



City of Elkins

Rules and Ordinances Committee Meeting

May 4, 2026

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 April 20, 2026
4. **Reports**
5. **New Business**
 - a. Amend floodplain denial ordinance to establish a deadline
 - b. City Media Policy, updated version
 - c. Proposal to require annual driving record check
6. **Announcements**
7. **Adjournment**



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 4, 2026
Section:	Minutes
Category:	Action Item
Agenda Item Name:	Proposed minutes for the meeting of April 20, 2026
Recommended By:	City Clerk
Summary:	Minutes proposed for the referenced meeting
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. Rules & Ordinances - 2026_04_20 - minutes_proposed

RULES AND ORDINANCES COMMITTEE MEETING MINUTES

*Phil Gainer Community Center
142 Robert E. Lee Ave. Ext.
April 20, 2026
3:30 p.m.*

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

Also present were: Jerry Marco (mayor), Melody Himes (operations assistant), Gerry Roberts (city attorney, via Teams), Travis Bennett (police chief), Sutton Stokes (city clerk), and Mikayla Goins (executive secretary).

MINUTES

Carroll **MOVED APPROVAL OF THE MINUTES FOR THE MEETING OF MARCH 2, 2026.** The motion carried.

NEW BUSINESS

a. City media policy

Stokes presented a proposed City Media Policy. The committee discussed the policy and made suggestions. Stokes will bring the policy back to the committee at a later meeting.

b. Short-term Rentals

Roberts reported that, based on her research, other municipalities impose no special rules concerning short-term rentals that are not also applied to long-term rentals.

The Committee requested that Roberts draft an ordinance amending City Code to remove the use categories and all mentions of Bed and Breakfast Inn I, Bed and Breakfast Inn II, and Bed and Breakfast Inn III. This proposed ordinance will be submitted to the Planning Commission for its consideration and possible recommendation to Council.

c. Amend city law concerning FOIA requests

Stokes and Bennett reported to the committee the current concerns with the FOIA request process.

Carroll **MOVED THAT ROBERTS DRAFT AN ORDINANCE IMPOSING A REQUIREMENT THAT FOIA REQUESTS BE MADE ON A STANDARD FORM WITH A PHYSICAL SIGNATURE.** The motion carried.

d. Proposal to require annual driving record check

Stokes presented a draft policy requiring an annual driving record check for all employees operating a city vehicle. This policy was prepared at the request of the City Treasurer, after a suggestion from the City's insurance agent. The Treasurer will be asked to research the policy further and bring it back to the committee at a later meeting.

The meeting adjourned at 4:43 p.m.

Name & Title

Signature



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 4, 2026
Section:	New Business
Category:	Action Item
Agenda Item Name:	Amend floodplain denial ordinance to establish a deadline
Recommended By:	City Clerk, Floodplain Administrator
Summary:	Proposed amendment to § 151.080 to clarify the deadline for appealing Floodplain Administrator decisions by tying the 30-day filing period to written notice to the applicant, rather than announcement at a Council meeting, which does not occur in practice. This change would establish a clear trigger, align with administrative practice, and reduce ambiguity.
Fiscal Impact:	n/a
Recommendation:	Consider for recommendation that the City Attorney prepare an ordinance for presentation to Council
Attachments:	1. Memo - floodplain deadline revision - 2026_04_01

TO: Rules & Ordinances Committee

FROM: City Clerk

DATE: May 1, 2026

RE: Floodplain Appeals Deadline Clarification in § 151.080

Purpose

To request Committee direction on a proposed amendment to § 151.080 APPEALS to clarify the deadline for filing appeals of Floodplain Administrator decisions.

Background

Current City Code language provides that an appeal must be filed within 30 days after notification of the decision of the Floodplain Administrator “as announced at a regularly scheduled City Council meeting.”

In practice, Floodplain Administrator decisions are not announced at Council meetings. As a result, the triggering event for the 30-day appeal period does not occur.

Issue

Because the current language ties the appeal deadline to an event that does not occur, the 30-day filing period is effectively never triggered. This creates ambiguity and exposes the City to the possibility that an appeal could be filed long after a decision was made.

Proposed Amendment

Revise the triggering event for the appeal period to align with actual administrative practice by tying it to written notice to the applicant:

“Whenever a person or entity is aggrieved by a decision of the Floodplain Administrator with respect to the provisions of this chapter, it is the right of that person or entity to appeal to the City Council sitting as the Floodplain Appeals Board. Such appeal must be filed with the City Clerk, in writing, within 30 days of the date the decision is issued in writing to the applicant.”

Discussion

This revision would:

- Establish a clear and objective start date for the appeal period
- Align the code with existing administrative practices
- Reduce legal ambiguity and potential exposure
- Provide fair and predictable notice to applicants

Recommendation

If the Committee concurs, forward a recommendation to Common Council to amend § 151.080 accordingly.



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 4, 2026
Section:	New Business
Category:	Action Item
Agenda Item Name:	City Media Policy, updated version
Recommended By:	City Clerk
Summary:	Update to the City Media Policy based on prior Committee feedback, refining standards for external informational notices in City media. The revised draft allows certain paid and nonprofit fundraising events, distinguishes informational sharing from solicitation, permits limited inclusion of community-oriented business events, clarifies political and religious boundaries, and emphasizes administrative discretion to maintain neutrality and avoid endorsement.
Fiscal Impact:	n/a
Recommendation:	Consider for recommendation to Council
Attachments:	1. Policy for use of City Media - 2026_04_30

City Media Policy – Overview of Updates

This draft reflects an update to the previously circulated policy governing external informational notices in City media, based on feedback from the Committee’s last meeting. The revisions are intended to better align the policy with the Committee’s direction to support awareness of clearly community-oriented events, even those requiring paid admission, while maintaining appropriate boundaries around endorsement, commercial activity, and sensitive content.

Key changes are summarized below:

1. Allows Certain Paid and Fundraising Events

The prior version generally excluded events involving admission charges or fundraising. The revised draft allows such events when hosted by nonprofit or community-based organizations that provide a clear public or community benefit, accommodating common events such as cultural events, civic forums, and nonprofit fundraisers.

2. Distinguishes Between Informational Sharing and Solicitation

The policy clarifies that the City may share information about events hosted by nonprofit organizations with a fundraising component, but will not directly solicit or facilitate donations. This preserves a neutral, informational role.

3. Refines Approach to Commercial Activity

Rather than a strict exclusion, the revised version allows limited inclusion of events involving local businesses when they are broadly community-oriented and not primarily commercial.

4. Clarifies Political and Religious Boundaries

The revised language clarifies and focuses restrictions on events or materials primarily centered on partisan political advocacy or religious promotion.

5. Emphasizes Discretion and Context

Greater emphasis is placed on administrative discretion, allowing consideration of the overall purpose and presentation of a notice rather than relying solely on categorical rules.

Overall, the revisions move the policy toward a more flexible, principles-based approach that supports community engagement while avoiding the appearance of endorsement of private interests or partisan viewpoints.

City of Elkins Media Policy

Section 1. Purpose.

It is the policy of the City of Elkins to communicate regularly with the community through official City media in a manner that is timely, accurate, transparent, and consistent with applicable law.

This policy governs the publication, posting, or distribution of informational notices originating from individuals, organizations, or entities outside the City of Elkins municipal organization. It establishes standards for determining when and how such external materials may be included in City-controlled communication channels.

The purpose of this policy is to support community awareness of broadly accessible events, programs, and opportunities while maintaining clear boundaries that avoid the appearance of commercial promotion, political advocacy, or endorsement of private interests.

Nothing in this policy restricts or limits the City's own communications. The City of Elkins, through its authorized staff, retains full authority to issue communications concerning City business, services, operations, and public matters.

Section 2. Definitions.

For the purposes of this policy:

- **City Media** means official communication channels under City control, including the City's website, newsletters, bulletin boards, social media accounts, kiosks, or other City-managed informational platforms, whether existing now or established in the future.
- **Informational Notice** means a communication that provides factual information about a community event, public program, meeting, or activity. Informational notices may include basic event details such as date, time, location, cost of admission, and a general description of the event, but shall not function as advertising or endorsement of a product, service, or private enterprise.

Section 3. Allowable Notices.

3.1 Community and Institutional Events

The City may publish or post informational notices for events hosted by nonprofit organizations, accredited schools, governmental entities, or other community-based institutions when:

1. The event is open to the general public;
2. The event provides a clear community benefit, such as civic engagement, education, recreation, arts and culture, or general community enrichment; and
3. The notice is presented in a neutral, informational manner.

Events may include those with an admission fee or a fundraising component, provided that:

- The event is not primarily commercial in nature; and
- The notice focuses on the event itself and does not directly solicit donations or financial contributions.

Examples of generally allowable events include, but are not limited to:

- Community meetings, forums, and “meet the candidates” events hosted by civic organizations;
- Youth programs and school-related activities;
- Arts, cultural, and recreational events;
- Community festivals, block parties, and similar gatherings;
- Public lectures, workshops, or educational programming;
- Fundraising events conducted by nonprofit or community-based organizations that provide a clear public or community benefit.

3.2 Local Business-Supported Community Events

The City may, in its discretion, publish notices for events involving private businesses when the event is broadly community-oriented and not primarily intended to promote the business itself.

In evaluating such requests, the City will consider whether:

1. The event is designed for general community participation rather than customer solicitation;
2. Any commercial aspect is incidental to the overall community purpose; and
3. The notice can be presented without emphasizing products, services, or sales.

3.3 Governmental Information

The City may publish informational notices from federal, state, county, or other local governmental entities regarding policies, programs, services, advisories, or actions that affect City residents.

Such notices must be informational in nature and shall not include political advocacy, campaign messaging, or promotional content.

Section 4. Prohibited Content.

The following types of content shall not be published or distributed through City media:

1. Advertising, promotion, or endorsement of private businesses, commercial services, or products as such;
2. Content primarily intended to generate profit for a private entity, where the commercial purpose outweighs any community benefit;
3. Direct solicitation of donations, fundraising appeals, or financial contributions, except as permitted under Section 3.1 where presented in a neutral, informational manner;
4. Events or materials primarily featuring partisan political advocacy, campaign activity, or political messaging;
5. Events or materials primarily centered on religious worship, proselytizing, or doctrinal promotion;
6. Any content that violates applicable law, City ordinance, or is otherwise inappropriate for public distribution.

Section 5. Administration.

The City Clerk or their designee shall interpret and administer this policy, including making determinations regarding whether a proposed notice meets the standards set forth herein.

In applying this policy, the City may consider the overall context, purpose, and presentation of the event or notice. The City reserves the right to decline any request that does not align with the intent of this policy or that could reasonably be perceived as endorsement of a private, political, or religious interest.



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 4, 2026
Section:	New Business
Category:	Action Item
Agenda Item Name:	Proposal to require annual driving record check
Recommended By:	City Treasurer
Summary:	This item introduces a policy requiring annual review of driving records for all personnel authorized to operate City vehicles, as part of the City's broader risk management and safety practices. The policy establishes the requirement for Motor Vehicle Record (MVR) checks and outlines general factors to be considered in evaluating driving eligibility. It does not, at this stage, set specific thresholds or disqualifying criteria. The method for establishing and maintaining those detailed standards remains to be determined.
Fiscal Impact:	Reduced liability through identification of dangerous drivers
Recommendation:	Review, discuss, and consider next steps
Attachments:	1. driving record check policy - 2026_04_03

City of Elkins

Motor Vehicle Record (MVR) Review Policy

Purpose

To promote safe vehicle operation and reduce risk to the City, its employees, and the public by ensuring that all personnel authorized to operate City vehicles maintain acceptable driving records.

Policy

All employees who are authorized to operate City-owned, leased, or rented vehicles, or who operate personal vehicles on behalf of the City, are subject to an annual review of their motor vehicle record (MVR).

Procedures

1. Annual Review Requirement

The City will obtain and review the MVR of all authorized drivers at least once per year.

2. Authorization and Consent

Employees must provide written authorization for the City to obtain their MVR as a condition of being approved to operate a vehicle on City business.

3. Acceptable Driving Record

The City will establish and apply reasonable standards for determining whether a driving record is acceptable. Factors may include, but are not limited to:

- Number and severity of moving violations
- At-fault accidents
- License suspensions or revocations
- DUI or similar offenses

4. Disqualification or Restrictions

Employees whose driving records do not meet established standards may be:

- Disqualified from operating City vehicles
- Subject to restrictions on driving duties
- Subject to disciplinary action, up to and including termination, where driving is an essential function of the position

5. Ongoing Duty to Report

Employees must promptly report any of the following to their supervisor:

- o Suspension or revocation of their driver’s license
- o Any DUI or similar charge
- o Any change that materially affects their ability to legally operate a vehicle

6. Confidentiality

MVR information will be treated as confidential and used solely for employment and risk management purposes.

Employee Acknowledgement and Authorization

I acknowledge that I have read and understand the City of Elkins Motor Vehicle Record (MVR) Review Policy.

I understand that if I am authorized to operate a City vehicle, or operate a personal vehicle on behalf of the City, I am required to maintain an acceptable driving record and comply with all reporting requirements.

I hereby authorize the City of Elkins, or its designated agent, to obtain my motor vehicle record at the time of hire (if applicable) and annually thereafter, as long as I am authorized to operate a vehicle on City business.

I understand that failure to maintain an acceptable driving record or to comply with this policy may result in loss of driving privileges and/or disciplinary action.

Employee Name: _____

Signature: _____

Date: _____

Driver’s License Number: _____

State of Issue: _____