



City of Elkins

Rules and Ordinances Committee Meeting

December 1, 2025

3:30 PM

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

Charter Authority of the Rules & Ordinances Committee: Consider and propose to Council new and amended ordinances, rules, and policies.

AGENDA

1. **Call to order and roll call**
2. **Public comment**
3. **Minutes**
 - a. Proposed minutes for the meeting of September 2, 2025
4. **Reports**
5. **New business**
 - a. Council rules amendment
 - b. Speed limit change request on High Street
 - c. Speed limit change request on Bruce Street
6. **Announcements**
7. **Adjournment**



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	December 1, 2025
Section:	Minutes
Category:	Action Item
Agenda Item Name:	Proposed minutes for the meeting of September 2, 2025
Recommended By:	City Clerk
Summary:	Minutes proposed for the referenced meeting
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. Rules and Ordinance Committee - 2025_09_02 - minutes_proposed

RULES AND ORDINANCE COMMITTEE MEETING MINUTES

*Phil Gainer Community Center
142 Robert E. Lee Ave. Ext.
September 2, 2025
3:30 p.m.*

Present were members: N. Bross-Fregonara (Chair), L. Severino, A. Carroll.

Also present were: Jerry Marco (mayor), Melody Himes (operations assistant), Gerry Roberts (city attorney), Tracy Judy (treasurer), Steve Himes (fire chief), Travis Bennett (police chief), Chris Marshall (human resources), Sutton Stokes (city clerk), and Mikayla Goins (recording secretary).

MINUTES

Carroll **MOVED APPROVAL OF THE MINUTES OF THE JUNE 2, 2025.** The motion carried.

NEW BUSINESS

Carroll **MOVED RECOMMENDING COUNCIL APPROVAL OF REQUEST FROM FAIRNESS WV FOR ORDINANCE PROHIBITING DISCRIMINATION BASED ON REAL OR PERCEIVED RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, AGE, DISABILITY, MARITAL STATUS, FAMILIAL STATUS, OR VETERAN STATUS.** The motion carried.

The committee discussed proposed amendments to council’s rules of parliamentary procedure.

The meeting adjourned at 4:25 p.m.

Name & Title

Signature



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	December 1, 2025
Section:	New business
Category:	Action Item
Agenda Item Name:	Council rules amendment
Recommended By:	City Clerk
Summary:	<p>The attached memo updates the committee on revisions to council’s parliamentary rules, based on a WVML model framework with extensive modifications to encompass Elkins practice and customs.</p> <p>Key issues resolved include redundancies with the charter, appointment inconsistencies requiring ratification, inflexible public comment rules in city code, and overly broad agenda-setting authority. Recommendations focus on clarifying appointments, tightening agenda and motion procedures, setting rules for remote participation, and strengthening parliamentary formality. The committee is asked to begin deliberation and consider immediate action where needed.</p> <p>Also attached are:</p> <ul style="list-style-type: none"> • Draft of updated rules • Elkins City Council's Current Rules
Fiscal Impact:	n/a
Recommendation:	Review, discuss, and consider next steps and recommendations.
Attachments:	<ol style="list-style-type: none"> 1. Memo - rules change - 2025_11_26 2. Draft_Rules_of_Procedure - 2025_11_26 3. Current Rules of Elkins City Council

Memo

To: Rules & Ordinances Committee

From: Sutton Stokes, City Clerk

Date: November 26, 2025

Re: Update on proposed changes to council rules

At this Committee's September meeting, I shared a memorandum outlining several weaknesses in our current rules of parliamentary procedure and highlighting the need for a comprehensive update. Those concerns were echoed at the August WVML conference, where city officials were reminded that effective parliamentary rules are essential—not optional—for maintaining fair, transparent, and legally sound local governance. Clear rules help keep meetings on track, reduce conflict, and protect the legitimacy of Council actions, both in real time and if later challenged.

Since then, I've continued reviewing our rules, comparing them with the model framework prepared by WVML counsel, and incorporating the Committee's guidance. The attached draft represents a reorganized and updated set of proposed Rules of Parliamentary Procedure. It blends our local needs with statewide best practices and addresses the issues we discussed last fall.

This draft is intended as a working document for the Committee. It will likely require careful consideration at more than one Committee meeting before eventual recommendation to Council.

Summary of Key Revisions

1. **Removal of Redundant or Conflicting Language:** The draft eliminates restatements of Charter provisions and corrects inconsistencies relating to appointment authority for the Planning Commission and Parks Commission. Council may still need to formally confirm past appointments for full consistency.
2. **Agenda-Setting Authority:** As previously discussed, the draft limits who may place items on the Council agenda. Under the proposal, that authority is limited to the

Mayor, Council committees, or three Councilmembers acting together. This change strengthens clarity and protects against potential misuse in the future.

3. Public Comment: The draft assumes amending current rigid public-comment rules out of City Code and placing more flexible guidance in Council's rules, allowing the body the flexibility to set reasonable limits while still encouraging public participation.
4. Motions and Debate: The draft restores the requirement for a second on motions before debate and formalizes recognition by the Chair. It also provides structure for debate while still allowing Council to suspend its rules when needed.
5. Remote Participation: The draft includes notice requirements and annual limits for remote attendance to reduce confusion and ensure fair use of the option.
6. Executive Sessions: The draft reorganizes and clarifies the rules governing executive sessions, including how they are entered, who may attend, how specific an agenda description must be, and what may (and may not) be recorded.

Questions for Committee Review:

1. Should the Committee recommend that Council ratify prior appointments to the Planning Commission and Parks Commission?
2. Is the proposed limit on agenda-setting authority appropriate?
3. Does the draft strike the right balance between flexibility and structure for public comment?
4. Are the remote participation notice requirements and annual limits appropriate?
5. Does the Committee wish to adjust the proposed rules for recognition by the Chair, debate limits, or decorum?

Please review the attached draft Rules of Parliamentary Procedure in advance of the next Committee meeting. I welcome any feedback on both substance and organization so we can move toward a version suitable for Council consideration.

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Elkins Council – Rules of Proceedings

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ARTICLE I – GENERAL PROVISIONS

Section 1.1: Purpose and Scope

These Rules of Procedure (“Rules”) govern the conduct of meetings and legislative actions of the Governing Body (“Council”) of the City of Elkins, West Virginia (“City”), and its Committees. The intention of these Rules is to provide structure, ensure lawful compliance, and promote orderly and efficient deliberation.

Note concerning meetings of Council Committees:

Committee proceedings are less formal than those of Council while still maintaining orderly deliberation and decision-making. Consistent with Robert’s Rules of Order for Small Boards, and unlike meetings of the full Council:

- No second is required for a motion;
- Members may discuss an item before any motion is offered; and
- The floor is generally open for conversational discussion among committee members and city officials without the need for formal recognition by the chairperson.

The Chairperson may, however, require formal recognition when necessary to maintain order. Although members of the public more frequently address Committees than the full Council, they must nonetheless seek formal recognition before addressing a Committee.

Any ambiguity arising from the differences between Council and Committee procedures shall be resolved in the manner that best promotes good order and the efficient conduct of Committee business, and not in any way that unnecessarily impedes a Committee’s ability to advance the public good.

Section 1.2: Definitions

Administrative Officers: The City Clerk, City Treasurer, Fire Chief, Operations Manager, and Police Chief, as defined in City Code §32.02.

City Clerk, or Clerk: The person appointed to the office established in §3.06 of the City Charter.

Committees: Standing committees of Council established by the City Charter—Finance, Municipal Properties, Personnel, Public Safety, and Rules & Ordinances Committees—or any ad hoc Committees. Committee membership and chairpersons are designated by the Mayor.

Council: The governing body, including the Mayor. The terms “City Council” and “Common Council” are interchangeable.

Ethics Act: The West Virginia Governmental Ethics Act, W. Va. Code §6B-1-1 et seq., which establishes ethical standards for public officers and employees and governs conflicts of

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interest, financial disclosure, use of public office for private gain, and related requirements enforced by the West Virginia Ethics Commission.

Governing Body: The Council or, as applicable, any of its standing or ad hoc Committees.

Meeting: The convening of a Governing Body for which a Quorum is required to make a decision or deliberate toward a decision resulting in an official action, as defined in W. Va. Code §6-9A-2(5). Meetings of the Elkins Common Council must also comply with City Code §31.02. Meetings may occur in person or by telephone conference or other electronic means.

Open Meetings Act: The West Virginia Open Governmental Proceedings Act, W. Va. Code §6-9A-1 et seq., which requires that meetings of governing bodies be conducted openly, with advance notice, public access, proper agendas, and limited use of executive sessions as authorized by law.

Order of Business: The standard order of agenda sections for Council and Committee meetings.

Quorum: A majority of the sitting members of a Governing Body present at a Meeting where such attendance is required for the transaction of business. In Elkins, the Mayor is not counted toward Quorum under City Code §2.08.

Presiding Officer: The person charged with conducting Meetings. For Council, the Presiding Officer is the Mayor or, in the Mayor's absence, the City Clerk or a member selected by a majority of those present. For Committees, the Presiding Officer is the chairperson designated by the Mayor or, in the chairperson's absence, a member selected by a majority of those present.

Recording Secretary: The official responsible for keeping minutes of a Governing Body's proceedings. For Council and its Committees, this is the City Clerk or the City Clerk's designee. The City Clerk remains ultimately responsible for the accuracy, form, and preservation of the official minutes.

Unanimous Consent: A procedure for approving minor or procedural actions when no member objects. The Presiding Officer proposes the action "if there is no objection," after which any objection requires the action to be moved, seconded, and approved by majority vote.

Note on Defined Terms: For clarity, defined terms such as "City Clerk," "Councilmember," "Presiding Officer," and "Open Meetings Act" are capitalized throughout these Rules.

See also Appendix A – Glossary of Parliamentary Terms for additional definitions used in Council procedure.

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Section 1.3: Meetings

All meetings of Council shall comply with the West Virginia Open Governmental Proceedings Act (W. Va. Code §6-9A-1 et seq.), the City Charter, and City Code §31.02.

Types of Meetings include:

- *Regular Meetings:* Held at intervals established in City Code.
- *Special Meetings:* Called by Council at times other than those established for Regular Meetings.
- *Special-Called Meetings:* Called by the Mayor or any three Councilmembers; the written call must state the purpose and proposed action items.
- *Emergency Meetings:* Convened only when immediate action is necessary. The existence of emergency circumstances alone does not justify an Emergency Meeting; there must be both an emergency and an articulable necessity for prompt action by the Governing Body. Notice requirements are suspended only to the extent necessary, and notice must still be posted as soon as practicable. Actions taken at an Emergency Meeting should ordinarily be docketed for reconsideration, discussion, or ratification at the next Regular Meeting.

Notification of the time, date, location, and agenda of Special, Special-Called, or Emergency Meetings shall be provided in the same manner as for Regular Meetings. When usual notification methods are insufficient, reasonable alternate methods should be used. Except under unusual circumstances, all staff who customarily attend meetings shall be notified of every meeting in the same manner as Councilmembers.

Section 1.4: Attendance and Participation

Councilmembers are expected to attend all meetings. No official action may occur unless a Quorum is present. Before calling a meeting to order, the Presiding Officer must be reasonably certain that a Quorum exists.

Under City Code §31.02, members for whom physical attendance is difficult or impossible may participate using telephonic or electronic means as allowed by Council. Except in fully remote meetings, the Presiding Officer must be physically present unless an emergency prevents this.

A Councilmember is considered present for Quorum purposes under the following conditions:

Physical Presence: The member is physically at the meeting site.

Remote Participation: The member attends by telephone or electronic means, provided:

- The participant is clearly identifiable;
- All participants can hear and be heard in real time; and
- Members of the public can hear all participants in real time.

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Members participating remotely may engage fully in discussion, debate, and voting, subject to:

- Notice Requirement: **At least six (6) hours' written notice** to the City Clerk prior to remote participation to allow adequate technical preparation.
- Annual Limit: A member may not attend **more than three Regular Meetings** remotely per calendar year unless additional remote participation is approved by majority vote of Council.

Remote participants shall identify themselves before speaking; recognition by the Presiding Officer satisfies this requirement.

Council may elect to meet entirely by electronic means under special circumstances such as health or safety emergencies, provided public access is maintained in real time. All remote participation must comply with W. Va. Code §6-9A.

Section 1.5: Oath of Office

At the first meeting involving any newly elected or appointed Councilmember, the first order of business shall be administration and subscription of the Oath of Office in accordance with state law.

The oath shall be administered by the Mayor, City Clerk, or another official authorized to administer oaths, and shall substantially conform to the language prescribed in the West Virginia Constitution and W. Va. Code §6-1-3:

I, [insert member's name], do solemnly swear that I will support the Constitution of the United States and the Constitution of this State and that I will faithfully discharge the duties of City Councilor to the best of my skill and judgment, so long as I may continue therein.

The subscribed oath shall be recorded in the minutes, and a signed copy retained by the City Clerk in the official municipal records.

No Councilmember may vote, make motions, or otherwise participate in the formal actions of Council until the oath has been taken and recorded.

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ARTICLE II – MEETING PROCEDURES

Section 2.1: Preparation and Distribution of Agendas

The City Clerk shall coordinate the preparation and distribution of meeting agendas in compliance with the Open Meetings Act. Responsibilities include:

- Compiling items approved for inclusion in accordance with **Section 3.3**.
- Preparing meeting packets (see **Section ___**) and distributing agendas and supporting materials to each Councilmember prior to the meeting.
- Confirming that scheduled public hearings are duly advertised.
- Ensuring that meeting notices and agendas are posted as required by law.

Agenda Packets:

Agenda packets shall be prepared for all meetings of Council and its Committees. Packets shall be distributed as soon as practicable in advance of each meeting, generally no later than one day prior. Council and its Committees ordinarily require that each agenda item be accompanied by a memorandum or other written summary, together with any supporting documentation (e.g., invoices, contracts, draft policies, or similar materials) sufficient to explain the action requested and the reasons for it.

Section 2.2: Minutes

The City Clerk shall prepare official minutes that include:

- Date, time, and location of the meeting;
- Names of members present and absent;
- Motions made, including the names of the movant and seconder;
- The result of each vote, including, when applicable, how each member voted.

The City Clerk shall also serve as the official timekeeper for portions of the meeting in which debate, Council remarks, or public testimony is subject to time limits, unless the Presiding Officer appoints another timekeeper.

Corrections

Approved minutes may be corrected by the City Clerk at any time that a non-substantive error or omission is discovered. Substantive corrections may be proposed by the Mayor, any Councilmember, or the City Clerk, reviewed for accuracy, and approved by a majority vote of Council. All corrections shall be noted in the minutes of the meeting at which they are approved, and the original minutes shall be clearly marked to indicate that a correction was made, including the date of correction.

Section 2.3: Order of Business

The standard order of business for Council agendas shall be as follows. Committee agendas shall follow the same order but may omit items as appropriate to their scope.

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1. *Invocation and Pledge.*
2. *Call to Order.* The Presiding Officer shall call the meeting to order at the appointed hour.
3. *Roll Call.* The City Clerk shall call the roll, or the Presiding Officer may note attendance verbally.
4. *Public Hearings* (if scheduled).
5. *Public Comments.* Members of the public may address the Governing Body for no longer than **three minutes**. This is not a question-and-answer period, nor are these remarks subject to debate, in compliance with the Open Meetings Act.
6. *Approval of Minutes.*
7. *Correspondence, Notifications, and Recognitions.* Includes non-action informational items and recognitions, citations, or awards.
8. *Councilor Reports & Comments.* Councilmembers may present Committee reports or address the body. These remarks are not subject to debate, in compliance with the Open Meetings Act.
9. *Officer Reports.* Administrative Officers, the City Attorney, and the Chief Operators of the Public Wastewater and Water Systems shall provide informational reports. These remarks are not subject to debate, in compliance with the Open Meetings Act.
10. *Unfinished Business.* Items left pending at the previous meeting, including postponed items or business not reached due to early adjournment.
11. *New Business.* New items presented for action or deliberation.
12. *Mayor's Comments.* The Mayor may offer information or updates. These remarks are not subject to debate, in compliance with the Open Meetings Act.
13. *Adjournment.* Adjournment is automatic once all agenda items have been addressed. A motion to adjourn is only required to end a meeting prior to completing the agenda.

The Order of Business may be altered by Unanimous Consent or by a motion approved by a majority of Councilmembers present. To obtain Unanimous Consent, the Presiding Officer proposes the change and proceeds if no member objects.

Section 2.4: Recess, Continuance, and Adjournment

Council may recess and reconvene a meeting at a later time and place if members wish to end a meeting before completing all agenda business. The time, date, and location of reconvening must be announced on the record, with public notice provided as required by the Open Meetings Act.

Adjournment ends the meeting, and no business may be conducted afterward. Adjournment is automatic once the agenda is completed. A motion is only required when ending the meeting before all agenda items have been addressed.

A meeting may be continued only to address items already appearing on the original agenda.

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ARTICLE III – LEGISLATIVE INSTRUMENTS AND AGENDA CONTROL

Section 3.1: Forms of Action

Council may act by ordinance, resolution, or motion, depending on the subject matter and applicable law. This section provides a general overview; each form is treated in more detail in the sections that follow.

Ordinances

An ordinance is required where formal legislation is mandated by statute, charter, or case law. Under W. Va. Code §8-11-3, Council action must be by ordinance in the following cases (unless otherwise provided by law):

- Levying taxes or establishing fees;
- Requiring a business license;
- Establishing offenses and penalties;
- Authorizing bonds or indebtedness;
- Approving public improvements;
- Purchasing or selling municipal property;
- Laying out or vacating streets, alleys, or public ways;
- Enacting planning or zoning measures;
- Granting public utility franchises;
- Any other matter required by the City Charter or West Virginia Code to be enacted by ordinance.

Although State law generally requires intergovernmental contracts or agreements to be approved by ordinance, the City of Elkins has been granted Home Rule authority to approve such agreements by resolution.

Ordinances must be introduced, read, and adopted in accordance with W. Va. Code §8-11-4. This typically requires:

- Reading the proposed ordinance by title at two separate meetings at least one week apart, unless full reading is demanded; and
- Additional procedural requirements for revenue-raising ordinances and certain technical codes.

An ordinance may be amended after introduction; however, substantive amendments require restarting the full reading process, as if introducing a new ordinance.

Resolutions

A resolution is used for administrative, ceremonial, or policy decisions not requiring an ordinance. Resolutions are adopted by motion and majority vote and may:

- Approve certain contracts;

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- Set internal policies or procedures;
- Make appointments or authorizations;
- Express the Council's intent or opinion.

Motion

A motion is a procedural tool used to propose and adopt action within a meeting. When passed, it becomes a formal act of Council.

Section 3.2: Introduction of Legislation (Ordinances)

Except upon a finding by Council that circumstances are so urgent as to brook no delay, proposed ordinances must be referred to Council by:

- The Rules & Ordinances Committee, or
- A City board or commission acting within the authority granted to it by State or City Code.

The City Attorney shall prepare and must approve the final form of all ordinances. The City Clerk shall assign a number to each ordinance.

A referring body (Rules & Ordinances Committee or the originating board/commission) may forgo reviewing an ordinance after it has been drafted by the City Attorney.

An ordinance is considered introduced before Council when the Presiding Officer reads its title aloud from the meeting agenda.

An ordinance that is approved on first reading shall be docketed for second reading on the agenda of the next Regular or Special Council meeting, in accordance with W. Va. Code §8-11-4. Ordinances requiring three readings shall likewise be docketed for subsequent required reading(s) after being approved on any preceding readings.

If an ordinance fails on any required reading, it may be reintroduced only after subsequent review and recommendation by the Rules & Ordinances Committee or, if appropriate, the originating board or commission. A substantively revised ordinance may also need to be introduced, read, and adopted anew in accordance with all applicable requirements, including public notice or hearing.

Section 3.3: Resolutions

Actions not requiring an ordinance shall generally be presented as resolutions. The text of a resolution may be amended at the meeting where it is introduced; however, significant amendments may warrant postponement to allow review.

The City Clerk or City Attorney will prepare and approve the final form of resolutions they have drafted. The City Clerk shall assign a number to each resolution. Any revision to a resolution prepared by the City Attorney must be approved by the City Attorney.

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If the vote to adopt a resolution fails, an identical or substantively similar resolution may be reintroduced only after additional review and recommendation by its originating Committee, if applicable.

Section 3.4: Direct Action Motions

The preceding sections describe actions taken through written instruments such as ordinances or resolutions. At other times, the motion itself constitutes the action. Direct Action Motions are typically used for procedural matters, including but not limited to:

- Approval of minutes or vendor invoices;
- Scheduling special meetings;
- Referral of items to committees;
- Directing staff to undertake research or prepare reports;
- Suspending these rules;
- Limiting debate or public comment;
- Other administrative or non-legislative matters.

Such motions should be stated clearly and read back by the City Clerk before the vote is taken so that members understand what they are voting on and the resulting action is unambiguous in the minutes.

When a Direct Action Motion is likely to be of continuing or longstanding interest, the City Clerk may place the action into the form of a simple resolution (a resolution without preamble paragraphs), assign a resolution number, and add it to the City's resolution record. The Clerk shall note this action in the minutes of the meeting where the motion was approved.

Section 3.3: Agenda Control and Disputes

Agenda Authority

To ensure that items brought before Council are ripe for consideration, the standard practice is to present matters first to the relevant Council Committee. Council will generally not entertain requests for items to be placed on its agenda without prior Committee review. The City Clerk, in consultation with Committee Chairpersons and relevant staff, shall assist staff and the public in navigating this process.

Individuals proposing new or amended laws must submit written application to and may be required to appear at a meeting of the Rules & Ordinances Committee. (See [Section ___](#) above regarding the Committee's role in recommending ordinances.)

The following items shall be docketed on the Council agenda without need for further review or approval, usually on the next Regular or Special Meeting agenda unless additional preparation time is required:

- Items referred to Council by action of a standing or ad hoc Committee;

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- Items referred by City boards or commissions acting within their lawful authority;
- Items referred by the written request of three or more Councilmembers.

All other proposed items may be docketed only upon approval of the Mayor.

Once agenda items are read aloud from the agenda by the Presiding Officer, they are in the possession of the body and may not be removed without the consent of Council.

Items proposed for Committee agendas may be docketed only with the approval of the relevant Committee Chairperson.

Role of Officers

City officers have the following roles in agenda preparation:

- *Administrative Officers and Other Council Appointees:* May recommend agenda items to the Mayor or to Committee Chairpersons, particularly for administrative or operational matters.
- *City Clerk:* Compiles, publishes, and distributes the agenda and supporting packet to all Governing Body members, Administrative Officers, and other appropriate staff; ensures compliance with the notice requirements of the Open Meetings Act.

Section 3.4: Hierarchy and Characteristics of Legislative Acts

City Charter – Highest Local Authority

The Charter is the City's foundational governing document, comparable to a constitution. It defines the structure, powers, and procedures of City government. All ordinances and resolutions must conform to the Charter.

Ordinance – Subordinate to the Charter; Superior to Resolution

An ordinance is a legislative act with the force of law. It is used for matters of general application, including:

- adoption of permanent rules;
- establishment of penalties;
- levying of taxes;
- regulation of public or private conduct.

Adoption of an ordinance generally requires:

- At least two readings (or as otherwise required by Charter or State law);
- Public notice in accordance with W. Va. Code §8-11-4 when applicable (e.g., revenue ordinances, zoning measures);
- A majority vote, including recorded votes where required.

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Ordinances on second or third reading may be amended and adopted at the same meeting only if the amendment does not constitute a substantive change. Substantive amendments require postponement and the full series of required readings in amended form.

Resolution – Lowest in Hierarchy

A resolution expresses the Council’s will, intent, or internal policy and may be used to:

- Approve contracts not requiring an ordinance;
- Make appointments;
- Set internal rules;
- Convey opinions or intentions.

Resolutions may not conflict with or override ordinances, the Charter, or State law. Substantive amendments may warrant deferral to a later meeting.

Withdrawal of Ordinances and Resolutions

Once read aloud by title at a Council Meeting, an ordinance or resolution is in the possession of Council and may be withdrawn only with Council’s consent.

Substitutes for Ordinances and Resolutions

A Councilmember may propose substitution of an entire ordinance or resolution with new language, provided:

- The substitute remains germane to the title and subject matter;
- The proposal complies with the rules for amendments and debate;
- The substitute does not violate notice requirements.

A substitution that materially changes the purpose or scope of an ordinance on second reading requires reintroduction and republication to meet due process and statutory notice requirements. Any substitute ordinance must be reviewed by the City Attorney prior to final adoption.

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ARTICLE IV – MOTIONS AND VOTING

Section 4.1: Motions Generally

Council action is taken through motions, which must be clearly stated and seconded, except when action is taken by Unanimous Consent. Unanimous Consent may not be used when State law requires passage of an ordinance, resolution, or motion by recorded vote of each member in the official minutes.

The Presiding Officer shall restate each motion prior to debate and shall call for a vote once discussion has concluded.

Section 4.2: Types of Motions

Common motions include:

- To adopt (e.g., to pass an ordinance or resolution);
- To amend (propose changes to a pending motion);
- To table (postpone temporarily to address an issue interrupting or impeding the meeting);
- To postpone (defer action to a later meeting to permit further research or review);
- To reconsider (review and potentially reverse a prior vote);
- To adjourn (end the meeting before completing the agenda);
- To call the question (end debate and proceed to a vote).

The Presiding Officer may reject dilatory, redundant, or obstructive motions.

For a step-by-step overview of how motions are introduced, seconded, debated, amended, and voted upon, see Appendix B: Guide to Motion Practice. This reference provides practical examples and clarifications to assist Councilmembers and the Presiding Officer in applying these rules consistently.

Section 4.3: Debate and Decorum

Debate must be directed to the Presiding Officer and confined to the merits of the pending motion.

Councilmembers shall not engage in personal attacks, challenge one another, interrupt, or speak without recognition. The Presiding Officer may rule on questions of decorum and has authority to warn, silence, or eject disorderly speakers.

Section 4.4: Voting and Majority Requirements

Unless otherwise required:

- A motion passes with a majority of votes cast, provided a Quorum is present.
- A tie vote fails.

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Each member present shall vote unless excused due to a disclosed conflict of interest or other recognized abstention.

Councilmembers shall not explain or justify their vote during the act of voting; such statements are considered debate and must occur before the vote is called.

The Mayor has both the right and the duty to vote in the event of a tie. The Mayor otherwise does not vote.

Votes may be taken by voice vote, show of hands, or roll call, if requested by the Presiding Officer or any member. When any Councilmember participates remotely, voting shall be conducted by roll call to ensure that each member is identified and their vote is publicly observable and recorded, except that actions adopted by consensus without objection need not be taken by roll call.

Abstentions shall be noted in the minutes but do not count as votes for or against the motion.

Clarification: A member who abstains due to a conflict of interest is still counted for purposes of Quorum.

Section 4.5: Appeal of a Decision of the Presiding Officer

Any Councilmember may appeal a decision of the Presiding Officer, including rulings on points of order or decorum. An appeal must be made promptly, before other debate or business intervenes.

When an appeal is made, the Presiding Officer shall clearly state the decision being appealed and may briefly provide reasons for that decision. The body may debate the appeal, but debate shall be confined to the merits of the appeal itself, not the underlying question or motion.

When debate, if any, is concluded, the Presiding Officer shall put the question to Council: "Shall the decision of the Presiding Officer be sustained?" A majority affirmative vote of those present sustains the decision.

The right to appeal does not apply to procedural questions not squarely presented in the proceedings or to purely factual determinations.

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ARTICLE V – PUBLIC COMMENTS, PUBLIC HEARINGS, AND EXECUTIVE SESSIONS

Section 5.1: Public Comments

Public Comments provide an opportunity for members of the public to address Council or a Committee regarding agenda items, matters of broad community concern, or relevant announcements.

Because meetings of Council and its Committees are convened for deliberation and decision-making on complex municipal issues, Council reserves the right to impose reasonable restrictions on Public Comment to preserve time and focus for agenda business.

Members of the public may always share concerns with elected officials outside of meetings—either directly using contact information available on the City’s website or by requesting to address an appropriate Committee. The City Clerk serves as a liaison between Council and the public and will assist in facilitating such requests, though items may be placed on a Committee agenda only with the consent of the Committee Chairperson.

The minutes shall, at a minimum, list all persons providing spoken or written Public Comment and briefly summarize the position taken (e.g., spoke in support, spoke in opposition, recommended an amendment, etc.).

Section 5.2: Conduct of Public Comment

Members of the public wishing to speak during Public Comment **must sign up by name and topic, clearly specifying whether their remarks will address an item appearing on that meeting’s agenda**, no later than five minutes before the meeting begins.

At the designated point in the Order of Business, the Presiding Officer shall open Public Comment and recognize speakers in the order in which they signed up. After the final listed speaker has been heard, the Presiding Officer shall close Public Comment. Once closed, Public Comment will not be reopened, and members of the public will not ordinarily be given the floor at any other point during the meeting.

The following rules apply:

- Any citizen or taxpayer of the City may speak on any matter introduced or pending before Council.
- **Remarks are limited to three minutes**, except by unanimous consent of Council.
- Remarks on matters not introduced or pending before Council require unanimous consent.
- An individual may speak only once on the same subject at a meeting, except by unanimous consent.

Speakers must provide their name and address, address remarks to the Presiding Officer, and **remain at the podium or designated area while speaking**. For safety and decorum,

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speakers shall not approach Council. Any handouts for Councilmembers will be distributed by City staff.

To maintain fairness and efficiency, Council may impose additional restrictions on comments concerning non-agenda items, including:

- Disallowing such comments at a given meeting;
- Requiring that a large group designate a spokesperson;
- Reducing individual or overall time limits, except as extended by unanimous consent.

Section 5.3: Public Hearings

Public Hearings provide a formal opportunity for public comment on specific legislative, zoning, budgetary, or other matters. Council shall hold Public Hearings when required by:

- West Virginia Code;
- The City Charter or ordinance; or
- Council action, when deemed appropriate.

Public Hearings may be:

- Held during a Regular or Special Meeting;
- Delegated to staff or subcommittees when legally permissible;
- Conducted at City Hall or another accessible public location within City limits or elsewhere in the county when necessary.

Note: Although Public Hearings allow the public to speak on the matter at issue, Council retains final decision-making authority.

Section 5.4: Conduct of Public Hearings

Members of the public wishing to speak at a Public Hearing must sign up by name no later than five minutes before the meeting begins.

At the appropriate point in the Order of Business, the Presiding Officer shall open the Public Hearing and recognize speakers in the order in which they signed up. Speakers are limited to three minutes unless Council waives or modifies the limit at the beginning of the hearing. Speakers who raise topics other than the matter that is the subject of the hearing will be declared out of order.

After all speakers have been heard, the Presiding Officer shall close the Public Hearing.

The written record of the hearing shall list all persons providing spoken or written comment and briefly summarize the position taken (e.g., support, opposition, proposed amendment).

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Section 5.5: Written Comments

Written comments submitted in connection with Public Comment or a Public Hearing must comply with the same standards of relevance, decorum, and civility as spoken comments. All written submissions become public records subject to the West Virginia Freedom of Information Act (FOIA) and will be preserved by the City Clerk as part of the official record without need for separate Council action.

Written comments submitted at or before a meeting or hearing form part of the official record but need not be read aloud. The City Clerk shall provide a list of persons submitting written comments and a brief summary of their positions and ensure the materials are available for public inspection as required by law.

Exception – Nonstandard, Unmanageable, Repetitive, or Published Submissions

Submissions that consist of oversized materials, physical exhibits, or media other than standard documents (e.g., videos, physical objects, digital storage devices) that cannot reasonably be reproduced or archived using City equipment shall not be retained unless:

- Required by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA);
- Required by another applicable statute; or
- The Council votes to accept the materials as part of the record.

When such materials are excluded, the City Clerk shall summarize the nature of the excluded materials in the minutes and retain any component that can reasonably be accommodated.

The City Clerk may also summarize and otherwise omit from the record:

- Lengthy published materials readily available elsewhere;
- Multiple copies of substantively identical form letters (retaining one example copy for the record);
- Other excessive or repetitive submissions.

Section 5.6: Executive Sessions (Closed Meetings)

Authority

A Governing Body may enter Executive Session and exclude the public only under the circumstances expressly authorized in the West Virginia Open Governmental Proceedings Act (W. Va. Code §6-9A-4). Members are encouraged to familiarize themselves with this section of State law, which sets forth the exclusive statutory grounds for entering Executive Session.

Procedure for Entering Executive Session

1. Motion Requirements

To enter Executive Session:

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- A member must move to do so;
- The motion must state the agenda item and the statutory authority relied upon (see W. Va. Code §6-9A-4);
- The motion must identify any non-members invited into the session; and
- The motion must be approved by a majority of the members present.

2. *Multiple Authorities*

Although it is permitted to move to enter Executive Session on more than one agenda item or to cite multiple statutory authorities, doing so is generally discouraged where it may cause confusion or ambiguity for members or the public.

3. *Specificity of Agenda Items*

A Governing Body cannot predetermine that a particular item will be discussed in Executive Session. As with any agenda item, the description of a potential Executive Session must be as specific as reasonably possible, balanced against legitimate confidentiality or sensitivity concerns.

Participants in Executive Sessions

An Executive Session includes all eligible members of the Governing Body and any additional persons the Governing Body elects to include. No individual who is not an eligible member has a right to attend and may be included only by invitation of the Governing Body as a whole.

A person who is the subject of an Executive Session may, in certain circumstances, have the right to require that the discussion occur publicly rather than in Executive Session, depending on the statutory authority relied upon. The Governing Body is not required to notify an individual that they are the subject of an Executive Session.

Compliance With the Open Meetings Act

1. *Staying Within the Stated Purpose*

To ensure transparency and compliance with the Open Meetings Act, members must make a good-faith effort to ensure that discussion in Executive Session does not stray from the topic or statutory authority stated in the motion.

For example, although Executive Session may properly be used to obtain privileged legal counsel on an aspect of an agenda item, this does not authorize discussion of unrelated aspects of the item that are not subject to privilege. The presence of legal counsel in Executive Session does not, by itself, transform the discussion into a privileged consultation or justify exclusion of the public absent another statutory basis.

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2. *Member Responsibility*

Any member present who believes that discussion has strayed beyond the permitted scope must promptly advise the body and either request a return to the stated purpose or move to exit Executive Session.

Executive Sessions believed to violate the Open Meetings Act should be reported to the City Attorney, notwithstanding Council's adopted local rule concerning confidentiality of Executive Session discussions (see § ___).

Recordkeeping for Executive Sessions

No minutes or other records of the Executive Session may be created, and recordings are prohibited.

The Presiding Officer must ensure the following are recorded in the public minutes:

- The motion to enter Executive Session;
- The statutory authority cited;
- The time the session began and ended;
- The time the public meeting resumed;
- The Presiding Officer's report that no decisions were made and no actions were taken;
- Any non-members invited into the session, whether named in the original motion or added after entering the Session.

Section 5.7: Confidentiality and Disclosure

Executive Sessions often concern matters protected by State or federal law, including but not limited to:

- Taxpayer information;
- Personally identifiable information (PII);
- Protected health information (HIPAA);
- Security plans or sensitive safety information;
- Criminal investigations; or
- Attorney-client privileged communications.

Unauthorized disclosure of legally protected or privileged information may:

- Violate federal or State law (including laws outside the Open Meetings Act);
- Constitute a breach of fiduciary duties;
- Expose the disclosing party to civil or criminal penalties;
- Constitute a violation of the West Virginia Ethics Act.

Council has also adopted a local rule (Resolution 1551) requiring all participants in Executive Sessions to maintain the confidentiality of matters discussed, except when

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disclosure is expressly authorized by the Governing Body or required by law. This rule prohibits the creation of any record of Executive Session discussions, including recordings (see Appendix _).

In addition to statutory penalties, breaches of confidentiality may be grounds for censure or other Council action under these Rules. Attorney-client communications must remain confidential unless Council votes to waive the privilege. Members have a duty to safeguard all confidential or privileged information.

Section 5.8: Prohibited Actions in Executive Session

No action may be taken in Executive Session unless expressly authorized by law. All final votes or decisions must occur in open session.

The City Clerk shall record in the public minutes:

- The motion to enter Executive Session;
- The statutory reason cited;
- The names of persons invited into the Session;
- The time the Session began and ended;
- The time the public meeting resumed;
- The Presiding Officer's report that no actions were taken and no decisions were made.

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ARTICLE VI – CONDUCT, DECORUM, AND DEBATE

Section 6.1: Standards of Conduct

Elected officials are expected to conduct themselves with dignity, respect, and courtesy toward one another, the public, and staff. This includes:

- Listening attentively;
- Speaking respectfully;
- Avoiding personal attacks or inflammatory language;
- Refraining from interrupting others except as permitted by parliamentary procedure.

Elected officials are public fiduciaries and must act in the best interests of the City and its residents.

Section 6.2: Decorum in Debate

Debate must be germane to the question under discussion and directed to the Presiding Officer. The Presiding Officer may:

- Recognize speakers in order;
- Limit repetitive or irrelevant comments;
- Declare a speaker out of order;
- Enforce time limits adopted by rule or consent.

The Presiding Officer may call any member to order. A member called to order must cease speaking until the question of order is resolved.

The Presiding Officer may direct any Councilmember to discontinue remarks that are persistently irrelevant, repetitious, or otherwise in violation of these Rules. Members shall not engage in side conversations or other distracting conduct. Side conversations or electronic communications between members may violate the Open Meetings Act, and electronic communications among members during meetings may be subject to FOIA.

All remarks must be addressed through the Presiding Officer. Members shall confine their comments to the pending question and avoid personal attacks or accusations.

- *Speaking Order:* The member who introduces a motion has the first opportunity to speak to it. No member may speak a second time on the same matter until all members wishing to speak have had the opportunity to do so once.
- *Balanced Debate:* When feasible, the Presiding Officer should alternate recognition between members with differing viewpoints to ensure balanced consideration.
- *Timekeeper:* When debate or public comment is subject to time limits, the City Clerk shall serve as timekeeper unless otherwise designated by the Presiding Officer.

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Section 6.3: Disorderly Conduct

Any person—member, staff, or attendee—who disrupts the meeting may be warned, silenced, or removed by order of the Presiding Officer.

Disorderly conduct includes:

- Interrupting speakers;
- Shouting or cursing;
- Making threats;
- Displaying signs that obstruct views or endanger safety;
- Refusing to yield the floor after time has expired.

Any removal must comply with First Amendment protections and be narrowly tailored to preserve order rather than suppress a viewpoint.

If a Councilmember continues to violate decorum after a warning, the Presiding Officer may formally “name” the member, which shall be recorded in the minutes as a step toward potential censure or other disciplinary action consistent with these Rules.

Signs, banners, or displays that obstruct views, endanger safety, or distract from the orderly conduct of the meeting may be limited or removed at the Presiding Officer’s discretion, solely to preserve decorum.

If necessary to address disorderly conduct or safety concerns, the Presiding Officer may briefly order a recess without a motion or vote.

Section 6.4: Conflicts of Interest and Recusal

Councilmembers must disclose any conflict or potential conflict of interest on matters before the body. Disclosures must comply with the West Virginia Ethics Act (W. Va. Code §6B-2-5), including subsection (j) (Limitations on Voting). Members are advised to review the Ethics Act regularly.

The following guidelines apply:

- Members with a direct financial or personal interest must recuse themselves from discussion and voting.
- Recused members shall leave the chamber during debate and vote; recusal is recorded in the minutes only if the member leaves.
- For matters involving a nonprofit organization, members who are uncompensated officers or board members shall disclose the relationship but are not required to recuse themselves; compensated officers or board members must recuse.
- For matters involving a City board, commission, or authority, members who serve on that body shall disclose the relationship but are not required to recuse.

All disclosures and recusals shall be entered in the minutes.

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Section 6.5: Public Communication and Representation

Elected officials shall make clear that they speak only for themselves unless expressly authorized by majority vote of Council to speak on behalf of Council or the City.

Elected officials shall not enter into or negotiate contracts, agreements, or commitments on behalf of the City unless specifically authorized by Council.

Members shall refrain from abusive conduct or personal attacks on Councilmembers, City officers or employees, members of City boards or commissions, members of the public, or any other person or entity appearing before Council or its Committees.

Section 6.6: Duties of the Presiding Officer

During meetings, the Presiding Officer shall:

- Preserve order and decorum and exercise general supervision over the proceedings;
- Guide and direct the meeting in accordance with these rules;
- Recognize members entitled to the floor and rule on procedural questions;
- Decide all points of order, subject to appeal;
- Put to a vote all questions that are properly moved or that otherwise arise.

The Presiding Officer may participate in debate without relinquishing the chair.

Section 6.7: Question of Privilege

A Question of Privilege concerns matters of immediate and overriding importance affecting the rights, reputation, or comfort of the Council or its members. A member may raise a Question of Privilege at any time not interrupting a vote. The Presiding Officer shall determine whether the matter qualifies and whether it requires immediate attention before resuming the pending business.

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ARTICLE VII – AMENDMENTS, AUTHORITY, AND INTERPRETATION

Section 7.1: Amendment of Rules

These Rules may be amended, repealed, or supplemented by Council using the same procedure required for adopting resolutions. (See **Section ___ for** procedures concerning temporary suspension of the Rules.)

Any proposed amendment must be introduced in writing and placed on the agenda in accordance with rules governing legislative action.

Section 7.2: Parliamentary Authority

Where these Rules are silent, Council shall refer to the adopted parliamentary authority.

Unless otherwise designated by ordinance or resolution, the default authority is:

Robert's Rules of Order, Newly Revised (latest edition)

The Presiding Officer may consult the parliamentary authority and issue a ruling, which is subject to appeal and may be overturned by majority vote.

Section 7.3: Interpretation

In the event of ambiguity or conflict within these Rules, interpretation shall follow the hierarchy below:

- The Constitution and statutes of West Virginia;
- The municipal Charter;
- Adopted ordinances of the municipality;
- Adopted resolutions of the municipality;
- These Rules of Procedure;
- The parliamentary authority designated in Section 7.2.

Nothing in these Rules may be construed to supersede State law, court rulings, or binding interpretations issued by the West Virginia Ethics Commission.

Section 7.4: Suspension and Noncompliance

These Rules, or any portion thereof, may be temporarily suspended by majority vote, provided the suspension does not violate any statutory requirement, Charter provision, or ordinance.

If the Presiding Officer proposes to suspend a rule and no member objects, the Presiding Officer may declare the rule suspended.

A suspension applies only to the matter under immediate consideration and does not extend to other agenda items unless explicitly stated.

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A violation of these Rules does not, by itself, invalidate Council action unless the violation also constitutes a breach of City, State, or Federal law, City Charter requirements, or due process rights.

Nothing in this section excuses noncompliance with the West Virginia Open Governmental Proceedings Act or other mandatory legal standards.

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**City of Elkins
Rules of Council
Amended: June 6, 2024**

Rule Titles

1. Meetings
2. Committees
3. Agenda Items and Informational Packets
4. Order of business at regular meetings
5. Reading of the minutes
6. Procedures for enacting ordinances
7. Informational presentation
8. Reports of committees
9. When a member abstains from voting
10. Executive session
11. Rescission, amendment, and suspension of rules
12. Discussion, debate, and voting
13. Parliamentary rules of order
14. Members of the public speaking before city council

1. Meetings

- a) The city council shall meet in regular public session at the council chamber in the city hall building at 7:00 p.m. on the first and third Thursdays of each month.
- b) Special meetings shall be held upon the written petition of two or more members of council or the call of the mayor.
- c) If the city council shall determine that the council chamber in the city building is not or will not, for any reason, be an appropriate place for the holding of a meeting, the council may, upon motion, designate another place open to the public within the city for the holding of such meeting.
- d) During an emergency situation or a declared state of emergency the mayor may change the location of the meeting and/or permit meetings to be held telephonically or via live audio or

visual stream, so long as they continue to meet the minimum standards of the W.V. Open Meetings Act as interpreted by the W.V Ethics Commission.

2. Committees

- a) The city council shall have the following standing committees:
 1. Committee on finance: recommends an annual budget to council. Supervises budget management and makes reports to council; reviews and proposes to council municipal dept instruments and grants; makes fiscal forecasts and reports the same to council.
 2. Committee on rules and ordinances: considers and proposes to council new and amended ordinances, rules, and policies.
 3. Committee on municipal properties: monitors and reports to council on the condition of and proposed plans for city buildings, real estate, and rights-of-way; reviews and proposes to council capital investment in buildings, real estate and associated infrastructure.
 4. Committee on personnel: reviews and proposes to council employment policies, including employee compensation and benefits and an employee handbook; reviews applications for primary staff positions recommended by the mayor and makes hiring recommendations to council.
 5. Committee on public safety: monitors and reports to council on the activities of, condition of and proposed plans for municipal public safety assets, including police, fire, and emergency services; reviews and proposed to council capital investment in public safety equipment and infrastructure.
- b) All standing committees shall consist of no fewer than three and no more than five councilors. All standing committees shall be appointed by the mayor.
- c) In addition to the foregoing standing committees, there may be one or more ad-hoc committees assigned a mission or missions by council or the mayor. All members of such committees shall be appointed by the mayor.
- d) The mayor shall also appoint one council representative to the Elkins Parks and Recreation Commission and one council representative to the Elkins Planning Commission.

3. Agenda Items and Informational Packets

To promote the orderly conduct of the business of the city council and the timely preparation of an accurate agenda, the following rules are hereby established and applicable to the conduct of city council and council committee meetings:

- a) Council meeting agenda items may be submitted to the city clerk by the mayor, by a committee chair, by any three members of council or by any administrative officer. Agenda

items may not be removed from the agenda without the permission of the individual or body who submitted the initial request.

- b) Committee meeting agenda items may be submitted to the clerk of the committee by the mayor, any member of the committee or by any administrative officer. Agenda items may not be removed from the agenda without the permission of the individual or body who submitted the initial request.
- c) Items may be provided for inclusion in the council or committee informational packets by the mayor, any member of council, or any administrative officer; such items may not be removed without the permission of the person who submitted the item.
- d) By law, agendas must be posted no later than three business days before a meeting. Therefore, every effort should be made to submit agenda items to the clerk no later than 12:00 p.m. on the fourth business day preceding a council or committee meeting (keeping in mind weekends and interceding holidays). Because council members' informational packets are prepared on the second business day before a council or committee meeting, every effort should be made to submit supporting documentation for agenda items (such as agenda items reports, invoices, explanatory correspondence, etc.) no later than 12:00 p.m. the second business day preceding the council or committee meeting.
- e) The city clerk or city attorney will prepare and/or approve the final form of resolutions; the city attorney will prepare and must approve the final form of ordinances. The city clerk shall assign a number to each ordinance and resolution introduced and shall have authority to edit and correct resolutions as to form.
- f) To ensure that items docketed on the council agenda are as ripe for consideration and action as possible, the standard practice shall be to bring matters to the attention of the relevant council committee prior to laying them before full council. The city clerk, in consultation with the relevant committee(s), shall advise and support anyone needing assistance in navigating this process.

4. Order of business at regular meetings

- a) The order of business for each meeting shall be determined by the clerk. The presiding officer, being the mayor, mayor designee, or chair, shall abide by the order of business as presented in the duly posted meeting agenda.
- b) The presiding officer may, by publicly stated reason and with unanimous consent of the body, change the order of business irrespective of the order as set forth in subsection (a).
- c) All meeting agenda items must be considered at that meeting. Agenda items may be withdrawn, postponed, or otherwise disposed only by a duly approved motion. If a member requests that an agenda item be considered in executive session, as permitted by W.V. Code §6-9A-4, said request shall be made by motion. The motion must state the grounds for convening an executive session and an executive session may be held only upon a majority

affirmative vote of the members present. All members of the body are permitted to be included in any executive session. Other elected officials, staff, citizens, or attendees may be included in the executive session at the request of the member making the motion.

5. Reading of the minutes

Members are provided copies of the minutes in advance of the meeting at which they will be considered for approval; because members have the opportunity to review minutes beforehand, minutes are not typically read at the meeting. M. Upon motion, duly approved, the minutes may be amended and adopted, including any submitted alternations or corrections.

6. Procedures for enacting ordinances

All ordinances shall be acted upon by Council in accordance with the City Code and the West Virginia Code.

7. Informational presentations

Council or the mayor may request or permit an informational presentation by anyone presenting business pertinent to the city. No substantial deliberation or action shall be taken in response to a presentation unless the item is otherwise listed in the order of business.

8. Reports

All reports of committees shall be delivered by the committee chair when requested by the mayor during the regularly scheduled Council meetings. In the absence of the chair another committee member may be called upon to report.

Staff reports shall be delivered by the administrative officer, or their designee. When appropriate the chief water operator, chief wastewater operator, city staff or representatives of the city's boards and commissions may be called upon by council or committee to report.

9. When a member abstains from voting

No member shall vote on any question before the city council if they are directly and immediately interested therein other than as a citizen of the City of Elkins; however, no member may abstain from voting without, prior to a vote being taken, having stated their reason for not voting.

10. Executive session

Rules regulating the application and confidentiality of executive session during council and committee meetings shall be adopted separately and titled *City Council Rule on Executive Session*. They shall appear as an addendum to the adopted City of Elkins Rules of Council.

11. Rescission, amendment, and suspension of rules

No standing order or rule of the city council shall be rescinded or amended except by a majority vote of the members elected to the city council.

12. Discussion, debate, and voting

- a) Agenda business items must be moved before being debated or discussed. At their discretion, the chair may propose action on an item by unanimous consent.
- b) Items not appearing on the agenda may not be substantively discussed.
- c) The mayor or acting chair may participate in debates and discussions without relinquishing the chairmanship.
- d) Members need not rise to speak. Members must be recognized by the chair before obtaining the floor, but the chair must recognize any member who seeks the floor while entitled to it.
- e) No one except council members and the chair may participate in or contribute to discussion and debate unless recognized by a member or the chair in due order.
- f) The standard method of voting will be by voice. The chair will first ask all those in favor of a motion to say “aye,” and they will next ask all those opposing a motion to say “nay.” If the result of the voice vote is not unanimous, the chair or any member shall request a roll-call vote.

13. Parliamentary rules of order

For circumstances not described in these rules, refer to *Robert's Rules of Order, Newly Revised*, a copy of which shall remain on file in the office of the city clerk.

14. Members of the public speaking before city council

- 1) Per Elkins City Code Chapter 31.05, rev.:
 - a) Privilege of citizens and taxpayers to be heard; limitation on time to speak. Any citizen or taxpayer of the City may be heard either in person or by counsel upon any matter introduced or pending before the Common Council; but no speech or hearing shall exceed five minutes, except by the unanimous consent of the Council. If a citizen or taxpayer of the City requests to be heard either in person or by counsel upon any matter which is not introduced or pending before the Common Council, said citizen or taxpayer of the City may be permitted to address Council upon unanimous consent of the Council. Said speech or hearing shall not exceed five minutes, except again by unanimous consent of the Council.
 - b) Citizens or counsel to speak only once on one subject at any one meeting. No citizen or taxpayer of the City or his counsel shall speak more than once on one subject at any one meeting of the Common Council, except by unanimous consent.
 - c) Manner of addressing Council. Any person, before addressing the Council, shall rise to his feet, respectfully address the presiding officer, and remain standing while delivering his address. The person addressing Council shall state his name and

address, and if the person represents a group or is speaking on behalf of someone other than himself.

- d) Order of recognition. If two or more persons desire to address the Common Council at the same time, the presiding officer shall recognize the person who first addressed the chair, and the other person shall at once be seated.
- e) Acknowledgment. The mayor or the presiding officer of the meeting shall acknowledge the person addressing the Common Council. The mayor or the presiding officer may request that the matter being addressed in the public comment be referred to the appropriate Council committee.

15. Expulsion

If a citizen, council member, official, or any other person in attendance at a council meeting becomes unruly, the chair will, by gavel, advise such person that they are out of order and must cease and desist whatever speech or other actions that the chair deems unruly. If the unruly actions continue after such censure, the chair shall direct the chief of police or his representative to remove such person or persons.



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	December 1, 2025
Section:	New business
Category:	Action Item
Agenda Item Name:	Speed limit change request on High Street
Recommended By:	Mark Talbott and other residents of High Street
Summary:	No speed limit signs are currently posted on High Street. The speed limit is 25 MPH. Residents request to reduce the speed limit to 20 MPH.
Fiscal Impact:	n/a
Recommendation:	Consider for recommendation to council
Attachments:	1. code amendment - High Street speed - 2025_10_21



Elkins City Code Amendment Request

Thank you for your interest in helping to further strengthen and improve the laws of the City of Elkins. Please answer the following questions about your proposed change. You may attach additional pages or copy and paste these questions into an email.

Your name: Mark Talbott
Email address: talbottmwr@gmail.com
Phone: 304-704-7717

Title or subject area of your proposed change:

Reduce the speed limit on High Street, Elkins, WV

What is the problem you are trying to solve? Please give specific examples of this problem from your own experience, if possible.

Excessive speeding on High Street. Very dangerous for the elderly, people walking their dogs, joggers, walkers, etc.

Who is affected by this problem? (Specific individuals? A category of people? Etc.)

All residents of High Street, EHS & D&E cross country teams.

In your own words, briefly explain the goal of your proposed change.

The goal is to reduce speeding by people driving on High Street.

Can you think of any downsides to this change? Would it negatively affect anyone?

There is no downside to this change.

Please supply the names and contact information for at least three registered city voters who support this change and would be willing to attend committee or council meetings and/or receive questions from city staff or elected officials by phone or email.

Name: Mark Albott and Delaine Ice
Address: 112 High St. Elkins WV
Email: delaine.ice@gmail.com
Phone: 304-704-7717 or 304-704-7959

Name: Burr Karen Wilmoth
Address: 110 High St
Email: Wilmothk@gmail.com
Phone: 304 613-1552

Name: Mac & BJ McKenzie
Address: 106 HIGH ST.
Email: bjandmac@gmail.com
Phone: 304 614-3079

Return form or direct questions to:

City Clerk
401 Davis Ave
Elkins, West Virginia 26241
304-636-1414, ext. 1211 (office)
suttonstokes@cityofelkinswv.com

Petition for SPEED LIMIT signs on High Street, Elkins WV

We, the residents of High Street, Elkins, WV would like to request that Elkins City Council approve the installation of 20 MPH speed limit signs on both sides of our street.

As of now there are no speed limit signs posted. Vehicles travel at high rates of speed and jeopardize the safety of our families, neighbors, and pedestrians, causing much concern for young children and seniors.

NAME	ADDRESS	SIGNATURE
MARK TABBOTT	112 HIGH ST.	Mark Tabbott
Karen Wilmoth	110 High St.	Karen Wilmoth
Delaine Ice	112 High St.	Delaine Ice
Tom Schuler	41 High St.	Tom Schuler
Kay Riggeman	35 High St.	Kay Riggeman
Ronald McKenzie	106 High St.	Ronald McKenzie
B. J. McKenzie	106 High St.	B. J. McKenzie
STEPHEN BELAN Stephen Belan	1 Key Street	STEPHEN BELAN Stephen Belan
Dustin Smith	121 High St.	Dustin Smith
Ableah Boise	121 High St.	Ableah Boise
Regina Woodcock	125 High Street	Regina Woodcock
Bob Wilmoth	110 High St.	Bob Wilmoth
Houston Schuler	114 High St	Houston Schuler
PAULA KAOYK	116 HIGH ST.	Paula Kaoyk
Margaret Stalmaker	103 High St	Margaret Stalmaker
Valjean + Clye McCartney	44 High St	Valjean McCartney
Cydon Schuler	41 High St	Cydon Schuler
Kevin M Woodcock	125 High Street	Kevin M Woodcock
Tessa Carver Daniels	28 High Street	Tessa Carver Daniels
Grace Sundelin	209 High St	Grace Sundelin
Jeff Zurbuch*	*26 High Street - not resident -but business on High Street.	Jeff Zurbuch
Jennifer Mendelson	32 High St	Jennifer Mendelson