City of Elkins
Regular Council Meeting

December 1, 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. Approved minutes of committee, board and commission meetings
   b. *Resolution 1592:* Appointing an Operations Manager and Establishing Amount of Annual Compensation
   c. *Resolution 1593:* Announcing Council Vacancy and Opening Period of Application for Unexpired Term
4. **Public comment**
5. **Minutes**
   a. Minutes proposed for the regular council meeting of November 17, 2022
6. **Correspondence and Notifications**
   a. Building Permits
   b. Approved minutes of committee, board and commission meetings
7. **Presentation**
   a. Region VII Planning and Development Council - Executive Director Shane Whitehair
8. **Committee Reports**
9. **Staff reports**
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 for the period of November 14 - 25, 2022

11. **New business**
   a. *Ordinance 309:* An Ordinance of the Common Council of the City of Elkins, West Virginia, Renewing Franchise Agreement with Cequel III Communications, LLC DBA Optimum (1st of two readings)

b. *Resolution 1588:* Authorizing the Disposition of Municipal Owned Property to a Non-Profit Organization

c. *Resolution 1589*: Appointing a City Clerk and Establishing the Amount of Annual Compensation

d. *Resolution 1590:* Creation of Human Resources Generalist Position within the Office of the City Clerk including Amendments to the City of Elkins Organizational Chart, and Assignment to the Compensation and Classification Plan

e. *Resolution 1591*: Approving Transfer of Funds from the Financial Stabilization Account

f. *Resolution 1592:* Appointing an Operations Manager and Establishing Amount of Annual Compensation

g. *Resolution 1593:* Announcing Council Vacancy and Opening Period of Application for Unexpired Term

12. Mayor's comments

13. Adjournment

ELKINS COMMON COUNCIL
REGULAR COUNCIL MEETING
MINUTES

401 Davis Avenue
Council Chamber, 2nd Floor
November 17, 2022
7:00 p.m.

Elkins Common Council met in regular session in the council chamber of city hall. Present were Mayor Jerry A. Marco; Councilpersons N.E. Bross-Fregonara, R.C. Chenoweth, M. D. Cuonzo, C.J. Higgins, G.M. Hinchman, C.C. Lowther, 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 City Clerk J.R. Sutton (acting as recording secretary).

Councilperson J.A. Guye was absent.

MINUTES

Cm. Chenoweth, **MOVED APPROVAL OF THE MINUTES OF THE NOVEMBER 3, 2022 MEETING.** The motion carried.

CORRESPONDENCE AND NOTIFICATIONS

Council received the following correspondence and notifications:

- Issued building permits

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

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

PRESENTATION

Graham Godwin, Executive Director of the Randolph County Housing Authority since January 2022 reported on the activities of the organization for the year to date and future projects. The RCHA has several focus areas including Section 8 housing, workforce development, property management, YouthBuild, Highland Community Builders, development projects and supportive services. Mr. Godwin provided a brief overview of each and was also pleased to report on the housing study embarked upon by the RCHA, Woodlands Development Group and the Home Ownership Center in collaboration with WVU and Virginia Tech, is nearly finalized. Mr. Godwin thanked council for their support and invited them to any future open houses including one planned in January for Riverview Place apartments.

COMMITTEE REPORTS provided by all committee chairs present.

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

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 October 31 – November 11, 2022

NEW BUSINESS

Cw. Cuonzo, **MOVED APPROVAL OF RESOLUTION 1579: ACCEPTING CONDITIONS OF CONTRACT BETWEEN DELMONTE MARKET DBA AS TAMMY'S FLORAL AND THE CITY OF ELKINS, AND AUTHORIZING EXECUTION OF CONTRACT.** The motion carried.

Cm. Lowther**, MOVED APPROVAL OF RESOLUTION 1580: APPROVING AGREEMENT WITH TERRA FLORA LANDSCAPING FOR GROUND MAINTENANCE OF THE CITY HALL PARKING LOT.** The motion carried.

Cm. Hinchman**, MOVED APPROVAL OF RESOLUTION 1581: APPROVING THE PROMOTION OF AND ESTABLISHING A NEW COMPENSATION LEVEL FOR MEMBERS OF THE ELKINS FIRE DEPARTMENT.** The motion carried.

Cm. Lowther**, MOVED APPROVAL OF RESOLUTION 1582: APPROVING MODIFIED RANK STRUCTURE AND COMPENSATION LEVELS WITHIN THE ELKINS FIRE DEPARTMENT.** The motion carried.

Cm. Parker**, MOVED APPROVAL OF RESOLUTION 1583: APPROVING REAPPOINTMENTS TO THE ELKINS TREE BOARD.** Cw. N. Bross-Fregonara recused herself from voting as she was one of the members under consideration for reappointment. The motion carried.

Cw. Bross-Fregonara**, MOVED APPROVAL OF RESOLUTION 1584: APPROVING REAPPOINTMENTS TO THE ELKINS PLANNING COMMISSION.** The motion carried.

Cw. Bross-Fregonara**, MOVED APPROVAL OF 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 "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.** The motion carried.

Cw. Bross-Fregonara**, MOVED APPROVAL OF 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.** The motion carried.

Cm. Parker**, MOVED APPROVAL OF 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.** The motion carried.

MAYOR'S COMMENTS were provided.

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

The meeting adjourned at 8:17 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: **December 1, 2022**

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

ISSUED BUILDING PERMITS				
Permit	**Applicant**	**Location**	**Description**	**Value**
220281	Hutton, Cody	608 Capitol St	200 Amp Electrical Upgrade	1,200.00
220282	Woodford Oil Co.	1214 S Davis Ave (T-Mart)	Demilition	10,000.00
220283	Pniewski, Leslie	109 Findley St	Electric Service Up-Grade	1,000.00
220284	Seneca Mall	222 Davis Ave	HVAC	11,200.00

FINANCE COMMITTEE
PUBLIC HEARING
MINUTES

401 Davis Avenue
City Hall, Council Chambers
November 7, 2022
10:00 a.m.

Present were Committee Members: M. Hinchman, C. Lowther and R. Chenoweth

Also present were: City Attorney G. Roberts; R. Rodecker of Kay, Casto and Cheney (representing the City of Elkins); J. Ward of Frost, Brown, Todd (representing Altice d/b/a Optimum); City Clerk J. Sutton; Interim Operations Manager M. Himes, Police Cpt. R. Belt; Fire Chief S. Himes; Treasurer T. Judy; and External Affairs Specialist S. Stokes

a) *Renewal of the Cable Franchise Agreement with Cequel III Communications II, LLC, doing business as Optimum, formerly known as Suddenlink*

The chair called the hearing to order. However, the hearing could not proceed due to the absence of the court clerk.

Cm. Chenoweth, **MOVED APPROVAL TO RECESS UNTIL THE COURT REPORTER ARRIVED, WHICH IS EXPECTED AROUND 12:00 P.M.** The motion carried.

The chair reconvened the hearing at 12:29 p.m. Present were Committee Members: M. Hinchman and R. Chenoweth. C. Lowther was absent. Also present were: City Attorney G. Roberts; R. Rodecker of Kay, Casto and Cheney (representing the City of Elkins); J. Ward of Frost, Brown, Todd (representing Altice d/b/a Optimum); City Clerk J. Sutton; Treasurer T. Judy and court reported M. Winters.

Comments were entered by R. Rodecker on behalf of the City of Elkins.
Comments were entered by J. Ward on behalf of Altice d/b/a Optimum.
Comments were entered by Pat Varchetto, resident of Sylvester Drive, Elkins, WV.
R. Rodecker then questioned J. Ward regarding comments made by the public and the conditions of the franchise agreement. Items or information not available at this time will be provided by Mr. Ward to Mr. Rodecker within two weeks.

The hearing closed at 1:06 p.m.

FINANCE COMMITTEE
REGULAR MEETING
MINUTES

401 Davis Avenue
City Hall, Council Chambers
November 7, 2022
Immediately following the public hearing recess (appx. 10:06 a.m.)

Present were Committee Members: M. Hinchman, C. Lowther and R. Chenoweth

Also present were: City Attorney G. Roberts; R. Rodecker of Kay, Casto and Cheney (representing the City of Elkins); J. Ward of Frost, Brown, Todd (representing Altice d/b/a Optimum); City Clerk J. Sutton; Interim Operations Manager M. Himes, Police Cpt. R. Belt; Fire Chief S. Himes; Treasurer T. Judy; and External Affairs Specialist S. Stokes

PUBLIC COMMENT

David Parker, Fifth Ward Councilor and resident of 108 Henry Avenue, urged the committee to fund the clean up of the site at 5 River Street. The delay is jamming up our partner from continuing with construction of a single family home that will have an immediate positive impact in that area. The two contractors involved in the demolition and asbestos abatement did not complete the project and have refused any further action without additional compensation. Mr. Parker suggests using remaining monies in the demolition fund supplemented by the financial stabilization fund as needed.
Mr. Parker also urged the committee to be conservative in their future decision. The City was blessed with ARPA funds which has given us latitude, but this will not continue. We should expect expenses to rise due to inflation and we need to live within our normal revenue flows.

MINUTES

Cm. Lowther, **MOVED APPROVAL OF THE MINUTES OF THE SEPTEMBER 12, 2022, MEETING.** The motion carried.

NEW BUSINESS

Cm. Chenoweth, **MOVED TO TABLE THE RENEWAL OF CABLE FRANCHISE AGREEMENT WITH OPTIMUM UNTIL AFTER THE PUBLIC HEARING.** The motion carried.

City Clerk J. Sutton presented information regarding the assignment of compensation for a new human resources position, which was recommended to this committee from the Personnel Committee. M. Hinchman is not in favor of this new position given concerns about inflation. J. Sutton reminded the committee that the city's contract with AlignHR ended on October 31, 2022 with the understanding that the city would pursue an internal position. As of now, the city has no human resources support in place.

Cm. Chenoweth, **MOVED APPROVAL TO POSTPONE THE ASSIGNMENT OF COMPENSATION FOR A NEW HUMAN RESOURCES POSITION UNTIL THE NEXT MEETING.** The motion carried.

Cm. Hinchman, **MOVED TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING CITY CLERK COMPENSATION.** The motion carried. The committee entered into executive session at 10:32 a.m. and returned at 11:05 a.m. The chair announced that no action was taken.

Cm. Chenoweth, **MOVED APPROVAL OF A RECOMMENDATION TO COUNCIL FOR THE REAPPOINTMENT OF J. SUTTON AS CITY CLERK EFFECTIVE JANUARY 1, 2023 AT AN ANNUAL SALARY OF $57,000.** The motion carried.

Cm. Lowther, **MOVED APPROVAL OF A RECOMMENDATION TO COUNCIL FOR RENEWAL OF THE CONTRACT WITH TERRA FLORA LANDSCAPING, INC FOR MAINTENANCE OF THE CITY HALL PARKING LOT LANDSCAPING.** The motion carried.

The committee discussed a request from the Street Department to purchase a truck. The vehicle is needed to replace an older truck that was auctioned off. The Street Department supervisor was under the impression that money from the sale of the auctioned vehicle would be applied towards the purchase of a new truck and therefore did not budget in FY23 for this purchase. Further questions were raised about the suitability of the vehicle and the need for additional equipment (i.e. a plow and plow mount).

Cm. Chenoweth, **MOVED APPROVAL TO POSTPONE ACTION ON THE EQUIPMENT PURCHASE UNTIL THE NEXT MEETING.** The motion carried.

Cm. Chenoweth, **MOVED TO ENTER INTO EXECUTIVE SESSION UNDER ATTORNEY CLIENT PRIVILEGE FOR THE PURPOSE OF DISCUSSING THE 5 RIVER STREET PROPERTY.** The motion carried. The committee entered into executive session at 11:22 a.m. and returned at 11:59 a.m. The chair announced that no action was taken.

Cm. Chenoweth, **MOVED APPROVAL OF A RECOMMENDATION TO COUNCIL TO EXPEND NO FURTHER FUNDS FOR REMEDIATION AT 5 RIVER STREET AND TO TERMINATE THE MOU BETWEEN THE CITY AND WOODLANDS DEVELOPMENT AND LENDING THEREBY RELEASING THE OBLIGATION TO SPLIT ANY PROCEEDS RECEIVED FROM THE FUTURE SALE OF THIS PROPERTY.** The motion carried.

Cm. Hinchman, **MOVED RECESS UNTIL AFTER THE PUBLIC HEARING CONCLUDES.** The motion carried. The meeting recessed at 12:06 p.m.

The chair reconvened the meeting at 1:07 p.m.

Cm. Hinchman, **MOVED TO PICK UP FROM THE TABLE THE RENEWAL OF CABLE FRANCHISE AGREEMENT WITH OPTIMUM UNTIL AFTER THE PUBLIC HEARING.** The motion carried.

R. Rodecker, attorney representing the city in the cable franchise agreement with Optimum recommended the committee not take any action until after the information requested from J. Ward, representative of Altice d/b/a/ Optimum, is provided.

Cm. Chenoweth, **MOVED TO POSTPONE THE RENEWAL OF CABLE FRANCHISE AGREEMENT WITH OPTIMUM UNTIL AFTER THE PUBLIC HEARING UNTIL AFTER NOVEMBER 21, 2022.** The motion carried.

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

The meeting adjourned at 1:09 p.m.

The foregoing minutes were approved at the meeting of Nov. 28, 2022

Michael Hinchman, Chair
Name & Title

Signature

MUNICIPAL PROPERTIES COMMITTEE
REGULAR MEETING
MINUTES

401 Davis Avenue
City Hall, Council Chambers
October 19, 2022
9:00 a.m.

Present were Committee Members: M. Cuonzo, chair, M. Hinchman, and J. Guye

Also present were: Mayor J. Marco; Interim Operations Manager M. Himes; City Clerk J. Sutton; Treasurer T. Judy; Police Chief T. Bennett; Fire Chief S. Himes; and City Attorney G. Roberts

PUBLIC COMMENT

Cw. Nanci Bross-Fregonara, resident of 210 Boundary Ave., expressed interest in having cigarette receptacles attached to the trash cans. She spoke with Elkins Main Street in the past, but no action has been taken. Keystone, the maker of the trash cans, can provide the cigarette receptacle that attach either to the top or side of each can. DEP has grant opportunities that the city could access for 50% match. This could also be a part of a larger campaigns as has been done in other cities to encourage using the bins. 2020 estimates of the side mounted receptacles were $208 each. Currently the sidewalks and tree boxes are full of cigarette butts, and she would like to see something done.

MINUTES

Cw. Guye, **MOVED APPROVAL OF THE MINUTES OF THE SEPTEMBER 21, 2022, PUBLIC HEARING.** The motion carried.

Cw. Guye, **MOVED APPROVAL OF THE MINUTES OF THE SEPTEMBER 27, 2022, MEETING.** The motion carried.

REPORTS

Kump Education Center – Dr. Heather Biola, director, presented the KEC quarterly report to the committee. Dr. Biola advised that they continue to work towards full handicap accessibility. The KEC also continues to request help from the city in contacting and working with the DOH on improving vehicular access to the building. Operations Manger M. Himes will reach out to J. Monk for assistance. Dr. Biola expressed gratitude to the street department and the EPD for their recent and continued assistance.

Elkins Main Street did not appear or submit a report.

Operations Manager Interim M. Himes reported that the flower contract bid has been advertised. Mrs. Himes has been working with DOH traffic engineer J. Monk on several issues including Sycamore Street parking which will be presented to council this week. M. Himes and J. Sutton are meeting with GAI Consultants for a site visit as part of the Streetscape Design. Mrs. Himes reported that the designs for the fire alarm system, bathroom upgrades and lighting upgrade will be provided by Dec. 1. Also that the cost of the masonry work has tripled and Architect BVN recommends waiting until spring to pursue this. The elevator part is on backorder. M. Himes reports that because of the age of the elevator, it is becoming more difficult to get parts. The city will need to consider replacement in the future. Internet at the Darden House has been wired. Optimum will install the router and hook up the current tenants next week.

UNFINISHED BUSINESS

The committee and administrators engaged in a lengthy discussion about the sanitation garage. Ms. Roberts reports that she has had no further contact with Mr. Jackson regarding the needed repairs at the current rented location. The city purchased a piece of property on Baxter Street in 2017/2018 and engaged Architect BVN to produce drawings for the purpose of building a new garage, but never took any further action. M. Hinchman has also been investigating other potential locations. Treasurer T. Judy reminded the committee that a line of credit was taken out to purchase the land and interest is being paid from the sanitation fund. She also reports that the fund is in excellent condition and a new building would not necessitate increased customer rates.

Cw. Cuonzo, **MOVED APPROVAL OF TO MOVE FORWARD ON THE CONSTRUCTION OF A NEW SANITATION GARAGE AS WAS PREVIOUSLY APPROVED BY COUNCIL.** The motion carried. Interim Operations Manager M. Himes will work with BVN and the current sanitation supervisor to review the drawings and make any necessary updates for the project to be put out to bid.

G. Roberts presented a draft user agreement for the Darden House and Garden. The committee reviewed and briefly discussed. They would like to bring this back to the next meeting for consideration at the same time as the new leases are being discussed.

NEW BUSINESS

Cw. Bross-Fregonara and Vest requested the committee discuss tree grates that are not seated correctly and are creating a hazard. This is the result of uneven concrete sidewalks and not including a form during installation. Until the sidewalks are completely redone, the only mitigation is for the street department to try and address the current hazards. The Tree Board has one more year of tree and grate installation. However, depending on the condition on these locations, if the grates cannot be properly installed, they will use mulch until further improvements can be made.

Cw. Bross-Fregonara requested the committee consider purchase and installation of ash bins/cigarette receptacles on the existing trash cans. The committee is in favor of this idea, but believes that it must be accompanied by a public campaign and downtown property and business owner participation. The Operations Department will collect more information and look into a possible DEP litter control grant for funding.

ANNOUNCEMENTS

G. Roberts has not received the additional information requested from Gambill Amusements regarding their request to install a light pole. She will bring this back to the committee once she has a response.
M. Himes – a Randolph County Fair representative contacted the city about purchasing a float which we own and store at the MSFF garage. The city hasn't used the float in years. Ms. Himes will collect more information and take the request directly to council.

T. Judy will bring information on the Darden House utilities to the next committee meeting.

M. Cuonzo advised that two deer were killed in Fourth Ward last weekend. One by bow and arrow and the other by EPD officer after being hit with an arrow in the head. The deer had to be removed from the neighborhood. She would like the Rules and Ordinances committee to consider including this in their consideration of laws regarding animals.

Cw. Guye, **MOVED ADJOURNMENT.** The motion carried.

The meeting adjourned at 10:38 a.m.

The foregoing minutes were approved at the meeting of Nov. 16, 2022

Marilynn Cuonzo Choi
Name & Title

Signature

PERSONNEL COMMITTEE
REGULAR MEETING
MINUTES

401 Davis Avenue
City Hall, Council Chambers
October 13, 2022
12:00 p.m.

Present were Committee Members: R. Chenoweth, chair, and L. Vest

Also present were: Interim Operations Manager M. Himes; City Clerk J. Sutton; Police Chief T. Bennett; Fire Chief S. Himes; Treasurer T. Judy; City Attorney G. Roberts; Chief Water Operator W. Lambert; and AlignHR representative L. Hannigan

C. Lowther was absent

MINUTES

Cw. Vest, **MOVED APPROVAL OF THE MINUTES OF THE SEPTEMBER 19, 2022, MEETING.** The motion carried.

UNFINISHED BUSINESS

J. Sutton drafted a job description for a human resources position within the city. It was provided to administrative officers and AlignHR for review and input. Suggested changes were adopted and the updated draft was submitted to the committee for review. L. Hannigan advised he felt this was a good description. There was discussion regarding the best organizational fit for the position, specifically if it should be placed under an administrative officer or report directly to the mayor/council.

Cm. Chenoweth, **MOVED APPROVAL OF A RECOMMENDATION TO COUNCIL FOR THE CREATION OF AN HR GENERALIST POSITION UNDER THE CITY CLERK AND THAT THE FINANCE COMMITTEE CONSIDER COMPENSATION.** The motion carried.

Treasurer T. Judy reported that any changes in employee benefits would need to occur during the PEIA open enrollment period and be effective July 1. She also reports that the city offers many of the benefits proposed, including dental, vision, life, flexible spending accounts, and additional medical coverage. T. Judy will explore this more over the next months and request it be added to the agenda when more information is available.

T. Judy reports that PEIA premiums are expected to increase between 12 and 17 percent next fiscal year. The committee reviewed options offered by other municipalities. Ms. Judy will bring back some scenarios for the committee to consider at their next meeting.

Cw. Vest, **MOVED ADJOURNMENT.** The motion carried.

The meeting adjourned at 12:58 p.m.

The foregoing minutes were approved at the meeting of Nov. 10, 2022

Robert Chronneth, Chair
Name & Title

Robert C. Clark
Signature

PUBLIC SAFETY COMMITTEE
REGULAR MEETING
MINUTES

401 Davis Avenue
City Hall, Council Chambers
October 10, 2022
10:00 a.m.

Present were Committee Members: D. Parker, chair; L. Severino; and J. Guye

Also present were: Mayor J. Marco; Interim Operations Manager M. Himes; City Clerk J. Sutton; Firefighter A. Roth; Code Enforcement Officer P. Isner; Police Chief T. Bennett; Treasurer T. Judy; City Attorney G. Roberts; and External Affairs Specialist S. Stokes.

Fire Chief S. Himes was absent

MINUTES

Cw. Guye, **MOVED APPROVAL OF THE MINUTES OF THE SEPTEMBER 12, 2022, MEETING.** The motion carried.

REPORTS

Police – Chief Bennett reports that in the month of September the department responded to 615 calls resulting in 24 cases, 15 arrests and 37 citations. The EPD also conducted over 30 hours of DUI and speed control. The Chief expects the body worn cameras to arrive within the next 30 days. He anticipates the training period for the officers will be short. The Chief expressed his pride and gratitude for the EPD during the Forest Festival. They had a high volume of calls, a lot of overtime and crowds that forced adaptation of their routine practices but performed very well.

Fire – A. Roth reported for Chief Himes. In September the department responded to 58 incidents, only 4 of which were fires. Most of the rest were MVA's. They have handled 497 calls to date, which is an increase from 2021, but still lower than pre-pandemic numbers. The EFD logged 108 hours of OT during the Forest Festival. Finally, FF Roth reports that some of the equipment approved by ARPA funds has started to arrive.

Code Enforcement – P. Isner provided a report of activities for the period of 8/1/2022 to 10/10/2022. Mr. Isner and Ms. Roberts explained to the committee the requirements surrounding flood plain determinations and certificates.

Mayor's Task Force – Councilor Parker advised he has a meeting with representatives of the Elkins-Randolph County Health Department tomorrow to discuss the potential for them to assist the city with grant management. If they agree, the Task Force will bring a proposed MOU to council for consideration. The Task Force does not want to incorporate as a 501 organization for the purpose of grant applications/administration. Instead, they would like either the city or other

partners to take this role. The Task Force also continues to secure compensation for the peer recovery support specialists working under M. Jeffries.

NEW BUSINESS

The city received notice of approval for DEP RADPP funds up to $300,000 based on the list of twelve properties submitted at the time of application. The city has 12 months to request reimbursement of qualified expenses. City Attorney G. Roberts explained that there are still several questions from all the participating communities about certain expenses. She advises meeting with other city officials to develop a list of questions to present to the DEP. Councilor Parker asked that the list of properties as well as the state bid requirements be sent to the committee members. The city clerk also suggested that the Dilapidated Structures Dashboard be updated to reflect recent demolitions and the 12 currently on the list. P. Isner, will work with the Region VII GIS coordinator to accomplish this.

Cw. Guye, **MOVED ADJOURNMENT.** The motion carried.

The meeting adjourned at 10:57 a.m.

The foregoing minutes were approved at the meeting of Nov. 14, 2022

David C. Parker, Chair
Name & Title

Signature

RULES AND ORDINANCE COMMITTEE
REGULAR MEETING
MINUTES

401 Davis Avenue
City Hall, Council Chambers
October 12, 2022
9:00 a.m.

Present were Committee Members: N. Bross-Fregonara, M. Cuonzo, and C. Higgins

Also present were: Interim Operations Manager M. Himes; City Clerk J. Sutton; Police Chief T. Bennett; Fire Chief S. Himes; Treasurer T. Judy; City Attorney G. Roberts, External Affairs S. Stokes; Code Enforcement Officer P. Isner; and Mayor J. Marco

PUBLIC COMMENT

Sharon Bennett Campbell, resident of Fifth Ward, appeared to speak about animals. Ms. Campbell reported that city attorney G. Roberts mentioned the city has no one to contact about problems and residents are not going to be pleased about this. Ms. Campbell tried contacting code enforcement but was told that person was out of the office and had no back-up. If the county animal control officer cannot help this may be an opportunity for the city to hire someone. Ms. Campbell reports that she and other neighbors canvassed fifteen residences, and all agree there is a problem with loud dogs barking that needs to be addressed. This has been happening for around 6 months.

Dave Rao, resident of 211 4th Street, would like to submit a report from the State of West Virginia's Human Rights Commission regarding censures given to past mayor Virgil Broughton. Mr. Rao believes that this report vindicates Mr. Broughton and should be put into the record. Mr. Rao would also like to see the Florio Report and will submit a FOIA request to the clerk.

MINUTES

Cm. Higgins, **MOVED APPROVAL OF THE MINUTES OF THE SEPTEMBER 14, 2022, MEETING.** The motion carried.

UNFINISHED BUSINESS

City Attorney G. Roberts provided a draft to update the language in City Code Sec. 90.03 regarding nuisance animals. Chief Bennett is in favor of this ordinance and described how the EPD would handle any complaints received.

Cm. Higgins, **MOVED APPROVAL OF A RECOMMENDATION TO COUNCIL TO ADOPT THE DRAFT ORDINANCE TO UPDATE CITY CODE SECTION 90.03 AS PRESENTED.** The motion carried.

NEW BUSINESS

Chair N. Bross-Fregonara asked the committee to review the current city code related to animals, specifically section 90.03, and ordinances from other cities provided by City Attorney G. Roberts in preparation to discuss at the November meeting.

Cw. Cuonzo, **MOVED APPROVAL OF A RECOMMENDATION TO COUNCIL TO UPDATE CITY CODE SECTION 152: ZONING TO REMOVE ANY REFERENCE TO "EVENT, SPECIAL".** The motion carried.

ANNOUNCEMENTS

The next meeting will be held on November 9 at 9:00 and will be dedicated solely to updating City Code Sec. 90.

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

The meeting adjourned at 9:44 a.m.

The foregoing minutes were approved at the meeting of NOV. 9, 2022

Nanci Bross-Fregonara, Chair
Name & Title

Nanci Bross-Fregonara
Signature

FIRE CIVIL SERVICE COMMISSION
MEETING MINUTES

401 Davis Avenue
City Hall, council chambers
April 19, 2022
4:00 p.m.

Present were Members: J. Tribble, President; J. Wilson, V.P.; and J. Aliveto

Also present: Fire Chief S. Himes and City Clerk J. Sutton. The mayor was present but left the meeting prior to adjournment.

MINUTES

J. Wilson **MOVED APPROVAL OF THE MINUTES OF THE NOVEMBER 12, 2021 MEETING.** The motion carried.

NEW BUSINESS

J. Aliveto **MOVED APPROVAL OF THE 2022 ANNUAL REPORT AS PREPARED BY THE CITY CLERK.** The motion carried.

J. Aliveto **MOVED APPROVAL OF A RECOMMENDATION TO CITY COUNCIL FOR THE PROMOTION OF H. CORCORAN AND J. JUDY TO NON-PROBATIONARY FIREFIGHTER AND FOR ABSOLUTE APPOINTMENT TO THE ELKINS FIRE DEPARTMENT.** The motion carried.

The commission and staff engaged in a long discussion regarding rank and promotion. Chief Himes reported that the current rank structure was created over ten years ago when there were only three paid firefighters. The intention was and still is to have a ranked supervisor on every shift and to be sure they are ranked and compensated appropriately. That is not the case currently due to the fast growth of the paid department and limited amount of tenure. Several options were offered and discussed. Finally, the commission and chief agreed to meet in October 2022 with the intention of eliminating the rank of firefighter III and then offering promotional testing for lieutenant in November 2022. This will allow four of the current staff to reach two years tenure in the rank of firefighter II and be eligible to compete for the next higher grade (Lt). There was also discussion of how many lieutenant positions will be available to fill. The Chief suggested three. This will be determined at the commission meeting in October.

ANNOUNCEMENTS

The clerk will schedule the next meeting of the commission in October, unless business requires them to meet sooner.

Chief Himes reports that D. Sicca is studying for his EMT certification. Mr. Sicca was hired in September 2021, and so is on probation until September 2022, but is doing very well.

J. Aliveto **MOVED ADJOURNMENT.** The motion carried.

The meeting adjourned at 5:56 p.m.

The foregoing minutes were approved at the meeting of Nov. 4, 2022

Jane Tribble
Name & Title

Signature

AD-HOC SPECIAL HIRING COMMITTEE MEETING MINUTES

401 Davis Avenue
City Hall, Council Chambers
October 10, 2022
3:00 p.m.

Present were Committee Members: R. Chenoweth, C. Lowther, and L. Vest

Also present were: Mayor J. Marco; City Clerk J. Sutton; and City Attorney G. Roberts

MINUTES

Cm. Lowther, **MOVED APPROVAL OF THE MINUTES OF THE SEPTEMBER 12, 2022, MEETING.** The motion carried.

NEW BUSINESS

Cm. Lowther, **MOVED APPROVAL OF ENTERING INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PROSPECTIVE EMPLOYEES IN THE OPERATIONS MANAGER POSITION.** The motion carried. The committee entered executive session at 3:01 p.m. and returned at 3:37 p.m. The chair announced that no action was taken.

ANNOUNCEMENTS

The committee will meet again on November 2, 2022 at 3:00 p.m.

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

The meeting adjourned at 3:38 p.m.

The foregoing minutes were approved at the meeting of Nov. 2, 2022

Rob Chenoweth, chair
Name & Title

Signature

VENDOR SET: 01 Elkins
BANK: * ALL BANKS
DATE RANGE:11/14/2022 THRU 11/25/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00378	J F Allen Co.							
C-CHECK	J F Allen Co.	VOIDED	V 11/16/2022			012532		2,192.73CR
00591	Retiree Health Benefit Trust F							
C-CHECK	Retiree Health Benefit T	VOIDED	V 11/16/2022			012544		6,866.80CR

* * 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:	2	VOID DEBITS	0.00		
		VOID CREDITS	9,059.53CR	9,059.53CR	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: TOTALS:	2	9,059.53CR	0.00	0.00
BANK: TOTALS:	2	9,059.53CR	0.00	0.00

VENDOR SET: 01 Elkins
BANK: ARPA Amercia Rescue Plan Act
DATE RANGE:11/14/2022 THRU 11/25/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00665	State Electric Supply Company							
I-16302428-00	fittings, strapped, boxes, pvc	R	11/17/2022	1,152.29		000083		
I-16302428-01	Nema Cvr Box	R	11/17/2022	118.62		000083		1,270.91

* * T O T A L S * *	NO		INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1		1,270.91	0.00	1,270.91
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	1,270.91	0.00	1,270.91
BANK: ARPA TOTALS:	1	1,270.91	0.00	1,270.91

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE:11/14/2022 THRU 11/25/2022

VENDOR	I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00741		Great-West Trust Company LLC							
	I-VF 202211151352	Voya	D	11/15/2022	355.00		004118		
	I-VF2202211151352	Voya AT	D	11/15/2022	50.00		004118		405.00
00121		Citizens Bank of WVFP							
	I-FP 202211151353	Fire Pension	R	11/15/2022	185.08		012503		185.08
00150		COE Payroll							
	I-T1 202211151353	Federal Withholding	R	11/15/2022	632.67		012504		632.67
00151		COE Payroll							
	I-T3 202211151353	FICA	R	11/15/2022	267.04		012505		
	I-T4 202211151353	Medicare	R	11/15/2022	139.14		012505		406.18
00152		COE Payroll							
	I-T2 202211151353	State Withholding	R	11/15/2022	254.00		012506		254.00
00837		COE Payroll Reimbursement							
	I-001202211151353	Payroll Reimbursement	R	11/15/2022	1,532.85		012507		
	I-036202211151353	Payroll Reimbursement	R	11/15/2022	1,893.00		012507		3,425.85
00116		Child Support Enforcement							
	I-CDS202211151352	Child Support	R	11/15/2022	528.00		012508		528.00
00121		Citizens Bank of WVFP							
	I-FP 202211151352	Fire Pension	R	11/15/2022	572.72		012509		572.72
00122		Citizens Bank of WVPp							
	I-PP 202211151352	Police Pension	R	11/15/2022	177.87		012510		
	I-PPN202211151352	Police Pension-2010 Forward	R	11/15/2022	526.88		012510		704.75
00147		COE Misc							
	I-MIS202211151352	Misc Reimbursements	R	11/15/2022	506.64		012511		506.64
00150		COE Payroll							
	I-T1 202211151352	Federal Withholding	R	11/15/2022	14,279.38		012512		14,279.38
00151		COE Payroll							
	I-T3 202211151352	FICA	R	11/15/2022	13,864.88		012513		
	I-T4 202211151352	Medicare	R	11/15/2022	4,896.24		012513		18,761.12
00152		COE Payroll							
	I-T2 202211151352	State Withholding	R	11/15/2022	6,953.00		012514		6,953.00

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE:11/14/2022 THRU 11/25/2022

VENDOR	I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00203		Davis Trust Company							
	I-CC 202211151352	Employee Christmas Club	R	11/15/2022	2,540.00		012515		2,540.00
00747		Washington National Insurance							
	I-WN 202211151352	Washington National Insurance	R	11/15/2022	781.08		012516		781.08
00837		COE Payroll Reimbursement							
	I-001202211151352	Payroll Reimbursement	R	11/15/2022	55,627.22		012517		
	I-006202211151352	Payroll Reimbursement	R	11/15/2022	5,035.76		012517		
	I-036202211151352	Payroll Reimbursement	R	11/15/2022	18,115.91		012517		
	I-400202211151352	Payroll Reimbursement	R	11/15/2022	16,307.64		012517		
	I-401202211151352	Payroll Reimbursement	R	11/15/2022	13,817.18		012517		
	I-404202211151352	Payroll Reimbursement	R	11/15/2022	12,914.38		012517		121,818.09
01885		Colonial Life							
	I-CL 202211151352	Colionial Life-AT	R	11/15/2022	85.92		012518		
	I-CLP202211151352	Colonial Life-PT	R	11/15/2022	52.52		012518		138.44
00006		AFLAC							
	I-AF 202210311350	Aflac-After Tax Ins	R	11/16/2022	85.21		012519		
	I-AF 202211151352	Aflac-After Tax Ins	R	11/16/2022	85.21		012519		
	I-AFL202210311350	Aflac Insurance	R	11/16/2022	99.30		012519		
	I-AFL202211151352	Aflac Insurance	R	11/16/2022	99.30		012519		369.02
00023		Appalachian Forest Heritage Ar							
	I-2Q FY22-23 Cont	2Q FY22-23 Contribution	R	11/16/2022	1,500.00		012520		1,500.00
00047		Truist Governmental Finance							
	I-00005 112422	9948000234-05 112422	R	11/16/2022	2,596.05		012521		
	I-00006 112722	9948000234-06 #16 112722	R	11/16/2022	2,643.26		012521		
	I-0004 112722	9948000234-04 74/84 112722	R	11/16/2022	2,256.75		012521		7,496.06
00075		Encova Insurance							
	I-36416943	07/01/22-07/01/23 Installment	R	11/16/2022	5,981.00		012522		5,981.00
00182		Country Roads Transit							
	I-2Q FY22-23 Cont	2Q FY 22-23 Contribution	R	11/16/2022	3,500.00		012523		3,500.00
00202		Davis Trust Company							
	I-12755 112222	3113776-12755 112222	R	11/16/2022	4,256.84		012524		4,256.84
00239		Elkins Historic Landmark Commi							
	I-2Q FY22-23 Cont	2Q FY 22-23 Contribution	R	11/16/2022	1,000.00		012525		1,000.00

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE:11/14/2022 THRU 11/25/2022

VENDOR	I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00241		Elkins Main Street							
	I-2Q FY22-23 Cont	2Q FY 22-23 Contribution	R	11/16/2022	5,000.00		012526		5,000.00
00242		Elkins Professional Firefighte							
	I-EPF202210311350	Elkins Professional FF	R	11/16/2022	90.00		012527		
	I-EPF202211151352	Elkins Professional FF	R	11/16/2022	90.00		012527		180.00
00243		Elkins Randolph County Chamber							
	I-2Q FY22-23 Cont	2Q FY 22-23 Contribution	R	11/16/2022	1,500.00		012528		1,500.00
00250		Elkins-Randolph County Regiona							
	I-2Q FY22-23 Cont	2nd Qtr FY22-23 Contribution	R	11/16/2022	4,750.00		012529		4,750.00
00251		Elkins-Randolph County Public							
	I-2Q FY22-23 Cont	2Q FY 22-23 Contribution	R	11/16/2022	5,625.00		012530		5,625.00
00273		Fisher Auto Parts, Inc.							
	I-038-211247	Door Mirror - C Lansberry	R	11/16/2022	270.57		012531		270.57
00378		J F Allen Co.							
	I-22115-37710	3/4" & #57 stone	V	11/16/2022	2,192.73		012532		2,192.73
00378		J F Allen Co.							
	M-CHECK	J F Allen Co. VOIDED	V	11/16/2022			012532		2,192.73CR
00396		Kay Casto & Chaney PLLC							
	I-139659	22 Cable Fran Renewal 09/22	R	11/16/2022	1,838.00		012533		1,838.00
00407		Kump House Trust Endowment							
	I-2Q FY22-23 Cont	2Q FY 22-23 Contribution	R	11/16/2022	1,500.00		012534		1,500.00
00457		Metalworks, Inc.							
	I-11888	Manufactured hose reel	R	11/16/2022	1,844.00		012535		1,844.00
00471		Mon Power							
	I-CITYPK 111022	City Park 101122-110822	R	11/16/2022	10.29		012536		
	I-PARK 101122	Park 101122-110822	R	11/16/2022	5.92		012536		
	I-PARKST 111022	101122-110822 Park St	R	11/16/2022	10.67		012536		26.88
00483		Mountain Valley Bank							
	I-1202553-21 112822	1202553-21 11/28/22	R	11/16/2022	2,369.18		012537		2,369.18
00550		Precision Pump & Valve Service							
	I-0130967	Impeller for RAS Pump Clrf3	R	11/16/2022	6,074.00		012538		6,074.00

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE:11/14/2022 THRU 11/25/2022

VENDOR	I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00569		Randolph County Clerk							
	I-ODea/Dressler	Estate Claims	R	11/16/2022	10.00		012539		10.00
00570		Randolph County Commission							
	I-2Q FY22-23 Cont	2Q FY 22-23 Contribution	R	11/16/2022	1,750.00		012540		1,750.00
00573		Randolph County Development A							
	I-2Q FY22-23 Cont	2Q FY 22-23 Contribution	R	11/16/2022	3,375.00		012541		3,375.00
00578		Randolph Elkins Health Departm							
	I-2Q FY22-23 Cont	2Q FY 22-23 Contribution	R	11/16/2022	1,000.00		012542		1,000.00
00579		Randolph-Tucker Children's Adv							
	I-2Q FY22-23 Cont	2Q FY 22-23 Contribution	R	11/16/2022	750.00		012543		750.00
00591		Retiree Health Benefit Trust F							
	I-NOV 2022 RHBT	Retirees RHBT 11/2022	V	11/16/2022	2,176.80		012544		
	I-RHB202211151352	Retiree Health Benefit Trust	V	11/16/2022	4,690.00		012544		6,866.80
00591		Retiree Health Benefit Trust F							
	M-CHECK	Retiree Health Benefit TVOIDED	V	11/16/2022			012544		6,866.80CR
00688		Terra Flora Landscaping							
	I-5751	City Lot labor/disposal	R	11/16/2022	1,130.00		012545		1,130.00
00701		Toshiba Financial Services							
	I-486337611	ToshE4515AC 10/27-11/27/22	R	11/16/2022	209.59		012546		209.59
00786		WV Bureau for Public Health							
	I-JThompson CL C	J Thompson Cl C WW License	R	11/16/2022	100.00		012547		100.00
00792		WV Consolidated Retirement Boa							
	I-RTD202210311350	Retirement	R	11/16/2022	6,180.87		012548		
	I-RTD202211151352	Retirement	R	11/16/2022	6,585.23		012548		
	I-RTD202211151353	Retirement	R	11/16/2022	290.73		012548		13,056.83
00805		FBMC							
	I-MFB202210311350	Mt. Flex Benefit	R	11/16/2022	1,646.00		012549		
	I-MFB202211151352	Mt. Flex Benefit	R	11/16/2022	1,646.00		012549		3,292.00
00810		WV Public Employee Insurance A							
	I-BL 202211151352	Basic Life Benefit	R	11/16/2022	160.16		012550		
	I-BL1202211151352	Basic Life Benefit +	R	11/16/2022	1.14		012550		
	I-DL 202210311350	Dependent Life	R	11/16/2022	73.66		012550		
	I-DL 202211151352	Dependent Life	R	11/16/2022	73.66		012550		
	I-HPA202210311350	Ins-Health Plan A	R	11/16/2022	719.00		012550		
	I-HPA202211151352	Ins-Health Plan A	R	11/16/2022	719.00		012550		
	I-HPB202210311350	Ins-Health Plan B	R	11/16/2022	462.00		012550		

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE:11/14/2022 THRU 11/25/2022

VENDOR	I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
	I-HPB202211151352	Ins-Health Plan B	R	11/16/2022	462.00		012550		
	I-ICA202210311350	Ins - Emp/Child-Plan A	R	11/16/2022	917.00		012550		
	I-ICA202211151352	Ins - Emp/Child-Plan A	R	11/16/2022	917.00		012550		
	I-ICB202210311350	Ins- Emp/child - Plan B	R	11/16/2022	1,192.50		012550		
	I-ICB202211151352	Ins- Emp/child - Plan B	R	11/16/2022	1,192.50		012550		
	I-IFA202210311350	Ins - Family - Plan A	R	11/16/2022	11,319.00		012550		
	I-IFA202211151352	Ins - Family - Plan A	R	11/16/2022	11,319.00		012550		
	I-IFB202210311350	Ins - Family - Plan B	R	11/16/2022	6,058.00		012550		
	I-IFB202211151352	Ins - Family - Plan B	R	11/16/2022	6,058.00		012550		
	I-IFD202210311350	Ins-Fam-Plan B - Post Tax	R	11/16/2022	466.00		012550		
	I-IFD202211151352	Ins-Fam-Plan B - Post Tax	R	11/16/2022	466.00		012550		
	I-ISA202210311350	Ins - Single - Plan A	R	11/16/2022	3,768.00		012550		
	I-ISA202211151352	Ins - Single - Plan A	R	11/16/2022	3,768.00		012550		
	I-ISB202210311350	Ins-Single - Plan B	R	11/16/2022	2,080.00		012550		
	I-ISB202211151352	Ins-Single - Plan B	R	11/16/2022	1,664.00		012550		
	I-OL 202210311350	Optional Life	R	11/16/2022	306.75		012550		
	I-OL 202211151352	Optional Life	R	11/16/2022	306.75		012550		
	I-TOF202210311350	Tobacco Surcharge Family	R	11/16/2022	425.00		012550		
	I-TOF202211151352	Tobacco Surcharge Family	R	11/16/2022	425.00		012550		
	I-TOS202210311350	Tobacco Surcharge Single	R	11/16/2022	150.00		012550		
	I-TOS202211151352	Tobacco Surcharge Single	R	11/16/2022	125.00		012550		55,594.12
00812		WV Regional Jail and Correctio							
	I-10122ea86	24 days inmates housed TVRJ	R	11/16/2022	1,158.00		012551		1,158.00
00884		Colonial Court Service Station							
	I-573862	11R24.5 Roadmaster	R	11/16/2022	530.00		012552		530.00
00952		WV Consolidated Retirement Boa							
	I-RTF202210311350	Retirement	R	11/16/2022	2,279.74		012553		
	I-RTF202211151352	Retirement	R	11/16/2022	3,153.18		012553		
	I-RTN202210311350	Retirement	R	11/16/2022	3,453.92		012553		
	I-RTN202211151352	Retirement	R	11/16/2022	4,066.04		012553		12,952.88
00993		WV Consolidated Retirement Boa							
	I-RT6202210311350	Retirement 6%	R	11/16/2022	8,128.79		012554		
	I-RT6202210311351	Retirement 6%	R	11/16/2022	383.96		012554		
	I-RT6202211151352	Retirement 6%	R	11/16/2022	8,667.68		012554		17,180.43
01347		MedExpress							
	I-2371463C3908	Rapid 10 Panel	R	11/16/2022	52.00		012555		52.00
01449		Dodson Pest Control							
	I-23-173102-1042 22	Darden House Pest control	R	11/16/2022	60.00		012556		60.00

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE:11/14/2022 THRU 11/25/2022

VENDOR	I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01623		Randolph County Community Arts							
	I-2Q FY22-23 Cont	2Q FY 22-23 Contribution	R	11/16/2022	1,250.00		012557		1,250.00
01623		Randolph County Community Arts							
	I-Rental	Facility Rental SGA Workshop	R	11/16/2022	850.00		012558		850.00
01646		Mountain State ESC							
	I-ETC110922-2	Registration 11/9-11/10/22	R	11/16/2022	150.00		012559		150.00
01681		DataMax Corporation							
	I-10312022	BL Revenue 10/2022	R	11/16/2022	32,981.37		012560		32,981.37
01727		Enterprise FM Trust							
	I-FBN4606141	Fleet Lease 110322	R	11/16/2022	16,276.44		012561		16,276.44
01927		Simmons Painting							
	I-551833	Gerry Robert's office/hallway	R	11/16/2022	1,800.00		012562		1,800.00
01942		Elkins Municipal Building Comm							
	I-1214756-11 111522	1214756-11 111522 #15	R	11/16/2022	4,833.20		012563		4,833.20
02336		GAI Consultants							
	I-2181205	Services through 10/22/2022	R	11/16/2022	10,537.50		012564		10,537.50
02340		West Virginia State Tax Depart							
	I-GAR202210311350	Garnishment - DI# 614946	R	11/16/2022	61.00		012565		
	I-GAR202211151352	Garnishment - DI# 614946	R	11/16/2022	61.00		012565		122.00
02379		Terri Reed Cutright & Associat							
	I-110422	Strategic Planning Pmt 1	R	11/16/2022	1,000.00		012566		1,000.00
02265		Brian Jenkins							
	I-ETC Training 11/22	Per Diem - ETC Training 11/22	R	11/16/2022	147.50		012567		147.50
02331		William Mallow							
	I-ETC training 11/22	Travel - ETC Training	R	11/16/2022	356.25		012568		356.25
01753		Fifth Third Bank							
	C-CR-Fraud ADJ COE	CR Hallow Plus Fraud Adj 0822	R	11/18/2022	59.99CR		012569		
	I-MCard Fleet 103122	MasterCard Fleet Pmt 103122	R	11/18/2022	22,248.00		012569		22,188.01
01753		Fifth Third Bank							
	C-HDMedia 5/3Error	HDMedia-5/3 marked as fraud	R	11/21/2022	648.11CR		012570		
	C-ICMA CREDIT	ICMA CR - membership change	R	11/21/2022	108.80CR		012570		
	I-MCard Pmt 103122	MCard Stmt Pmt 103122	R	11/21/2022	125,288.61		012570		124,531.70

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE:11/14/2022 THRU 11/25/2022

VENDOR	I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00143		COE General Fund 2							
	I-NOV Indirects 2022	11/22 Indirects	R	11/22/2022	24,270.24		012571		24,270.24
00267		Fastenal Company							
	I-170456	Tools-Bandsaw-Blades	R	11/22/2022	1,579.43		012572		1,579.43
00378		J F Allen Co.							
	I-55331119	#57 stone	R	11/22/2022	485.32		012573		
	I-55331134	#57 stone	R	11/22/2022	484.35		012573		969.67
00465		Steve's Electrical Service LLC							
	I-202127	labor sensors, feed pumps	R	11/22/2022	1,210.00		012574		
	I-202128	labor, parts	R	11/22/2022	1,625.00		012574		2,835.00
00498		Naylor's Ace Hardware							
	I-179790	Tub of Towels	R	11/22/2022	14.97		012575		
	I-A56677	Tie Down Rtch org 14in 4pk	R	11/22/2022	51.98		012575		
	I-A57729-455694	File Kit/BarNuts/Spark Plug	R	11/22/2022	47.95		012575		114.90
00550		Precision Pump & Valve Service							
	I-0131408	Cornell M/N 4VH-CC pump	R	11/22/2022	5,476.00		012576		5,476.00
00591		Retiree Health Benefit Trust F							
	C-CR-Oct 2022	correct Oct 2022 RHBT	R	11/22/2022	5.10CR		012577		
	D-Correction	Correction on cr memos	R	11/22/2022	5.10		012577		
	I-RCHEN 11/2022	R Chenoweth Nov 2022	R	11/22/2022	70.00		012577		
	I-RHBT 11/2022	RHBT 11/2022	R	11/22/2022	2,171.70		012577		2,241.70
00644		Smith Backhoe & Dozer Service,							
	I-103875	10/7 SA Dump Truck	R	11/22/2022	75.00		012578		
	I-104214	5/4/22 Dump tk move dozer	R	11/22/2022	225.00		012578		300.00
00805		FBMC							
	I-RCHEN Nov 2022	R Chenoweth Nov 2022	R	11/22/2022	52.54		012579		52.54
00810		WV Public Employee Insurance A							
	I-ADMN Kohl Bell	Admin Fees-Kohl and Bell	R	11/22/2022	100.00		012580		
	I-RCHEN Nov 2022	R Chenoweth Nov 2022	R	11/22/2022	1,079.76		012580		1,179.76
00900		National Road Utility Supply,							
	I-334061	6-tees	R	11/22/2022	987.72		012581		
	I-334062	5-setters	R	11/22/2022	1,217.95		012581		
	I-334114	couplings, nipples, rep clamp	R	11/22/2022	1,529.81		012581		
	I-334140	Meter Cplg	R	11/22/2022	340.40		012581		
	I-334176	5Gal Pump w/battery-charger	R	11/22/2022	331.52		012581		4,407.40

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE:11/14/2022 THRU 11/25/2022

VENDOR	I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01125		Ferguson Ent dba Pollardwater							
	I-0224263	Rain pants/jackets/swtshirts	R	11/22/2022	890.89		012582		890.89
01697		C-Com LLC							
	I-654158	091922-092322 labor	R	11/22/2022	3,000.00		012583		
	I-654159	092622-092922 labor	R	11/22/2022	1,500.00		012583		
	I-654160	5 hr Maint/Repair RawWtr Circt	R	11/22/2022	375.00		012583		4,875.00
02220		Long Branch Equipment LLC							
	I-L8214	SY80 Excavator repairs	R	11/22/2022	380.00		012584		380.00

* * T O T A L S * *	NO		INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	80		615,424.43	0.00	606,364.90
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:	2	VOID DEBITS	0.00		
		VOID CREDITS	9,059.53CR	9,059.53CR	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: Pool TOTALS:	83	606,769.90	0.00	606,769.90
BANK: Pool TOTALS:	83	606,769.90	0.00	606,769.90
REPORT TOTALS:	84	608,040.81	0.00	608,040.81

SELECTION CRITERIA

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

CHECK SELECTION

CHECK RANGE: 000000 THRU 999999
DATE RANGE: 11/14/2022 THRU 11/25/2022
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:	December 1, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	*Ordinance 309:* An Ordinance of the Common Council of the City of Elkins, West Virginia, Renewing Franchise Agreement with Cequel III Communications, LLC DBA Optimum (1st of two readings)
Recommended By:	Finance Committee with stipulations
Summary:	The Finance Committee and City Attorney have worked with Attorney Bob Rodecker on verifying compliance by Cequel III Communications LLc dba Optimum with the PSC orders and W.Va. Code governing cable franchise agreements. Mr. Rodecker has recommended council consideration with the stipulation that certain final documents are produced by Optimum prior to the second and final reading of the ordinance.
Fiscal Impact:	franshice payments have continued under the old agreement and are negotiated as part of the new agreement.
Recommendation:	Approval of the ordinance on first reading.
Attachments:	1. O-309

ORDINANCE 309

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA, RENEWING FRANCHISE AGREEMENT WITH CEQUEL III COMMUNICATIONS II, LLC DBA OPTIMUM

WHEREAS, the City of Elkins ("City") entered into a cable franchise agreement with Triax Cablevision USA, LP. ("Triax Agreement"), pursuant to an Ordinance adopted by the City on November 15, 1995. The Triax Agreement was for a term of 15 years commencing on November 16, 1995, and terminating on November 15, 2010, at midnight; and

WHEREAS, by Consent Resolution ("Alliance Consent") adopted by the City on April 2, 2003, the transfer and control of Triax Cablevision USA, L.P. to Alliance Communications, LLC ("Alliance") was approved permitting Alliance to become the owner of the franchise covered by the Triax Agreement; and

WHEREAS, on August 21, 2003, the Mayor of Elkins executed a "Consent or Approval To Transfer CATV Franchise" ("Suddenlink Consent") which purported to transfer the cable system owned and operated in the City by Alliance Communications Partners, L.P. and the franchise and Triax Agreement to Cequel III Communications II, LLC dba Suddenlink Communications ("Suddenlink"); and

WHEREAS, the Suddenlink Consent references the filing with the City of FCC Form 394, a form required to be filed prior to the transfer of a Cable TV franchise, by Alliance Communications Partners, L.P. and Suddenlink on or about July 30, 2003; and

WHEREAS, Suddenlink operated the City cable system under the terms of the Triax Agreement since the 2003 closing on the transfer of the system until October 9, 2015 when Suddenlink and the City entered into a Franchise Agreement which expired on October 8, 2022; and

WHEREAS, Suddenlink continued to operate the franchise under the terms and conditions of the 2015 Agreement until August 19, 2022; and

WHEREAS, on August 19, 2022, Cequel III Communications II, LLC, changed its trade name to OPTIMUM, and

WHEREAS, OPTIMUM has continued to operate the franchise under the same terms and conditions as set forth in the 2015 Agreement since August 19, 2022; and

WHEREAS, the City has followed all required procedures to consider and act upon the Franchise Renewal Application, and considered the comments of all interested parties at an administrative hearing held on November 7, 2022, as well as a hearing on this ordinance on December 15, 2022 (collectively, the "Public Hearings"); and

WHEREAS, it is in the public interest to maintain continuous Cable Television service within the City; and

WHEREAS, the Public Hearings did not produce substantial public opposition to the renewal of the Franchise Agreement; and

WHEREAS, the City believes it is in the interest of the community to approve the Franchise Agreement.

NOW THEREFORE BE IT ORDAINED, that with respect to and in accordance with the provisions of *West Virginia Code* §24D-1-12. the City hereby approves the Franchise Agreement as follows:

SECTION 1. The City hereby approves the Franchise Agreement with OPTIMUM for a period of five (5) years with the understanding that said Franchise Agreement shall become the property of any cable entity to which OPTIMUM may, in compliance with applicable provisions of the law, transfer control of its cable franchise; and

SECTION 2. The Franchise Agreement shall take effect immediately upon enactment hereof or as otherwise required by law.

SECTION 3. OPTIMUM shall notify the City of the closing on any transaction wherein the transfer of control of its cable franchise has occurred resulting in the transfer of the Franchise Agreement to the control of another entity.

PASSED, ADOPTED AND APPROVED on first reading: _____, 2022

PASSED, ADOPTED AND APPROVED on final reading: __ day of _____, 2022

_____
Jerry A. Marco, Mayor

Attest:

_____
Jessica R. Sutton, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	December 1, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	*Resolution 1588:* Authorizing the Disposition of Municipal Owned Property to a Non-Profit Organization
Recommended By:	Interim Operations Manager M. Himes
Summary:	The City of Elkins owns a parade float that has been housed at the MSFF office. The Randolph County Fair Association has requested that the COE donate the float to their organization.
Fiscal Impact:	n/a
Recommendation:	The Municipal Properties Committee recommends the City dispose of the float.
Attachments:	1. R-1588

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1588)
December 1, 2022

Authorizing the Disposition of Municipal Owned Property
To a Non-Profit Organization

WHEREAS, Elkins City Code §31.24(A) authorizes the city to lease or convey city property to non-profit organizations for less than fair market value, and without public auction, when the non-profit organization is providing services that benefit the public and are services that the city could lawfully provide, provided that Council makes certain factual determinations; and,

WHEREAS, the City of Elkins Municipal Properties Committee recommends the conveyance of property, specifically a hay wagon with float box valued at less than $1000, to the Randolph County Fair Association ("RCFA") for continued pursuit of their mission to promote, educate, and showcase Randolph County, and for no compensation; and,

WHEREAS, the City of Elkins Common Council ("Council") determines that there is a lack of need for such property by the City, and that there is a demonstratable need exhibited by the RCFA in service to the public; and,

WHEREAS, in the event the RCFA should cease to provide such services to the public, the property shall by operation of law, revert to and vest in the city, and such non-profit organization shall thereafter have no right, title or interest therein and thereto; and,

WHEREAS, the RCFA has agreed to accept the transfer of the real property described above for these purposes; and,

NOW, THEREFORE, BE IT RESOLVED, that the Elkins Common Council approves of and authorizes the conveyance of property, specifically a hay wagon with float box valued at less than $1000, to the Randolph County Fair Association for no compensation.

_____
Jerry A. Marco, Mayor

Attest:

_____
Jessica R. Sutton, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	December 1, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	*Resolution 1589*: Appointing a City Clerk and Establishing the Amount of Annual Compensation
Recommended By:	City of Elkins Personnel and Finance Committees
Summary:	Elkins City Charter Sec. 3.01(b) and City Code Sec. 32.35 require the nomination and appointment of a city clerk at the first council meeting in December of every even year for a term beginning on January 1 of the succeeding year. Ms. Jessica Sutton has submitted a letter requesting reappointment to the position of city clerk at an annual salary of $60,000 effective for the two year term. Also provided is a summary of accomplishments and goals to support the request.
Fiscal Impact:	The FY24 budget includes funds for an increase in the salary of the clerk to $58,000 annually.
Recommendation:	The Personnel Committee recommends the reappointment of Jessica Sutton as clerk. The Finance Committee recommends compensation be set at $57,000 annually.
Attachments:	1. R-1589 2. R-1589 attachment

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1589)
December 1, 2022

Appointing a City Clerk and Establishing the Amount of Annual Compensation

---

WHEREAS, Elkins City Code §32.01 requires that all appointive officers of the city, including the City Clerk, be appointed by the Common Council of the City of Elkins, W.Va. ("Council") pursuant to the City Charter; and,

WHEREAS, Elkins City Code §32.35 directs that Council shall, at its first regular meeting in December of each even year, elect a City Clerk for a term of two years, commencing on the first day of January next succeeding his or her election; and,

WHEREAS, Council's Personnel Committee has recommended that the current City Clerk, Jessica R. Sutton, be reappointed; and,

WHEREAS, Council's Finance Committee has recommended that, upon reappointment, J. Sutton's annual salary be increased to $57,000, effective January 1, 2023; and,

WHEREAS, Elkins City Code, §30.2 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 or employee; and,

WHEREAS, sufficient funds are available within the current fiscal year's General Fund budget;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Common Council of the City of Elkins confirms that Jessica R. Sutton is hereby appointed Elkins City Clerk for a term of two years to begin January 1, 2023; and,

FURTHER, that the amount of compensation shall be $57,000 dollars per annum.

_____
Jerry A. Marco, Mayor

Attest:

_____
Jessica R. Sutton, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	December 1, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	*Resolution 1590:* Creation of Human Resources Generalist Position within the Office of the City Clerk including Amendments to the City of Elkins Organizational Chart, and Assignment to the Compensation and Classification Plan
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	1. R-1590 2. R-1590 attachment 1 3. R-1590 attachment 2

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1590)
December 1, 2022

Creation of Human Resources Generalist Position within the Office of City Clerk, including Amendments to the City of Elkins Organizational Chart, and Assignment to the Compensation and Classification Plan

---

WHEREAS, the City of Elkins ("City") has, since 2020, contracted with an outside firm, AlignHR, to provide human resources services; and,

WHEREAS, City Administrators recommend the creation of an internal human resources position to better support the needs of the City; and,

WHEREAS, the Personnel Committee of the Elkins Common Council ("Council") recommends the creation of a Human Resources Generalist position with the Office of the City Clerk, and adoption of the proposed job description; and,

WHEREAS, the Finance Committee recommends the assignment of the Human Resources Generalist position to Grade 13 of the adopted Compensation and Classification Plan ("Plan"); and,

WHEREAS, Council finds that it in the best interests of the City of Elkins to adopt and implement these changes.

NOW THEREFORE BE IT RESOLVED THAT:

The Elkins Common Council hereby adopts and implements the creation of a Human Resources Generalist position in the Office of the City Clerk; and,

FURTHER, adopts changes to the Organizational Chart of the City of Elkins; and,

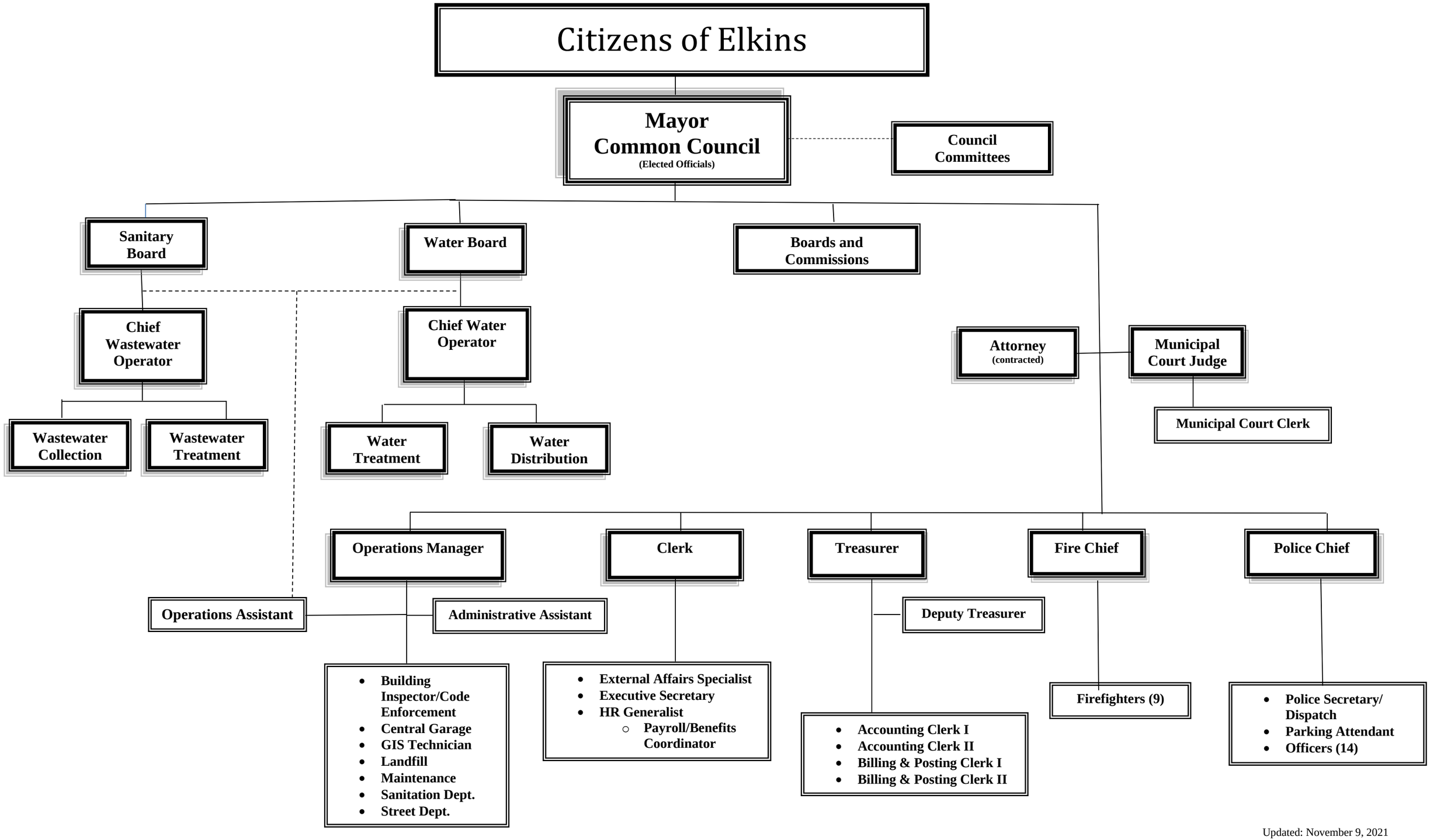
FURTHER, adopts changes to the Classification and Compensation Plan as shown on the attached document to be effective immediately.

_____
Jerry A. Marco, Mayor

Attest:

_____
Jessica R. Sutton, City Clerk

City of Elkins Organizational Chart



Updated: November 9, 2021

City of Elkins Grade Assignments Nov-22

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	
9		Opearations Assistant GIS Technician Sanitation Asst. Supervisor	FD-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	HR Genralist		PD-1st Sergeant
14		Code Enforcement Officer	PD-1st Lieutenant
15			PD-Captain

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	December 1, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	*Resolution 1591*: Approving Transfer of Funds from the Financial Stabilization Account
Recommended By:	Finance Committee
Summary:	The Finance Committee is recommending a donation of no more than $30,000 to Woodlands Development and Lending for the purpose of remediation at the 5 River Street property.
Fiscal Impact:	$13,307 is still available in the Demolition Fund. Finance recommends the transfer of $16,693.00 from Financial Stabilization for the above stated purpose.
Recommendation:	approval of the transfer of funds
Attachments:	1. R-1591

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1591)
December 1, 2022

Approving Transfer of Funds from the Financial Stabilization Account

---

WHEREAS, the City of Elkins has previously prepared and submitted its General Fund Budget for the Fiscal Year 2022; and,

WHEREAS, included in the FY22 budget is Fund 003 (Financial Stabilization); and

WHEREAS, the Finance Committee has recommended revisions to said Budget as shown;

Amount	**From Fund No.**	**Fund Name**	**To Fund No.**	**Fund Name**
$16,693	003	Fin. Stabilization	001/ Dept. 429	General Fund/ Demolition

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Common Council of the City of Elkins hereby approves the transfer of funds from the Financial Stabilization Account (003) to other funds as indicated above.

_____
Jerry A. Marco, Mayor

Attest:

_____
Jessica R. Sutton, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	December 1, 2022
Section:	New business
Category:	Action Item
Agenda Item Name:	*Resolution 1592:* Appointing an Operations Manager and Establishing Amount of Annual Compensation
Recommended By:	Ad-hoc Special Hiring Committee
Summary:	The Special Hiring Committee has conducted a thorough search, including interviews, and are recommending the appointment of Mr. Michael Kesecker as Operations Manager.
Fiscal Impact:	None. Compensation is already budgeted in the General Fund.
Recommendation:	Appointment of Michael Kesecker according to the terms outlined in the resolution
Attachments:	1. R-1592

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1592)
December 1, 2022

Appointing an Operations Manager and Establishing Amount of Annual Compensation

---

WHEREAS, Operations Manager Joshua Sanson resigned effective July 1, 2022; and,

WHEREAS, Operations Assistant Melody Himes was appointed as Interim Operations Manager effective that same day; and,

WHEREAS, Elkins City Code, §32.01 provides Council the authority to appoint city officers; and,

WHEREAS, the Personnel Committee, acting as the Ad-hoc Special Hiring Committee, has conducted a thorough search and review of candidates and recommends the appointment of Michael Kesecker as Operations Manager effective December 27, 2022; and,

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

WHEREAS, the City of Elkins Finance Committee and Personnel Committee recommend an annual salary of $58,000; and,

WHEREAS, sufficient funds are available within the General Fund of the current fiscal year;

***NOW, THEREFORE, BE IT RESOLVED, THAT*:**

The Common Council of the City of Elkins hereby appoints Michael Kesecker as Operations Manager effective 8:00 a.m. on December 27, 2022; and,

FURTHER, that M. Kesecker be compensated at an annual salary of $58,000.

FURTHER, that the interim appointment of Melody Himes as Operations Manager ends simultaneous with the above action.

_____
Jerry A. Marco, Mayor

Attest:

_____
Jessica R. Sutton, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	December 1, 2022
Section:	New business
Category:	Resolution
Agenda Item Name:	*Resolution 1593:* Announcing Council Vacancy and Opening Period of Application for Unexpired Term
Recommended By:	City Clerk
Summary:	The resignation of Third Ward Councilor Clint Higgins was received and is effective December 1, 2022. Council had an adopted protocol to address council vacancies which has been initiated by the Clerk.
Fiscal Impact:	n/a
Recommendation:	Approval of the resolution announcing the vacancy and opening a period of application for the unexpired term.
Attachments:	1. R-1593 2. R-1593 attachment

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1593)
December 1, 2022

Announcing Council Vacancy and Opening Period of Application for Unexpired Term

---

WHEREAS, West Virginia Code §8-5-10 provides that whenever a vacancy shall occur from any cause in any municipal elective office, the vacancy, until the next succeeding regular municipal election and until the qualification of an elected successor, shall be filled by appointment by the governing body; and,

WHEREAS, §2.02 (h) of the Charter of the City of Elkins provides Council with the authority to fill a vacancy of council by appointment of a qualified person; and,

WHEREAS, the Elkins Common Council adopted a Council Vacancy Protocol on December 1, 2016, to be used henceforth in any appointment to a vacant council seat; and,

WHEREAS, Councilor Clint Higgins resigned from the Elkins Common Council effective December 1, 2022, leaving vacant a council seat in the Third Ward of the City of Elkins; and,

WHEREAS, Council finds that is in the best interests of the City of Elkins to solicit and appoint a qualified person to fill the vacant seat until the office can be placed on the next election; **now, therefore, be it**

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby announces a vacant council seat representing the Third Ward of the City of Elkins, and per the adopted Council Vacancy Protocol, will accept resumes of those persons eligible and interested in appointment to the unexpired term of Third Ward Council Member, beginning 8:00 a.m. December 2, 2022, and until 12:30 p.m. December 23, 2022. Resumes shall be submitted to the Elkins City Clerk at 401 Davis Avenue, Room 212 or electronically to jsutton@cityofelkinswv.com.

_____
Jerry A. Marco, Mayor

Attest:

_____
Jessica R. Sutton, City Clerk

City of Elkins

Council Vacancy Protocol

Approved by Council: December 1, 2016

In the event that a common council seat is vacated, by resignation, removal or otherwise, the remaining council members shall abide by the following protocol in filling the seat for the unexpired term, or until the next succeeding regular municipal election. The controlling authorities for this protocol include West Virginia Code §8-5-10, Elkins City Charter Section 14 and Resolution #974, adopted by Council on December 1, 2016.

1) A Resolution will be presented for Council approval announcing the ward vacancy and the time period and method for which resumes will be accepted from those wishing to be considered as an appointee.

2) The City Clerk will advertise the vacant council seat and the time period and method of application through various media outlets.

3) Resumes will be submitted to the City Clerk and reviewed for basic requirements (residency in the appropriate ward and eligibility to vote in municipal elections).

4) Within five (5) business days of the application period ending, the City Clerk will forward the resumes of eligible applicants to all Council Members and the Mayor. In addition, all eligible applicants, Council Members and the Mayor will be notified of the date and time of interviews scheduled by the City Clerk. Every eligible applicant will be given the opportunity to interview.

5) Interviews will be conducted by all available Council Members and the Mayor. Standard interview questions will be asked and scored, the averages of which will be calculated by the City Clerk. If any Council Member or the Mayor is unable to attend *all* of the scheduled interviews, their scores will not be included in any of the averages.

6) Within three (3) business days of the conclusion of the interviews, the City Clerk will provide the average scores to all Council Members and the Mayor for consideration. The Clerk will also, with the Mayor's consent, issue a subpoena for a special call council meeting for the purpose of deciding upon an appointee. Immediately following the Clerk will contact Council's selected appointee to confirm their acceptance.

7) A Resolution authorizing the appointment of Council's recommended appointee will be presented for approval at the next council meeting.