



City of Elkins

Rules and Ordinances Committee Meeting

April 1, 2024
3:30 PM
401 Davis Avenue
Council Chamber, 2nd Floor

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

AGENDA

1. **Call to order and roll call**
2. **Public comment**
3. **Minutes**
 - a. Proposed minutes for the meeting of March 4, 2024
4. **New business**
 - a. Proposal to establish a TIF Advisory Committee
 - b. Proposal to create Private Outdoor Designated Area
5. **Announcements**
6. **Adjournment**



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	April 1, 2024
Section:	Minutes
Category:	Action Item
Agenda Item Name:	Proposed minutes for the meeting of March 4, 2024
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	1. rules & ordinances - 2024_03_04 - minutes_proposed

RULES AND ORDINANCE COMMITTEE REGULAR MEETING MINUTES

***401 Davis Avenue
City Hall, Council Chambers
March 4, 2024
3:30 p.m.***

Present were Committee Members: C. Lowther, L. Severino.

Also present were: Jerry Marco (mayor), Mike Kesecker (operations manager), Gerry Roberts (city attorney), Steve Himes (fire chief), Travis Bennett (police chief), J. Deighan (communications), and Sutton Stokes (city clerk).

Councilor A. Carroll was absent.

MINUTES

Severino **MOVED APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 5, 2024. The motion carried.**

NEW BUSINESS

Severino **MOVED RECOMMENDING COUNCIL APPROVAL OF REVISIONS TO CITY CODE CONCERNING MEETING FREQUENCY FOR THE BOARD OF ZONING APPEALS AND THE PLANNING COMMISSION. The motion carried.**

Severino **MOVED RECOMMENDING COUNCIL APPROVAL OF REVISIONS TO CITY CODE CONCERNING COUNCIL MEETINGS (CLEANUP OF ARCHAIC LANGUAGE CONCERNING TIME, METHOD OF NOTIFICATION, ETC.). The motion carried.**

No action was taken on “Cats at large.”

The meeting adjourned at 3:58 p.m.

The foregoing minutes were approved at the meeting of _____.

Name & Title

Signature



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	April 1, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Proposal to establish a TIF Advisory Committee
Recommended By:	City Clerk, Operations Manager
Summary:	It appears that the city may be able to issue its first TIF bonds by the end of this year, perhaps for \$1-\$2 million, raising the possibility of commencing significant work on identified projects as soon as the 2025 construction season. This raises the following questions: • How will projects and project phases be identified and prioritized? Consistency, synergies with other outside projects, and long-term vision will be crucial to make the most of these funds. • Who will manage procuring project management and construction services (e.g., the "5G process," etc.)? Elkins is one of the smallest jurisdictions ever to implement TIF. While larger cities have planning departments and significant in-house construction project management capacity, Elkins is more limited in its capacity to give these projects the attention they will demand. • How can we find the most value in our community partners for TIF-related work? Various community partners (e.g., Woodlands, EAST, RCDA, etc.) have their own strong interests in the projects identified in the TIF ordinance. They also offer considerable expertise in both funding identification and project management. During initial planning for the TIF, one possibility was to establish a TIF Advisory Committee. See attached for proposed language creating this committee.
Fiscal Impact:	None
Recommendation:	Consider for recommendation to council after preparation of an ordinance by TIF counsel



CITY OF ELKINS AGENDA ITEM REPORT

Attachments:

1. TIF Advisory Committee ordinance language - 2024_02_26
2. TIF projects desc from application

1. TIF Advisory Committee.

(a) The Council hereby creates an advisory committee to be known as “The TIF Advisory Committee” (the “Committee”) which shall consist of the City Clerk, the Operations Manager, the Executive Director of the Randolph County Development Authority, and the Executive Director of Woodlands Development Group, Inc.

(b) The purposes of the Committee are as follows:

- i. to create a system of objective criteria for rating and prioritizing development or redevelopment projects as described in the Project Plan to foster economic development in the TIF District;
- ii. to adopt and establish rules and regulations and develop forms as it deems necessary so as to fulfill the purposes for which the Committee has been established; and
- iii. to recommend to the Council, prior to the tax increment financing fund being used to pay or support costs of any development or redevelopment project, including any debt service on any TIF obligations issued from the TIF District, that

(A) all requirements of any applicable law, rule or regulation and all due process requirements have been satisfied; and

(B) the particular project for which proceeds from the TIF Fund will be expended meets one of the following objectives: (1) eliminates a public health or safety hazard; (2) provides an economic or community development benefit; or (3) will result in a beautification impact to the TIF District and the City of Elkins.

(c) Unless sooner dissolved by subsequent action of the Council, the Committee shall be dissolved, without any action by the Council, upon having fulfilled the purpose for which it is created or upon expiration of the TIF District.

(d) It is the express intent of the Council that the Committee is an ad hoc advisory committee for the limited purposes herein stated, and this Ordinance should not be construed to create a permanent or temporary municipal department, office, board or agency.

The TIF Projects

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.



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	April 1, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Proposal to create Private Outdoor Designated Area
Recommended By:	Councilor Carroll
Summary:	Councilor Carroll recommends the committee consider the possibility of an ordinance establishing a Private Outdoor Designated Areas (PODA). A PODA is an outdoors public area where liquor, wine, nonintoxicating beer, and nonintoxicating craft beer may be consumed under certain guidelines, as enabled by state law. Summary of State Code from ABC Examples from Across the State Morgantown Huntington Charleston Parkersburg Huntington's Ordinance Charleston's Ordinance
Fiscal Impact:	No direct cost to city
Recommendation:	Consider for next steps and recommendations
Attachments:	None