



City of Elkins

Regular Council Meeting

November 3, 2022
7:00 PM
401 Davis Avenue
Council Chamber, 2nd Floor

AGENDA

1. **Invocation and Pledge of Allegiance**
2. **Call to order and roll call**
3. **Public comment**
4. **Minutes**
 - a. Minutes proposed for the regular council meeting of October 20, 2022
5. **Correspondence and Notifications**
 - a. Building permits issued
 - b. Approved minutes of committees, boards and commissions
 - c. Events
6. **Presentation**
 - a. Mountain Region SRT - Chief Kevin Keplinger
 - b. Kump Education Center - Heather Biola
 - c. Tax Increment Financing - Jessica Sutton, Robbie Morris, Dave Clark, and Joe Nassif
7. **Committee Reports**
8. **Staff reports**
 - a. Treasurer's report
9. **Approval of vendor invoice payments**

(Available for public review in the city clerk's office two business days before this meeting, as required by W. Va. Ethics Commission Open Meetings Advisory Opinion 2012-04.)

Vendor invoices presented for approval:

 1. A/P check report for the period October 17 - 28, 2022
10. **Unfinished business**
11. **New business**
 - a. *Ordinance 307*: An Ordinance of the Common Council of the City of Elkins, West Virginia, Repealing and Amending Elkins City Code Sec. 90.03 Barking and Howling (2nd and final reading)

- b. *Ordinance 308*: An Ordinance of the Common Council of the City of Elkins, West Virginia, Amending Elkins City Code Section 152: Zoning (2nd and final reading)
- c. *Resolution 1576*: Accepting Conditions and Terms of the Janssen/West Virginia Statewide Settlement Agreement and Authorizing the Execution of the Election and Release Form provided by the West Virginia Attorney General
- d. *Resolution 1577*: Accepting Conditions of Agreement with Burgess & Niple for Davis Avenue Bridge Plans and Related Documents
- e. *Resolution 1578*: Accepting Conditions of Agreement with Bryson VanNostrand and Associates for City Hall HVAC Plans and Related Documents

12. Mayor's comments

13. Adjournment



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 3, 2022
Section:	Minutes
Category:	Action Item
Agenda Item Name:	Minutes proposed for the regular council meeting of October 20, 2022
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	1. 2022_10_20_m

Proposed Minutes

ELKINS COMMON COUNCIL REGULAR COUNCIL MEETING MINUTES

***401 Davis Avenue
Council Chamber, 2nd Floor
October 20, 2022
7:00 p.m.***

Elkins Common Council met in regular session in the council chamber of city hall. Present were Acting Mayor Jessica R. Sutton; Councilpersons N.E. Bross-Fregonara, R.C. Chenoweth, M. D. Cuonzo, J.A. Guye, G.M. Hinchman, D.C. Parker, L.S. Severino, and L.H. Vest; City Treasurer T. Judy; Fire Chief S.D. Himes; Police Chief T. Bennett; Interim Operations Manager M. Himes; City Attorney G. S. Roberts; and R.A. Wickham (acting as recording secretary).

Councilpersons C.J. Higgins and C.C. Lowther were absent.

MINUTES

Cm. Parker, **MOVED APPROVAL OF THE MINUTES OF THE SEPTEMBER 15, 2022, REGULAR COUNCIL MEETING.** The motion carried.

Cm. Chenoweth, **MOVED APPROVAL OF THE MINUTES OF THE SEPTEMBER 15, 2022, PUBLIC HEARING.** The motion carried.

CORRESPONDENCE AND NOTIFICATIONS

Council received the following correspondence and notifications:

- Issued building permits
- Events
- Approved minutes of committees, boards and commissions

The following building permits have been issued since the previous regular council meeting.

Proposed Minutes

ISSUED BUILDING PERMITS				
Permit	Applicant	Location	Description	Value
220204	Ironhorse Enterprise, LLC	213 Henry Ave.	Remove Door and Replace with Window	4,000.00
220205	Varney, Caitlyn	1527 Taylor Ave.	Fence	1,000.00
220206	Batchelor, Alan	1525 Taylor Ave.	Fence	3,500.00
220207	Corder, Deborah	119 Main St	Roof	29,425.00
220208	Lamb, Robert	115 Vector Ave	Roof	8,000.00
220209	Ashburn, Rebecca	128 Boundary Ave.	Roof	21,000.00
220210	Gosnell, Dorothy	1010 W Central St	Fence	1,500.00
220211	West, Sidney	102 Third St	Electric	5,000.00
220212	Hostetler, Joan	163 Delaware Ave	Fence	9,000.00
220213	Welshonce, Jeffrey	69 Heavner Acres	Electric Service Inspection	100.00
220214	Brewster, Teresa	600 Wilson St	Stand-by Generator	8,470.00
220215	Valdez, Michael	219 Elm St	Fence	8,000.00
220216	Powers, Richard	145 Delaware Ave.	Upgrade Electric	1,500.00
220217	Riggleman, Sherwood	1429 S Henry Ave.	Replace Windows	13,370.00
220218	Weaver, Porsche	1513 Harrison Ave Ste C	Sign	50.00
220219	Tanner, Justin	1418 S Davis Ave.	Roof	4,300.00
220220	Wyatt, Terry	117 Evans Dr	Roof	4,800.00
220221	Randolph Co Housing Authority	110 Bruce St	New Home	112,000.00
220222	Perry, Roger & Susan	1421 Taylor Ave.	Re-roof Garage	3,400.00
220223	Smith, Sandra	25 Grace Circle	New Home	210,000.00
220224	Heatherly, Ronald	103 Mountain View Dr.	Steps and Sidewalk	8,557.00
220225	Hutton, Bradford	500 Center St	Build 14 X 29 Room	3,000.00
220226	Davis & Elkins College	100 Campus Dr	Construct a 3400 Sq Ft Amphitheater	275,000.00
220227	Engstrom, Ronda	125 Ridgetop Ct	Repair Siding	4,800.00
220228	Smith, Dustin	121 High St	Kitchen & Bath Remodel	5,000.00
220229	Mussi, Richard	611A W Main St	Roof	5,000.00
220230	Fallon, James Jr	107 Pleasant Ave.	Electric Inspection	100.00

Proposed Minutes

220231	Biller, Clifford	128 Boundary Ave.	Roof	13,765.00
220232	Stiles, Sherry	231 Bruce St	Roof	9,416.00
220233	Hamrick, Wendy	19 Main St.	One Exterior Door & Three Interior Doors & Windows	3,500.00
220234	Elkins Metal Recycling	1320 Livingston Ave.	Electrical Inspection	300.00
220235	Citizens Bank	211 Third St	Roof	68,070.00
220236	McCauley, Matthew	206 First St	Roof & Gutters	13,000.00
220237	Cooper, Cody	101 Randolph Ave.	Roof	12,717.00
220238	Spanitz, Charles	1004 Cole Ave	Roof	8,000.00
220239	Unger, Joan	84 Pleasant Ave.	Replace Decking Boards & Steps	1,500.00
220240	Conrad, Lloyd	64 Thirteenth St.	Privacy Fence	3,500.00
220241	Lothes, James	32 Baxter St	Roof	7,431.00
220242	Judy, Tracy	311 Scott Ford Rd.	Cabinets, Counter Tops, Window & Door	15,100.00
220243	Ryan, William	107 Bruce St	Crawlspace Encapsulation	6,571.00
220244	Runkle, Emery	9 Thorn Ave	Electric Inspection	1,200.00
220245	Taylor, Jimmy	700 Seventh St	Install Metal Roof	6,025.00
220246	Appalachian Community Health	725 Yokum St	Roof	59,586.00
220247	Gillispie, Sidney	120 Guy St	Roof	6,236.00
220248	Gillispie, Sidney	107 Buffalo St	Roof	7,983.00

PRESENTATION

Dave Clark, Executive Director of Woodlands Development and Lending, presented a written report and oral presentation on the recent activities and future plans of the organization. The lending side has seen an increase in activity. They are working with multiple downtown property owners to access historic tax credits and other funding aids. The development arm is also busy with several single and multi-family projects throughout Elkins. Mr. Clark is expecting a final report on a housing needs assessment they worked on in conjunction with the Virginia Tech and West Virginia University. This will help inform, along with community input, where the housing gaps are and help them prioritize resources.

Mark Doak spoke to council as a representative of the informal group of downtown commercial property owners called Envision Elkins. They meet monthly and discuss opportunities for existing and new businesses.

Proposed Minutes

COMMITTEE REPORTS were provided by all committee chairs present.

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

APPROVAL OF VENDOR INVOICE PAYMENTS

Cm. Hinchman **MOVED APPROVAL OF THE INVOICES PRESENTED.** The motion carried.

The invoices in question were as specified on the following list, which is attached and made part of this record:

- Accounts Payable check transactions for the period September 12 – October 14, 2022

Councilor C.C. Lowther arrived at 7:30 p.m.

NEW BUSINESS

Cw. Cuonzo, **MOVED APPROVAL OF ORDINANCE 307: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA, REPEALING AND AMENDING ELKINS CITY CODE SEC. 90.03 BARKING AND HOWLING (1ST OF TWO READINGS).** The motion carried.

Cw. Bross-Fregonara, **MOVED APPROVAL OF ORDINANCE 308: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA, AMENDING ELKINS CITY CODE SECTION 152: ZONING (1ST OF TWO READINGS).** The motion carried.

Cm. Lowther, **MOVED APPROVAL OF RESOLUTION 1568: APPROVING “FULL-TIME REGULAR EMPLOYEE” STATUS AND CONFIRMING COMPENSATION LEVEL FOR Z. JUDY.** The motion carried.

Cm. Chenoweth, **MOVED APPROVAL OF RESOLUTION 1569: APPROVING “FULL-TIME REGULAR EMPLOYEE” STATUS AND CONFIRMING COMPENSATION LEVEL FOR T. BURCHILL.** The motion carried.

Cm. Lowther, **MOVED APPROVAL OF RESOLUTION 1570: APPROVING “FULL-TIME REGULAR EMPLOYEE” STATUS AND CONFIRMING COMPENSATION LEVEL FOR S. ARBOGAST.** The motion carried.

Cw. Cuonzo, **MOVED APPROVAL OF RESOLUTION 1571: ACCEPTING CONDITIONS AND TERMS OF THE WALMART/WEST VIRGINIA STATEWIDE SETTLEMENT AGREEMENT AND AUTHORIZING THE EXECUTION OF THE ELECTION AND RELEASE FORM PROVIDED BY THE WEST VIRGINIA ATTORNEY GENERAL.** The motion carried.

Cm. Parker, **MOVED APPROVAL OF RESOLUTION 1572: ACCEPTING CONDITIONS AND TERMS OF THE CVS/WEST VIRGINIA STATEWIDE SETTLEMENT AGREEMENT AND AUTHORIZING THE**

Proposed Minutes

EXECUTION OF THE ELECTION AND RELEASE FORM PROVIDED BY THE WEST VIRGINIA ATTORNEY GENERAL. The motion carried.

Cm. Hinchman, MOVED APPROVAL OF RESOLUTION 1573: ACCEPTING CONDITIONS AND TERMS OF THE TEVA PHARMACEUTICAL/WEST VIRGINIA STATEWIDE SETTLEMENT AGREEMENT AND AUTHORIZING THE EXECUTION OF THE ELECTION AND RELEASE FORM PROVIDED BY THE WEST VIRGINIA ATTORNEY GENERAL. The motion carried.

Cm. Chenoweth, MOVED APPROVAL OF RESOLUTION 1574: ACCEPTING CONDITIONS AND TERMS OF THE ALLEGAN/WEST VIRGINIA STATEWIDE SETTLEMENT AGREEMENT AND AUTHORIZING THE EXECUTION OF THE ELECTION AND RELEASE FORM PROVIDED BY THE WEST VIRGINIA ATTORNEY GENERAL. The motion carried.

Cw. Cuonzo, MOVED APPROVAL OF RESOLUTION 1575: AUTHORIZING PARKING UPON A WEST VIRGINIA STATE HIGHWAY. The motion carried.

Cm. Hinchman, MOVED APPROVAL TO WAIVE THE BID PROCESS AS REQUIRED IN ELKINS CITY CODE SECTION 30.20 BASED ON SECTION (B) WHERE THE PROCUREMENT OF THE CONTEMPLATED GOODS OR SERVICES IS OF SUCH URGENCY AS TO BROOK NO DELAY, FOR THE PURCHASE OF A TRUCK FOR THE STREET DEPARTMENT. The motion carried.

Cm. Lowther, MOVED ADJOURNMENT. The motion carried.

The meeting adjourned at 8:07 p.m.

*Approved by council at the meeting
of MONTH DAY, YEAR*

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 3, 2022
Section:	Correspondence and Notifications
Category:	Action Item
Agenda Item Name:	Building permits issued
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	1. Building Permits_2022_11_03

BUILDING PERMITS

Presented at council meeting of: November 3, 2022

The following building permits have been issued since the previous regular council meeting.

ISSUED BUILDING PERMITS				
Permit	Applicant	Location	Description	Value
220249	Riggleman, Sherwood	1429 S Henry Ave.	Windows	13,370.00
220250	West, Sidney	222 Davis Ave	Remodel	12,500.00
220251	Parks, William	21 Northview Dr.	Electric Inspection	100.00
220252	Huntington National Bank	420 Davis Ave.	Roof Drive Thru	35,700.00
220253	Bodkins, Johnny	114 Whiteman Ave	Replace Roof Shingles	6,738.00
220254	Taylor, Roger	201 Washington Ave	Siding, Windows, Porch Railings & 12 X 20 Deck	15,000.00
220255	YMCA	400 Davis Ave.	Sign 2 ft high & 8 Ft long	100.00
220256	Valentine Assisted Living	521 Davis Ave.	3 ft high Fence	4,700.00
220257	Elkins Metro Corporation	1200 Harrison Ave.	Apply Foam Coating and Gravel to the Roof	32,188.00
220258	McCauley, Linda	16 Second St	Install 13 Windows	8,000.00
220259	Hayes, Michael	1 College St	Repair Roof Shingles	2,500.00



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 3, 2022
Section:	Correspondence and Notifications
Category:	Action Item
Agenda Item Name:	Approved minutes of committees, boards and commissions
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	1. Minutes_Committees_Boards_Commissions_2022_11_03

SANITARY BOARD SPECIAL MEETING MINUTES

*401 Davis Avenue
City Hall, Council Chambers
September 13, 2022
11:00 a.m.*

Present were Board Members: Mayor J. Marco, Chair; R. Biller; and V. White

Also present were: Wastewater Chief Operator W. Hymes; Wastewater Collection Supervisor M. Hartley; Treasurer T. Judy; Interim Operations Manager M. Himes (recording secretary); Mike Davis, Burgess & Niple; and Cary Smith, Region VII

PUBLIC COMMENT

None.

MINUTES

SANITARY BOARD MEMBER R. BILLER, MOVED APPROVAL OF JULY 18, 2022 MEETING MINUTES. The motion carried.

REPORTS

Chief Operator W. Hymes had no report.

Wastewater Collection Supervisor M. Hartley had no report.

Treasurer T. Judy presented the July 31, 2022 financial report:

Elkins Sanitary Board Income Statement For the Period Ending July 31, 2022

Total Revenue	\$198,781.53
Total Expenses	<u>\$208,523.46</u>
Net Profit/(Loss)	(\$9,791.93)
Balance In Sewer Account	\$705,104.27
Balance In Sewer Depreciation Account	\$144,073.00
Balance In D/M Account	\$201,873.89

TU 8/3/2022

UNFINISHED BUSINESS

Mayor J. Marco reported there may be interest from the residents at Teaberry Hills to annex. More information to come regarding a meeting date and time. Wastewater Collection Supervisor M. Hartley reported that he believes there is a problem with I&I from both Sylvester Drive and Teaberry Hills affecting the overflow at the manhole on Sylvester Drive.

M. Himes will reach back out to Leadsville PSD to set up a meeting to discuss the North Randolph Avenue sewer extension.

NEW BUSINESS

Sanitary Board Member R. Biller , MOVED APPROVAL OF Crim Law Office invoice no. 293 dated 05/31/2022 in the amount of \$790.00. The motion carried.

Sanitary Board Member R. Biller , MOVED APPROVAL OF Crim Law Office invoice no. 297 dated 06/30/2022 in the amount of \$890.00. The motion carried.

Sanitary Board Member R. Biller , MOVED APPROVAL OF Kay Casto & Chaney invoice no. 139021 dated 08/11/2022 in the amount of \$522.50. The motion carried.

Sanitary Board Member R. Biller , MOVED APPROVAL OF Kay Casto & Chaney invoice no. 139292 dated 09/07/2022 in the amount of \$255.00. The motion carried.

Sanitary Board Member R. Biller , MOVED APPROVAL OF Burgess & Niple invoice no. 1013682 dated 02/25/2022 in the amount of \$768.50. The motion carried

Sanitary Board Member R. Biller , MOVED APPROVAL OF Burgess & Niple invoice no. 1028527 dated 05/24/2022 in the amount of \$186.75. The motion carried

Sanitary Board Member R. Biller , MOVED APPROVAL OF Burgess & Niple invoice no. 1033458 dated 06/28/2022 in the amount of \$16,354.49. The motion carried

Sanitary Board Member R. Biller , MOVED APPROVAL OF Burgess & Niple invoice no. 1038837 dated 07/22/2022 in the amount of \$1,029.38. The motion carried

Sanitary Board Member R. Biller , MOVED APPROVAL OF Burgess & Niple invoice no. 1039422 dated 08/24/2022 in the amount of \$909.00. The motion carried

Sanitary Board Member V. White , MOVED APPROVAL OF "FULL TIME REGULAR EMPLOYEE" STATUS AND CONFIRMING COMPENSATION LEVEL FOR NATHAN YOCUM. The motion carried

Sanitary Board Member R. Biller , MOVED APPROVAL OF "FULL TIME REGULAR EMPLOYEE" STATUS AND CONFIRMING COMPENSATION LEVEL FOR WILLIAM "BILLY" MALLOW. The motion carried

Sanitary Board Member V. White , MOVED APPROVAL OF "PROMOTION" STATUS AND CONFIRMING COMPENSATION LEVEL FOR JOSEPH JOHNSON. The motion carried

Sanitary Board Member R. Biller , MOVED APPROVAL OF "PROMOTION" STATUS AND CONFIRMING COMPENSATION LEVEL FOR JOSEPH THOMPSON. The motion carried

M. Davis, Burgess & Niple presented an implementation schedule that will be used together with the Long-Term Control Plan. Mayor J. Marco recommended adding additional projects to the schedule and mentioned he has been working with Region VII to find federal funds to replace distribution lines for water and wastewater.

No action taken on Contract with Dewaine Corley-C-Com, LLC agenda item g.

W. Hymes recommended developing and implementing a check valve installation policy. Sanitary Board Member V. White , MOVED APPROVAL TO DEVELOP AND IMPLEMENT A CHECK VALVE INSTALLATION POLICY. The motion carried

W. Hymes discussed the need to look research a stormwater tap policy and fee.

M. Hartley informed the board that crews inserted the camera into the sewer line on Randolph Avenue and cannot get beyond 33 feet due to the foam blocking the line. Mr. Hartley stated there is new evidence that the foam is clogging the tap and lines to the Davis Memorial Presbyterian church. City Attorney G. Roberts and Interim Operations Manager M. Himes will set up a meeting with WV DOH and draft a letter to Uretek, the company that inserted the foam stabilizing under the highway.

Sanitary Board Member V. White , MOVED ADJOURNMENT. The motion carried.

The meeting adjourned at 11:48 a.m.

The foregoing minutes were approved at the meeting of October 19, 2022

Jerry A. Marco - Mayor
Name & Title

Jerry A. Marco
Signature



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 3, 2022
Section:	Correspondence and Notifications
Category:	Action Item
Agenda Item Name:	Events
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	1. Events_2022_11_03

**Application to Use or Close City
Streets and/or Sidewalks**

Date(s) of Event 12 NOV 2022 Times From: 11AM To: 3 PM

Date of Street Closing: 12 NOV 2022 Time of Street Closing: 1 PM

Date of Street Reopening: 12 NOV 2022 Time of Street Reopening: UNTIL PARADE PASSES

Organization Name AMERICAN LEGION Address 326 RAIL ROAD AVE

City/State/Zip ELKINS, WV 26241 Fax 304-636-6766

Contact MIKE CARDINAL Telephone 304-614-6338 E-mail MICHAEL.PCARDINAL@YAHOO.COM

2nd Contact JOHN MILLER Telephone 304-614-6335 E-mail _____

Does the applicant have liability insurance that names the City as an additional insured? * ☒ Yes ☐ No
(*A Certificate of Insurance may be required of the applicant for this event and must be submitted to the Mayor's Office upon request.)

Explain event or reason for request: VETERANS DAY PARADE

Streets you are requesting to use or close – identify specific block.

			Barricade Street	Sidewalk Usage
1.	<u>DAVIS AVE</u>	from <u>11TH STREET</u> to <u>6TH ST</u>	☒	
2.	<u>6TH STREET</u>	from <u>DAVIS AVE</u> to <u>RAILROAD AVE</u>	☒	
3.	<u>RAILROAD AVE</u>	from <u>6TH ST</u> to <u>DEPOT AREA</u>	☒	
4.		from _____ to _____		

Specific assistance needed from City (Parking, Police, Fire, etc.): POLICE LEAD AND TRAIL

Projected number of attendees: ☒ (0-99) ☒ (100-299) ☐ (>300)

Michael Phil 10/19/22
Signature of Applicant Date

TCB 10/19/22 Police Chief Approval
Initials / Date

ma 10/20/22 Operations Manager Approval
Initials / Date

_____/_____/_____
Initials / Date Parks Director Approval
(if necessary)

Jerry A. Manno 10/21/2022
Mayor's Signature Date

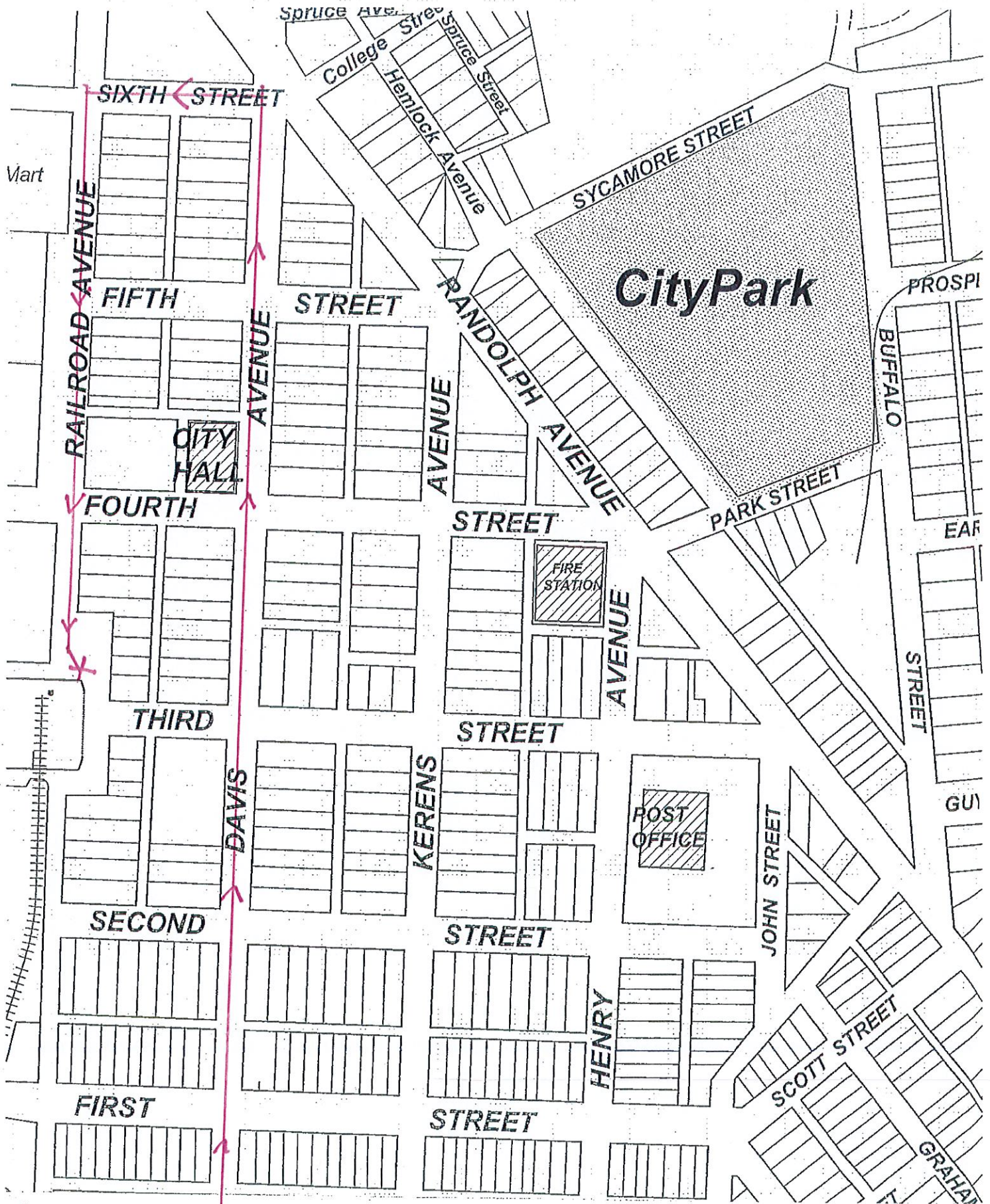
SLA 10/20/22 Fire Chief Approval
Initials / Date

SG 10/21/22 City Clerk Approval
Initials / Date

Contingencies/Restrictions: _____

File this application at the Mayor's Office at least two months in advance of the requested event date to assure full consideration. Approval is subject to any restrictions or changes required by the City Administration, or if necessary for public safety reasons.

cc: Chief Travis Bennett, Police Department
Chief Steve Himes, Fire Department
Operations Manager Melody Himes (Interim)
City Clerk Jessica Sutton
911 Center



Event name: VETERANS DAY PARADE Streets: DAVIS AVE 6TH ST
 Date/Time: 12 NOV 2022, 1PM - 3 PM & RAILROAD AVE

Application to Use or Close City Streets and/or Sidewalks

Date(s) of Event Dec 2, 2022 Times From: 6PM To: 7:30 PM (ish)
 Date of Street Closing: Dec 2, 2022 Time of Street Closing: 5PM - 7:30 PM (ish)
 Date of Street Reopening: Dec 2, 2022 Time of Street Reopening: 7:30 PM (ish)
 Organization Name E-RC Chamber Address 10 11th Street, Suite B Elkins 26241
 City/State/Zip Elkins WV 26241 Fax _____
 Contact Lisa Wood Telephone 681 298 0736 E-mail lisa.wood@erccc.com
 2nd Contact _____ Telephone _____ E-mail _____

Does the applicant have liability insurance that names the City as an additional insured? * ☒ Yes ☐ No
 (* A Certificate of Insurance may be required of the applicant for this event and must be submitted to the Mayor's Office upon request.)

Explain event or reason for request: Annual Christmas Parade (to be immediately followed by City tree lighting in the railyard)

Streets you are requesting to use or close - Identify specific block.

			Barricade	Sidewalk
			Street	Usage
1. <u>South Davis Ave</u>	from <u>N 13th</u>	to <u>bridge</u>	<u>yes</u>	<u>yes</u>
2. <u>Davis Ave</u>	from <u>bridge</u>	to <u>5th Street</u>	<u>yes</u>	<u>yes</u>
3. <u>S Railroad Ave</u>	from <u>river</u>	to <u>N 12th Street</u>	<u>yes</u>	<u>yes</u>
4. _____	from _____	to _____	_____	_____

Specific assistance needed from City (Parking, Police, Fire, etc.): ① Police and Fire to lead off the parade ② Place barricades on streets ③ monitor crowd near City Hall ④ one officer with volunteers at 11th Street/Davis intersection

Projected number of attendees: _____ (0-99) _____ (100-299) ☒ (>300)

Lisa Wood 10/13/22
 Signature of Applicant Date

TCB / 10/19/2022 Police Chief Approval
mas / 10/24/22 Operations Manager Approval
 _____ / _____ Parks Director Approval (if necessary)

SMA / 10/20/22 Fire Chief Approval
[Signature] / 10/21/22 City Clerk Approval

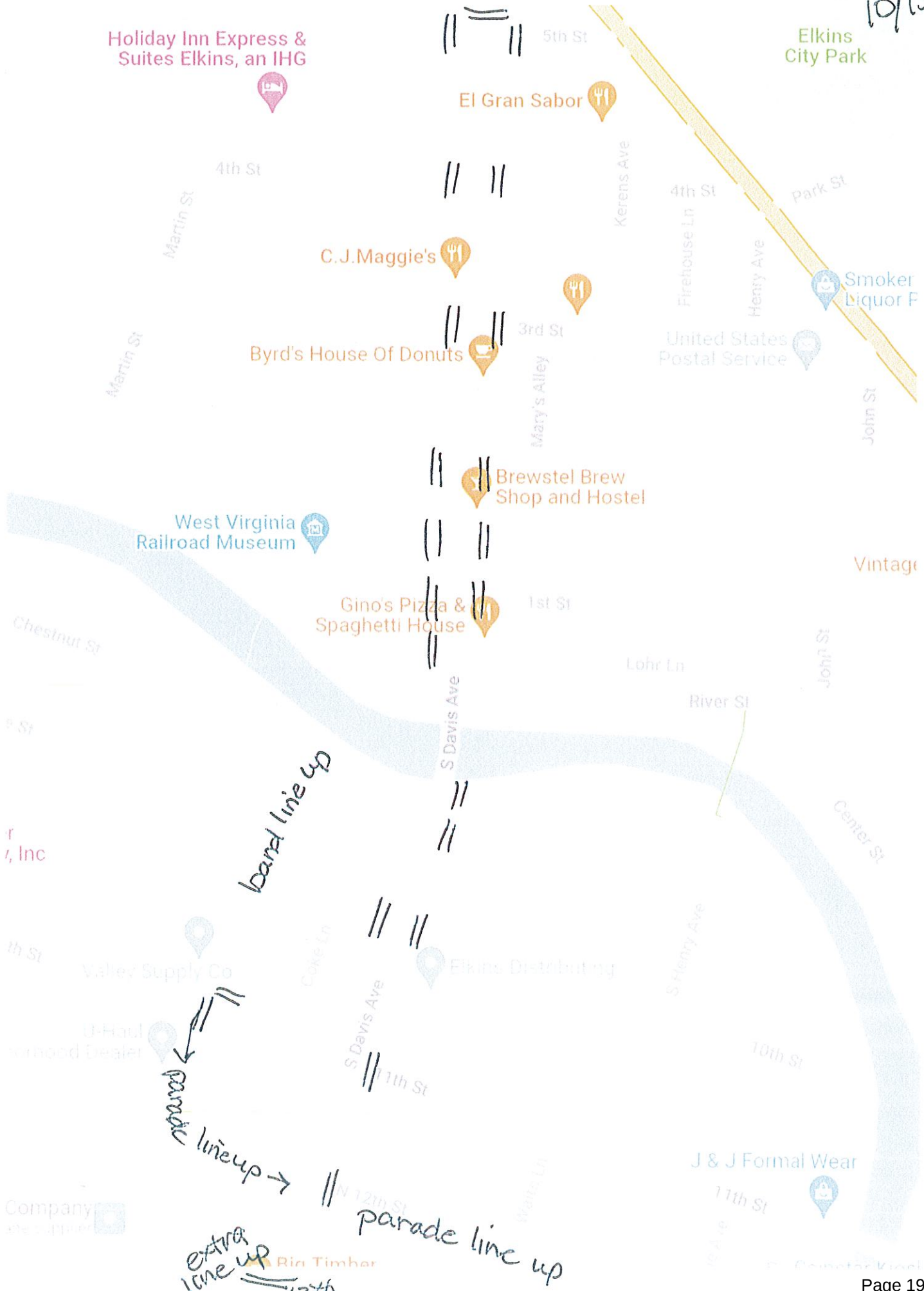
Jenny Manno 10/21/2022
 Mayor's Signature Date

Contingencies/Restrictions: _____

File this application at the Mayor's Office at least two months in advance of the requested event date to assure full consideration. Approval is subject to any restrictions or changes required by the City Administration, or if necessary for public safety reasons.

cc: Chief Travis Bennett, Police Department
 Chief Steve Himes, Fire Department
 Operations Manager Melody Himes (Interim)
 City Clerk Jessica Sutton
 911 Center

UW
10/13/22





CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 3, 2022
Section:	Presentation
Category:	Presentation
Agenda Item Name:	Mountain Region SRT - Chief Kevin Keplinger
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	None



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 3, 2022
Section:	Presentation
Category:	Presentation
Agenda Item Name:	Kump Education Center - Heather Biola
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	1. KEC Annual Report to Council-11-2022



KUMP EDUCATION CENTER

CREATING A BRIGHTER FUTURE

2022 REPORT TO COUNCIL



D&E student volunteers helped clean the downstairs area.



One of the "Something Old, Something New" displays was featured in the sunroom.



Project Isaac student from Elkins Middle School participated in science activities.



D&E Education students present research during annual seminar.

Kump Education Center Board Members

KJ Shaffer, President; Priscilla Gay, Treasurer; Judy Guye, secretary; Joseph Arbogast, Andrew Carroll, Robert Wilmoth, Laura Santmyer, and Crystal Krause
Dr. Heather Biola, Director

In 2022, the Kump Education Center [KEC] continued to work hard for the benefit of local school children, provide professional training to educators and attract new visitors to the Gov. and Mrs. Kump House. With increased public tours, more first-time visitors came to this historic site and learned through newly created interpretive materials.

The KEC continued to partner with the Randolph County's summer school SOLE program, Davis & Elkins College, the YMCA and WVDNR to provide quality hands-on learning opportunities in math, reading and science. It also worked with the Elkins/Randolph County Chamber of Commerce, Elkins/Randolph County Tourism office and AFNHA in promoting the Gov. Kump House as a quality place to visit.

Actions and Accomplishments

Community Education Projects:

- With financial assistance from Citizen's Bank, the KEC offered after school Targeting Tutoring for area fourth and fifth graders focusing on reading and math. In the summer, the KEC provided lessons and tours of the Gov. Kump House for YMCA day campers and students in the Randolph County SOLE summer school program.
- The KEC was awarded a WV Humanities Council mini-grant which provided funds for creating interpretive materials and signage for a week-end "Something Old, Something New" open house. The event featured Kump wedding gowns from 1907 and 1936 and related displays with extremely positive results. More 90% of those surveyed gave their visit experience the highest rating. Summer public tours allowed more visitors to see the displays on Thursday and Sunday afternoons.
- During Forest Festival, the KEC offered public tours for Sunday afternoons featuring memorabilia from the Kump family 1930s collection. These opportunities attracted members of the Forest Festival royalty and many first-time visitors.
- The wetlands area was used by the WV DNR Master Naturalist Program for instructional purposes and several tree care workshops sponsored by the Elkins Tree Board took place in the City Tree Nursery area and the Kump House heirloom apple orchard.
- Students in the Elkins Middle School Project Isaac program learned about the history of the Forest Festival, the Kump House and tree growth rings and tree identification by exploring the grounds.
- Nationally known lecturer on math learning disabilities provided a workshop for area educators thanks to memorial gifts honoring Dr. Sam Roberts.
- The annual Davis & Elkins College Education Research Seminar returned in-person to the KEC.
- New expanded website launched: kumpeducationcenter.org.



YMCA campers learned about banking and life in the 1930s.



Dr. Honora Wall, nationally known speaker on math learning disorders, presented a workshop for area educators.



"Mrs. Roosevelt" was one of the first to take advantage of the new pavilion.



WV Division of Forestry urban forester provides guidance at recent pruning workshop.

Infrastructure Improvements:

- The new pavilion, partially funded by the City of Elkins, has already been used by students and provides a much needed outdoor venue for event presenters.
- Thanks to financial support from the Randolph County Commission and the Kump House Trust, steel handrails and a railings are being installed at the formal front entrance. Future plans include the installation of a wheelchair lift at this entrance to improve ADA access.
- New outdoor signs, funded by Optimum, will be installed before the end of 2022. The front sign will include the name of the Gov. and Mrs. Kump House and the sign above the learning lab will feature Optimum's new logo.

Income Generation

- **Rentals:** The KEC continues to rent space to organizations, such as the Emma Scott Garden Club and the DAR. We will continue to rent rooms to small groups, businesses or organizations using precautions against Covid-19.
- **Fund Raising:** The KEC 2021 Christmas letter and Holiday Family Celebration were successful.
- **Grants:** In 2022, the KEC received grants from the Tucker Community Foundation, Citizen's Bank of WV, the WV Humanities Council, the Randolph County Commission and the City of Elkins. This winter, grants to improve ADA access, roof improvements and educational opportunities will be pursued.
- **Public Tour donations** and individual unsolicited contributions continue to increase.

Action Needed for 2023

- **Roof and Gutter Repairs:** The east elevation of the house is suffering from water damage due to issues with drainage. Grants will again be pursued to fund this project through historic preservation agencies.
- **Security Lighting and Entrance Concerns:** More city lighting is needed in back parking lot and along Seneca Road. The KEC looks forward to discussions with the WV Division of Highways on ways to improve access to the Kump property and seek protection from possible flooding caused by excessive drainage in the right-of-way.

Moving Forward

The KEC will begin a re-envisioning process in 2023 to consider:

- ▶ Becoming an Outdoor Science Center
- ▶ Expanding professional training and educational enhancement opportunities for area students and teachers
- ▶ Improving/expanding nature trails
- ▶ Pursuing funding for a staff presence at the Kump House
- ▶ Investigating optimum rental options
- ▶ Pursuing funding for a staff presence at the Kump House
- ▶ Increasing marketing for meetings and guided tours

The KEC is becoming a destination for visitors looking to tour an historic home and have an outdoor educational experience. We recognize that New Deal era leaders saw the economic value in conserving the environment; from FDR's CCC to the creation of Kumbrabow State Forest, named after those responsible its purchase: Gov. H.G. Kump, Spates Brady and Hubert Bowers. In that spirit, the KEC can inspire a love of nature, provide a secure space to learn, and assist teachers in hands-on lessons. We greatly appreciate the City's support and look forward to increasing our ability to serve our community.



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 3, 2022
Section:	Presentation
Category:	Presentation
Agenda Item Name:	Tax Increment Financing - Jessica Sutton, Robbie Morris, Dave Clark, and Joe Nassif
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	None



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 3, 2022
Section:	Staff reports
Category:	Action Item
Agenda Item Name:	Treasurer's report
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	1. 2022_11_03_treasurer report

MASTERCARD P-CARD QUARTERLY REBATES

	July	July Fuel	August	August Fuel	September	September Fuel	
General Fund	51,700.32	7,938.00	39,107.47	10,090.42	38,222.27	7,560.11	154,618.59
Parks Fund	4,037.81	782.17	2,634.68	806.50	2,448.77	419.21	11,129.14
Fire Fund	2,867.22	393.28	6,566.50	149.80	3,529.68	26.47	13,532.95
Water Fund	5,652.02	3,593.64	11,618.85	3,278.43	7,940.56	4,074.80	36,158.30
Sewer Fund	18,117.03	1,746.36	20,566.91	3,797.55	14,244.86	1,255.78	59,728.49
Sanitation Fund	5,928.87	7,933.58	2,136.01	6,755.42	4,191.14	5,891.38	32,836.40
Landfill Fund	-	-	-	-	-	-	-
	88,303.27	22,387.03	82,630.42	24,878.12	70,577.28	19,227.75	

308,003.87

1.339999%

General Fund - Rebates	2,071.89
Parks - Rebates	149.13
Fire - Rebates	181.34
Water - Rebates	484.52
Sewer - Rebates	800.36
Sanitation - Rebates	440.01
Landfill Rebates	0.00

\$ 4,127.25

Jul-Sept 2022 MASTERCARD P-CARD REBATE

VENDOR SET: 01 Elkins
 BANK: * ALL BANKS

DATE RANGE:10/17/2022 THRU 10/28/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00396	Kay Casto & Chaney PLLC							
C-CHECK	Kay Casto & Chaney PLLC	VOIDED	V 10/24/2022			012407		6,186.25CR

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	0	0.00	0.00	0.00
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	1 VOID DEBITS	0.00		
	VOID CREDITS	6,186.25CR	6,186.25CR	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: TOTALS:	1	6,186.25CR	0.00	0.00
BANK: TOTALS:	1	6,186.25CR	0.00	0.00

VENDOR SET: 01 Elkins

BANK: ARPA Amercia Rescue Plan Act

DATE RANGE:10/17/2022 THRU 10/28/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00085	Burgess & Niple, Inc.							
I-1048463	water & sewer need assesement	R	10/24/2022	1,992.00		000078		1,992.00
01447	Heritage Fire Equipment							
I-6431	adapters, valve, monitor, nozzle	R	10/24/2022	30,752.88		000079		30,752.88
01957	Zoro Tools, Inc.							
I-11431888	clamps, sealant, union, bushing	R	10/24/2022	542.91		000080		
I-11432472	connectors, cap, tee, valve	R	10/24/2022	230.60		000080		
I-11434548	nipple	R	10/24/2022	30.16		000080		
I-11435954	liquid tight	R	10/24/2022	37.00		000080		
I-115544135	band clamp	R	10/24/2022	127.92		000080		968.59
02370	Big Chimney Auto & Diesel							
I-17430	60" CA DRW Chassis-Partial Pmt	R	10/24/2022	85,625.00		000081		85,625.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	4	119,338.47	0.00	119,338.47
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0 VOID DEBITS	0.00		
	VOID CREDITS	0.00	0.00	

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: ARPA TOTALS:	4	119,338.47	0.00	119,338.47
BANK: ARPA TOTALS:	4	119,338.47	0.00	119,338.47

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE:10/17/2022 THRU 10/28/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00741	Great-West Trust Company LLC							
I-VF 202210181348	Voya	D	10/18/2022	355.00		004110		
I-VF202210181348	Voya AT	D	10/18/2022	50.00		004110		405.00
00116	Child Support Enforcement							
I-CDS202210181348	Child Support	R	10/18/2022	528.00		012361		528.00
00121	Citizens Bank of WVFP							
I-FP 202210181348	Fire Pension	R	10/18/2022	545.87		012362		545.87
00122	Citizens Bank of WVPp							
I-PP 202210181348	Police Pension	R	10/18/2022	251.99		012363		
I-PPN202210181348	Police Pension-2010 Forward	R	10/18/2022	495.92		012363		747.91
00147	COE Misc							
I-MIS202210181348	Misc Reimbursements	R	10/18/2022	298.07		012364		298.07
00150	COE Payroll							
I-T1 202210181348	Federal Withholding	R	10/18/2022	14,117.46		012365		14,117.46
00151	COE Payroll							
I-T3 202210181348	FICA	R	10/18/2022	13,504.70		012366		
I-T4 202210181348	Medicare	R	10/18/2022	4,843.50		012366		18,348.20
00152	COE Payroll							
I-T2 202210181348	State Withholding	R	10/18/2022	6,793.00		012367		6,793.00
00203	Davis Trust Company							
I-CC 202210181348	Employee Christmas Club	R	10/18/2022	2,540.00		012368		2,540.00
00747	Washington National Insurance							
I-WN 202210181348	Washington National Insurance	R	10/18/2022	781.08		012369		781.08
00837	COE Payroll Reimbursement							
I-001202210181348	Payroll Reimbursement	R	10/18/2022	59,300.00		012370		
I-006202210181348	Payroll Reimbursement	R	10/18/2022	5,684.99		012370		
I-036202210181348	Payroll Reimbursement	R	10/18/2022	15,031.89		012370		
I-400202210181348	Payroll Reimbursement	R	10/18/2022	15,662.41		012370		
I-401202210181348	Payroll Reimbursement	R	10/18/2022	14,151.77		012370		
I-404202210181348	Payroll Reimbursement	R	10/18/2022	11,039.28		012370		120,870.34
01885	Colonial Life							
I-CL 202210181348	Colonial Life-AT	R	10/18/2022	85.92		012371		
I-CLP202210181348	Colonial Life-PT	R	10/18/2022	52.52		012371		138.44

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE:10/17/2022 THRU 10/28/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00047	Truist Governmental Finance							
I-00005 102422	9948000234-05 102422 #33	R	10/19/2022	2,596.05		012372		
I-00006 102722	9948000234-06 102722 #15	R	10/19/2022	2,643.26		012372		5,239.31
00073	Brewer & Company of WV, Inc.							
I-F9112208	annual alarm/exting inspection	R	10/19/2022	500.00		012373		500.00
00075	Encova Insurance							
I-36398568	WCN6007129 100122 Inst	R	10/19/2022	5,981.00		012374		5,981.00
00082	Builders Group, Inc.							
I-701053	1/4 Sheet Sander	R	10/19/2022	50.00		012375		50.00
00143	COE General Fund 2							
I-10/2022 Indirects	10/2022 Indirects	R	10/19/2022	24,270.24		012376		24,270.24
00202	Davis Trust Company							
I-12755	031137776-12755 #58	R	10/19/2022	4,256.84		012377		4,256.84
00280	Tracy R Judy							
I-SA Expense 092922	Reimb Expenses 092922	R	10/19/2022	178.38		012378		178.38
00378	J F Allen Co.							
I-15683990	stone	R	10/19/2022	585.87		012379		
I-15683991	stone	R	10/19/2022	602.46		012379		
I-15683993	stone	R	10/19/2022	489.39		012379		
I-15683996	stone	R	10/19/2022	515.01		012379		2,192.73
00482	Mountain State Forest Festival							
I-CKREQ SoundSys	Sound System deposit refund	R	10/19/2022	50.00		012380		50.00
00578	Randolph Elkins Health Departm							
I-August 2022	Hep B/AB Roser / Mallow	R	10/19/2022	278.00		012381		278.00
00590	Reserve Account - Pitney Bowes							
I-Postage Alloc 0822	Postage Allocation 08/2022	R	10/19/2022	632.10		012382		
I-Postage Alloc 0922	Postage Allocation 09/2022	R	10/19/2022	826.00		012382		1,458.10
00665	State Electric Supply Company							
I-15772262-01	280 Conduit	R	10/19/2022	523.60		012383		523.60
00688	Terra Flora Landscaping							
I-5701	landscaping/labor	R	10/19/2022	204.70		012384		204.70

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE:10/17/2022 THRU 10/28/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00701	Toshiba Financial Services							
I-483853578	E4515AC 092722-102722	R	10/19/2022	209.59		012385		209.59
00855	LMC & Associates							
I-2960	9/2022-PHP Consideration/Rev	R	10/19/2022	48.68		012386		48.68
00900	National Road Utility Supply,							
I-333883	steel couplers	R	10/19/2022	203.96		012387		
I-333884	Ext range couplings	R	10/19/2022	714.48		012387		
I-333921	large meter tester	R	10/19/2022	6,000.00		012387		
I-333922	tees	R	10/19/2022	502.26		012387		7,420.70
00992	McNeil & Company							
I-48093130	Commercial Pkg 08/22-08/23	R	10/19/2022	2,671.00		012388		
I-48098130	Inland Marine 08/22-08/23	R	10/19/2022	1,098.75		012388		
I-48103130	Umbrella 08/22-08/23	R	10/19/2022	437.50		012388		4,207.25
01347	MedExpress							
I-2352939C3908	Rapid 10 Panel Arbogast	R	10/19/2022	52.00		012389		52.00
01390	Phoenix Solutions, LLC							
I-4285	Chemicals	R	10/19/2022	3,727.00		012390		
I-4317	chemicals	R	10/19/2022	4,422.94		012390		8,149.94
01449	Dodson Pest Control							
I-23173102094222	Pest Control Darden House	R	10/19/2022	60.00		012391		60.00
01594	Pace Analytical Services LLC							
I-2230387254	Sept 2022 lab services	R	10/19/2022	1,561.13		012392		1,561.13
01681	DataMax Corporation							
I-09302022	Business License Rev 09/22	R	10/19/2022	691.99		012393		691.99
02132	American Airworks							
I-241448	Filters/Compressor Oil	R	10/19/2022	350.34		012394		350.34
02157	Jerry A Marco							
I-EXP 101122	lodging State Auditor Training	R	10/19/2022	71.25		012395		71.25
02220	Long Branch Equipment LLC							
I-L8203	labor, oil	R	10/19/2022	357.45		012396		357.45
02249	CITCO Water							
I-S100196259.001	6 ball values, ends	R	10/19/2022	1,643.52		012397		1,643.52

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE:10/17/2022 THRU 10/28/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02322	Badger Meter							
I-80108849	Beacon MBL Hosting Serv Unit	R	10/19/2022	210.25		012398		210.25
1	BOATWRIGHT, ROGER G							
I-000202210181349	US REFUND	R	10/19/2022	306.54		012399		306.54
00006	AFLAC							
I-AF 202210031347	Aflac-After Tax Ins	R	10/24/2022	85.21		012400		
I-AF 202210181348	Aflac-After Tax Ins	R	10/24/2022	85.21		012400		
I-AFL202210031347	Aflac Insurance	R	10/24/2022	131.72		012400		
I-AFL202210181348	Aflac Insurance	R	10/24/2022	99.30		012400		401.44
00032	Absolute Assurance Drug Test L							
I-08052671	Drug/Alcohol Testing	R	10/24/2022	113.00		012401		113.00
00047	Truist Governmental Finance							
I-00004 102722	9948000234-04 10/27/22 #73	R	10/24/2022	2,256.75		012402		2,256.75
00078	Nanci Bross-Fregonara							
I-CKREQ 102222	Adopt-a-Tree Kump Nursery	R	10/24/2022	43.55		012403		43.55
00085	Burgess & Niple, Inc.							
I-1043067	Sewer LT Control Plan 8/2022	R	10/24/2022	404.00		012404		
I-1048462	Sewer LT Control Plan 09/2022	R	10/24/2022	1,616.00		012404		2,020.00
00242	Elkins Professional Firefighte							
I-EPF202210031347	Elkins Professional FF	R	10/24/2022	90.00		012405		
I-EPF202210181348	Elkins Professional FF	R	10/24/2022	90.00		012405		180.00
00310	Griffith & Associates, PLLC							
I-13873	Sewer Rate Study	R	10/24/2022	12,000.00		012406		12,000.00
00396	Kay Casto & Chaney PLLC							
I-139291	professional services-rate	V	10/24/2022	4,348.25		012407		
I-139659	22 Cable Fran Renewal 09/22	V	10/24/2022	1,838.00		012407		6,186.25
00396	Kay Casto & Chaney PLLC							
M-CHECK	Kay Casto & Chaney PLLC VOIDED	V	10/24/2022			012407		6,186.25CR
00471	Mon Power							
I-CityPark 0910-1010	consumption 09/10-10/10/22	R	10/24/2022	67.54		012408		
I-PARK 101022	Park St 093022-101022	R	10/24/2022	12.64		012408		
I-Park St 101022	Consumption 091022-101022	R	10/24/2022	69.91		012408		150.09

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE:10/17/2022 THRU 10/28/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00479	Amtower Auto Supply, Inc.							
I-178038-178085	Filter/Misc 09 F550 repairs	R	10/24/2022	90.55		012409		
I-178136/178134	Kitbldg Rplcmt/Battery/Core	R	10/24/2022	193.05		012409		
I-178193	Motor Oil/Core Dep	R	10/24/2022	15.99		012409		299.59
00483	Mountain Valley Bank							
I-1202553-21 102822	1202553-21 102822	R	10/24/2022	2,369.18		012410		2,369.18
00498	Naylor's Ace Hardware							
C-455302	credit batteries,oil	R	10/24/2022	103.37CR		012411		
I-455323	blades, knife, pliers, adptr	R	10/24/2022	211.90		012411		
I-455464	Vaccum/20gal bags	R	10/24/2022	199.97		012411		
I-455590	AA/AAA Batteries	R	10/24/2022	163.92		012411		472.42
00591	Retiree Health Benefit Trust F							
I-Chenoweth 10/2022	RChenoweth 10/2022	R	10/24/2022	70.00		012412		
I-RHB202210181348	Retiree Health Benefit Trust	R	10/24/2022	4,760.00		012412		
I-RHBT 10/2022	Retirees 10/2022	R	10/24/2022	2,171.70		012412		7,001.70
00726	USA Blue Book							
I-074985	40 pc tap and die tool set	R	10/24/2022	303.90		012413		303.90
00779	Woodford Oil Company							
I-4365593	1002 #2 Dyed Diesel	R	10/24/2022	3,987.96		012414		3,987.96
00792	WV Consolidated Retirement Boa							
I-RTD202210031346	Retirement	R	10/24/2022	2,025.00		012415		
I-RTD202210031347	Retirement	R	10/24/2022	6,175.24		012415		
I-RTD202210181348	Retirement	R	10/24/2022	6,501.65		012415		14,701.89
00805	FBMC							
I-MFB202210031347	Mt. Flex Benefit	R	10/24/2022	1,646.00		012416		
I-MFB202210181348	Mt. Flex Benefit	R	10/24/2022	1,646.00		012416		
I-RCHEN 10/2022	RChenoweth 10/2022	R	10/24/2022	52.54		012416		3,344.54
00810	WV Public Employee Insurance A							
I-Admn Fee Hitt	Admin Fee - Chris Hitt	R	10/24/2022	50.00		012417		
I-BL 202210181348	Basic Life Benefit	R	10/24/2022	160.16		012417		
I-BL1202210181348	Basic Life Benefit +	R	10/24/2022	1.14		012417		
I-DL 202210031347	Dependent Life	R	10/24/2022	73.66		012417		
I-DL 202210181348	Dependent Life	R	10/24/2022	73.66		012417		
I-HPA202210031347	Ins-Health Plan A	R	10/24/2022	719.00		012417		
I-HPA202210181348	Ins-Health Plan A	R	10/24/2022	719.00		012417		
I-HPB202210181348	Ins-Health Plan B	R	10/24/2022	429.15		012417		
I-ICA202210031347	Ins - Emp/Child-Plan A	R	10/24/2022	917.00		012417		
I-ICA202210181348	Ins - Emp/Child-Plan A	R	10/24/2022	917.00		012417		
I-ICB202210031347	Ins- Emp/child - Plan B	R	10/24/2022	1,192.50		012417		
I-ICB202210181348	Ins- Emp/child - Plan B	R	10/24/2022	1,192.50		012417		

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE:10/17/2022 THRU 10/28/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-IFA202210031347	Ins - Family - Plan A	R	10/24/2022	11,319.00		012417		
I-IFA202210181348	Ins - Family - Plan A	R	10/24/2022	11,319.00		012417		
I-IFB202210031347	Ins - Family - Plan B	R	10/24/2022	6,506.45		012417		
I-IFB202210181348	Ins - Family - Plan B	R	10/24/2022	6,058.00		012417		
I-IFD202210031347	Ins-Fam-Plan B - Post Tax	R	10/24/2022	466.00		012417		
I-IFD202210181348	Ins-Fam-Plan B - Post Tax	R	10/24/2022	466.00		012417		
I-ISA202210031347	Ins - Single - Plan A	R	10/24/2022	3,768.00		012417		
I-ISA202210181348	Ins - Single - Plan A	R	10/24/2022	3,768.00		012417		
I-ISB202210031347	Ins-Single - Plan B	R	10/24/2022	2,080.00		012417		
I-ISB202210181348	Ins-Single - Plan B	R	10/24/2022	2,080.00		012417		
I-OL 202210031347	Optional Life	R	10/24/2022	289.00		012417		
I-OL 202210181348	Optional Life	R	10/24/2022	289.00		012417		
I-RChen 10/2022	RChenoweth Health/Life 102022	R	10/24/2022	1,079.76		012417		
I-TOF202210031347	Tobacco Surcharge Family	R	10/24/2022	425.00		012417		
I-TOF202210181348	Tobacco Surcharge Family	R	10/24/2022	425.00		012417		
I-TOS202210031347	Tobacco Surcharge Single	R	10/24/2022	150.00		012417		
I-TOS202210181348	Tobacco Surcharge Single	R	10/24/2022	150.00		012417		57,082.98
00884	Colonial Court Service Station							
I-42033	Labor - roller	R	10/24/2022	135.00		012418		
I-573435	Diagnostic/labor 96 Durango	R	10/24/2022	129.98		012418		264.98
00898	Benny's Boot Hill							
I-Boots-DHedrick	Boots - Don Hedrick	R	10/24/2022	242.91		012419		242.91
00900	National Road Utility Supply,							
I-333959	pvc, clamps, straps, setter	R	10/24/2022	11,552.04		012420		11,552.04
00952	WV Consolidated Retirement Boa							
I-RTF202210031346	Retirement	R	10/24/2022	595.00		012421		
I-RTF202210031347	Retirement	R	10/24/2022	2,216.18		012421		
I-RTF202210181348	Retirement	R	10/24/2022	2,442.62		012421		
I-RTN202210031346	Retirement	R	10/24/2022	850.00		012421		
I-RTN202210031347	Retirement	R	10/24/2022	3,482.20		012421		
I-RTN202210181348	Retirement	R	10/24/2022	4,903.04		012421		14,489.04
00993	WV Consolidated Retirement Boa							
I-RT6202210031346	Retirement 6%	R	10/24/2022	2,700.00		012422		
I-RT6202210031347	Retirement 6%	R	10/24/2022	7,894.74		012422		
I-RT6202210181348	Retirement 6%	R	10/24/2022	8,181.43		012422		18,776.17
01203	Jessica Sutton							
I-Reimb 10/17/22	Travel Reimb 10/14-10/17/22	R	10/24/2022	195.00		012423		195.00

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE:10/17/2022 THRU 10/28/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01313	COE Water O & M Account							
I-Wtr O/M 022822	Water O/M Dep 022822	R	10/24/2022	7,821.29		012424		7,821.29
01390	Phoenix Solutions, LLC							
I-4329 4365 4369-70	Chemicals	R	10/24/2022	19,879.73		012425		
I-4400	chemicals	R	10/24/2022	3,366.00		012425		23,245.73
01445	Linda Silva							
I-Reimb 10/18/22	Hedge Trimmer	R	10/24/2022	159.00		012426		
I-Reimb 102022	3x24 burlap-sod staples	R	10/24/2022	33.29		012426		192.29
01697	C-Com LLC							
I-654150	Maint/Repair WPlant	R	10/24/2022	1,500.00		012427		
I-654152	Maint Water Plant	R	10/24/2022	1,650.00		012427		
I-654153	Maint Water Plant	R	10/24/2022	1,500.00		012427		
I-654154	contracted services	R	10/24/2022	1,500.00		012427		6,150.00
01751	COE WWTP							
I-202207202710	WTP Backwash 06/2022	R	10/24/2022	321.60		012428		
I-202208192879	backwash	R	10/24/2022	796.42		012428		1,118.02
01790	Crim Law Office PLLC							
I-282 March 2022	WaterBd Attny Serv 03/2022	R	10/24/2022	630.00		012429		
I-294	professional services	R	10/24/2022	460.00		012429		1,090.00
01817	WV Wood Technology Center							
I-5147	10 Custom Engraved NameTags	R	10/24/2022	107.00		012430		107.00
02157	Jerry A Marco							
I-WVML 102122	WVML Bd Mtg travel	R	10/24/2022	30.00		012431		30.00
02309	Twin A Equipment Repair LLC							
I-312	parts/labor 430 Cat Backhoe	R	10/24/2022	486.83		012432		486.83
02340	West Virginia State Tax Depart							
I-GAR202210031347	Garnishment - DI# 614946	R	10/24/2022	61.00		012433		
I-GAR202210181348	Garnishment - DI# 614946	R	10/24/2022	61.00		012433		122.00
02368	Lost Trail Studio							
I-208	Video Production	R	10/24/2022	5,050.00		012434		5,050.00
02369	Fubar Enterprises							
I-1714	Install Siren on MRAP	R	10/24/2022	260.00		012435		260.00

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE:10/17/2022 THRU 10/28/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
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* * T O T A L S * *		NO		INVOICE AMOUNT		DISCOUNTS		CHECK AMOUNT
REGULAR CHECKS:	74			440,340.44		0.00		434,154.19
HAND CHECKS:	0			0.00		0.00		0.00
DRAFTS:	1			405.00		0.00		405.00
EFT:	0			0.00		0.00		0.00
NON CHECKS:	0			0.00		0.00		0.00
VOID CHECKS:	0	VOID DEBITS	0.00					
		VOID CREDITS	6,186.25CR	6,186.25CR		0.00		

TOTAL ERRORS: 0

		NO		INVOICE AMOUNT		DISCOUNTS		CHECK AMOUNT
VENDOR SET: 01 BANK: Pool TOTALS:	75			434,559.19		0.00		434,559.19
BANK: Pool TOTALS:	75			434,559.19		0.00		434,559.19
REPORT TOTALS:	79			553,897.66		0.00		553,897.66

SELECTION CRITERIA

VENDOR SET: 01-Elkins
VENDOR: ALL
BANK CODES: Exclude: PCARD
FUNDS: All

CHECK SELECTION

CHECK RANGE: 000000 THRU 999999
DATE RANGE: 10/17/2022 THRU 10/28/2022
CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99
INCLUDE ALL VOIDS: YES

PRINT OPTIONS

SEQUENCE: CHECK NUMBER

PRINT TRANSACTIONS: YES
PRINT G/L: NO
UNPOSTED ONLY: NO
EXCLUDE UNPOSTED: NO
MANUAL ONLY: NO
STUB COMMENTS: NO
REPORT FOOTER: NO
CHECK STATUS: NO
PRINT STATUS: * - All



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 3, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	<i>Ordinance 307: An Ordinance of the Common Council of the City of Elkins, West Virginia, Repealing and Amending Elkins City Code Sec. 90.03 <u>Barking and Howling</u> (2nd and final reading)</i>
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	1. 307 - barking and howling 90.03

ORDINANCE 307

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA, REPEALING AND AMENDING ELKINS CITY CODE, §90.30 BARKING AND HOWLING

WHEREAS, the Common Council of the City of Elkins, West Virginia has previously adopted an ordinance codified as the Elkins City Code, §90.30 Barking or Howling to assist in maintaining the peace and quiet of the City, related to the noise caused by barking or howling dogs; and

WHEREAS, it is difficult to enforce this section of the City Code as it is written, as was confirmed by Chief Travis Bennett, of the Elkins Police Department; and

WHEREAS, the Common Council has determined that it is in the best interests of the citizens and residents to amend Elkins City Code §90.30, Barking or Howling; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMON COUNCIL, CITY CODE §90.30 SHALL BE REPEALED AND AMENDED AS FOLLOWS:

§90.30 Barking, Howling or Squalling Dogs, Cats or Other Animals.

No person shall keep or harbor any dog, cat or other animal within the City which, by frequent and habitual barking, howling, yelping, crying or squalling creates unreasonably loud and disturbing noises of such character, intensity and duration as to disturb the peace, quiet and good order of the City. Any person who shall allow any dog, cat or other animal habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure which he occupies or owns, shall be considered as harboring such dog, cat or other animal. Any person in violation of this section shall, upon conviction, be fined in accordance with City Code §90.99(E).

If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon passage.

PASSED AND APPROVED ON THE FIRST READING: _____, 2022.

**PASSED AND APPROVED ON THE SECOND AND FINAL READING:
_____, 2022.**

CITY OF ELKINS, WEST VIRGINIA

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 3, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	<i>Ordinance 308</i> : An Ordinance of the Common Council of the City of Elkins, West Virginia, Amending Elkins City Code Section 152: <u>Zoning</u> (2nd and final reading)
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	1. 308 - zoning update

ORDINANCE 308

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA, TO AMEND ORDINANCE 301, CITY OF ELKINS ZONING ORDINANCE TO BE CODIFIED AS CHAPTER 152 :ZONING
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WHEREAS, the Common Council of the City of Elkins, West Virginia has previously adopted Ordinance 301, City of Elkins Zoning Ordinance, to be codified as Chapter 152: Zoning; and

WHEREAS, following its adoption, it became apparent to City personnel, while working on a fee schedule and permit applications, that the reference to “ event, special ” within the zoning ordinance, was not a workable definition for the permitting of certain events within the procedures under the new zoning ordinance; and

WHEREAS, on September 27, 2022, the Elkins Planning Commission met and made a recommendation to the Rules and Ordinance Committee that the definition of “event, special” be removed from the zoning ordinance along with any other reference to “event, special ” within the ordinance, inasmuch as the definition “event, mass gathering” will allow the City to regulate gatherings as envisioned by the zoning ordinance; and

WHEREAS, on October 12, 2022, the Rules and Ordinances Committee met, reviewed the recommendation of the Elkins Planning Commission and voted to recommend to the Common Council that Ordinance 301, City of Elkins Zoning Ordinance, to be codified as Chapter 152: Zoning be amended; and

NOW THEREFORE, BE IT ORDAINED and **ENACTED** by the Common Council of the City of Elkins, West Virginia that Ordinance 301, City of Elkins Zoning Ordinance, to be codified as Chapters 152: Zoning be amended as follows:

Section 21-32 Definitions

~~“Event Special” means an event, as defined herein, resulting in the assemblage of one hundred (100) to three hundred (300) persons; the arrival of twenty five (25) or more vehicles at the location of the event, whether held on private property, public property, or public roads; and any events with a significant emphasis on the sale, marketing, or promotion of products or services to be consumed, utilized, or provided off the premises, except for temporary uses permitted under this code.~~

The definition of Event Special in Section 21-32 Definitions shall be removed and repealed from Ordinance 301, City of Elkins Zoning Ordinance.

Section 21-40(a) Permitted Uses in the Single Family Residential (R-1) District

(a) The following shall be uses permitted by right in the Single Family Residential District:

- (1) Bus/ Transit Shelter
- (2) Child Day Care Facility, Class 4
- (3) Dock
- (4) Dwelling, Single Family
- (5) Essential Utilities
- ~~(6) Event, Special~~
- (7) Greenhouse, Noncommercial
- (8) Group Residential Facility
- (9) Group Residential Home
- (10) Home-based Business (No Impact)
- (11) Park
- (12) Solar Energy Facility, Small
- (13) Solid Waste Disposal Area/Faculty, Public
- (14) Wireless Telecommunications Facility, Small Cells

The reference to Section 21-40 (a)(6) shall be removed and repealed from Ordinance 301, City of Elkins Zoning Ordinance.

Section 21-44 Permitted Uses in the City Residential (R-2) District.

(a) The following shall be uses permitted by right in the City Residential District:

- (1) Bed and Breakfast Inn I
- (2) Bed and Breakfast Inn II
- (3) Bus/Transit Shelter
- (4) Child Day Care Facility, Class 3
- (5) Child Day Care Facility, Class 4
- (6) Dock
- (7) Dwelling, Accessory
- (8) Dwelling, Single-family
- (9) Dwelling, Two-family
- (10) Essential Utilities and Equipment
- ~~(11) Event, Special~~
- (12) Factory-built Home
- (13) Factory-built Home Rental Community
- (14) Greenhouse, Noncommercial
- (15) Group Residential Facility
- (16) Group Residential Home
- (17) Home-based Business (No Impact)
- (18) Park
- (19) Solar Energy Facility, Small
- (20) Solid Waste Disposal Area/Facility, Public
- (21) Water Treatment Plant
- (22) Wireless Telecommunications Facility, Small Cells

The reference to Section 21-44(a)(11) shall be removed and repealed from Ordinance

301, City of Elkins Zoning Ordinance.

Section 21-48 Permitted Uses in the Recreational (Rec) District.

(a) The following shall be uses permitted by right in the Recreational (Rec) District:

- (1) Amphitheater
- (2) Bus/Transit Shelter
- (3) Dock
- (4) Essential Utilities and Equipment
- (5) Event, Mass Gathering
- ~~(6) Event, Special~~
- (7) Farmer's Market
- (8) Greenhouse, Noncommercial
- (9) Group Residential Facility
- (10) Group Residential Home
- (11) Park
- (12) Reception Facility
- (13) Recreation, Municipal

- (14) Solar Energy Facility, Small
- (15) Wireless Telecommunications Facility, Small Cells

The reference to Section 21-48(a)(6) shall be removed and repealed from Ordinance 301, City of Elkins Zoning Ordinance.

Section 21-52 Permitted uses in the Central Business (CBD) District.

- (a) The following shall be uses permitted by right in the Central Business (CBD) District:

- (1) Amphitheater
- (2) Animal Hospital/Veterinary Office
- (3) Bakery
- (4) Bank/Financial Institution
- (5) Bed and Breakfast Inn I
- (6) Bed and Breakfast Inn II
- (7) Bed and Breakfast Inn III
- (8) Brewery Pub
- (9) Bus/Transit Shelter
- (10) Butcher Shop
- (11) Catering Business
- (12) Child Day Care Facility, Class 1
- (13) Child Day Care Facility, Class 2
- (14) Child Day Care Facility, Class 3
- (15) Child Day Care Facility, Class 4
- (16) Clinic
- (17) Community Facility
- (18) Convenience Store
- (19) Cultural Service
- (20) Distillery
- (21) Dock
- (22) Dwelling, Accessory
- (23) Dwelling, Mixed Use
- (24) Dwelling, Multi-family
- (25) Dwelling, Single-family
- (26) Dwelling, Two-family
- (27) Educational Institution
- (28) Essential Utilities and Equipment
- (29) Event, Mass Gathering
- ~~(30) Event, Special~~
- (31) Farmer's Market
- (32) Governmental Operations
- (33) Greenhouse, Noncommercial
- (34) Group Residential Facility

- (35) Group Residential Home
- (36) Health Club
- (37) Home-based Business (Low Impact)
- (38) Home-based Business (No Impact)
- (39) Laundromat
- (40) Liquor Store
- (41) Medical Cannabis Dispensary
- (42) Medical Cannabis Organization, Health Care
- (43) Office Supply Establishment
- (44) Park
- (45) Personal Service
- (46) Pet Shop
- (47) Pharmacy
- (48) Photographic Studio
- (49) Places of Worship/Religious Institution
- (50) Professional Services
- (51) Reception Facility
- (52) Recreation, Commercial Indoor
- (53) Recreation, Commercial Outdoor
- (54) Recreation, Municipal
- (55) Restaurant
- (56) Retail Store/Shop <7,000
- (57) Senior Independent Housing
- (58) Solar Energy Facility, Small
- (59) Studio, Dancing, Music or Art
- (60) Tattoo Parlor/Body Piercing Studio
- (61) Tavern/Drinking Establishment
- (62) Theater
- (63) Wireless Telecommunications Facility, Small Cells

The reference to Section 21-52(a)(30) shall be removed and repealed from Ordinance 301, City of Elkins Zoning Ordinance.

Section 21-56 Permitted uses in the Commercial (B-1) District.

- (a) The following shall be uses permitted by right in the Commercial (B-1) District:
 - (1) Animal Hospital/Veterinary Office
 - (2) Automobile Car Wash
 - (3) Automobile Repair/Service
 - (4) Bakery
 - (5) Bank/Financial Institution
 - (6) Bed and Breakfast Inn I
 - (7) Bed and Breakfast Inn II
 - (8) Bed and Breakfast Inn III

- (9) Boat and Marine Sales/Service
- (10) Brewery Pub
- (11) Broadcasting Studio (radio/television)
- (12) Building Materials Facility
- (13) Bus/Transit Facilities
- (14) Bus/Transit Shelter
- (15) Butcher Shop
- (16) Catering Business
- (17) Child Day Care Facility, Class 1
- (18) Child Day Care Facility, Class 2
- (19) Child Day Care Facility, Class 3
- (20) Child Day Care Facility, Class 4
- (21) Clinic
- (22) Community Facility
- (23) Continuing Care Facility
- (24) Convenience Store
- (25) Cultural Service
- (26) Distillery
- (27) Distribution Facility
- (28) Dock
- (29) Dog Day Care
- (30) Dry Cleaner
- (31) Dwelling, Mixed Use
- (32) Dwelling, Multi-family
- (33) Dwelling, Single-family
- (34) Dwelling, Two-family
- (35) Educational Institution
- (36) Equipment Rental/Repair
- (37) Essential Utilities and Equipment
- (38) Event, Mass Gathering
- ~~(39) Event, Special~~
- (40) Farm/Construction Equipment and Supply Sales
- (41) Farmer's Market
- (42) Funeral Home/Mortuary
- (43) Garden Center
- (44) Governmental Operations
- (45) Greenhouse, Commercial
- (46) Greenhouse, Noncommercial
- (47) Group Residential Facility
- (48) Group Residential Home
- (49) Health Club
- (50) Home-based Business (Low Impact)
- (51) Home-based Business (No Impact)
- (52) Hotel/Motel
- (53) Laboratory

- (54) Laundromat
- (55) Liquor Store
- (56) Medical Adult Day Care Center
- (57) Medical Cannabis Dispensary
- (58) Medical Cannabis Organization, Health Care
- (59) Office Supply Establishment
- (60) Park
- (61) Personal Service
- (62) Pet Shop
- (63) Pharmacy
- (64) Photographic Studio
- (65) Place of Worship/Religious Institution
- (66) Private Club
- (67) Professional Services
- (68) Reception Facility
- (69) Recreation, Commercial Indoor
- (70) Recreation, Commercial Outdoor
- (71) Recreation, Municipal
- (72) Restaurant
- (73) Retail Store/Shop <7,000
- (74) Retail Store/Shop 7,000 to 25,000
- (75) School, Commercial
- (76) School, PreK-12
- (77) Senior Independent Housing
- (78) Shopping Center
- (79) Solar Energy Facility, Small
- (80) Studio, Dancing, Music or Art
- (81) Tattoo Parlor/Body Piercing Studio
- (82) Tavern/Drinking Establishment
- (83) Theater
- (84) Vehicles Sales/Rental and Service
- (85) Video Gaming or Lottery Establishment
- (86) Winery
- (87) Wireless Telecommunications Facility, Small Cells

The reference to Section 21-56(a)(39) shall be removed and repealed from Ordinance 301, City of Elkins Zoning Ordinance.

Section 21-60 Permitted uses in the Educational (E) District.

- (a) The following shall be uses permitted by right in the Educational (E) District:
 - (1) Amphitheater
 - (2) Bed and Breakfast Inn II

- (3) Broadcasting Studio (radio/television)
- (4) Bus/Transit Shelter
- (5) Catering Business
- (6) Clinic
- (7) Cultural Service
- (8) Dock
- (9) Dwelling, Single-family
- (10) Dwelling, Two-family
- (11) Educational Institution
- (12) Equipment Rental/Repair
- (13) Essential Utilities and Equipment
- (14) Event, Mass Gathering
- ~~(15) Event, Special~~
- (16) Greenhouse, Noncommercial
- (17) Group Residential Facility
- (18) Group Residential Home
- (19) Health Club
- (20) Home-based Business (Low Impact)
- (21) Home-based Business (No Impact)
- (22) Hotel/Motel
- (23) Laboratory
- (24) Park
- (25) Parking Lot
- (26) Pharmacy
- (27) Places of Worship/Religious Institution
- (28) Reception Facility
- (29) Recreation, Commercial Indoor
- (30) Recreation, Municipal
- (31) Restaurant
- (32) School, PreK to 12
- (33) Solar Energy Facility, Small
- (34) Solar Energy Facility, Large
- (35) Sports Arena
- (36) Studio, Dancing, Music, or Art
- (37) Tavern/Drinking Establishment
- (38) Temporary Shelter
- (39) Theater
- (40) Wind Energy Facility, Small
- (41) Wireless Telecommunications Facility
- (42) Wireless Telecommunications Facility, Small Cells

The reference to Section 21-60(a)(15) shall be removed and repealed from Ordinance 301, City of Elkins Zoning Ordinance.

Section 21-64 Permitted Uses in the Industrial (I-1) District.

(a) The following shall be uses permitted by right in the Industrial (I-1) District:

- (1) Animal Hospital/Veterinary Office
- (2) Automobile Car Wash
- (3) Automobile Repair/Service
- (4) Bakery
- (5) Bank/Financial Institution
- (6) Boat and Marine Sales/Service
- (7) Brewery Pub
- (8) Broadcasting Studio (radio/television)
- (9) Building Material Facility
- (10) Bus/Transit Facilities
- (11) Bus/Transit Shelter
- (12) Butcher Shop
- (13) Distribution Facility
- (14) Convenience Store
- (15) Distillery
- (16) Dock
- (17) Dog Day Care
- (18) Dry Cleaner
- (19) Equipment Rental/Repair
- (20) Essential Utilities and Equipment
- (21) Event, Mass Gathering
- ~~(22) Event, Special~~
- (23) Farm/Construction Equipment and Supply Sales
- (24) Farmer's Market
- (25) Garden Center
- (26) Gas Station
- (27) Gas Station, Large
- (28) Governmental Operations
- (29) Greenhouse, Commercial
- (30) Greenhouse, Noncommercial
- (31) Group Residential Facility
- (32) Group Residential Home
- (33) Home-based Business (No Impact)
- (34) Industrial Park
- (35) Laboratory
- (36) Manufacturing (Light)
- (37) Medical Cannabis Dispensary
- (38) Medical Cannabis Growing Facility
- (39) Medical Cannabis Processing Facility
- (40) Parcel Delivery Facility
- (41) Parking Lot
- (42) Places of Worship/Religious Institution

- (43) Photographic Studio
- (44) Reception Facility
- (45) Recreation, Indoor
- (46) Recreation, Outdoor
- (47) Recreation, Municipal
- (48) Recycling Facility
- (49) Research and Development
- (50) Restaurant
- (51) Retail Store/Shop <7,000 square feet
- (52) Retail Store/Shop 7,000 square feet to 25,000 square feet
- (53) School, Commercial
- (54) Self-storage Facility
- (55) Solar Energy Facility, Small
- (56) Solar Energy Facility, Large
- (57) Solid Waste Disposal Area/Facility, Private
- (58) Solid Waste Disposal Area/Facility, Public
- (59) Tavern/Drinking Establishment
- (60) Warehouse
- (61) Wholesale Establishment
- (62) Winery
- (63) Wireless Telecommunications Facility
- (64) Wireless Telecommunications Facility, Small Cells

The reference to Section 21-64(a)(22) shall be removed and repealed from Ordinance 301, City of Elkins Zoning Ordinance.

Section 21-84 Events, Special.

- ~~(a) A permit is required for each special event.~~
- ~~(b) All garbage shall be removed from site within five (5) days.~~
- ~~(c) The permit applicant shall be the owner or co-owner of the property. An owner or a representative of the owner shall be present on the property at all times during the special event.~~
- ~~(d) Unique events shall occur outdoors, in temporary structures, or existing permanent structures. New permanent structures shall not be constructed for unique events.~~
- ~~(e) Dedicated events shall cause no alteration to land including, but not limited to, grading, filling, or paving.~~
- ~~(f) The duration of each special event shall not exceed three (3) consecutive days; provided activities shall occur only between the hours of 7:00 a.m. and 11:59 p.m.~~
- ~~(g) A parking plan shall be submitted as part of the permit process.~~
- ~~(h) The owner of the property shall procure a liability insurance policy. Proof of the liability insurance in the minimum amount of \$1,000,000 per occurrence and~~

~~which lists the City of Elkins as co-insured on the policy shall be submitted with the permit application.~~

- ~~(i) Local emergency medical services (EMS) shall be notified of all events. The holder of the event shall provide EMS with the number of people projected to attend.~~

The reference to Section 21-84 Events, Special shall be removed and repealed from Ordinance 301, City of Elkins Zoning Ordinance.

On Appendix B:Use Table, the reference to Event Special shall be removed and repealed from Ordinance 301, City of Elkins Zoning Ordinance. (See attached hereto “Appendix B: Use Table)

If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon passage.

PASSED AND APPROVED ON THE FIRST READING: _____,
2022.

PASSED AND APPROVED ON THE SECOND AND FINAL READING:
_____, 2022.

CITY OF ELKINS, WEST VIRGINIA

Jerry A. Marco, Mayor

Attest:

Jessica Sutton, City Clerk



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 3, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	<i>Resolution 1576: Accepting Conditions and Terms of the Janssen/West Virginia Statewide Settlement Agreement and Authorizing the Execution of the Election and Release Form provided by the West Virginia Attorney General</i>
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	1. Resolution 1576

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1576)

November 3, 2022

Accepting Conditions and Terms of the Janssen/West Virginia Statewide Settlement Agreement and Authorizing the Execution of the Settlement Participation Form Provided by the West Virginia Attorney General

WHEREAS, the State of West Virginia and its many communities have unfortunately become the epicenter of a national opioid crisis for over the last two decades or more; and

WHEREAS, numerous lawsuits have been filed by local governments and the State against many companies in the opioid supply chain; and

WHEREAS, the City of Elkins, West Virginia has received a request from the Office of the West Virginia Attorney General to consider accepting the conditions and terms of Janssen/West Virginia Statewide Settlement Agreement ("Janssen Settlement") from an opioid supply chain participant which will be allocated between the State and its local governments; and

WHEREAS, as a result of one of the lawsuits filed by the State, the State has reached a \$99 million statewide settlement with the opioid manufacturer, Janssen Pharmaceuticals; and

WHEREAS, under the terms of the Janssen Settlement Agreement 24.5% will go to local governments for assistance in combatting the opioid crisis in their community; and

WHEREAS, under the terms of the Janssen Settlement, the local governments that want to be considered for the distribution of the settlement proceeds are required to approve the terms of the Janssen Settlement and the West Virginia Local Government Settlement Participation Form; and

WHEREAS, approving the terms of the Janssen Settlement and the West Virginia Local Government Settlement Participation Form would be in the best interests of the citizens of the City of Elkins.

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Common Council approves the terms of the Janssen Settlement and the West Virginia Local Government Settlement Participation Form, as set forth in the attached document,

authorizes Mayor Marco to execute the West Virginia Local Government Settlement Participation Form on behalf of the City and directs the City Clerk to submit the signed documents along with a copy of this Resolution to the Office of the West Virginia Attorney General.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk

Settlement Participation Form
(Janssen)

This Settlement Participation Form for West Virginia Participating Local Governments resolves opioid-related Claims against Janssen under the terms and conditions set forth in the Janssen West Virginia State-Wide Opioid Settlement Agreement executed on October 11, 2022 (the "Agreement"), the provisions of which are here incorporated by reference in their entirety. Upon executing this Settlement Participation Form, a Participating Local Government agrees that, in exchange for the consideration described in the Agreement, the Participating Local Government is bound by all the terms and conditions of the Agreement.

By executing this Settlement Participation Form, the Participating Local Government submits to the jurisdiction of the panel overseeing the mass litigation proceeding captioned *In re: Opioid Litigation*, Civil Action No. 21-C-9000, in the Circuit Court of Kanawha County, West Virginia (the "Court"). To the extent the Participating Local Government has asserted Claims against Janssen in Actions that are pending before the Court, the Participating Local Government hereby grants all necessary right and authority to the West Virginia Attorney General to seek dismissal of the Participating Local Government's Action through the submission of the Consent Judgment as contemplated in the Agreement. If the Participating Local Government's Action is pending in another court as of the Effective Date, the Participating Local Government hereby agrees to dismiss (or if necessary move to dismiss) that Action as to Janssen and any other Released Entities within 30 days of Janssen's payment under Section V.B.1 or Section V.B.2, as applicable.

Dated: _____

LOCAL GOVERNMENT

BY: _____
PRINTED NAME: _____
TITLE: _____
ADDRESS: _____

TELEPHONE: _____
EMAIL ADDRESS: _____



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 3, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	<i>Resolution 1577: Accepting Conditions of Agreement with Burgess & Niple for Davis Avenue Bridge Plans and Related Documents</i>
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	1. Resolution 1577

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1577)
November 1, 2022

***Accepting Conditions of Agreement with Burgess & Niple, Inc.
for Davis Avenue Bridge Design and Related Documents,
and Authorizing Execution of Agreement***

WHEREAS, City of Elkins, owns and maintains the Davis Avenue bridge; and,

WHEREAS, the bridge is inspected annually by the West Virginia Department of Transportation; and,

WHEREAS, the 2021 inspection report indicated the Davis Avenue bridge was in poor condition and the City should pursue repair or replacement; and,

WHEREAS, the Municipal Properties Committee recommended pursuit of design services from a qualified engineering firm to accomplish this goal; and,

WHEREAS, the City advertised for and received multiple proposals of qualifications from companies interested in providing Architectural and Engineering services for the Davis Avenue bridge project; and,

WHEREAS, a review committee comprised of city officials and community stakeholders evaluated all the submitted proposals and conducted interviews with the top candidates; and,

WHEREAS, a bid for provision of Architectural and Engineering Services has been received from the firm ranked first by the review committee; and,

WHEREAS, the review committee is recommending approval of the terms presented by Burgess & Niple, Inc. (copy attached and included with record); and,

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby approves the agreement with Burgess & Niple, Inc. for the purpose of providing professional services to design and prepare contract plans and related documents for the replacement of the Davis Avenue bridge, and authorizes execution of this agreement by the Mayor.

Jessica R. Sutton, Acting Mayor

Attest:

Rachel A. Wickham, Recording Secretary

BURGESS & NIPLE

4424 Emerson Avenue | Parkersburg, WV 26104 | 304.485.8541

Mayor Jerry A. Marco
City of Elkins
401 Davis Ave.
Elkins, WV 26241

Re: Davis Avenue Bridge Replacement
Design Engineering Services Proposal

Attention: Ms. Melody Himes, Operations Assistant

August 24, 2022

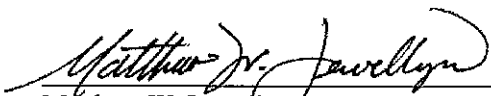
Dear Mayor Marco,

Burgess & Niple is pleased to present the lump sum fee proposal for providing professional services to design and prepare contract plans and related documents for the replacement of the Davis Avenue Bridge in Elkins, West Virginia. Please review and respond with your acceptance of proposed scope of services and related fee. With your approval, B&N will prepare and submit an agreement for signatures.

If there are further questions regarding the enclosed material or if we can provide additional information to assist in your review, please contact us.

Respectfully submitted,

BURGESS & NIPLE, INC.



Matthew W. Lewellyn, PE
Project Manager

MWL:jkm

LUMP SUM FEE PROPOSAL

For

DAVIS AVENUE BRIDGE

County: Randolph

Consulting Firm

of

BURGESS & NIPLE, INC.

Prepared By:

*Matthew W. Lewellyn, PE
Telephone (304) 485-8541
Fax # (304) 485-0238*

Submitted to:

City of Elkins, West Virginia

August 24, 2022

Contents

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Letter of Transmittal

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APPENDIX

Terracon – Geotechnical Subconsultant Proposal
Skelly and Loy – Cultural Resources Proposal

1. SCOPE OF SERVICES

Consultant: Burgess & Niple, Inc.
Parkersburg, West Virginia

Project: Davis Avenue Bridge

A. General Description

This project involves the design and preparation of contract plans and related documents for the replacement of the existing Davis Avenue Bridge in Elkins, WV. The bridge carries Davis Avenue over the Tygart Valley River. The existing four span bridge is comprised of concrete T-beams founded on wall type piers and abutments. The overall length of the bridge is approximately 196.8' with an out-to-out width of 42.5'. The bridge carries two 11' lanes with 3' shoulders. Sidewalks on each side are approximately 6.3' wide. The maximum span length is 55.5'. The bridge is in poor condition.

It is anticipated that the replacement structure will be similar in width and remain on the existing vertical/horizontal alignment and superelevation transition. The existing lane and shoulder width meet 14' requirement in DD 813 for shared bicycle lane. Two proposed bridge options will be compared during the Preliminary Engineering Report – a single span and a two span. For proposal purposes, the project length used in final design is estimated to be approximately 500' with the selected structure of 160' single span bridge. The bridge will be founded on integral abutments with spill through slopes which will reduce the waterway opening. However, the 100-year flood is controlled by the upstream bypass system. Steel piles will be pre-drilled and concreted into rock which is assumed to be approximately 12' below the streambed elevation.

It is anticipated all submissions will be reviewed by the City of Elkins, West Virginia. WVDOT will be involved in planning and funding. WVDOT will have minimal involvement in reviewing and commenting on submissions.

B. Design Criteria

The geometric design will follow the guidelines established in the AASHTO Green Book, A Policy on Geometric Design of Highways and Streets, 7th Edition, 2018, with any revisions.

The bridge design will be in accordance with the AASHTO LRFD Bridge Design Specifications, 9th Edition, 2020, with any revisions.

The project documents will follow the latest editions of the WVDOT Design Directives, Bridge Design Manual, and Drainage Manual, as applicable. The technical specifications will be WVDOT Standard Specification for Roads and Bridges, 2017 edition, with latest supplemental specifications.

Contract specifications will be prepared using EJCDC standard format.

C. Services Included

1. **Survey and Mapping.** Burgess & Niple will perform a field survey and prepare mapping for the study plans of the project site prepared at an English scale of one-inch equals 20-feet with one-foot contour intervals. The mapping will include approximately 600-feet of Davis Avenue, including the bridge. The mapping will be provided on electronic media in MicroStation format.
 - a. Utilities will be located in the field by notifying Miss Utility of West Virginia before the field visit is made.
 - b. Existing property lines will be identified on the topographic mapping from tax maps, deed plots, and lines of possession evident from the topographic mapping. Burgess & Niple, Inc. will provide deed research services as required to supplement the project mapping.
 - c. *Hydraulic Study Survey.* Nine hydraulic cross sections shall be obtained for the purposes of the hydraulic study. One section will be taken along the upstream edge and one along the downstream edge of the bridge. All other sections will be taken at intervals approximately equal to the lesser of the bridge length and the channel width (measured at the top of bank). The hydraulic opening of the existing bridge will be surveyed.

Buildings in the floodway fringe would be accounted for by the roughness coefficients and will not be included in the hydraulic model. The thalweg of the stream channel will be surveyed from the furthestmost upstream reach to the furthestmost downstream reach including shots at each break in the profile grade of the stream. The Ordinary High Water (OHW) mark will be identified. Elevations of the creek bed below the water surface will be obtained by using a boat or waders.
 - d. *Core Boring Staking.* The core boring locations will be staked after the Span Arrangement Review.
 - e. *Preliminary Field Review Staking.* The centerline will be marked on each approach with stationing identified prior to the Preliminary Field Review meeting.
 - f. *Centerline Staking.* Centerline cardinal points will be located and properly referenced outside the proposed construction limits. The staking of the centerline includes only the mainline. Benchmarks will be provided at each end of the bridge.
2. **Right of Way (RW) Exhibits**
 - a. *Temporary Construction and Utility Easements:* Legal size exhibits will be prepared for temporary construction easements and utility easements for use by the city attorney. Fours exhibits are anticipated.

**Davis Avenue Bridge
Design Engineering Services Proposal**

B&N will provide the right of entry forms from property owners to the survey and boring crew.

3. **Geotechnical Engineering.** Terracon, Inc. will provide the geotechnical engineering services, core borings, and laboratory testing necessary for this project (see attached proposal). Structure and Roadway borings will be obtained. Boring logs will be generated. The elevation of a suitable layer of rock will be determined and pile tip elevations will be estimated.
4. **NEPA Documentation.** In effort to comply with requirements for federal funding and permitting, the following services will be provided:
 - a. Ecological- A Waters Report will be prepared on the Tygart Valley River that flows under the Davis Avenue bridge. This report will evaluate the river and identify if any wetlands are located within the project area. The portion of the Tygart Valley River through the Town of Elkins is not listed as a Mussel Stream. No mussel survey will be required.
 - b. Threatened and Endangered (T&E) Species- The US Fish and Wildlife Service (USFWS) and the WV Department of Natural Resources (WVDNR) data bases will be reviewed to identify if T&E species habitats are located within the project area. The project scope will be coordinated with the agencies to obtain concurrence that the project will not adversely affect any T&E species or critical habitats.
 - c. Environmental Justice (EJ)- An EJ analysis will be performed used the most current available U.S. Census data to determine if low-income or minority populations are located within the project area. This analysis will determine if the project has the potential to have a disproportionate impact on the EJ populations, if they exist.
 - d. Environmental Site Assessment (ESA)- A Phase I ESA will be performed for the study area and a 0.5 mile radius from the bridge. The ESA will determine the likelihood of hazardous waste or underground storage tanks impacting the project area. The ESA will recommend if additional investigations are warranted due to the likelihood of encountering contaminated soil and/or groundwater either on property to be acquired or during the construction of the project.
 - e. Cultural Resources by Skelly & Loy (see attached proposal). – B&N will have hours to manage, supply information, and review reports.
 - f. No Noise Analysis or Air Quality Analysis will be required for the proposed project.
 - g. NEPA Document- It is anticipated that the project will be cleared by a Categorical Exclusion (CE). The form will be completed including additional data base reviews that include floodplains, farmland, drinking water sources, project description, purpose & need, alternatives evaluated, cumulative impacts, and environmental commitments. Following completion of the Agency coordination and the CE Form, the form will be submitted to Elkins for review.

**Davis Avenue Bridge
Design Engineering Services Proposal**

The CE will then be submitted to WVDOT-Division of Highways for approval.
One set of review comments will be addressed.

- 5. Preliminary Engineering Report.** This submission will include establishing criteria for basic design and plan preparation parameters. This submission will be made concurrently with the Preliminary Field Review Plans for the roadway portion of the project, along with a preliminary hydraulic analysis report.
- a. No-build and rehabilitation alternatives will be discussed in the narrative with cost estimates provided. Two proposed span arrangements will be compared to a no-build and rehabilitation option. Due to the poor condition of the structure, it is anticipated replacement will be required. Both arrangements will make use of unpainted weathering steel or concrete girders if appropriate. One pier type is anticipated which will be two columns founded on spread footings.
 - b. The following plan sheets are anticipated for the Preliminary Engineering Report to illustrate the various span arrangements under consideration.

<u>Description</u>	<u>No. of Sheets</u>
Plan and Profile of Alternatives	2
Profiles of Trails on Each Riverbank (2 Alternatives)	4
Existing Structure	1
Temporary Construction Access	1
Bridge Typical Sections	1
Roadway and Trail Typical Section	2
Maintenance of Detour Plan	<u>1</u>
TOTAL	12

The Preliminary Engineering Report will include a narrative, recommendations, and cost estimates. An environmental overview will summarize the NEPA requirements and listing of environmental permits that will be needed. The report will be in a format appropriate for attaching to applications for federal funding.

- b. *Preliminary Hydraulic Analysis.* The proposed bridge shall be designed to maintain or improve the existing hydraulic conditions. A HEC-RAS Model will be developed for each of the span arrangement alternatives plus additional runs that include the temporary construction access with the proposed and/or existing structure. The bridge is located in Zone AE and an existing model is available from the U. S. Army Corps of Engineers. The existing model will be requested for base analysis. The purpose of the analysis will be to provide justification that a 100-year storm event upstream of the structure will not cause backwater under the proposed conditions.

A compiled study of this data, analysis and results along with flood insurance information will be included in a report.

**Davis Avenue Bridge
Design Engineering Services Proposal**

6. Type, Size, and Location Submission. Upon approval of the Preliminary Engineering Report and Preliminary Field Review plans, a Type, Size, and Location (TS&L) report will be prepared and submitted per WVDOT Bridge Design Manual.

- a. *TS&L Study.* Structure plans and cost estimate will be updated for the selected alternative. The evaluation of the abutments will include steel pile foundations. Integral abutments will be used for the proposed structure. The deck will be a standard monolithic LRFD empirical deck with combination railing. Sidewalks are proposed on both sides of the bridge. The perforated concrete railing similar to the one used on the B&N design in Defiance, Ohio will be incorporated into the design.

The geotechnical report will be provided and will include the parameters and recommendations necessary to complete the substructure design.

The TS&L Submission will include a summary report accompanied by the following items:

- Situation plan for the approved alternative from the Span Arrangement Submission (Assumed to be single-span this Submission).
- Subsurface boring logs.
- Schematic drawings of proposed substructure units.

The following plan sheets are anticipated for the TS&L Submission.

<u>Description</u>	<u>No. of Sheets</u>
Situation Plan and Profile	1
Profiles of Trails on Each Riverbank	2
Existing Structure	1
Temporary Construction Access	1
Bridge Typical Sections	1
Abutment Details	3
Retaining Wall – 40' x 8' on SW approach	1
Framing Plan	1
Boring Logs	8
Roadway and Trail Typical Sections	2
Maintenance of Traffic Detour Plan	<u>1</u>
TOTAL	22

- b. *Final Hydraulic Study.* A final hydraulic study will be prepared based on comments received from the Span Arrangement Submission and will be submitted with the TS&L submission. The final hydraulic study will also include impacts associated with the construction of causeways and/or cofferdams.

A scour analysis per Federal Highway Administration requirements and the

**Davis Avenue Bridge
Design Engineering Services Proposal**

WVDOT DS-34 Form will also be provided. The scoured condition of the structure will be analyzed.

- c. *US Army Corps of Engineers 404 Permit Assistance:* Two copies of the completed 404 Permit Application Package will be submitted.

7. **Final Bridge Design.** The Final Bridge Design plans will be incorporated into the Final Office Review Submission to create the full set of construction contract plans for this project. A bridge load rating submission will be prepared and submitted in accordance with WVDOT Bridge Design Manual. B&N will prepare load rating values for the tables in the plans as the girders will be curved.

For proposal purposes, it is assumed that a temporary causeway with temporary culvert pipes will be placed across the stream and will be used during construction. For proposal purposes, a single span steel girder with integral abutments will be assumed as the selected alternative.

The following plan sheets are anticipated in the final bridge plans.

<u>Description</u>	<u>No. of Sheets</u>
General Plan & Elevation	1
Profiles of Trails on Each Riverbank	2
General Notes	3
Estimated Quantities	1
Foundation Plan	1
Temporary Construction Access Details	1
Abutment 1 Plan & Elevation	1
Abutment 2 Plan & Elevation	1
Abutment Details	4
Wingwall Details	2
Retaining Wall – 40' x 8' on SW approach	1
Bearings	1
Superstructure Typical Section	1
Deck and Blister Details	1
Framing Plan	1
Girder Elevations	6
Camber and Deflection	1
Girder Splices	1
Crossframes	1
Steel Details	1
Inspection Handrail Details	1
Deck Slab Plan	1
Sidewalk Slab Plan	1
Finished Deck Elevation Table	1
Barrier Elevations and Details	3
Railing Details	2

**Davis Avenue Bridge
Design Engineering Services Proposal**

Temporary Barrier Details	1
Scupper Details	1
Reinforcing Bar Schedules	2
Geosynthetic Reinforcing Backfill Details	1
Approach Slab	3
Approach Barrier and Sidewalk	4
Sleeper Slab and Joint Details	3
Situation Plan	1
Boring Logs	8
Existing Structure	1
Load Rating Sheets	<u>7</u>
TOTAL	73

8. Preliminary Field Review Submission. The Preliminary Field Review Submission will include preliminary roadway and the following items.

- a. *Preliminary alignments, profiles, and typical sections.* One profile of Davis Avenue will be developed. A profile of underpassing trails on each river bank will be provided. Profiles of side streets and driveways are not anticipated. Topographic plans will include the Davis Avenue alignment and profile, pavement limits, sidewalks, and the approach limits identified above. It is anticipated all proposed roadway pavement will be flexible pavement.

Plan sheets will be prepared indicating the basic geometric properties. Street drainage is assumed to be handled as currently using the bridge scuppers and existing inlets in the approach pavement. No proposed storm sewers are anticipated.

- b. *Cross sections.* Cross sections at critical locations and intervals not to exceed 50-feet along the Davis Avenue mainline will be provided for both alternatives. The cross sections will show the existing ground line and the proposed roadway section. Side slopes for cut and fill will be shown at 2:1 for the Preliminary Field Review Submission. No cross sections will be provided for the side streets.
- c. *Mass haul diagram.* A mass haul diagram is not anticipated for this project. Should a mass haul diagram become necessary, a supplemental proposal will be submitted for approval.
- d. *Design criteria.* The design criteria for Davis Avenue will be submitted to the city for review.
- e. *Maintenance of traffic schematic plan.* A maintenance of traffic detour plan will be prepared and submitted with the Preliminary Field Review Submission. It is anticipated that the bridge will closed and traffic will be detoured to Industrial Park Road. Pedestrians will be detoured as well.
- f. *Preliminary signing and pavement marking plans.* Preliminary signing and

**Davis Avenue Bridge
Design Engineering Services Proposal**

pavement marking plans will not be included with the Preliminary Field Review Submission.

- g. *Preliminary opinion of probable construction cost.* A preliminary opinion of probable construction cost will be prepared and submitted with the Preliminary Field Review Submission. The estimate will be based on the most currently available average unit bid prices published by the WVDOT.

The Preliminary Field Review Submission will include the following plan sheets:

<u>Description</u>	<u>No. of Sheets</u>
Title Sheet	1
Typical Sections and Details	2
Summary of Estimated Quantities (Cost Estimate)	1
Plan Sheets (1"=20')	1
Profile Sheets (1"=20' H, 1"=5' V)	1
Trail Profile Sheets	2
Maintenance of Traffic Detour Plan	1
Erosion and Settlement Control Plan	1
Cross Sections (1"=10' H, 1"=10' V) @ 50' intervals, Single Span:	5
Cross Sections (1"=10' H, 1"=10' V) @ 50' intervals. Two Span:	<u>5</u>
TOTAL	20

9. **Final Office Review Submission.** The Final Office Review Submission will include revised roadway plans updated based on comments received from the Preliminary Field Review. The Final Office Review plans will include the following items.
- a. *Design and plan preparation.* Roadway plans will be prepared including horizontal and vertical roadway geometric calculations, opinion of probable construction cost, inlet/curb drainage, lighting, and roadway quantity calculations. A list of comments and responses from the Preliminary Field Review will be submitted.
- b. *Maintenance of traffic plan and sequence of construction.* Maintenance of traffic detour plan, notes and quantities will be included in the Final Office Review Submission.
- c. *Lighting Plans.* Lighting of the proposed bridge or adjacent approach roadway is anticipated. Calculations will be prepared, and plans will be submitted.
- e. *Updated opinion of probable construction cost.* An updated opinion of probable construction cost will be prepared and submitted. The estimate will be based on the most currently available average unit bid prices published by the WVDOT.

**Davis Avenue Bridge
Design Engineering Services Proposal**

The Final Office Review Submission will include the following plan sheets.

<u>Description</u>	<u>No. of Sheets</u>
Title Sheet	1
Typical Sections and Details	2
Summary of Estimated Quantities	1
Quantity Tables	2
General Notes	2
Special Details	1
Survey Reference Points	1
Geometric Layout	1
Superelevation Diagram	1
Maintenance of Traffic Notes	1
Maintenance of Traffic Detour Plan	1
Erosion and Sediment Control Plan	1
Plan Sheets (1"=20')	1
Profile Sheets (1"=20' H, 1"=5' V)	1
Profile Sheets for Trails	2
Lighting Plans	2
Lighting Details	1
Lighting Circuit Diagram and Photometrics	2
Lighting Details and Pole Schedule	1
Cross Sections (1"=10' H, 1"=10' V) @ 25' intervals	<u>10</u>
TOTAL	35

10. Construction Plans. As necessary, revised roadway and bridge plans will be provided based on comments received during the Final Office Review.

11. Bidding and Contract Award Services. B&N will assist the City with advertising bids, receiving and evaluating bids, and awarding the construction contract.

- a. Preparing the advertisement for bids for the City to publish at the City's cost.
- b. Preparing a list of prospective bidders and other interested organizations and mail copies of the advertisement to interested parties.
- c. Printing and distributing copies of the bid documents to parties requesting copies. B&N will charge a non-refundable fee to parties requesting copies of the bid documents. This fee will be separate from the fee for professional services described in this proposal.
- d. Maintaining a list of plan holders.
- e. Responding to inquiries from suppliers and prospective bidders during the bidding period.

**Davis Avenue Bridge
Design Engineering Services Proposal**

- f. Issuing addenda to plan holders if necessary.
 - g. Attending the bid opening.
 - h. Reviewing bids, prepare a tabulation of bids received and prepare a summary of said review and tabulation.
 - i. Review qualifications of apparent low bidder.
 - j. Prepare award letter.
- 12. Utility Coordination and Relocations.** Utility companies will be contacted to request facility location information. The design of utility relocations, if necessary, will be by supplemental agreement.
- 13. US Army Corps of Engineers.** Drawings and documents will be prepared and submitted to the WVDOT to obtain applicable US Army Corps of Engineers Permits in accordance with DD-202.
- 14. Public Meetings.** Consultant attendance at public hearings and meetings is not anticipated. Two responses to project related letters or other inquiries received from concerned citizens, political officials, etc., are included.
- 15. Retaining Walls.** There is a retaining wall on the southwest corner of the bridge that will need replaced. We estimate the exposed face of the wall at 40' long and 8' tall. We propose a pile and lagging wall be utilized to match the abutment foundation type and found the wall on bedrock. If additional retaining walls become necessary, a supplemental proposal will be submitted for approval.
- 16. Monthly Progress Meetings, Coordination Meetings, and Progress Reports.** B&N will update the city monthly by email or telephone. No formal progress meetings are anticipated. Review meetings will be attended in Elkins for each major submission (3 total).

D. Project Schedule

The following tentative schedule is anticipated:

- | | |
|------------------------|------------------|
| ○ Survey and Mapping – | October 2022 |
| ○ Core Borings – | December 2022 |
| ○ PER – | Spring 2023 |
| ○ Seek Funding - | Summer 2023 |
| ○ NEPA - | Summer 2023 |
| ○ TS&L – | Summer 2023 |
| ○ Final Design – | Fall-Winter 2023 |
| ○ Construction Plans – | Winter 2024 |

**Davis Avenue Bridge
Design Engineering Services Proposal**

- Award Construction – Spring 2024
- Submittals & Shop Drawings – Summer 2024
- Fabrication & Obtain Materials - Summer-Fall 2024
- Utility Relocations – Summer-Fall 2024
- Close Bridge - October 2024 – Just after Forest Festival
- Open Bridge (substantial compl.)- September 2025
- Final Completion - December 2025

E. Items to be Provided by the City of Elkins

The following items are anticipated to be provided by the City of Elkins.

1. Existing construction, rehabilitation, and right of way plans – as available
2. Existing bridge inspection reports
3. Existing utility and storm sewer mapping
4. Right-of-way/easement appraisals, negotiations, and procurement
5. Coordination with local agencies, city departments, and other stakeholders
6. Permit application fees
7. Traffic control and flaggers during core boring operations

F. Additional Services

Additional services will only be performed after a supplemental agreement has been submitted and approved by the City of Elkins.

1. Traffic sketch map
2. Temporary traffic control plans sheets if not bridge closure
3. Temporary traffic signal design
4. Design for staged construction
5. Temporary lighting details
6. Load rating and field inspection of the existing structure
7. Design of utility relocations
8. Design of utility supports on bridge. Current gas line should be relocated underground.
9. Mass haul diagrams
10. Significant changes from existing alignment or superelevation
11. Storm sewer upgrades
12. Aesthetic renderings of alternatives
13. Pier design and drawings if two span is selected
14. Pier bearing design and details
15. Bridge rehabilitation plans
16. Side street profiles and cross sections
17. Driveway profiles and cross sections
18. Permanent signing and striping plans
19. Design of temporary structures or shoring
20. Erection plans
21. Post-design services
 - a. Shop drawing review

**Davis Avenue Bridge
Design Engineering Services Proposal**

- b. Submittal review
- c. Contract administration
- d. Field representation
- 22.** Letter of map revision to FEMA
- 23.** Environment Documentation beyond Categorical Exclusion (CE)
- 24.** Public Meetings
- 25.** Environmental mitigation
- 26.** Construction Stormwater Permit. For projects with less than 1 acre of disturbance and less than 18 months of grading phase, a permit is not required by WVDEP.
- 27.** Trail design outside of Davis Avenue R/W.
- 28.** Right of way plans.

2. SUMMARY OF PROPOSED COMPENSATION

Activity Description	Activity Cost
Survey and Mapping	\$64,889.61
Right of Way	\$23,260.67
NEPA Documentation	\$43,992.03
Preliminary Engineering Report	\$82,758.36
Hydraulic Analysis	\$38,246.51
Environmental Permits	\$11,125.03
Preliminary Field Review	\$62,963.88
Combined TS&L	\$73,241.97
Final Detail Bridge Design	\$245,489.67
Final Office Review	\$133,980.37
Construction Plans, Bidding, and Award Services	\$60,685.44
SUBTOTAL Lump Sum Fee	\$840,633.54
Subconsultant Description	Subconsultant Cost
Terracon, Inc. - Geotechnical Engineering and Core Borings	\$49,260.00
Skelly and Loy - Cultural Resources	\$29,583.57
SUBTOTAL Subconsultant Fee	\$78,843.57
<i>TOTAL LUMP SUM FEE</i>	<i>\$919,477.11</i>



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 3, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	<i>Resolution 1578: Accepting Conditions of Agreement with Bryson VanNostrand and Associates for City Hall HVAC Plans and Related Documents</i>
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	1. Resolution 1578

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1578)
November 1, 2022

***Accepting Conditions of Agreement with VanNostrand Architects, PLLC for
City Hall HVAC Design and Related Documents, and Authorizing Execution of Agreement***

WHEREAS, the City of Elkins, West Virginia ("City") has, per Resolution #1154, adopted the 2018 – 2023 Strategic Plan, including milestones and deadlines to serve as a guide in decision-making and resource assignment for the City; and,

WHEREAS, under Strategic Area #2, item B, the City identifies facility renovations and improvements to City Hall; and,

WHEREAS, the City advertised for and received multiple proposals of qualifications from companies interested in providing Architectural and Engineering services for the City Hall HVAC project; and,

WHEREAS, a review committee comprised of city officials and community stakeholders evaluated all the submitted proposals and conducted interviews with the top candidates; and,

WHEREAS, a bid for provision of Architectural and Engineering Services has been received from the firm ranked first by the review committee; and,

WHEREAS, the review committee is recommending approval of the terms presented by VanNostrand Architects, PLLC (copy attached and included with record); and,

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby approves the agreement with VanNostrand Architects, PLLC, for the purpose of providing professional services to design and prepare contract plans and related documents for the City Hall HVAC system, and authorizes execution of this agreement by the Mayor.

Jessica R. Sutton, Acting Mayor

Attest:

Rachel A. Wickham, Recording Secretary



VANNOSTRAND ARCHITECTS PLLC

29 East Main Street, Ste. 4
Buckhannon, West Virginia, 26201

Ms. Melody Himes, Operations Assistant
City of Elkins
401 Davis Ave.
Elkins, WV 26241

November 2nd, 2022

Re: CITY HALL HVAC PROJECT – 35% REVIEW

Dear Melody,

Pursuant to our 35% review meeting on October 27th, I have revised the overall scope of the project to include the following work items:

1. HVAC systems in all basement rooms.
2. New basement concrete block partitions.
3. Relocation of plumbing piping in the basement.
4. New ceilings and lighting in the 1st floor business office, corridor, and Municipal Court areas.

At this point of 35% development of the design, the following is our *Estimate of Probable Cost*:

Asbestos Abatement.....	\$ 25,000
Heating System Demolition.....	\$ 75,000
Basement VRF, Plumbing, & Electric.....	\$ 151,000
1 st Floor HVAC.....	\$ 65,000
1 st Floor Finishes.....	\$ 35,000
2 nd Floor Council Chambers.....	\$ 120,000
2 nd Floor VRF.....	\$ 151,000
3 rd Floor VRF.....	\$ 172,000
4 th Floor HVAC.....	\$ 60,000
Electrical System Modifications.....	\$ 75,000
Architectural Finishes.....	\$ 60,000

Subtotal.....\$ 989,000

Contractor Overhead & Profit.....	\$ 148,000
Bonds & Insurance.....	\$ 57,000
B&O Tax.....	\$ 24,000

Total.....\$1,218,000

Architectural & Engineering Fee.....\$ 116,000

I look forward to discussing this with you in greater detail at the 70% review meeting.

Respectfully,

Bryson VanNostrand, AIA
bryson@vnarch.com



DRAFT AIA® Document B105™ - 2017

Standard Short Form of Agreement Between Owner and Architect

AGREEMENT made as of the «October» day of «27th» in the year «2022»
(In words, indicate day, month and year.)

BETWEEN the Owner:

(Name, legal status, address and other information)

«City of Elkins »
«401 Davis Ave. »
«Elkins, WV 26241 »
« »

and the Architect:

(Name, legal status, address and other information)

«VanNostrand Architects PLLC »
«29 East Main Street, STE. 4 »
«Buckhannon, WV 26201 »
« »

for the following Project:

(Name, location and detailed description)

«Elkins City Hall - HVAC Project»
« »
« »

The Owner and Architect agree as follows.

ADDITIONS AND DELETIONS: The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

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ARTICLE 1 ARCHITECT'S RESPONSIBILITIES

The Architect shall provide architectural services for the Project as described in this Agreement. The Architect shall perform its services consistent with the professional skill and care ordinarily provided by architects practicing in the same or similar locality under the same or similar circumstances. The Architect shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project. The Architect shall assist the Owner in determining consulting services required for the Project. The Architect's services include the following consulting services, if any:

«HVAC & Electrical Engineering.»

During the Design Phase, the Architect shall review the Owner's scope of work, budget and schedule and reach an understanding with the Owner of the Project requirements. Based on the approved Project requirements, the Architect shall develop a design, which shall be set forth in drawings and other documents appropriate for the Project. Upon the Owner's approval of the design, the Architect shall prepare Construction Documents indicating requirements for construction of the Project and shall coordinate its services with any consulting services the Owner provides. The Architect shall assist the Owner in filing documents required for the approval of governmental authorities, in obtaining bids or proposals, and in awarding contracts for construction.

During the Construction Phase, the Architect shall act as the Owner's representative and provide administration of the Contract between the Owner and Contractor. The extent of the Architect's authority and responsibility during construction is described in AIA Document A105™-2017, Standard Short Form of Agreement Between Owner and Contractor. If the Owner and Contractor modify AIA Document A105-2017, those modifications shall not affect the Architect's services under this Agreement, unless the Owner and Architect amend this Agreement.

ARTICLE 2 OWNER'S RESPONSIBILITIES

The Owner shall provide full information about the objectives, schedule, constraints and existing conditions of the Project, and shall establish a budget that includes reasonable contingencies and meets the Project requirements. The Owner shall provide decisions and furnish required information as expeditiously as necessary for the orderly progress of the Project. The Architect shall be entitled to rely on the accuracy and completeness of the Owner's information. The Owner shall furnish consulting services not provided by the Architect, but required for the Project, such as surveying, which shall include property boundaries, topography, utilities, and wetlands information; geotechnical engineering; and environmental testing services. The Owner shall employ a Contractor, experienced in the type of Project to be constructed, to perform the construction Work and to provide price information.

ARTICLE 3 USE OF DOCUMENTS

Drawings, specifications and other documents prepared by the Architect are the Architect's Instruments of Service, and are for the Owner's use solely with respect to constructing the Project. The Architect shall retain all common law, statutory and other reserved rights, including the copyright. Upon completion of the construction of the Project, provided that the Owner substantially performs its obligations under this Agreement, the Architect grants to the Owner a license to use the Architect's Instruments of Service as a reference for maintaining, altering and adding to the Project. The Owner agrees to indemnify the Architect from all costs and expenses related to claims arising from the Owner's use of the Instruments of Service without retaining the Architect. When transmitting copyright-protected information for use on the Project, the transmitting party represents that it is either the copyright owner of the information, or has permission from the copyright owner to transmit the information for its use on the Project.

ARTICLE 4 TERMINATION, SUSPENSION OR ABANDONMENT

In the event of termination, suspension or abandonment of the Project by the Owner, the Architect shall be compensated for services performed. The Owner's failure to make payments in accordance with this Agreement shall be considered substantial nonperformance and sufficient cause for the Architect to suspend or terminate services. Either the Architect or the Owner may terminate this Agreement after giving no less than seven days' written notice if the Project is suspended for more than 90 days, or if the other party substantially fails to perform in accordance with the terms of this Agreement. Except as otherwise expressly provided herein, this Agreement shall terminate one year from the date of Substantial Completion.

ARTICLE 5 MISCELLANEOUS PROVISIONS

This Agreement shall be governed by the law of the place where the Project is located. Terms in this Agreement shall have the same meaning as those in AIA Document A105-2017, Standard Short Form of Agreement Between Owner

and Contractor. Neither party to this Agreement shall assign the contract as a whole without written consent of the other.

Nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either the Owner or the Architect.

The Architect shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to, hazardous materials or toxic substances in any form at the Project site.

ARTICLE 6 PAYMENTS AND COMPENSATION TO THE ARCHITECT

The Architect's Compensation shall be:

«One Hundred Two Thousand Dollars (\$102,000.00) to be divided into the following phases:

Preliminary Design (35%)	\$17,000.00
Design Development (70%)	\$26,000.00
Final Design Documents (100%)	\$34,000.00
Bidding Services	\$ 5,000.00
Construction Administration	\$20,000.00 »

The Owner shall pay the Architect an initial payment of «Zero» (\$ «0.00») as a minimum payment under this Agreement. The initial payment shall be credited to the final invoice.

Payments are due and payable upon receipt of the Architect's monthly invoice. Amounts unpaid «Forty-five» («45») days after the invoice date shall bear interest from the date payment is due at the rate of «seven» percent («7» %) «per year» , or in the absence thereof, at the legal rate prevailing at the principal place of business of the Architect.

At the request of the Owner, the Architect shall provide additional services not included in Article 1 for additional compensation. Such additional services may include, but not be limited to, providing or coordinating services of consultants not identified in Article 1; revisions due to changes in the Project scope, quality or budget, or due to Owner-requested changes in the approved design; evaluating changes in the Work and Contractors' requests for substitutions of materials or systems; providing services necessitated by the Contractor's failure to perform; and the extension of the Architect's Article 1 services beyond «eighteen» («18») months of the date of this Agreement through no fault of the Architect.

ARTICLE 7 OTHER PROVISIONS

(Insert descriptions of other services and modifications to the terms of this Agreement.)

«Design Proposal, dated October 27th, 2022, consisting of one (1) page. »

This Agreement entered into as of the day and year first written above.

OWNER (Signature)

«Ms. Melody Himes, Interim Operations Manager
(Printed name and title)

ARCHITECT (Signature)

«Mr. Bryson VanNostrand, Member» « »
(Printed name, title, and license number, if required)