



City of Elkins

Regular Council Meeting

November 17, 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. **Agenda adjustments**
 - a. *Resolution 1587: Accepting Conditions of Agreement with Spilman Thomas & Battle for the Development, Approval, and Creation of a New Tax Increment Financing District, and Authorizing Execution of Agreement*
4. **Public comment**
5. **Minutes**
 - a. Minutes proposed for the regular council meeting of November 3, 2022
6. **Correspondence and Notifications**
 - a. Building permits
7. **Presentation**
 - a. Randolph County Housing Authority - Executive Director Graham Godwin
8. **Committee Reports**
9. **Staff reports**
 - a. Treasurer's Report
10. **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. AP Check Report 10/31/22 through 11/11/2022
11. **New business**
 - a. *Resolution 1579: Accepting Conditions of Contract between Delmonte Market dba Tammy's Floral and the City of Elkins, and Authorizing Execution of Contract*
 - b. *Resolution 1580: Approving Agreement with Terra Flora Landscaping for Ground Maintenance of the City Hall Parking Lot*
 - c. *Resolution 1581: Approving the Promotion of and Establishing a New Compensation Level for Members of the Elkins Fire Department*

- d. *Resolution 1582*: Approving Modified Rank Structure and Compensation Levels with the Elkins Fire Department
- e. *Resolution 1583*: Approving Reappointments to the Elkins Tree Board
- f. *Resolution 1584*: Approving Reappointments to the Elkins Planning Commission
- g. *Resolution 1585*: To Consider and Act Upon a Proposed Resolution regarding the Setting of a Public Hearing Date with respect to (i) the Proposed Creation of a new Tax Increment Financing District in the City of Elkins, West Virginia (the "City") to be called "City of Elkins Redevelopment District No. 1" (the "TIF District") and (ii) Public Infrastructure Projects and Improvements within the TIF District (the "TIF Projects") set forth in the Tax Increment Financing Application (the "TIF Application") for the TIF District submitted by the City.
- h. *Resolution 1586*: To Consider and Act Upon a Proposed Reimbursement Resolution regarding the Reimbursement of Funds Spent in Anticipation of the Potential Approval of the TIF Application from Obligations to be Issued for the TIF Projects.
- i. *Resolution 1587*: Accepting Conditions of Agreement with Spilman Thomas & Battle for the Development, Approval, and Creation of a New Tax Increment Financing District, and Authorizing Execution of Agreement

12. Mayor's comments

13. Adjournment

Proposed Minutes

ELKINS COMMON COUNCIL REGULAR COUNCIL MEETING MINUTES

***401 Davis Avenue
Council Chamber, 2nd Floor
November 3, 2022
7:00 p.m.***

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

Mayor Jerry A. Marco; City Attorney G. S. Roberts; and Councilpersons M. D. Cuonzo, C.C. Lowther, and C.J. Higgins were absent.

MINUTES

Cm. Chenoweth, **MOVED APPROVAL OF THE MINUTES OF THE OCTOBER 20, 2022 MEETING.**
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.

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

Proposed Minutes

ISSUED BUILDING PERMITS				
Permit	Applicant	Location	Description	Value
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

PRESENTATION

Pasons, WV Police Chief Kevin Keplinger and WV Mountain Region SRT member spoke before council to publicly thank the Elkins Police Department Tactial Response Unit for their assistance on a call October 18 , 2022. He shared that he was extremely impressed with the team, their patience, and their concern for everyone's safety.

Dr. Heather Biola, Directore of the Kump Education Center, provided a detailed report of the center's activities over the past year and future plans. The KEC reported on their many actions and accomplishments in education which included providing professional training to educators and partnerships with D&E, the YMCA, and the WVDNR to provide hands-on learning opportunities in math, reading, and science. Dr. Biola shares that the KEC will begin a re-envisioning process in 2023 to consider becoming an outdoor center, improving/expanding nature trails, investigate optimum rental options, and much more. Dr. Biola also shared an informational video on the KEC with council that outlined what they had been doing in 2022.

Joe Nassif of Piper Sadler;,Robbie Morris, Executive Director of the Randolph County Development Authority, Dave Cark, Executive Director of Woodlands Development Group, and City Clerk Jessica Sutton provided information on Tax Increment Financing (TIF) and how it could benefit the City of Elkins. Mr. Nassif shared data projections and examples of how taxes paid on increases of the assessed value of properties within an identified district could be used to fund future public improvement projects. Mr. Nassif provided an outline of what steps the city would need to follow if they were interested in setting up a TIF district.

COMMITTEE REPORTS provided by all committee chairs present.

STAFF REPORTS were provided by all administrative officers present and the chief water operator.

APPROVAL OF VENDOR INVOICE PAYMENTS

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

Proposed Minutes

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 October 17 - 28, 2022.

NEW BUSINESS

Cw. Bross-Fregonara, **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 (2ND AND FINAL READING).** The motion carried.

Cm. Chenoweth, **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 (2ND AND FINAL READING).** The motion carried.

Cw. Guye, **MOVED APPROVAL OF RESOLUTION 1575: ACCEPTING CONDITIONS AND TERMS OF THE JANSSEN/WEST VIRGINIA STATEWIDE SETTLEMENT AGREEMENT AND AUTHORIZING THE EXECUTIONS OF THE ELECTION AND RELEASE FORM PROVIDED BY THE WEST VIRGINIA ATTORNEY GENERAL.** The motion carried

Cm. Parker, **MOVED TO POSTPONE RESOLUTION 1577: ACCEPTING CONDITIONS OF AGREEMENT WITH BURGESS & NIPLE FOR DAVIS AVENUE BRIDGE PLANS AND RELATED DOCUMENTS.** The motion carried.

Cw. Bross-Fregonara, **MOVED APPROVAL OF RESOLUTION 1578: ACCEPTING CONDITIONS OF AGREEMENT WITH BRYSON VANNOSTRAND AND ASSOCIATES FOR CITY HALL HVAC PLANS AND RELATED DOCUMENTS.** The motion carried.

MAYOR'S COMMENTS were not provided.

Cm. Higgins, **MOVED ADJOURNMENT.** The motion carried.

The meeting adjourned at 8:52 p.m.

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

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk

BUILDING PERMITS

Presented at council meeting of: November 17, 2022

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

ISSUED BUILDING PERMITS				
Permit	Applicant	Location	Description	Value
220260	A Tobacco Shop, LLC	412 Kerens Ave	Remodel	Pending
220261	Goodwin, Austin D	29 George St	Roof	7,926.00
220262	First Church of Christ	300 Main St	Upgrade Electric Service	5,000.00
220263	Bennett, Burton	120 Weese St	Roof	10,000.00
220264	Bray, Heidi M	36 Fourteenth St	Remodel	20,000.00
220265	Chase, Martyn & Judy	205 Elm St	Roof	3,840.00
220266	BFS (Little Caesars)	527 Randolph Ave	Pole Sign	7,226.00
220267	Poling, Jacob	14 First St	New Electric Service	1,000.00
220268	Robinson, Linda	5 Hampton St	Storage Building	5,100.00
220269	Goodwin, Austin D	29 George St	200 Amp Electric Upgrade	2,000.00
220270	Roy, Darlene	1716 Lavalette Ave	200 Amp Electric Upgrade	2,000.00
220271	Cole, James	101 Virginia Ave	Replace Siding	5,000.00
220272	Channell, Bryan	411 Davis St	Replace Roof	10,291.00
220273	Randolph Co Housing Authority	231 Diamond St	Replace Roof	10,979.00
220274	Simon, Mike & Allicen	1801 Livingston Ave.	Driveway Extension	4,000.00
220275	Jordan, Randall	147 State St.	Install 700 sq ft of Siding	1,500.00
220276	Pitzer, David E	225 Heavner Ave	200 Amp Upgrade	900.00
220277	Kwasnieuski, Eunice	110 Edgewater Dr	Replace Roof Shingles	10,923.00
220278	Knuiti, John	108 Edgewater Dr	Replace Roof Shingles	10,923.00
220279	Fahim, Mohamed	112 Edgewater Dr	Replace Roof Shingles	10,923.00
220280	Elkins Housing Authority	1 Stoddard Ave	Replace Counter Tops and Sinks	216,183.00



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 17, 2022
Section:	Staff reports
Category:	Presentation
Agenda Item Name:	Treasurer's Report
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	1. Treasurer's Report

Monthly Report for FY2023

Month of October

Fund	Revenues	Expenditures
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General	\$1,160,713.39	\$350,517.92	Percent of Revenues Collected as per
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Percent of Yr. Completed
33.33

Unassigned Fund Balance

County Tax	\$142,521.21	62.37%	270,054.00
B & O Tax	\$313,628.07	51.47%	1,094,407.00
Hotel/Motel Tax	\$23,872.93	62.85%	1,305,000.00
Gas & Oil Severance Tax	\$40,323.89	336.03%	160,100.00
2% City Utility Tax	\$5,699.65	35.54%	12,000.00
Utility Excise Tax	\$103,633.55	65.11%	67,000.00
Liquor Tax	\$22,099.25	46.57%	290,000.00
Police	\$1,832.35	47.50%	95,000.00
Municipal Court	\$7,388.65	64.22%	23,100.00
Code Enforcement	\$3,222.47	43.73%	47,800.00
Business License	\$1,150.00	28.97%	30,700.00
Intergovernmental	\$37,074.60	40.30%	29,000.00
Franchise/IRP Fees	\$18,677.52	41.81%	320,503.00
Phil Gainer Community Center	\$9,997.00	64.88%	134,000.00
Misc. Revenue	\$48,213.55	134.63%	30,000.00
Municipal Sales Tax	\$381,378.70	52.72%	72,060.00
	\$1,160,713.39	53.06%	1,400,000.00
			5,380,724.00

Unassigned Fund Balance

Fire	\$50,252.52	\$78,814.24	27.42%
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500,000.00
916,093.00
1,416,093.00

Unassigned Fund Balance

Landfill	\$25.29	\$12.46	42.17%
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115,000.00
5,500.00
120,500.00

Unassigned Fund Balance

Sanitation	\$141,322.73	\$93,529.10	36.20%
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1,000,000.00
1,421,520.00
2,421,520.00

Unassigned Fund Balance

Sewer	\$211,512.59	\$240,988.04	38.93%
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688,019.00
2,402,593.00
3,090,612.00

Unassigned Fund Balance

Water	\$351,401.60	\$333,216.54	37.12%
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0.00
3,502,700.00
3,502,700.00

Bank Account Name	Balance as of 10/31/2022
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ARPA	\$1,253,204.88
Elkins Building Comm. Sinking Fund	\$0.00
Elkins Municipal Building Comm.	\$0.00
Financial Stabilization	\$1,394,146.26
Fire Pension Fund	\$2,254,839.58
Firemen's Pension & Relief Fund	\$0.00
Landfill Access Escrow	\$1,762,774.42
Landfill Post Closure	\$48,655.29
Payroll	\$1,239.92
Police Forfeitures	\$11,819.62
Police Pension Fund	\$3,985,586.84
Police Seizures	\$30,276.34
Policemen's Pension & Relief Fund	\$0.00
Pooled Cash-Coal Severance Fund	\$170,904.06
Pooled Cash-Fire Fund	\$433,344.80
Pooled Cash-General Fund	\$1,568,469.58
Pooled Cash-Landfill Fund	\$123,992.66
Pooled Cash-Parks Fund	\$1,004,654.52
Pooled Cash-Sanitation Fund	\$1,211,901.99
Pooled Cash-Sewer Fund	\$566,391.31
Pooled Cash-Water Fund	\$90,947.05
Sewer Depreciation	\$241,352.91
Sewer O&M	\$234,328.38
Sewer Project-Phase II	\$49.26
Water Depreciation	\$54,501.61
Water O&M	\$192,233.41



317 Davis Avenue, P. O. Box 1969, Elkins, WV 26241 304/637-2265

November 9, 2022

Tracy R. Judy
City Treasurer
City of Elkins
401 Davis Ave.
Elkins, WV 26241

Dear Ms. Judy:

In response to your inquiry regarding the City of Elkins' Pooled Cash Account, Mountain Valley Bank, N.A. is pleased to offer you the following:

- We will pay a variable rate on the account based on the Federal Reserve Discount Rate less 100 basis points. The discount rate is currently 4.00%, resulting in an interest rate of 3.00% paid on the pooled cash account.
- The current Federal Reserve Discount Rate can be found online at www.federalreserve.gov/releases/h15/. This rate is noted as the discount window primary credit rate on the website.
- The rate will never go below the published Mountain Valley Bank, N.A. rate on our Interest Checking Accounts. This rate is currently 0.20%, which is the same rate you are receiving on the Pooled Cash Management Account now.
- This rate structure will begin at the start of your next statement cycle which is December 1, 2022.
- Mountain Valley Bank, N.A. will also provide you with any or all products associated with our Cash Management service at no charge. You may choose to add this service at any time with reasonable notice to the bank.

We thank you for doing business with Mountain Valley Bank, N.A., and we respectfully look forward to many more years of providing excellent banking services to the City of Elkins. Please contact me at any time should you have questions or need any additional information.

Sincerely,

T. Richard Harvey
President & CEO

VENDOR SET: 01 Elkins

BANK: ARPA Amercia Rescue Plan Act

DATE RANGE:10/31/2022 THRU 11/11/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02256	Zoro Tools, Inc.							
I-11706006	air hoses	R	11/02/2022	383.44		000082		383.44

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1	383.44	0.00	383.44
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	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: ARPA TOTALS:	1	383.44	0.00	383.44
BANK: ARPA TOTALS:	1	383.44	0.00	383.44

VENDOR SET: 01 Elkins

BANK: FINST Financial Stabilization

DATE RANGE:10/31/2022 THRU 11/11/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00140	City of Elkins							
I-FinanStabExecutime	Executime software transfer	R	11/01/2022	35,055.00		000012		35,055.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1	35,055.00	0.00	35,055.00
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:	0 VOID DEBITS	0.00		
	VOID CREDITS	0.00	0.00	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: FINSTTOTALS:	1	35,055.00	0.00	35,055.00
BANK: FINST TOTALS:	1	35,055.00	0.00	35,055.00

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE:10/31/2022 THRU 11/11/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00741	Great-West Trust Company LLC							
I-VF 202210311350	Voya	D	10/31/2022	355.00		004117		
I-VF202210311350	Voya AT	D	10/31/2022	50.00		004117		405.00
00116	Child Support Enforcement							
I-CDS202210311350	Child Support	R	10/31/2022	528.00		012436		528.00
00121	Citizens Bank of WVFP							
I-FP 202210311350	Fire Pension	R	10/31/2022	466.82		012437		466.82
00122	Citizens Bank of WVFP							
I-PP 202210311350	Police Pension	R	10/31/2022	149.11		012438		
I-PPN202210311350	Police Pension-2010 Forward	R	10/31/2022	408.96		012438		558.07
00147	COE Misc							
I-MIS202210311350	Misc Reimbursements	R	10/31/2022	504.47		012439		504.47
00150	COE Payroll							
I-T1 202210311350	Federal Withholding	R	10/31/2022	11,552.91		012440		11,552.91
00151	COE Payroll							
I-T3 202210311350	FICA	R	10/31/2022	12,404.12		012441		
I-T4 202210311350	Medicare	R	10/31/2022	4,209.46		012441		16,613.58
00152	COE Payroll							
I-T2 202210311350	State Withholding	R	10/31/2022	5,722.00		012442		5,722.00
00203	Davis Trust Company							
I-CC 202210311350	Employee Christmas Club	R	10/31/2022	2,540.00		012443		2,540.00
00747	Washington National Insurance							
I-WN 202210311350	Washington National Insurance	R	10/31/2022	492.96		012444		492.96
00837	COE Payroll Reimbursement							
I-001202210311350	Payroll Reimbursement	R	10/31/2022	44,836.36		012445		
I-006202210311350	Payroll Reimbursement	R	10/31/2022	5,560.32		012445		
I-036202210311350	Payroll Reimbursement	R	10/31/2022	13,655.81		012445		
I-400202210311350	Payroll Reimbursement	R	10/31/2022	16,075.19		012445		
I-401202210311350	Payroll Reimbursement	R	10/31/2022	14,224.38		012445		
I-404202210311350	Payroll Reimbursement	R	10/31/2022	10,424.44		012445		104,776.50
01885	Colonial Life							
I-CL 202210311350	Colonial Life-AT	R	10/31/2022	85.92		012446		
I-CLP202210311350	Colonial Life-PT	R	10/31/2022	52.52		012446		138.44

VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE:10/31/2022 THRU 11/11/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00150	COE Payroll							
I-T1 202210311351	Federal Withholding	R	10/31/2022	147.82		012447		147.82
00151	COE Payroll							
I-T3 202210311351	FICA	R	10/31/2022	317.38		012448		
I-T4 202210311351	Medicare	R	10/31/2022	74.22		012448		391.60
00152	COE Payroll							
I-T2 202210311351	State Withholding	R	10/31/2022	86.00		012449		86.00
00837	COE Payroll Reimbursement							
I-400202210311351	Payroll Reimbursement	R	10/31/2022	1,976.51		012450		1,976.51
00001	A & A Safety, Inc.							
I-187632	275 Gal White Paint	R	11/01/2022	5,156.25		012451		
I-187799	Street Signs Wilson-Northview	R	11/01/2022	135.00		012451		5,291.25
00119	CIT Technology Finance Serv, I							
I-40993529	Kyocera 11/6/22	R	11/01/2022	52.50		012452		
I-40999502	Konica 110822	R	11/01/2022	55.00		012452		107.50
00121	Citizens Bank of WVFP							
I-FPenCont 110122	Fire Pension Contr 11/01/22	R	11/01/2022	24,623.00		012453		24,623.00
00122	Citizens Bank of WVFP							
I-PPenCont 110122	Police Pension Cont 110122	R	11/01/2022	10,001.85		012454		10,001.85
00149	COE Parks and Recreation							
I-11/22 Support	Monthly Support 11/2022	R	11/01/2022	25,483.00		012455		25,483.00
00235	Elkins Building Comm.							
I-11/22 Monthly Pmt	Monthly Payment 11/2022	R	11/01/2022	3,483.79		012456		3,483.79
00287	Garrett Equipment Rentals, LLC							
I-62657	Plow Install	R	11/01/2022	2,740.74		012457		2,740.74
00381	Grover C Jackson Jr							
I-Nov 2022 Rent	Rent 11/2022	R	11/01/2022	1,800.00		012458		1,800.00
00468	Miss Utility of West Virginia,							
I-WV22-4042	Message Fees 09/2022	R	11/01/2022	112.85		012459		112.85
00471	Mon Power							
I-Barron 101922	091622-101422 Consumption	R	11/01/2022	10,821.23		012460		10,821.23

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE:10/31/2022 THRU 11/11/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00483	Mountain Valley Bank							
I-1202553-19 110422	1202553-19 110422 59/60	R	11/01/2022	655.53		012461		655.53
00606	Steven C. Rodeheaver							
I-11886	strawbroom	R	11/01/2022	36.00		012462		36.00
00701	Toshiba Financial Services							
I-484986716	LEX M5255/TOSH E4515AC	R	11/01/2022	640.34		012463		
I-485176127	LEXC4150/TOSH E3005AC	R	11/01/2022	221.37		012463		861.71
01125	Ferguson Ent dba Pollardwater							
I-0223883	Tiger Cutter Taps	R	11/01/2022	988.73		012464		988.73
01650	Derrick Helzer							
I-102522	SGA/Strategic Planning Lunch	R	11/01/2022	325.00		012465		325.00
01790	Crim Law Office PLLC							
I-308	Attorney services 08/2022	R	11/01/2022	8,340.00		012466		
I-309	Municipal Ct Matters 08/2022	R	11/01/2022	3,280.00		012466		11,620.00
01833	P3 Cost Analysts							
I-15404	Merchant Acct Sav 10/2022	R	11/01/2022	277.32		012467		277.32
02256	Zoro Tools, Inc.							
I-INV11560712	Wire Connectors PK 100	R	11/01/2022	5.30		012468		5.30
02277	Vigilant Custom Creations							
I-019	Motorola Mic/Motorola Head	R	11/01/2022	624.00		012469		624.00
02286	Eric Hiner							
I-CK REQ EPRC	EPRC purchase 07 GMC Sierra	R	11/01/2022	13,000.00		012470		13,000.00
02347	LEAF							
I-13849664	Toshiba E4515AC	R	11/01/2022	317.44		012471		317.44
02365	D & G Machine Co., Inc							
I-49129R 49130R	Trash Pumps	R	11/01/2022	1,320.13		012472		1,320.13
00082	Builders Group, Inc.							
I-702384	Treated/Screws/Hex Driver	R	11/09/2022	338.87		012473		
I-702768	24 Solid Block/10 Patio Block	R	11/09/2022	98.66		012473		437.53
00156	COE Sewer Depreciation Account							
I-Sewer Depr 10/2022	Sewer Depr Dep 10/2022	R	11/09/2022	5,222.31		012474		5,222.31

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE:10/31/2022 THRU 11/11/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00211	Elkins Depot Welcome Center							
I-H/M Sept 2022	H/M Sept 2022	R	11/09/2022	11,936.47		012475		11,936.47
00378	J F Allen Co.							
I-22115-37486 08/22	Limestone	R	11/09/2022	1,291.95		012476		1,291.95
00393	Robert Jones							
I-Exp 11/02/22 WVML	Exp Reimb WVML travel	R	11/09/2022	300.00		012477		300.00
00465	Steve's Electrical Service LLC							
I-202121	contracted services	R	11/09/2022	1,600.00		012478		
I-202122	contracted services	R	11/09/2022	1,750.00		012478		
I-202124	labor generator, HVAC, gate	R	11/09/2022	1,828.00		012478		5,178.00
00471	Mon Power							
I-093022-101022	Park St 093022-101022	R	11/09/2022	1.93		012479		
I-102022 MasterInv	Consumption/Lighting	R	11/09/2022	38,430.82		012479		38,432.75
00479	Amtower Auto Supply, Inc.							
I-178951 179080	parts for 08 FD F550	R	11/09/2022	181.59		012480		
I-179248-288-383	Battery/Oil Filters/TranFluid	R	11/09/2022	1,265.67		012480		
I-179616-638	B/Fluid Gear Oil	R	11/09/2022	54.14		012480		1,501.40
00483	Mountain Valley Bank							
I-1202553-22 110722	1202553-22 110722 Int	R	11/09/2022	98.98		012481		98.98
00484	Mountaineer Gas Company							
I-Nat'l Gas 102722	natural gas 10/27/22	R	11/09/2022	4,379.83		012482		4,379.83
00590	Reserve Account - Pitney Bowes							
I-POSTALL 10/2022	Postage Allocation 10/2022	R	11/09/2022	402.55		012483		402.55
00665	State Electric Supply Company							
I-16243117-00	BUSKRP-C-1100SP 600V CLS	R	11/09/2022	1,018.48		012484		1,018.48
00701	Toshiba Financial Services							
I-485432835	XM3250 11/13/22	R	11/09/2022	69.00		012485		
I-485432926	E4515AC PGCC 1015-111522	R	11/09/2022	125.59		012485		194.59
00712	Tyler Technologies, Inc.							
I-025-396112	HW/Maint 08/22-01/31/23	R	11/09/2022	22,641.86		012486		22,641.86
00900	National Road Utility Supply,							
I-334000	Hymax	R	11/09/2022	2,761.50		012487		
I-334023	steel couplings	R	11/09/2022	407.92		012487		
I-334024	tubing	R	11/09/2022	2,710.32		012487		5,879.74

VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE:10/31/2022 THRU 11/11/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01220	The Delmonte Market							
I-124214464	Tuxedo Rental -Mayor	R	11/09/2022	202.00		012488		202.00
01220	The Delmonte Market							
I-125349002	Landscape maint 10/31/22	R	11/09/2022	4,559.16		012489		4,559.16
01292	COE Sewer O & M Account							
I-Sewer O&M 10/2022	Sewer O&M Dep 10/2022	R	11/09/2022	13,153.88		012490		13,153.88
01390	Phoenix Solutions, LLC							
I-4418	chemicals	R	11/09/2022	4,938.96		012491		
I-4442	chemicals	R	11/09/2022	9,943.65		012491		
I-4460	chemicals	R	11/09/2022	3,950.90		012491		18,833.51
01594	Pace Analytical Services LLC							
C-CR 30516952	CR from orig inv Proj30516952	R	11/09/2022	134.63CR		012492		
I-2230364896	Analytical services	R	11/09/2022	321.46		012492		
I-2230365014	Analytical services	R	11/09/2022	96.65		012492		
I-2230369129	Analytical services	R	11/09/2022	96.65		012492		
I-2230369926	Analytical services	R	11/09/2022	321.46		012492		
I-2230370606	Analytical services	R	11/09/2022	124.89		012492		
I-2230375737	Analytical services	R	11/09/2022	130.32		012492		
I-2230375799	Analytical services	R	11/09/2022	130.32		012492		
I-2230377484	Analytical services	R	11/09/2022	96.65		012492		
I-2230378586	Analytical services	R	11/09/2022	321.46		012492		
I-2230379225	Analytical services	R	11/09/2022	392.05		012492		
I-2477/3657/5557/750	Analysis	R	11/09/2022	749.34		012492		2,646.62
01697	C-Com LLC							
I-654155	contracted services	R	11/09/2022	1,500.00		012493		
I-654156	contracted services	R	11/09/2022	1,500.00		012493		
I-654157	labor, battery, maint	R	11/09/2022	1,552.97		012493		4,552.97
01790	Crim Law Office PLLC							
I-298	professional services	R	11/09/2022	660.00		012494		
I-302	professional services	R	11/09/2022	750.00		012494		1,410.00
02065	AlignHR LLC							
I-OCT 2022	HR Managed Services 10/2022	R	11/09/2022	2,500.00		012495		2,500.00
02256	Zoro Tools, Inc.							
I-11567083	Ballast Elec 3-4 F32T8	R	11/09/2022	115.08		012496		115.08

VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE:10/31/2022 THRU 11/11/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02322	Badger Meter							
I-80111111	Beacon MBL Hosting Serv	R	11/09/2022	210.40		012497		210.40
02347	LEAF							
I-13884396	Tosh E478S 11/18/22	R	11/09/2022	85.00		012498		
I-13884397	Tosh E478S 11/18/22	R	11/09/2022	85.00		012498		170.00
02370	Big Chimney Auto & Diesel							
I-17430 RMDR	Remainder of Inv 17430	R	11/09/2022	22,850.00		012499		22,850.00
02372	The NRA Foundation							
I-Grant 22WV022	SB234 Requirement	R	11/09/2022	1,544.75		012500		1,544.75
00848	Snap-on							
I-10122279269	Engine Starter-1/4Dr 72TXLNG	R	11/09/2022	541.50		012501		541.50
00711	Tygart Valley Transfer, Inc.							
C-00008482	Correct ticket 00008482	R	11/10/2022	18.00CR		012502		
C-Corr #8233	correct # 00008233	R	11/10/2022	195.48CR		012502		
I-00007695	Commercial	R	11/10/2022	377.06		012502		
I-00007696	Residential	R	11/10/2022	60.82		012502		
I-00007701	Residential	R	11/10/2022	721.97		012502		
I-00007708	Residential	R	11/10/2022	995.64		012502		
I-00007710	Commercial	R	11/10/2022	1,118.15		012502		
I-00007728	Commercial	R	11/10/2022	259.77		012502		
I-00007732	Comm	R	11/10/2022	212.86		012502		
I-00007738	Residential	R	11/10/2022	193.74		012502		
I-00007752	Residential	R	11/10/2022	583.83		012502		
I-00007755	Residential	R	11/10/2022	510.85		012502		
I-00007756	Comm	R	11/10/2022	503.04		012502		
I-00007758	Comm - DM Hospital	R	11/10/2022	194.61		012502		
I-00007785	Comm	R	11/10/2022	162.47		012502		
I-00007795	Comm	R	11/10/2022	180.71		012502		
I-00007797	Residential	R	11/10/2022	553.43		012502		
I-00007799	Residential	R	11/10/2022	459.60		012502		
I-00007801	Commercial	R	11/10/2022	600.34		012502		
I-00007815	Comm Studder	R	11/10/2022	245.00		012502		
I-00007826	Commercial	R	11/10/2022	170.28		012502		
I-00007832	Residential	R	11/10/2022	551.69		012502		
I-00007833	Commercial	R	11/10/2022	486.53		012502		
I-00007834	Residential	R	11/10/2022	529.97		012502		
I-00007846	Comm	R	11/10/2022	245.87		012502		
I-00007847	Comm - FFestival RR Yard	R	11/10/2022	121.63		012502		
I-00007848	Commercial	R	11/10/2022	172.02		012502		
I-00007851	Residential	R	11/10/2022	27.80		012502		
I-00007855	Commercial	R	11/10/2022	278.02		012502		
I-00007857	Residential	R	11/10/2022	501.30		012502		
I-00007859	Residential	R	11/10/2022	584.70		012502		

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE:10/31/2022 THRU 11/11/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-00007863	Comm	R	11/10/2022	633.36		012502		
I-00007875	Res Forest Festival	R	11/10/2022	101.65		012502		
I-00007876	Res Forest Festival	R	11/10/2022	233.71		012502		
I-00007877	Res Forest Festival	R	11/10/2022	281.49		012502		
I-00007878	Comm Forest Festival	R	11/10/2022	205.04		012502		
I-00007892	Comm	R	11/10/2022	80.80		012502		
I-00007899	Comm	R	11/10/2022	179.84		012502		
I-00007907	Res	R	11/10/2022	700.25		012502		
I-00007909	Res	R	11/10/2022	47.78		012502		
I-00007912	Res	R	11/10/2022	801.90		012502		
I-00007913	Comm	R	11/10/2022	458.73		012502		
I-00007939	Comm	R	11/10/2022	311.90		012502		
I-00007944	Comm	R	11/10/2022	161.60		012502		
I-00007946	Residential -Forest Festival	R	11/10/2022	96.44		012502		
I-00007951	Comm	R	11/10/2022	139.88		012502		
I-00007960	Res	R	11/10/2022	536.92		012502		
I-00007966	Res	R	11/10/2022	372.72		012502		
I-00007967	Comm	R	11/10/2022	436.14		012502		
I-00007980	Comm -Church Lot	R	11/10/2022	66.90		012502		
I-00007986	Comm	R	11/10/2022	264.98		012502		
I-00007995	Comm	R	11/10/2022	408.34		012502		
I-00008001	Comm	R	11/10/2022	373.58		012502		
I-00008004	Res	R	11/10/2022	582.10		012502		
I-00008006	Comm	R	11/10/2022	600.34		012502		
I-00008008	Residential	R	11/10/2022	464.81		012502		
I-00008032	Comm	R	11/10/2022	580.36		012502		
I-00008043	Comm	R	11/10/2022	202.43		012502		
I-00008050	Comm	R	11/10/2022	425.71		012502		
I-00008052	Residential	R	11/10/2022	528.23		012502		
I-00008053	Residential	R	11/10/2022	483.05		012502		
I-00008069	Comm	R	11/10/2022	260.64		012502		
I-00008072	Comm	R	11/10/2022	182.45		012502		
I-00008090	Comm	R	11/10/2022	172.02		012502		
I-00008099	Comm	R	11/10/2022	224.15		012502		
I-00008108	Comm	R	11/10/2022	119.03		012502		
I-00008116	Comm	R	11/10/2022	182.45		012502		
I-00008119	Res	R	11/10/2022	748.04		012502		
I-00008123	Commercial	R	11/10/2022	839.26		012502		
I-00008124	Res	R	11/10/2022	854.03		012502		
I-00008137	Comm	R	11/10/2022	270.20		012502		
I-00008139	Comm	R	11/10/2022	232.84		012502		
I-00008143	Comm	R	11/10/2022	147.70		012502		
I-00008150	Comm	R	11/10/2022	280.62		012502		
I-00008152	Res	R	11/10/2022	586.44		012502		
I-00008154	Res	R	11/10/2022	447.43		012502		
I-00008155	Comm	R	11/10/2022	478.71		012502		
I-00008179	Comm	R	11/10/2022	112.08		012502		
I-00008187	Comm	R	11/10/2022	433.53		012502		

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE:10/31/2022 THRU 11/11/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-00008188	Res	R	11/10/2022	491.74		012502		
I-00008190	Res	R	11/10/2022	414.42		012502		
I-00008207	Comm	R	11/10/2022	231.10		012502		
I-00008213	Comm	R	11/10/2022	226.76		012502		
I-00008225	Res	R	11/10/2022	547.34		012502		
I-00008233	Comm	R	11/10/2022	195.48		012502		
I-00008235	Res	R	11/10/2022	541.26		012502		
I-00008239	Comm	R	11/10/2022	709.81		012502		
I-00008260	Comm / Tires	R	11/10/2022	476.67		012502		
I-00008261	Commercial	R	11/10/2022	147.70		012502		
I-00008274	Commercial	R	11/10/2022	121.63		012502		
I-00008280	Residential	R	11/10/2022	675.06		012502		
I-00008286	Residential	R	11/10/2022	777.58		012502		
I-00008288	Commercial	R	11/10/2022	778.44		012502		
I-00008308	Residential	R	11/10/2022	117.29		012502		
I-00008309	Commercial	R	11/10/2022	313.64		012502		
I-00008313	Commercial	R	11/10/2022	138.14		012502		
I-00008320	Residential	R	11/10/2022	189.40		012502		
I-00008322	Commercial	R	11/10/2022	157.25		012502		
I-00008324	Residential	R	11/10/2022	476.97		012502		
I-00008326	Commercial	R	11/10/2022	309.29		012502		
I-00008328	Residential	R	11/10/2022	486.53		012502		
I-00008346	Commercial	R	11/10/2022	201.56		012502		
I-00008363	Residential	R	11/10/2022	615.98		012502		
I-00008370	Commercial	R	11/10/2022	567.33		012502		
I-00008371	Residential	R	11/10/2022	523.02		012502		
I-00008387	Residential	R	11/10/2022	145.96		012502		
I-00008390	Commercial	R	11/10/2022	133.80		012502		
I-00008403	Commercial	R	11/10/2022	115.55		012502		
I-00008404	Residential	R	11/10/2022	589.92		012502		
I-00008409	Commercial	R	11/10/2022	483.05		012502		
I-00008412	Residential	R	11/10/2022	623.80		012502		
I-00008426	Commercial	R	11/10/2022	197.22		012502		
I-00008429	Commercial	R	11/10/2022	154.65		012502		
I-00008440	Residential	R	11/10/2022	546.48		012502		
I-00008441	Residential	R	11/10/2022	627.27		012502		
I-00008443	Commercial	R	11/10/2022	710.68		012502		
I-00008456	Comm	R	11/10/2022	486.53		012502		
I-00008458	Comm	R	11/10/2022	252.82		012502		
I-00008474	Residential	R	11/10/2022	761.07		012502		
I-00008480	Residential	R	11/10/2022	887.04		012502		
I-00008482	Comm	R	11/10/2022	842.49		012502		
I-112643	Res	R	11/10/2022	43.44		012502		
I-112650	Comm	R	11/10/2022	155.52		012502		
I-112651	Res	R	11/10/2022	549.95		012502		
I-112655	Res	R	11/10/2022	525.62		012502		
I-112656	Comm	R	11/10/2022	662.89		012502		
I-112666	Comm-ForestFestival rail yard	R	11/10/2022	159.86		012502		

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE:10/31/2022 THRU 11/11/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-112673	Comm	R	11/10/2022	178.10		012502		
I-112676	Comm	R	11/10/2022	174.63		012502		
I-112679	Res	R	11/10/2022	512.59		012502		
I-112680	Res	R	11/10/2022	433.53		012502		
I-112681	Res	R	11/10/2022	443.09		012502		
I-8233	Comm	R	11/10/2022	195.48		012502		50,747.24

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	67	483,945.60	0.00	483,945.60
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	0.00	0.00	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: Pool TOTALS:	68	484,350.60	0.00	484,350.60
BANK: Pool TOTALS:	68	484,350.60	0.00	484,350.60
REPORT TOTALS:	70	519,789.04	0.00	519,789.04

SELECTION CRITERIA

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

CHECK SELECTION

CHECK RANGE: 000000 THRU 999999
DATE RANGE: 10/31/2022 THRU 11/11/2022
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 17, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	<i>Resolution 1579: Accepting Conditions of Contract between Delmonte Market dba Tammy's Floral and the City of Elkins, and Authorizing Execution of Contract</i>
Recommended By:	M. Himes
Summary:	One bid was received for the 2023 flower contract.
Fiscal Impact:	I believe funds are budgeted. However, there is a need to replace the basket liners and repair some damaged baskets. this cost is not included in the bid.
Recommendation:	I recommend approval of this bid as the MP Committee approved moving to bid out contract as it was in the previous year.
Attachments:	1. R-1579 2. R-1579 attachment

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1579)

November 17, 2022

***Accepting Conditions of Contract between Delmonte Market dba Tammy's Floral
and the City of Elkins, and Authorizing Execution of Contract***

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, Strategic Focus Area #1, Section C identifies beautification, including hanging flower baskets, as a goal; and,

WHEREAS, the City has received a proposed Contract with Delmonte Market dba Tammy's Floral (copy attached and included with record) for the provision of such service; and,

WHEREAS, it appears that contracting for these goods and services is in the best interests of the citizens of the City of Elkins;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby accepts the terms of and authorizes execution of this Contract with Delmonte Market dba Tammy's Floral by the Mayor on behalf of the City of Elkins.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk

BID RECORD SHEET

Project: 2023 Flower Contract

Date: November 2, 2022-10:00 a.m.

Location: City Hall Operations Office

<u>Bidder</u>	<u>Base Bid Amount</u>	<u>Bid Alternate # 1</u>
Delmonte Market & Tammy's Floral	\$ <u>31,914.14</u>	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

Recorded this 2 day of November, 2022

By Shanna Poe of City of Elkins

THE DELMONTE MARKET & TAMMY'S FLORAL PROPOSAL FOR SERVICES

WV Contractor Lic# WV044078 - WV Workers Comp #10033486-04

WV Unemployment Compensation # 87374 Liability Insurance Policy in force

OVERVIEW

The Delmonte Market & Tammy's Floral is pleased to submit this proposal for services to support The City of Elkins in achieving its long term strategic goals of encouraging tourism, and transforming the downtown streetscape to be more inviting. We ask that you take into consideration our proven track record with regards to the scope of work requested.

OUR PROPOSAL

For **\$31914.14** we will fill 36 24" hanging baskets located on both sides of Third Street and Davis Avenue. We will fill 14 44" hayracks located on Davis Avenue bridge, Darden House and at the back of the City Hall building. Flower selection will be a beautiful mix of colors and various types of summer flowers and will vine over the hanging basket and out of each hayrack. The mum plants will cover the interior of each of the 36 hanging baskets and fill the length of each of the 14 hayracks. The pine garland will be artificial (not fresh) and will be placed around the rim of each hanging basket and a warm white non-led light will be installed in each hanging basket on the poles that have a power outlet.

EXECUTION

Our execution strategy incorporates proven methodologies, qualified personnel, and a highly responsive approach to managing the successful growth and installation of all flowers and decorative items listed in the proposal. Following is a description of our project methods, including how the project will be executed, a proposed timeline of events, and reasons for why we suggest developing the project as described.

Description	Start Date	End Date	Duration
Install summer flowers	After Mother's Day or as City requested in bid late May	TBD depending on start date	2-4 days
Remove summer flowers and replace with fall mums	Early to middle of Sept./pending mum availability	TBD depending on start date	2 days

Remove fall mums and replace with silk pine and warm white non led lights	Early November	After Christmas TBD by City	2-4 days weather permitting
Daily watering WEEKDAYS	Prior to 8/9 AM weekdays		4-5 hours
Daily watering WEEKENDS and Holidays businesses closed	Prior to 11 AM		4-5 hours
Pesticides, fungicides or additional treatments	As needed during day/eve hours		

Supplied Material

The following materials are to be supplied by The City of Elkins for this project. In order for The Delmonte Market & Tammy's Floral to meet project milestones, this material must be supplied on schedule. The due dates included in the following table represent our best guess based on current proposed project dates:

Materials to be supplied by The City of Elkins	Due Date*
Water from the Elkins Fire Department	Daily fill ups
City staff to remove all containers from storage & deliver to Phil Gainer Center (PGC). Once planted, city will return to PGC retrieve and hang summer baskets.	Month of May exact date TBD
Maintenance to any container to ensure it will hang safely. ALL LINERS NEED REPLACED on 36 hanging baskets to ensure growth and stability. Many Baskets need repairs or ultimately replaced.	End of April

**We cannot be responsible for cost overruns caused by client's failure to deliver materials by agreed-upon due dates.*

EXPECTED RESULTS

While there were no expected results required within the bid, we commit to the following: We will have on hand through the month of May 10% overage of flowers needed to replace any stolen flowers. This will not include any of the containers. There is loss on the bridge each year. We will also alert the city immediately for any damaged units or units that have become unsafe.

PRICING

The following table details the pricing for delivery of the services outlined in this proposal. This pricing is valid for 30 days from the date of this proposal:

Services Cost Category #1	Price
Plan, order and maintain a colorful mixed variety of summer flowers that will fill 36 24" hanging baskets and 14 44" Hayracks for the summer season (May to October) then switch to fall mums (October- November) then switch to silk pine garland and white lights, and holiday ribbons/decor (November-December)	
Total Services Category #1 Costs	
NOT INCLUDED IN SCOPE OF WORK	
Maintenance of any containers	REPAIRS NEEDED not listed on bid –not included
Additional or replacement containers	
New or replacement liners	HANGING BASKET LINERS NEEDED not listed on bid-not included
Additional Flowers for any containers added to the list in bid	
Total	\$31,914.14



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 17, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	<i>Resolution 1580:</i> Approving Agreement with Terra Flora Landscaping for Ground Maintenance of the City Hall Parking Lot
Recommended By:	Finance Committee
Summary:	Terra Flora provided services for calendar year 2022 and was the only bidder for the original contract. The services were not put back out for bid.
Fiscal Impact:	Funds are budgeted in Beautification and the amount is less than last calendar year.
Recommendation:	Approval of the contract
Attachments:	1. R-1580 2. R-1580 attachment

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1580)
November 17, 2022

***Approving Agreement with Terra Flora Landscaping
for Ground Maintenance of the City Hall Parking Lot***

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, Strategic Focus Area #2, Section B set a deadline for the completion of the City Hall Parking Lot project as October 2021; and,

WHEREAS, Strategic Focus Area #1, Sections B and C identify public landscaping and beautification as a goal; and,

WHEREAS, the City per Resolution 1446, adopted October 7, 2021, entered into a contract with Terra Flora Landscaping for ground maintenance of the City Hall Parking Lot; and,

WHEREAS, the City has received a proposal for renewal of these same services from Terra Flora Landscaping (copy attached and included with record); and,

WHEREAS, it appears that contracting for these goods and services is in the best interests of the citizens of the City of Elkins;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby accepts the terms of the agreement with Terra Flora Landscaping and hereby authorizes by the mayor, or his designee, on behalf of the City of Elkins.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk

TERRA FLORA LANDSCAPING INC.
 300 WARD AVE, PO BOX 122
 ELKINS, WV 26241
 304-636-2199
 WWW.TERRAFLORALANDSCAPING.COM

Quote

Customer	Customer Number	159
City of Elkins	Quote Date	November 06, 2022
Davis Ave	Sales Person	davisterraflora@gmail.com
Elkins, WV 26241	Expiration Date	December 06, 2022
	Terms	
	Proposal Name	2022 Maintenance
	Project Name	
	Proposal Number	2021-707
	Version Number	1

Groundcover, Mulch

SKU	Size/Unit	Description	Quantity	Unit Price	Extended Price
MUL121	Cu. Yd.	Mulch, Hardwood	24.00	\$35.00	\$840.00
Subtotal			24.00		\$840.00

Other

SKU	Size/Unit	Description	Quantity	Unit Price	Extended Price
Fertilizer	alotment	NPK/Plant Tone	1.00	\$200.00	\$200.00
Disposal Fee	yearly	Disposal of Materials	1.00	\$200.00	\$200.00
March	Labor	Cut back and clean all perennials/fertilize and mulch	1.00	\$1,881.65	\$1,881.65
April/May/June/July/A	Labor	Weed as needed/Clean perennials as needed/prune/trim as needed//water as needed	1.00	\$2,352.00	\$2,352.00
Sept/Oct/Nov	Labor	Weed as needed/Clean perennials/prune/trim/water as needed	1.00	\$1,351.20	\$1,351.20
Subtotal			5.00		\$5,984.85

Taxable	\$6,824.85
Tax Exempt	\$0.00
Tax	\$0.00
Total	\$6,824.85

Contingencies: No guarantee for animal, insect, drought, tenant, or snow plow damage. Contingencies: No guarantee for animal, insect, drought, tenant, or snow plow damage.
Homeowners/Business is responsible for watering during drought periods
All work to be performed is specified in the contract/quote. Additional work will be performed for an additional price with written or verbal consent
Job site will be left broom cleaned after work is completed
Terra Flora Landscaping Inc. reserves the right to make substitutions using materials similar in size and value
Warranty does not take effect until job is complete
WV 038595
Estimator: Matthew Davis Operations Manager Mobile# 304-614-0658



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 17, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	<i>Resolution 1581:</i> Approving the Promotion of and Establishing a New Compensation Level for Members of the Elkins Fire Department
Recommended By:	Fire Civil Service Commission and Fire Chief S. Himes
Summary:	two firefighters ranked as FF2 have served two years at that rank and are thereby eligible for promotion to FF3
Fiscal Impact:	promotion from Grade 8, step 5 to Grade 9, step 5. The Fire Enterprise Fund has funds available to cover the increased compensation.
Recommendation:	Approval of the recommended promotions
Attachments:	1. R-1581 2. R-1581 attachment

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1581)

November 17, 2022

***Approving the Promotion of and Establishing a New Compensation Level for
Members of the Elkins Fire Department***

WHEREAS, the City of Elkins operates the Elkins Fire Department (“the Department”) under the civil service provisions contained in West Virginia Code §8-15-22 *et seq.*, and accordingly vests the Elkins Fire Civil Service Commission (“the Commission”) with authority over various aspects of officer promotions and related matters; and,

WHEREAS the Elkins Common Council has approved and since amended the *Rules and Regulations of the Elkins Fire Civil Service Commission*; and

WHEREAS, section 6.02 of those rules contains the following provision:

“Persons who have completed at least two (2) years continuous service in the next lower grade shall be eligible to apply for promotion in accordance with the provisions of this part”; and,

WHEREAS, A. Roth and M. Ogden began service at the rank of Firefighter II on November 6, 2020; and,

WHEREAS, section 6.05 of those rules contains the following provision:

“[i]n the event that there is only one applicant lawfully qualified to be promoted, the Commission may certify that single applicant as eligible for promotion without administering a written exam;” and,

WHEREAS, the Commission, recognizing the two vacancies and two qualified applicants, have by unanimous consent, approved a waiver of the written test requirement; and,

WHEREAS, the general condition of health and ability to perform the public service as required by section 6.08 of the rules is determined by the Commission to be met by the applicant’s current and active participation in the department; and,

WHEREAS, the Mayor, as the Appointing Officer, has awarded both A. Roth and M. Ogden the rank of Firefighter III, effective November 6, 2022; and,

WHEREAS, the City of Elkins Personnel Policy Manual Sec. 4-H provides that any employee who is promoted to a higher grade classification shall be placed in the step of the new grade which best reflects the base differential between the current grade and the new grade classification; and,

WHEREAS, the closest wage differential in the new grade, Grade 9, is Step 5 at the associated wage of \$15.34 per hour; and,

WHEREAS, Elkins City Code, §30.02 provides Council with the power to prescribe and set forth compensation paid in the annual budget or through other ordinance; and,

WHEREAS, West Virginia Code, §8-5-12 provides that every municipality shall by ordinance or budget fix or cause to be fixed the salary or compensation of every municipal officer and employee; and,

WHEREAS, sufficient funds are available within the Fire Department account of the current fiscal year's General Fund budget; ***now, therefore, be it***

RESOLVED AND ORDAINED by the Common Council of the City of Elkins that A. Roth and M. Ogden are hereby promoted to the rank of Firefighter III as of November 6, 2022; and,

FURTHER, that the amount of compensation for each shall be \$15.34 per hour, effective that date.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 17, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	<i>Resolution 1582:</i> Approving Modified Rank Structure and Compensation Levels with the Elkins Fire Department
Recommended By:	Police Civil Service Commission and Police Chief
Summary:	The desire is to restructure the rank system for the EFD to allow for greater opportunity and competition for promotion and ultimately to provide adequate levels of supervision for each shift.
Fiscal Impact:	n/a
Recommendation:	adoption of the recommended rank restructuring proposal
Attachments:	1. R-1582 2. R-1582 attachment

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1582)

November 17, 2022

***Approving Modified Rank Structure and Compensation Levels with
The Elkins Fire Department***

WHEREAS, the City of Elkins operates the Elkins Fire Department (“the Department”) under the civil service provisions contained in West Virginia Code §8-15-22 *et seq.*, and accordingly vests the Elkins Fire Civil Service Commission (“the Commission”) with authority over various aspects of officer promotions and related matters; and,

WHEREAS, the Commission and the Elkins Fire Chief have reviewed the current rank structure of the Department and are recommending changes to provide reasonable opportunities for advancement and appropriate supervision on every shift; and,

WHEREAS, the Commission recommends the elimination of the rank of Firefighter III and the reclassification of those employees currently holding the rank of Firefighter III to the rank of Firefighter II; and,

WHEREAS, the Commission recommends the rank of Firefighter II be moved within the City’s Classification and Compensation Plan from Grade 8 to Grade 9; and,

WHEREAS, the City of Elkins Personnel Manual Sec. 4-H provides that any employee who is promoted to a higher grade shall be placed in the step of the new grade which best reflects the base differential between the current grade and the new grade; and,

WHEREAS, all four (4) current employees affected by the actions detailed above should remain in Grade 9, step 5 at the rank of Firefighter II; ***now, therefore, be it***

RESOLVED AND ORDAINED by the Common Council of the City of Elkins that within the Elkins Fire Department the rank of Firefighter III be eliminated; and,

FURTHER, that employees currently holding the rank of Firefighter III now serve at the rank of Firefighter II; and,

FURTHER, that the rank of Firefighter II be moved from Grade 8 to Grade 9 in the City’s Classification and Compensation Plan; and,

FURTHER, all four (4) current employees affected by this action should remain in Grade 9, step 5 at the rank of Firefighter II.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk

grade	Administrative	Operations	Public Safety
1			
2		Maintenance Worker	
3		Sanitation Worker I Street Worker II	Parking Attendant
4		Street Worker III	
5		Street Worker IV Street Sweeper Operator Mechanic Sanitation Driver	Telecommunicator
6	Accounting Clerk I Billing & Posting Clerk I Court Clerk Executive Secretary	Ops Administrative Assistant	FD-Probationary FF1
7	Payroll Clerk Accounting Clerk II Billing & Posting Clerk II	Construction Worker	FD-FF1
8	Deputy Treasurer	Street Asst. Supervisor	FD-FF2
9		Operations Assistant GIS Technician Sanitation Asst. Supervisor	FD-FF3 FF2 PD-Probationary Patrolman
10			FD-Lieutenant PD-Patrolman
11		Street Supervisor Senior Mechanic Sanitation Supervisor Maintenance Supervisor	FD-Captain PD-Corporal
12	External Affairs Specialist		PD-Sergeant
13			PD-1st Sergeant
14		Code Enforcement Officer	PD-1st Lieutenant
15			PD-Captain



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 17, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	<i>Resolution 1583:</i> Approving Reappointments to the Elkins Tree Board
Recommended By:	Elkins Tree Board
Summary:	Two current members of the Tree Board, Nanci Bross-Fregonara and Angela Daniels, have appointments ending 12/31/2022 and would like to be reappointed for another 3-year term.
Fiscal Impact:	none
Recommendation:	reappoint the two members
Attachments:	1. R-1583

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1583)

November 17, 2022

Approving Reappointments to the Elkins Tree Board

WHEREAS, Elkins Tree Board members Nanci Bross-Fregonara and Angela Daniels both have terms expiring on December 31, 2022; and,

WHEREAS, the Mayor has recommended, with the Elkins Tree Board's consent, that both N. Bross-Fregonara and A. Daniels be reappointed for additional three-year terms; and,

WHEREAS, both N. Bross-Fregonara and A. Daniels wish to continue their service in this role;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby reappoints N. Bross-Fregonara and A. Daniels to the Elkins Tree Board with terms ending on December 31, 2025.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton City Clerk



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 17, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	<i>Resolution 1584:</i> Approving Reappointments to the Elkins Planning Commission
Recommended By:	J. Sutton
Summary:	Two current members of the Planning Commission have terms ending 12/31/22 - Phillips Kolsun and Burley Woods. Both are requesting reappointment.
Fiscal Impact:	none
Recommendation:	reappointment of two commission members
Attachments:	1. R-1584

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1584)
November 17, 2022

Approving Reappointments to the Elkins Planning Commission

WHEREAS, Elkins Planning Commission members Phillips Kolsun and Burley Woods are set to expire on December 31, 2022; and,

WHEREAS, P. Kolsun and B. Woods have been members of the Elkins Planning Commission since May 2021; and,

WHEREAS, fellow commissioners, the mayor, and Council wish to reappoint P. Kolsun and B. Woods for additional three-year terms beginning January 1, 2023; and,

WHEREAS, the incumbents wish to continue their service to the Commission;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby reappoints Phillips Kolsun and Burley Woods to the Elkins Planning Commission for a term to end on December 31, 2025.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 17, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	<i>Resolution 1585:</i> To Consider and Act Upon a Proposed Resolution regarding the Setting of a Public Hearing Date with respect to (i) the Proposed Creation of a new Tax Increment Financing District in the City of Elkins, West Virginia (the "City") to be called "City of Elkins Redevelopment District No. 1" (the "TIF District") and (ii) Public Infrastructure Projects and Improvements within the TIF District (the "TIF Projects") set forth in the Tax Increment Financing Application (the "TIF Application") for the TIF District submitted by the City.
Recommended By:	J. Sutton
Summary:	Adoption of this resolution allows council to draft and submit an application for review by the WVDO and requires council to notify the other levying bodies they intend to make the application.
Fiscal Impact:	none
Recommendation:	approval of the resolution to permit the application be completed and submitted for review by the WVDO
Attachments:	1. R #1585 2. TIF Application - City of Elkins 2022_11_17

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1585)

November 17, 2022

To Consider and Act Upon a Proposed Resolution regarding the Setting of a Public Hearing Date with respect to (i) the Proposed Creation of a new Tax Increment Financing District in the City of Elkins, West Virginia (the “City”) to be called “City of Elkins Redevelopment District No. 1” (the “TIF District) and (ii) Public Infrastructure Projects and Improvements within the TIF District (the “TIF Projects”) set forth in the Tax Increment Financing Application (the “TIF Application”) for the TIF District submitted by the City

WHEREAS, The City of Elkins (the “City”) is authorized by the West Virginia Tax Increment Financing Act, Chapter 7, Article 11B of the Code of West Virginia 1931, as amended (the “Act”) to create tax increment financing districts, approve project plans, issue tax increment financing obligations and take such other actions as necessary or desirable to facilitate the orderly development and economic stability of the City, all as more fully set forth in the Act;

WHEREAS, the City has prepared a Tax Increment Financing Application, dated November 17, 2022 (the “Application”), relating to the proposed creation and establishment of a redevelopment district in the City to be known and designated as “The City of Elkins Redevelopment District No. 1” (the “TIF District”), and approval of a project plan for the TIF District to be known and designated as “Project Plan No. 1” (the “Project Plan”); and

WHEREAS, the City desires, under and pursuant to the Act, to hold a public hearing at which interested parties be afforded a reasonable opportunity to express their views on the proposed creation of the TIF District, its proposed boundaries and the proposed Project Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELKINS, AS FOLLOWS:

1. It is hereby found and determined, subject to a public hearing and other actions, that the City will consider for approval the Application for the creation of the TIF District and the Project Plan for the TIF District and, if approved, submit the Application to the West Virginia Department of Economic Development for consideration and obtain all other necessary approvals.

2. The City hereby sets a public hearing regarding the Application for January 5, 2023, at 7:00 p.m. prevailing time.

3. The City hereby approves for publication, under and in accordance with the applicable provision of the Act, that certain Notice of Public Hearing, substantially in the form attached hereto as **Exhibit A** and incorporated herein by reference and the providing of a copy of the Application and Notice of Public Hearing to the levying bodies having the power to levy taxes on property within the TIF District.

4. This Resolution shall become effective immediately upon adoption.

Jerry A. Marco, Mayor

CERTIFICATION

The undersigned, being the duly qualified and appointed Clerk of The City of Elkins, does hereby certify that the foregoing Resolution was duly adopted by the City, at a regular meeting duly held, pursuant to proper notice thereof, on November 17, 2022, a quorum being present and acting throughout, and which Resolution has not been modified, amended or revoked and is a true, correct and complete copy thereof as of this November 17, 2022.

By: _____
Its City Clerk

EXHIBIT A

[TO BE PUBLISHED IN *THE INTER-MOUNTAIN*
ONCE A WEEK FOR TWO SUCCESSIVE WEEKS
ON THURSDAY, DECEMBER 22, 2022, AND
THURSDAY, DECEMBER 29, 2022]

NOTICE OF PUBLIC HEARING

APPLICATION REGARDING CREATION OF THE CITY OF ELKINS REDEVELOPMENT DISTRICT NO. 1 AND APPROVAL OF PROJECT PLAN NO. 1 AND ISSUANCE OF TAX INCREMENT FINANCING OBLIGATIONS

A public hearing will be held at a regular meeting of The City Council of The City of Elkins (the “City”), on January 5, 2023, at 7:00 p.m. in the City Council Chambers located at City Hall, 401 Davis Avenue, Elkins, WV, and at such hearing any person interested may appear and present comments, protests, suggestions and otherwise express their views respecting an application regarding the creation of a tax increment redevelopment district to be designated as “The City of Elkins Redevelopment District No. 1” (the “TIF District”) in The City of Elkins, and the financing of certain projects described in a Project Plan for the TIF District to be designated as “Project Plan No. 1” (the “Project Plan”). All comments, protests, suggestions and views shall be heard at such public hearing, and the City shall thereafter take such actions as it shall deem proper in the premises regarding the approval, pursuant to Chapter 7, Article 11B of the Code of West Virginia, 1931, as amended (the “Act”), respecting the Application regarding the creation of the TIF District and the approval of the Project Plan. Following is a brief summary of such matters.

Creation of TIF District

The proposed TIF District is located in the City and includes approximately ____ acres of contiguous real property in the Elkins Corporation property tax district of Randolph County as set forth on the map below. The proposed TIF District is comprised of parts of the downtown business district, the Industrial Park managed by the Randolph County Development Authority, and the Elkins Railyard. The proposed TIF District is generally bounded to the north by Seneca Trail, to the east by Randolph Avenue and Livingston Avenue, to the south by Georgetown Road, and to the west by portions of Haddix Road and is bisected by the Tygart Valley River. The TIF District is being proposed by the City for the purpose of facilitating the planning, acquisition, construction and equipping of public infrastructure improvements within the TIF District.

Map of the TIF District



EX-A-2

Approval of Project Plan

The City proposes to develop certain capital improvements within or which serve the TIF District and include the design, permitting, acquisition, construction and equipping of site, infrastructure and other improvements, both public and private, that will facilitate development within, or for the benefit of, the TIF District (collectively, the “TIF Projects”), including, but not limited to, the following:

- Waterlines, waterworks facilities, sanitary sewer lines, sewerage facilities, stormwater facilities, telecommunications, cable, fiber optic, electric, natural gas and related public infrastructure improvements and relocations;
- Construction of roads, sidewalks, street lighting, traffic signals and other roadway and streetscape improvements and related appurtenances including curbing and gutters;
- Acquisition of land within the TIF District or outside of the TIF District which contains or will contain infrastructure or other facilities which serve the TIF District;
- Demolition, site preparation and excavation and other earthwork necessary for and incidental to the construction and installation of infrastructure and other improvements;
- Other related improvements, extensions, renovations and additions; and
- All professional service fees and consultant fees in connection with the foregoing, including but not limited to engineering and other design fees, legal fees, fees of property tax revenue consultants, property tax consultants, trustees, continuing disclosure agents and all fees and costs incurred in connection with the preparation and approval of the Project Plan.

The TIF Projects are expected to include, but not be limited to, (i) riverfront development and beautification along the Tygart Valley River; (ii) recreational trail system improvements throughout the proposed TIF District; (iii) streetscaping, wayfinding, lighting, and sidewalk improvements in the downtown business district; (iv) improvements to the Elkins Railyard, including the Roundhouse Plaza and construction of a new event center; and (v) improvements to the Randolph County Industrial Park.

Tax Increment Financing Obligations

To finance all or portions of the TIF Projects, the City proposes to initially issue tax increment revenue bonds or other obligations (the “TIF Obligations”) in an amount not to exceed \$25,000,000, with maturities not to exceed 30 years from the date of the creation of the TIF District. Such TIF Obligations may be issued from time to time in one or more series. Proceeds of the TIF Obligations are generally planned to be used to (i) finance costs of the TIF Projects, including architectural, engineering, legal and other professional fees and expenses; (ii) finance costs of creating the TIF District and obtaining approval of the TIF Projects; (iii) fund reserves for the TIF Obligations, as necessary; (iv) fund capitalized interest on the TIF Obligations, as necessary; and (v) pay costs of issuance of the TIF Obligations and related costs. To the extent that surplus tax increment funds are available, portions of the TIF Projects may be financed directly with such surplus on a pay-as-you-go basis.

Further information regarding the proposed Application and the TIF Obligations are on file and available for inspection at the office of the Clerk of the City during regular business hours, located at the City Clerk’s office in City Hall, 401 Davis Avenue, Elkins, West Virginia.

Dated: _____, 2023.

By: /s/ Jessica Sutton
City Clerk



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 17, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	<i>Resolution 1586:</i> To Consider and Act Upon a Proposed Reimbursement Resolution regarding the Reimbursement of Funds Spent in Anticipation of the Potential Approval of the TIF Application from Obligations to be Issued for the TIF Projects.
Recommended By:	J. Sutton
Summary:	adoption of this resolution allows the city to be reimbursed for costs associated with the creation of a TIF District from proceeds of TIF bonds
Fiscal Impact:	ability to recoup expenses in the future
Recommendation:	adoption of this resolution to secure the 60 day lookback window for permissible reimbursement
Attachments:	1. R# 1586

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1586)

November 17, 2022

To Consider and Act upon a Proposed Reimbursement Resolution regarding the Reimbursement of Funds Spent in Anticipation of the Potential Approval of the TIF Application from Obligations to be Issued for the TIF Projects

WHEREAS, Treasury Regulations Section 1.150-2 (the “**Reimbursement Regulation**”) sets forth the rules for determining when proceeds of bonds or other obligations are deemed spent for purposes of applying Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended (the “**Code**”), including the arbitrage yield restrictions and rebate requirements under Code Section 148, if the proceeds are used to reimburse expenditures made prior to the date of issue of the bonds or other obligations; and

WHEREAS, the Reimbursement Regulation requires that a declaration of official intent to reimburse the expenditures (“**Declaration of Official Intent**”) be made not later than sixty (60) days after payment of the “original expenditure,” as such term is defined in the Reimbursement Regulation (the “**Original Expenditures**”), and that an allocation in writing evidencing use of proceeds of a reimbursement bond to reimburse an Original Expenditure be made within eighteen (18) months after the later of the date the Original Expenditure is paid or the date the project is placed in service or abandoned, but in no event later than three (3) years after the Original Expenditure is paid; and

WHEREAS, The City of Elkins, a municipal corporation and political subdivision of the State of West Virginia (the “**City**”), wishes to take such action as is necessary or permitted to comply with the Reimbursement Regulation; and

WHEREAS, the City hereby determines or has heretofore determined to undertake the planning, design, acquisition, construction and equipping of certain public improvements in the City within or benefitting a proposed property tax increment financing, which, if approved by the City, will be known as The City of Elkins Redevelopment District No. 1 (the “**TIF District**”) and will consist generally of some or all of the following: waterlines, waterworks facilities, sanitary sewer lines, sewerage facilities, stormwater facilities, telecommunications, cable, fiber optic, electric, natural gas and related public infrastructure improvements and relocations; construction of roads, sidewalks, street lighting, traffic signals and other roadway and streetscape improvements and related appurtenances including curbing and gutters; land acquisition; demolition, site preparation and excavation and other earthwork necessary for and incidental to the construction and installation of public infrastructure and other improvements (the “**TIF Projects**”);

WHEREAS, the City Council of the City reasonably expects that the City will reimburse itself for a portion of the cost of the TIF Projects from the proceeds of the sale of its Tax Increment Revenue and Refunding Bonds (the “**Bonds**”).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELKINS AS FOLLOWS:

Section 1. The City Council of the City reasonably expects that the City will reimburse itself for certain capital expenditures made not more than 60 days prior to the date of adoption of this resolution, in connection with the planning, design, acquisition, construction and equipping of the various items constituting the TIF Projects, to be undertaken or incurred prior to the execution and delivery of the Bonds, from the proceeds of such Bonds, which are reasonably expected to be executed and delivered within 18 months from the later of (i) the expenditure for payment of said costs or (ii) the placing of the TIF Projects in service.

Section 2. The Bonds are planned to be issued for the purposes of paying costs of the design, acquisition, construction and equipping of the TIF Projects, funding a reserve fund for the Bonds if funded from bond proceeds, and paying costs of issuance of the Bonds.

Section 3. This Resolution is intended to constitute a “declaration of official intent” pursuant to the Reimbursement Regulation.

Section 4. The source of payment for such capital expenditures will be the City’s General Fund and upon issuance of the Bonds, proceeds thereof not to exceed the amount of such capital expenditures will be applied to reimbursement of such funds and accounts.

Section 5. The maximum principal amount of Bonds which are expected to be issued for the TIF Projects (including costs of issuance of the Bonds and related costs) is \$10,000,000.

Section 6. The City shall make all reimbursement allocations and shall provide written evidence of such allocations. The Mayor and City Clerk of the City are hereby authorized, empowered and directed to take any additional action necessary to comply with the requirements of the Reimbursement Regulation so that Bond proceeds used to reimburse expenditures which are the subject of this Declaration of Official Intent will be deemed spent, including making an allocation in writing evidencing the use of proceeds of the Bonds to reimburse an Original Expenditure within eighteen (18) months after the later of the date the Original Expenditure is paid or the date the Project is placed in service or abandoned, but in no event later than three (3) years after the Original Expenditure is paid.

Section 7. This Resolution shall become effective upon the date of its adoption.

Adopted this 17th day of November, 2022.

Jerry A. Marco, Mayor

CERTIFICATION

The undersigned, being the duly qualified and appointed City Clerk of The City of Elkins, does hereby certify that the foregoing Resolution was duly adopted by the City Council of The City of Elkins at a regular meeting duly held, pursuant to proper notice thereof, on November 17, 2022, a quorum being present and acting throughout, and which Resolution has not been modified, amended or revoked and is a true, correct and complete copy thereof as of this November 17, 2022.

By: _____
City Clerk



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	November 17, 2022
Section:	New business
Category:	Resolution
Agenda Item Name:	<i>Resolution 1587: Accepting Conditions of Agreement with Spilman Thomas & Battle for the Development, Approval, and Creation of a New Tax Increment Financing District, and Authorizing Execution of Agreement</i>
Recommended By:	J. Sutton
Summary:	Mr. Jarrell has been working with Robbie Morris, Dave Clark, Joe Nassif of Piper Sandler and I in determining the possibility and process of developing a TIF District in Elkins. I believe Mr. Jarrell has the necessary expertise and experience to guide the City as they make these decisions and take future action as has been proposed.
Fiscal Impact:	see proposed agreement. This has not been budgeted for, but I believe is available in either City Hall contracted services or other funds that could be transferred to the same.
Recommendation:	Approval of the letter of engagement as presented.
Attachments:	1. R #1587

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1587)

November 17, 2022

***Accepting Conditions of Agreement with Spilman Thomas & Battle
for the Development, Approval, and Creation of a New Tax Increment Financing District,
and Authorizing Execution of Agreement***

WHEREAS, The City of Elkins, West Virginia ("City") has determined to pursue the creation of a new Tax Increment Financing District ("TIF District") in the City of Elkins; and,

WHEREAS, the City requires legal services specific to this project; and,

WHEREAS, Mr. Joshua Jarrell with the law firm of Spilman Thomas & Battle has been working with the City, Woodlands Development Group and the Randolph County Development Authority to prepare necessary related documents in the proposed development of the TIF District; and,

WHEREAS, Mr. Jarrell has submitted a proposed Engagement Letter between his firm, Spilman Thomas & Battle, and the City of Elkins, for legal services related to the Establishment of a TIF District (copy attached); and,

WHEREAS, it appears that entering into this Agreement is in the best interests of the citizens of the City of Elkins;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby accepts the terms and authorizes execution by the Mayor of the attached Engagement Letter between Joshua Jarrell, of the firm Spilman Thomas & Battle, and the City of Elkins for legal services related to the Establishment of a TIF District; and,

FURTHER, that payment made be made for services rendered within sixty (60) days prior to the adoption of this resolution.

Jerry A. Marco, Mayor

Attest:

Jessica R. Sutton, City Clerk

November 10, 2022

City of Elkins
401 Davis Ave.
Elkins, WV 26241
Attn: Jessica Sutton, City Clerk

Re: Engagement Letter
Establishment of Tax Increment Financing District

Dear Ms. Sutton:

It is our pleasure to present the City of Elkins, West Virginia (the "City of Elkins") with this proposal for Spilman Thomas & Battle, PLLC to serve as legal counsel ("Counsel") for the development, approval, and creation of a new tax increment financing district (the "TIF District") and the potential issuance of bonds by the City of Elkins to finance certain public infrastructure and improvements to support the TIF District (the "Project"). This letter outlines our proposed engagement to serve as Counsel to the City.

Scope of Services

As Counsel to the City, we would examine applicable laws; prepare authorizing and operative documents for adoption by the City of Elkins, including the tax increment financing application, public notices, resolutions, and ordinances; consult with the parties to the transaction during the application approval process and, if necessary, prior to the issuance of bonds; review certified proceedings; and undertake such additional duties as we deem necessary with respect to the Project. If bonds payable from tax increment generated in the TIF District are issued ("TIF Bonds"), we would serve as Counsel to the City in connection with such issuance.

Fee Arrangement

We propose to bill the City monthly based at discounted hourly rates. I will undertake primary responsibility for the representation associated with the Project. My discounted hourly rate is \$275. Support from other attorneys or non-attorney professionals in our firm will be at rates commensurate with the level of service required, discounted at 20%, and will be focused upon delivering services in the most efficient, cost-effective manner. Notwithstanding the foregoing, our fees related to the creation of the TIF District and the work necessary to establish the TIF District will not exceed \$10,000, and our fees in connection with the issuance of TIF Bonds would be subject to negotiation.

after the adoption of the ordinance establishing the TIF District. Such fees may vary: (i) if material changes in the structure of the financing occur, (ii) if unexpected or non-routine issues would arise during the course of the issuance of the TIF Bonds which required additional legal services, or (iii) if unusual or unforeseen circumstances arise which require a significant increase in our time or responsibility. If, at any time, we believe that circumstances require an adjustment of our original fee estimate, such adjustment will be subject to your approval. Subject to the approval of the City, if TIF Bonds are issued, amounts expended by the City in connection with the creation of the TIF District and the issuance of the TIF Bonds may be funded or reimbursed from proceeds of the TIF Bonds.

We require that you pay the cost of publication of legal notices, if any; filing fees, if any; express mail, if any; and a mileage per diem at the current rate authorized by the Internal Revenue Service. Individual expenses which we incur in this matter in the amount of \$500 or more each will be sent to you for direct payment to the vendor unless we make previous arrangements for their payment.

Our representation will be subject to the provisions of the Rules of Professional Conduct and all applicable laws.

If you deem the terms of the engagement acceptable as elaborated hereinabove, please execute this letter below and email a scanned copy of the executed document to my attention at jjarrell@spilmanlaw.com.

Should you have questions or comments regarding any of these terms, please do not hesitate to contact me. We look forward to working with you.

Very truly yours,



Joshua L. Jarrell

JLJ/klb

ACCEPTED BY:

CITY OF ELKINS, WEST VIRGINIA

BY: _____

ITS: _____