  
 date: 12/18/2023  
 scale: AS SHOWN

SHEET  
**A.00**  
 1 OF 22

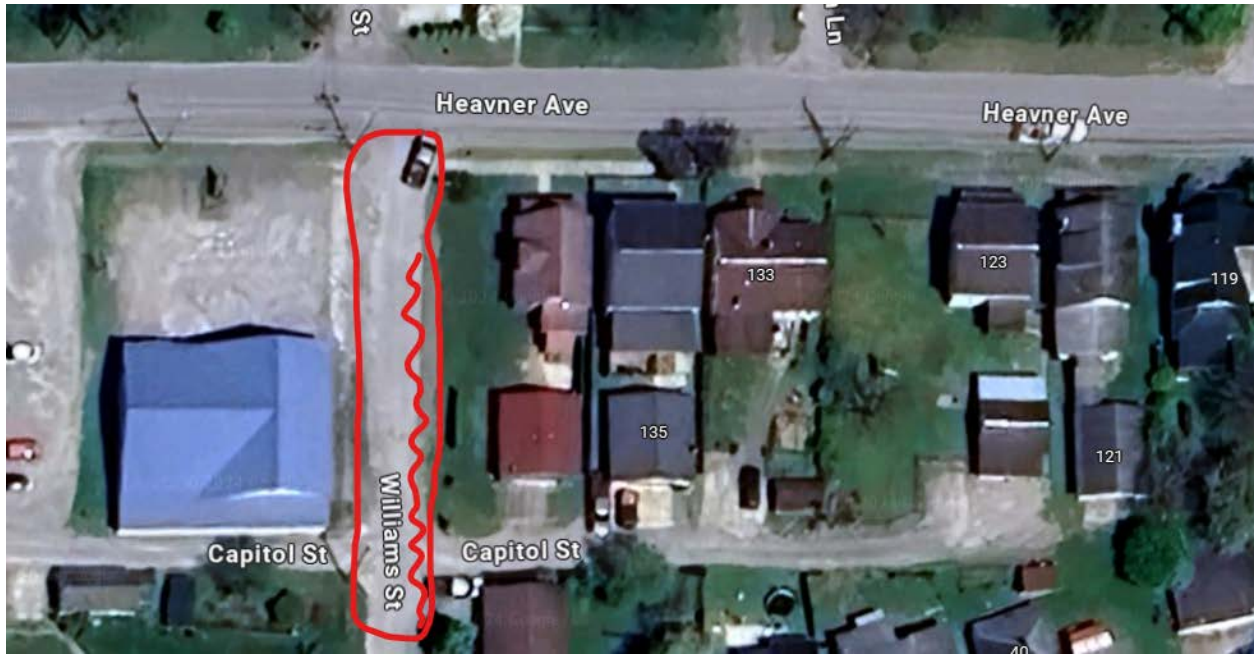


**SITE PLAN**  
 SCALE: 1/8" = 1'-0"



## CITY OF ELKINS AGENDA ITEM REPORT

<b>Meeting Date:</b>	January 13, 2025
<b>Section:</b>	New business
<b>Category:</b>	Action Item
<b>Agenda Item Name:</b>	Illegal parking on Williams Street
<b>Recommended By:</b>	Operations Manager
<b>Summary:</b>	<p>Councilor Lowther reports frequent illegal parking on Williams Street, such that residents sometimes are blocked from exiting the otherwise dead end alley that serves their garages. This parking may include parents dropping off and picking up children at the adjacent dance studio. Councilor Lowther reports that the dance studio owner says she has tried many methods of communicating the need to respect parking rules to her customers, but with no result.</p> <p>The committee is being asked to facilitate discussion of possible solutions. Ideas include:</p> <ul style="list-style-type: none"> <li>• Communication from the police chief to the business owner expressing concern, which the business owner can then distribute to patrons.</li> <li>• Providing some temporary barrier the dance studio owner could put up and take down on her own, to make the point to the parents that it is being monitored by the city. She arrives before kids do and leaves after everyone is gone.</li> </ul>
<b>Fiscal Impact:</b>	n/a
<b>Recommendation:</b>	Discuss and consider next steps
<b>Attachments:</b>	1. Williams Street no parking





## CITY OF ELKINS AGENDA ITEM REPORT

<b>Meeting Date:</b>	January 13, 2025
<b>Section:</b>	New business
<b>Category:</b>	Action Item
<b>Agenda Item Name:</b>	Downtown and city hall beautification contracts
<b>Recommended By:</b>	Councilor Bross-Fregonara
<b>Summary:</b>	<p>Councilor requests a conversation about downtown and city hall beautification contracts. I am specifically requesting that other vendors are contacted (especially for City Hall) for bids and a separate tree watering bid for the downtown watering/flowers contract.</p> <p>The tree board realizes it does not have the capacity for watering trees, which, with increasing temperatures, has become a necessity.</p>
<b>Fiscal Impact:</b>	TBD
<b>Recommendation:</b>	Discuss and consider next steps
<b>Attachments:</b>	None