



City of Elkins

Regular Council Meeting

May 2, 2024

7:00 PM

401 Davis Avenue
Council Chamber, 2nd Floor

AGENDA

1. **Invocation and Pledge of Allegiance**
2. **Call to order and roll call**
3. **Public comment**
4. **Minutes**
 - a. Proposed minutes for the meeting of April 16, 2024
5. **Correspondence, Notifications, and Recognitions**
 - a. Building permits, zoning permits, and vacant property registrations
6. **Councilor Reports**
7. **Staff reports**
 - a. Treasurer's Report
8. **Approval of vendor invoice payments**
 - a. Vendor invoices presented for approval: April 15-26.

(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.)
9. **New business**
 - a. Ordinance 328: An Ordinance Of The City Of Elkins, West Virginia To Vacate, Abandon And Close A Portion Of That Certain Public Right Of Way Known As Coke Alley Of The Valley Improvement Company South Elkins Addition Between Tenth Street And Eleventh Street (first of two readings)
 - b. Ordinance 329: An Ordinance Of The Common Council Of Elkins, West Virginia Amending Sections Of City Code, Chapter 152, Zoning Regarding Use Definitions (first of two readings)
10. **Mayor's comments**
11. **Adjournment**



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 2, 2024
Section:	Minutes
Category:	Action Item
Agenda Item Name:	Proposed minutes for the meeting of April 16, 2024
Recommended By:	City Clerk
Summary:	Minutes proposed for the council meeting of April 16, 2024
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. city council - 2024_04_16 - minutes_proposed

Proposed Minutes

ELKINS COMMON COUNCIL REGULAR COUNCIL MEETING MINUTES

***401 Davis Avenue
Council Chamber, 2nd Floor
April 16, 2024
7:00 p.m.***

Elkins Common Council met in regular session in the council chamber of city hall. Present were Mayor Jerry A. Marco; Councilors N.E. Bross-Fregonara, , R.C. Chenoweth, G.M. Hinchman, B.C. Kerns, D.C. Parker, E. L. Plishka, L.S. Severino, and C.H. Thompson; City Treasurer T. Judy; Fire Chief S.D. Himes; Police Chief T. Bennett; Operations Manager M. Kesecker; City Attorney G. S. Roberts; and City Clerk S.R. Stokes (recording secretary).

Councilors A.C. Carroll and C. Lowther were absent.

PUBLIC COMMENT

There was no public comment.

MINUTES

Chenoweth **MOVED APPROVAL OF THE MINUTES OF THE MINUTES FOR THE MEETING OF APRIL 4, 2024.** The motion carried.

PRESENTATION

Albert Hammond, Vandalia Health (new parent company of Davis Health Systems).

APPROVAL OF VENDOR INVOICE PAYMENTS

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 April 1-12, 2024.

NEW BUSINESS

Hinchman **MOVED LAYING THE LEVY FOR FISCAL YEAR 2025.** The presented Levy Order and Rate Sheet indicated a levy rate/\$100 for Class I properties of 12.5. The motion carried.

Chenoweth **MOVED APPROVAL OF ORDINANCE 327: TIF ADVISORY COMMITTEE (FINAL READING).** The motion carried.

Proposed Minutes

Hinchman MOVED APPROVAL OF RESOLUTION 1742: CONSIDERATION OF SUPPLEMENTAL RESOLUTION RELATED TO SEWER REVENUE BONDS, SERIES 2024. The motion carried.

Bross-Fregonara MOVED APPROVAL OF RESOLUTION 1747: ADOPTING THE REGION VII PDC HAZARD MITIGATION PLAN UPDATE. The motion carried.

Hinchman MOVED APPROVAL OF RESOLUTION 1748: ADOPTING FY 2025 LANDFILL BUDGET. The motion carried.

Chenoweth MOVED APPROVAL OF RESOLUTION 1749: ADOPTING FY 2025 SANITATION BUDGET. The motion carried.

Hinchman MOVED APPROVAL OF RESOLUTION 1750: FY 2024 GENERAL FUND BUDGET REVISIONS 8 & 9. The motion carried.

Chenoweth MOVED APPROVAL OF RESOLUTION 1751: LEASE FOR FRATERNAL ORDER OF POLICE LODGE. The motion carried.

Bob Rodecker (Kay, Casto & Chaney) and John Stump (Steptoe & Johnson), counsel to Elkins in the matter of the Whitmer Public Water System, appeared to update council and take questions.

The meeting was adjourned at 8:32 p.m.

Attest: S.R. Stokes, City Clerk

Jerry A. Marco, Mayor



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 2, 2024
Section:	Correspondence, Notifications, and Recognitions
Category:	Presentation
Agenda Item Name:	Building permits, zoning permits, and vacant property registrations
Recommended By:	Building and Code Enforcement Officer
Summary:	See attached report on building permits and vacant structure billing for the period April 7-29
Fiscal Impact:	See attached report
Recommendation:	Review presented information
Attachments:	1. Building Permits - 2024_05_02

BUILDING PERMITS 4/2-4/16

4/29/2024 10:58 AM PROJECT MASTER REPORT PAGE: 1
PROJECTS: THRU ZZZZZZZZZZ REPORT SEQUENCE: Project
PROJECT TYPE: Exclude: BPZONING CONTRACTOR CLASS: All - All Contractor Classes
CONTRACTORS: All
APPLIED DATES: 4/17/2024 THRU 4/29/2024 EXPIRE DATES: 0/00/0000 THRU 99/99/9999
STATUS INCLUDED: Opened, Complet ISSUED DATES: 0/00/0000 THRU 99/99/9999
=====

PROJECT: 240085 - COMMERCIAL REMODEL TYPE: BC-REM COMMERCIAL REMODEL
PROPERTY: 100-106 SECOND ST
APPLIED DATE: 4/17/2024 ISSUED DATE: 4/17/2024 EXPIRATION DATE: 10/18/2024 COMPLETION DATE: 0/00/0000
CONTRACTOR: CUMMINGS CUMMINGS CONSTRUCTION CO ISSUED TO: PEGASUS PROPERTIES LLC
37 KESTREL LANE
HAMBLETON, WV 26269 ELKINS, WV 26241
SQUARE FEET: 2,487
DWELLING TYPE: PRIVATE UNITS: 1
STATUS: OPEN BALANCE: 0.00

PROJECT: 240086 - RESIDENTIAL REMODEL TYPE: BR-REM RESIDENTIAL REMODEL
PROPERTY: 119 TENTH ST
APPLIED DATE: 4/17/2024 ISSUED DATE: 4/17/2024 EXPIRATION DATE: 10/18/2024 COMPLETION DATE: 0/00/0000
CONTRACTOR: DAVIESDEP DAVIES DEPENDABLE CONTRACTING ISSUED TO: MOSCATO & CROWN LLC
88 VALLEY BEND RD
VALLEY BEND, WV 26293 BEVERLY, WV 26253
SQUARE FEET: 1,536
DWELLING TYPE: PRIVATE UNITS: 1
STATUS: OPEN BALANCE: 96.08

PROJECT: 240087 - RESIDENTIAL FENCE TYPE: FENCE-RES RESIDENTIAL FENCE
PROPERTY: 269 TERRACE AVE
APPLIED DATE: 4/17/2024 ISSUED DATE: 4/17/2024 EXPIRATION DATE: 10/18/2024 COMPLETION DATE: 0/00/0000
CONTRACTOR: CLIFFORDRB CLIFFORD R BILLER GEN CONT ISSUED TO: MCCLANE, KATHERINE D
336 BLAINE AVE
ELKINS, WV 26241 ELKINS, WV 26241
SQUARE FEET: 140
DWELLING TYPE: PRIVATE UNITS: 1
STATUS: OPEN BALANCE: 25.00

PROJECT: 240088 - RESIDENTIAL ROOFING TYPE: ROOF-RES RESIDENTIAL ROOFING
PROPERTY: 110 HIGH ST
APPLIED DATE: 4/17/2024 ISSUED DATE: 4/17/2024 EXPIRATION DATE: 10/18/2024 COMPLETION DATE: 0/00/0000
CONTRACTOR: DESIGN DESIGN ROOFING & SHEET METAL ISSUED TO: WILMOTH, ROBERT M & KARE
900 INDUSTRIAL PARK ROAD
ELKINS, WV 26241 ELKINS, WV 26241
SQUARE FEET: 2,600
DWELLING TYPE: PRIVATE UNITS: 1
STATUS: OPEN BALANCE: 0.00

PROJECT: 240089	- RESIDENTIAL ROOFING	TYPE: ROOF-RES	RESIDENTIAL ROOFING
PROPERTY:	125 ROBERT E LEE AVE		
APPLIED DATE:	4/17/2024	ISSUED DATE:	4/17/2024
CONTRACTOR:	DESIGN DESIGN ROOFING & SHEET METAL	EXPIRATION DATE:	10/18/2024
	900 INDUSTRIAL PARK ROAD	COMPLETION DATE:	0/00/0000
	ELKINS, WV 26241	ISSUED TO:	ELLIOTT, TIFFANY C
SQUARE FEET:	3,940		125 ROBERT E LEE AVE EXT
DWELLING TYPE:	PRIVATE		ELKINS, WV 26241
STATUS:	OPEN	UNITS:	1
		BALANCE:	0.00
PROJECT: 240090	- RESIDENTIAL SIDEWALK/DRIVEWAY	TYPE: BR-SIDE	RES DRIVEWAY/SIDEWALK
PROPERTY:	1426 LAVALETTE AVE		
APPLIED DATE:	4/19/2024	ISSUED DATE:	4/19/2024
CONTRACTOR:	CJ'SCONCRE CJ'S CONCRETE & CONSTRUCTION	EXPIRATION DATE:	10/20/2024
	RT 3 BOX 75	COMPLETION DATE:	0/00/0000
	BELINGTON, WV 26250	ISSUED TO:	MCCOY, JOHN
SQUARE FEET:	500		40 PARK RIDGE RD
DWELLING TYPE:	PRIVATE		MORGANTOWN, WV 26508
STATUS:	OPEN	UNITS:	1
		BALANCE:	0.00
PROJECT: 240091	- RESIDENTIAL ELECTRICAL	TYPE: ELEC-RES	RESIDENTIAL ELECTRICAL
PROPERTY:	1426 LAVALETTE AVE		
APPLIED DATE:	4/22/2024	ISSUED DATE:	4/22/2024
CONTRACTOR:	KZELECTRIC K Z ELECTRIC LLC	EXPIRATION DATE:	10/23/2024
	PO BOX 651	COMPLETION DATE:	0/00/0000
	ELKINS, WV 26241	ISSUED TO:	MCCOY, JOHN
SQUARE FEET:	1		40 PARK RIDGE RD
DWELLING TYPE:	PRIVATE		MORGANTOWN, WV 26508
STATUS:	OPEN	UNITS:	1
		BALANCE:	30.00
PROJECT: 240092	- RESIDENTIAL ACCESSORY BUILDING	TYPE: BR-ACC	RESIDENTIAL ACCESSORY BLD
PROPERTY:	1702 LAVALETTE AVE		
APPLIED DATE:	4/22/2024	ISSUED DATE:	4/22/2024
CONTRACTOR:	DANIELRICE RICE, DANIEL	EXPIRATION DATE:	10/23/2024
	650 SPRINGSTONE RD	COMPLETION DATE:	0/00/0000
	MONTROSE, WV 26283	ISSUED TO:	KOERNER, ARVELA
SQUARE FEET:	784		1704 LAVALETTE AVE
DWELLING TYPE:	PRIVATE		ELKINS, WV 26241
STATUS:	OPEN	UNITS:	1
		BALANCE:	0.00
PROJECT: 240093	- RESIDENTIAL PLUMBING	TYPE: PLB-RES	RESIDENTIAL PLUMBING
PROPERTY:	106 CONWAY DR		
APPLIED DATE:	4/22/2024	ISSUED DATE:	4/22/2024
CONTRACTOR:	BASEMENTA BASEMENT AUTHORITY OF WV	EXPIRATION DATE:	10/23/2024
	132 ROCKY STEP RD	COMPLETION DATE:	0/00/0000
	SCOTT DEPOT, WV 25560	ISSUED TO:	WANGENSTEEN, JOHN N
SQUARE FEET:	456		106 CONWAY DR
DWELLING TYPE:	PRIVATE		ELKINS, WV 26241
STATUS:	OPEN	UNITS:	1
		BALANCE:	25.00

PROJECT: 240094	- COMMERCIAL SIDEWALK/DRIVEWAY	TYPE: BC-SIDE	COM SIDEWALK/DRIVEWAY
PROPERTY:	RAILROAD AVE & FIFTH		
APPLIED DATE:	4/22/2024	ISSUED DATE:	4/22/2024
CONTRACTOR:	BCT BCT CONSTRUCTION	EXPIRATION DATE:	4/28/2024
	12 BAXTER STREET	COMPLETION DATE:	0/00/0000
	ELKINS, WV 26241	ISSUED TO:	RANDOLPH CO SENIOR CENTER
SQUARE FEET:	2,300		PO BOX 727
DWELLING TYPE:	PRIVATE		ELKINS, WV 26241
STATUS:	OPEN	UNITS:	1
		BALANCE:	140.00
PROJECT: 240095	- RESIDENTIAL FENCE	TYPE: FENCE-RES	RESIDENTIAL FENCE
PROPERTY:	945 TYGART AVE		
APPLIED DATE:	4/22/2024	ISSUED DATE:	4/22/2024
CONTRACTOR:		EXPIRATION DATE:	10/23/2024
		COMPLETION DATE:	0/00/0000
		ISSUED TO:	MOLE, DONALD N
SQUARE FEET:	114		945 TYGART AVE
DWELLING TYPE:	PRIVATE		ELKINS, WV 26241
STATUS:	OPEN	UNITS:	1
		BALANCE:	0.00
PROJECT: 240096	- SIGN	TYPE: SIGN	SIGN
PROPERTY:	120 S RANDOLPH AVE		
APPLIED DATE:	4/22/2024	ISSUED DATE:	4/22/2024
CONTRACTOR:		EXPIRATION DATE:	10/23/2024
		COMPLETION DATE:	0/00/0000
		ISSUED TO:	PASSAGES THERAPY & COUNSELING
SQUARE FEET:	8		PO BOX 290
DWELLING TYPE:	PUBLIC		HARMAN, WV 26270
STATUS:	OPEN	UNITS:	1
		BALANCE:	0.00
PROJECT: 240097	- RESIDENTIAL FENCE	TYPE: FENCE-RES	RESIDENTIAL FENCE
PROPERTY:	30 DIAMOND ST		
APPLIED DATE:	4/22/2024	ISSUED DATE:	4/22/2024
CONTRACTOR:		EXPIRATION DATE:	10/23/2024
		COMPLETION DATE:	0/00/0000
		ISSUED TO:	MCCRACKEN, MATTHEW & REBEC
SQUARE FEET:	1		30 DIAMOND ST
DWELLING TYPE:	PRIVATE		ELKINS, WV 26241
STATUS:	OPEN	UNITS:	1
		BALANCE:	25.00
PROJECT: 240098	- RESIDENTIAL ELECTRICAL	TYPE: ELEC-RES	RESIDENTIAL ELECTRICAL
PROPERTY:	28 DIAMOND ST		
APPLIED DATE:	4/24/2024	ISSUED DATE:	4/24/2024
CONTRACTOR:	GRAY GRAY'S ELECTRICAL SERVICE LLC	EXPIRATION DATE:	10/25/2024
	280 CASTLE ROCK DR	COMPLETION DATE:	0/00/0000
	ELKINS, WV 26241	ISSUED TO:	KARLEN, PATRICIA
SQUARE FEET:	1		28 DIAMOND ST
DWELLING TYPE:	PRIVATE		ELKINS, WV 26241
STATUS:	OPEN	UNITS:	1
		BALANCE:	30.00

PROJECT: 240099	- COMMERCIAL SIDEWALK/DRIVEWAY	TYPE: BC-SIDE	COM SIDEWALK/DRIVEWAY
PROPERTY:	122 THIRD ST		
APPLIED DATE:	4/24/2024	ISSUED DATE:	4/24/2024
CONTRACTOR:	CJ'S CONCRE CJ'S CONCRETE & CONSTRUCTION	EXPIRATION DATE:	4/30/2024
	RT 3 BOX 75	COMPLETION DATE:	0/00/0000
	BELINGTON, WV 26250	ISSUED TO:	DOWNTOWN RETURNS LLC
			CHRISTY TRIBBLE MBR
			122B THIRD ST
			ELKINS, WV 26241-0000
SQUARE FEET:	1,000		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	0.00
PROJECT: 240100	- RESIDENTIAL ROOFING	TYPE: ROOF-RES	RESIDENTIAL ROOFING
PROPERTY:	1017 S KERENS AVE		
APPLIED DATE:	4/26/2024	ISSUED DATE:	4/26/2024
CONTRACTOR:		EXPIRATION DATE:	10/27/2024
		COMPLETION DATE:	0/00/0000
		ISSUED TO:	ARMENTROUT, WILLIAM
			100 KUDZU LN
			ANGIER, NC 27501
SQUARE FEET:	958		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	53.74
PROJECT: 240101	- RESIDENTIAL FENCE	TYPE: FENCE-RES	RESIDENTIAL FENCE
PROPERTY:	49 JOHN ST		
APPLIED DATE:	4/26/2024	ISSUED DATE:	4/26/2024
CONTRACTOR:		EXPIRATION DATE:	10/27/2024
		COMPLETION DATE:	0/00/0000
		ISSUED TO:	HINZMAN, TIFFANY N
			10479 WILLOW SPRING LN
			WARRENTON, VA 20186-8469
SQUARE FEET:	391		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	25.00
PROJECT: 240102	- RESIDENTIAL DECK	TYPE: DECK-RES	RESIDENTIAL DECK
PROPERTY:	205 SYLVESTER DR		
APPLIED DATE:	4/26/2024	ISSUED DATE:	4/26/2024
CONTRACTOR:	PHOENIX PHOENIX HOME SERVICES	EXPIRATION DATE:	10/27/2024
	124 BLIZZARDS GATE ROAD	COMPLETION DATE:	0/00/0000
	HARMAN, WV 26270	ISSUED TO:	LEO, MARSHALL
			205 SYLVESTER DR
			ELKINS, WV 26241
SQUARE FEET:	100		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	56.00
PROJECT: 240103	- RESIDENTIAL FENCE	TYPE: FENCE-RES	RESIDENTIAL FENCE
PROPERTY:	26 MARYLAND AVE		
APPLIED DATE:	4/26/2024	ISSUED DATE:	4/26/2024
CONTRACTOR:		EXPIRATION DATE:	10/27/2024
		COMPLETION DATE:	0/00/0000
		ISSUED TO:	ROGERS, GABRIEL
			26 MARYLAND AVE
			ELKINS, WV 26241
SQUARE FEET:	1		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	25.00

*** MONTHLY RECAP BASED ON ISSUED DATE ***

ISSUED YEAR: 2024

MONTH	PROJECTS	VALUATION	BALANCE
APRIL	19	276,587.00	530.82

ZONING PERMITS

NONE

VACANT STRUCTURE BILLING

4/29/2024 11:07 AM
 LICENSES: THRU ZZZZZZZZZZ
 LIC CODES: Include: CE-VAC
 LIC STATUS: Pending, Active
 FEE CODES: All

F E E C O D E R E P O R T

PAGE: 1

ORIGINATION DATE: 3/01/2024 THRU 4/29/2024
 EFFECTIVE DATE: 0/00/0000 THRU 99/99/9999
 EXPIRATION DATE: 0/00/0000 THRU 99/99/9999
 PRINT DATE: 0/00/0000 THRU 99/99/9999

FEE CODE: VACANT - VACANT PROPERTY FEE

LICENSE	PERIOD	LIC CODE	STATUS	REPORT	ISSUED TO	# of Years	CHARGES
24285	3/04/24 - 3/05/24	CE-VAC	Pending	CODE	HOSEY LINDA	1.0000	200.00
24286	3/04/24 - 3/05/24	CE-VAC	Pending	CODE	HOSEY LINDA	1.0000	200.00
24287	3/04/24 - 3/05/24	CE-VAC	Pending	CODE	HIGGINS MARIE	1.0000	200.00
24289	3/04/24 - 3/05/24	CE-VAC	Pending	CODE	METHENY MICHE	1.0000	200.00
24290	3/04/24 - 3/05/24	CE-VAC	Active	CODE	MILLER LINDA	1.0000	200.00
24294	3/12/24 - 3/13/24	CE-VAC	Active	CODE	CHUA DOMIN	1.0000	200.00
24295	3/12/24 - 3/13/24	CE-VAC	Pending	CODE	ARBOGAST GARY	1.0000	200.00
24302	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	AUVIL BENJA	1.0000	200.00
24303	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	PROUDFOOT LINDA	1.0000	200.00
24304	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	PARKER WILMA	1.0000	200.00
24305	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	HALLE SHANE	1.0000	200.00
24306	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	ARMENTROUT WILLI	1.0000	200.00
24307	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	ARMENTROUT WILLI	1.0000	200.00
24309	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	GUSTKE JAMES	1.0000	200.00
24310	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	GRAHAM ANNA	1.0000	200.00
24311	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	ANGER MIKE	1.0000	200.00
24312	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	SHIFFLETT DAVID	2.0000	200.00
24314	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	BEVERLY PIKE LAND LLC	2.0000	200.00
24315	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	GUSTKE JAMES	2.0000	200.00
24323	4/04/24 - 4/05/24	CE-VAC	Pending	CODE	COMIS DINO	2.0000	200.00
24324	4/04/24 - 4/05/24	CE-VAC	Active	CODE	BOGGS ANGEL	2.0000	200.00
24325	4/04/24 - 4/05/24	CE-VAC	Pending	CODE	SHOMO LINDA	2.0000	200.00
24326	4/04/24 - 4/05/24	CE-VAC	Active	CODE	STEVENSON JULIA	2.0000	200.00
24327	4/04/24 - 4/05/24	CE-VAC	Pending	CODE	YEAGER MARVI	2.0000	200.00
24328	4/04/24 - 4/05/24	CE-VAC	Pending	CODE	KIRKPATRICK KRIST	2.0000	200.00
24333	4/16/24 - 4/17/24	CE-VAC	Pending	CODE	VARNEY CHARL	2.0000	200.00

24334	4/16/24 - 4/17/24	CE-VAC	Pending	CODE	MESSINGER	DAVID	2.0000	200.00
24335	4/16/24 - 4/17/24	CE-VAC	Pending	CODE	WHITE	DELAIR	2.0000	200.00
24336	4/16/24 - 4/17/24	CE-VAC	Pending	CODE	KNUTTI	FREDE	2.0000	200.00
24337	4/16/24 - 4/17/24	CE-VAC	Pending	CODE	LOTHES	WILFR	2.0000	200.00
24342	4/29/24 - 4/30/24	CE-VAC	Pending	CODE	SANDS	DIANE	2.0000	200.00
24343	4/29/24 - 4/30/24	CE-VAC	Pending	CODE	KHAN	DR FA	2.0000	200.00
24344	4/29/24 - 4/30/24	CE-VAC	Pending	CODE	HATFIELD	WANDA	2.0000	200.00
24345	4/29/24 - 4/30/24	CE-VAC	Pending	CODE	SHOCKEY	KATHE	2.0000	200.00
24346	4/29/24 - 4/30/24	CE-VAC	Pending	CODE	SHOCKEY	KATHE	2.0000	200.00
24347	4/29/24 - 4/30/24	CE-VAC	Pending	CODE	KIRKPATRICK	REBEC	2.0000	200.00

REPORT TOTALS:	36	56.0000	7,200.00
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CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 2, 2024
Section:	Staff reports
Category:	Presentation
Agenda Item Name:	Treasurer's Report
Recommended By:	Treasurer
Summary:	The attached report from the City Treasurer presents a Self Insurance Proposal from WVCorp
Fiscal Impact:	TBD
Recommendation:	Review presented information
Attachments:	1. treasurer's report - 2024_05_02



Self Insurance Proposal April 18, 2024

City of Elkins

Package coverages, terms, conditions, and exclusions are only briefly outlined. For complete provisions, please refer to the coverage contract.

For additional information, please contact: Member Services at (844) 986-2705 or info@riskprograms.com



Welcome to

wvcorp

The first and only public entity risk pool in West Virginia

WVcorp was established in 2007 at the request of West Virginia counties seeking to break from the status quo of the commercial insurance industry and assert more control over their risk management and coverage needs. Today, we are the largest self-insurance risk pool for public entities in the state. We provide coverage to more counties and county-related agencies than any other provider, and we attribute our extraordinary success to the strength of our members. As a member, you are so much more than a customer. You are a part of WVcorp itself! Our membership is at the heart of everything we do, and this focus has driven us to emerge as a leader in developing coverage solutions. We are a one-stop-shop when it comes to safeguarding your peace of mind – capable of addressing all of your risk management needs.

WVcorp provides the most comprehensive coverages available. Period.

For more than a decade, WVcorp has been a leader in creating innovative solutions to the unique challenges faced by West Virginia's public sector entities. As a pool participant, you can take advantage of WVcorp's vast array of membership benefits.

WVcorp Coverages

- Property
- Business Auto
- Workers' Compensation
- General Liability
- Public Officials Liability
- Law Enforcement Liability
- Cyber Liability
- Environmental Liability
- Inland Marine
- Equipment Breakdown
- Crime
- Excess Limits



Welcome to WVcorp _____

You're choosing the best protection

Our goal has always been to provide the most comprehensive coverage possible for public entities. We believe in being agile and responsive to meet the needs of our membership, and that innovative spirit has driven us to develop coverages that in many cases are not available anywhere else in the marketplace. We cater our coverages specifically to West Virginia's local governmental entities, and that narrow focus has propelled us to the dominant position in our market. More public entities choose WVcorp over any other provider because they demand the highest level of protection to safeguard their organizations.



Coverage advantages

Property	Liability	Cyber Liability
• Broad form, all risks • No pool aggregate • Guaranteed replacement cost • Pollution liability coverage for first and third party clean up • No pool limit on business interruption • No pool limit on extra expense • Includes underground property	• General Liability minimum of \$1,000,000 per occurrence limit • No annual aggregate • No mandatory deductibles or caps • No member cost-sharing • Broad legal defense coverage • Public Officials Liability includes EEOC and HRC claims • Back and front pay included	• Comprehensive Cyber Risk program • No deductible or sublimits • No pool aggregate with \$1 mil limit or greater • Includes regulatory liability coverage • Designated breach coach on cyber incidents • Public relations and notification guidance • Proactive scanning of public-facing domains • Training available
Workers' Compensation		
• Medical Bill Review provides savings across multiple medical provider networks to ensure cost effective treatment • First Fill prescription program to save employee "out of pocket" expense		



You're choosing specialized servicing

As owners of the program, our members want more than a traditional insurance policy. Not only do we tailor our coverage to our members, but we also provide services to meet the specific needs of each member. We employ staff who have walked in your shoes in former roles and understand the unique challenges your organization faces. Our expert Risk Control Team works directly with our members providing employee training, performing safety audits, or consulting on relevant risk management topics in order to help prevent claims from occurring. It's all part of our commitment to address your need for protection holistically.

Service advantages

Risk Control	Member Portal	Other Services
• Facility safety assessments • Certified Playground Safety Inspectors (CPSI) • Risk management policy creation and consultation • In person and web-based employee training – safety, liability, human resources, cyber security, and more • Claims analysis • Safety committee assistance and participation • Up to 14 hours of CE-credits for law enforcement • Hot topic workshops presented at various conferences across West Virginia	• Intuitive, user-friendly design • Claims reporting with instantaneous claim number • Risk management tools and templates • Downloadable employee training presentations and webinars • Customizable loss reports • Claim viewer giving access to claim summaries, financials, and adjuster notes • Property and vehicle schedule editing tool • Certificates of insurance request feature • Safety Source streaming library with over 1000 videos	• Property valuations provided at no charge • Investigations unit available for claim analysis and surveillance • GatherGuard makes it simple to acquire short-term event coverage for facility users • Contract and lease review to ensure adequate protection • Safelite Auto Glass direct billing for quick and painless glass replacement; with a deductible waiver on glass repairs

In choosing WVcorp, you are choosing to stand with hundreds of like-minded organizations throughout the state who demand more than the status quo from their coverage provider, and we thank you for your choice.

You're choosing price stability

No one likes surprises. The pool was founded on the principle of price stability, and that long-standing ideal has guided our decisions since day one. While the commercial insurance market has experienced considerable volatility, and competitors have stripped away coverages to combat rate increases, the pool has enjoyed remarkable rate stability year over year for decades, even as we've consistently expanded coverages. It all adds up to giving you peace of mind, aiding in long-term planning and budgeting.

You're choosing ownership

At WVcorp, you are an owner of the program and its assets. There are no outside owners, investors or shareholders expecting dividends or profits. Rather than profit-minded executives making decisions, we have a Supervisory Board elected from and by our members. As a voting member, you have a direct voice in what matters most to your organization. The Board approves all major decisions, and again this year voted to return surplus funds to members at renewal.



You're choosing transparency

We're proud of the products and services we offer, so we feel there's no need to play games or hide behind gimmicks. We begin our renewal process early each year to ensure you have ample time to prepare your budget. We empower members to run your own loss reports at the click of a button on our website without having to request that information. Because we're partners when it comes to protecting your organization, we openly share the information we have for each of your claims. With our online claim viewer, we bring you behind the curtain and give you the same access to financials and notes that our adjusters have themselves.

**WVcorp**

Contribution Summary Form

Coverage	Deductible	Contribution
Property : Special Form; Replacement Cost (or stated otherwise); No Coinsurance; Blanket	See Schedule	\$40,290
Inland Marine : Replacement Cost if Scheduled, otherwise Actual Cash Value	See Schedule	\$7,614
Equipment Breakdown	\$1,000	\$4,298
General Liability : \$1,000,000 Combined Single Limit; Occurrence Form; No Annual Aggregate; Non-Audited	None	\$48,439
Law Enforcement Liability : \$1,000,000 Limit	\$2,500	Included
Public Officials Liability : \$1,000,000 Limit Each Wrongful Act	\$2,500	\$16,585
Automobile : \$1,000,000 Liability for Owned Autos; Coverage Level per Schedule; Automatic Coverage for Additions; Non-Audited	See Schedule	\$62,084
Crime : Blanket \$500,000 Faithful Performance; In/Out Robbery; Counterfeit; Forgery; Computer Fraud; Telephone Toll Fraud \$25,000 sublimit	\$250	\$1,450
Excess Liability : Refer to the proposal page for limit information. Underlying limits must be exhausted before excess liability is available for losses.	None	\$18,469
Environmental Liability : \$500,000 Limit	\$25,000	Included
Cyber Risk : \$1,000,000 Limit	None	\$3,000
Grand Total Annual Contribution		\$202,229
	<i>Less Rate Credit(P&C)</i>	<i>(\$3,590)</i>
	Total Contribution Due	\$198,639

Any additions or deletions made after the proposal and initial billing effective up to and including July 1st will result in an endorsement and contribution adjustment.

In order to be eligible for WVcorp membership, the following coverages must be selected: Property (where applicable), General Liability, Business Auto (where applicable), and Crime. To be eligible for Workers' Compensation coverage, Property & Casualty must be in effect with WVcorp.



RESPONSE NEEDED - If electing option(s) below, please indicate on Coverage Intent Form form. Otherwise, coverage will be based upon current coverage as you do not wish to select proposed option(s) below.

**2024 - 2025 Quote Options for
City of Elkins**

OPTION 1: Cyber Risk - Increased Liability

WVcorp provides members an opportunity to increase Cyber Risk coverage. The purchased limit is your own limit, which is outside of the WVcorp pooled limit for other members. Cyber Risk Liability provides coverage due to network security breaches (including hacking and viruses) and online privacy matters (including identity theft). Coverage also includes Crisis Management, Remediation and Notification Expense coverage for public relations services, expense to determine scope of breach, and notification expense required by law, including mailings and monitoring up to the purchased limit.

Limit	Deductible	Annual Contribution
\$1,000,000	\$0	Included in Proposal
\$2,000,000	\$0	\$5,000
\$3,000,000	\$0	\$6,000

\$5,000,000 limit option is available upon request



Property

- WVcorp provides members with the most extensive property coverage available.
- Property coverage is Special Form specifically drafted for public entities; all perils are covered except those specifically excluded.

Buildings and Contents

Total Building Values	\$ 35,018,178
Total Contents Values	\$ 795,493
Business Income / Extra Expense (\$100,000 Automatic or as scheduled)	\$ 0

Coverage Includes: (no additional charge)*

- Back-up of Sewers & Drains: \$1,000,000 Limit
- Debris Removal: \$20,000,000 Pool Limit
- Pollutant Clean-up and Removal: \$500,000 Pool Limit
- Newly Acquired Property: \$10,000,000 Limit (up to 120 Days)
When timely reported, covered until renewal at no additional charge if under \$500,000 in value;
additional charge for new values above \$500,000
- Property in Transit: \$5,000,000 Pool Limit
- Utility Services Time Element: \$2,000,000 Pool Limit
- Building Ordinance/Increased Cost of Construction/Demolition: up to \$20,000,000 Pool Limit
- Earthquake, Volcanic Eruption, Landslide, and Mine Subsidence: up to \$10,000,000 Pool Limit
- Flood (if outside the 100 year flood plain): up to \$10,000,000 Pool Limit
- Architect & Engineering fees for plans, specifications, and supervision included upon replacement
- Error in Reporting Provision
- Improvements and Betterments to buildings leased by the member
- Signs, fences, light poles, antenna, masts, and towers; retaining walls are covered within 1,000 feet of the premises provided their values are included in the schedule

**Does not apply to properties valued at Actual Cash Value (ACV)*

Coverage Available (Additional Charge):

Builders' Risk during building construction (Optional - must be reported)

Perils Covered

- Special Form; specifically drafted for public entities; all perils are covered except those specifically excluded.
- Flood (if outside the 100 year flood plain) and Earthquake are included.

Valuation

- Building & Contents – Replacement Cost, except vacant property at Actual Cash Value or stated otherwise
- Business Income - Actual Loss Sustained

Other Terms

- Blanket Limit
- No Coinsurance
- Vacant Buildings must be reported.
If vacant building becomes occupied, please notify WVcorp to ensure proper coverage is in place.

Deductibles (Per Occurrence)

- \$2,500 Building & Contents
- \$25,000 Flood
- \$25,000 Earthquake

Definitions

- **Replacement Cost (RC):** The cost to repair, rebuild, or replace, at the same site, lost, damaged, or destroyed property, with other property of comparable size, material, and quality; or the applicable Limit of Coverage.
- **Actual Cash Value (ACV):** The cost to repair, rebuild, or replace lost or damaged property, at the time and place of the loss, with other property of comparable size, material and quality, less allowance for physical deterioration, depreciation, obsolescence, and depletion.
- **Functional Replacement Cost:** The cost of repairing or replacing damaged or stolen property with the same kind or quality; or comparable new property as of the time of loss; or applicable Limit of Coverage.
- **Vacant:** A building that does not contain adequate Covered Property to conduct customary business operations.



Inland Marine

- Inland Marine is property coverage for movable or specialized types of property and equipment.
- Electronic Data Processing (EDP) covers direct physical loss to member-owned computer equipment, phone systems, fax machines, printers, and copiers.

Inland Marine

Total Inland Marine Value (Per Schedule)	\$ 3,880,292
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Computers / Electronic Data Processing (EDP)

Hardware (Per Schedule)	\$ 1,072,000
Software (Per Schedule)	\$ 0

Perils Covered

- Special Form; specifically drafted for public entities; all perils are covered, except those specifically excluded.
- Electronic Data Processing (EDP) includes electrical and mechanical breakdown.

Valuation

- Inland Marine – Replacement Cost if scheduled, otherwise Actual Cash Value except:
- Electronic Data Processing (EDP) - Functional Replacement Cost, if scheduled at 100% replacement values - otherwise Actual Cash Value.

Deductible

See Schedule

Definitions

- **Replacement Cost (RC):** The cost to repair, rebuild, or replace, at the same site, lost, damaged, or destroyed property, with other property of comparable size, material, and quality; or the applicable Limit of Coverage.
- **Actual Cash Value (ACV):** The cost to repair, rebuild, or replace lost or damaged property, at the time and place of the loss, with other property of comparable size, material and quality, less allowance for physical deterioration, depreciation, obsolescence, and depletion.
- **Functional Replacement Cost:** The cost of repairing or replacing damaged or stolen property with the same kind or quality; or comparable new property as of the time of loss; or applicable Limit of Coverage.

Equipment Breakdown

- Equipment Breakdown is comprehensive coverage for direct damage to covered equipment. Examples of covered equipment include: air conditioning and refrigeration equipment, boilers and pressure vessels (air tanks, hot water tanks, cookers, furnaces), communication systems, and electrical equipment (compressors, fans, system motors).
- Coverage includes the expense of inspections and certification of boilers and air compressors as required by the Department of Labor and Industry

Limits

- \$50,000,000 Limit Per Breakdown; includes Property Damage, Business Income and Extra Expense
- \$1,000,000 Newly Acquired Property (up to 90 Days)
- \$1,000,000 Demolition (Coverage B)
- \$250,000 Hazardous Substance
- \$1,000,000 Increased Cost of Construction (Coverage C)
- \$500,000 Expediting Expenses
- \$1,000,000 Service Interruption
- \$250,000 Spoilage Damage
- \$100,000 Electronic Data or Media Damage

Covered Events

Property losses ranging from air conditioning equipment and HVAC systems to electrical equipment, including system motors, compressors, refrigeration equipment, fans, switchboards, coils, pipes and air conditioning vessels.

Deductibles

- \$1,000 Per Occurrence
- 24 Hours Business Income Loss



General Liability

- WVcorp general liability coverage provides the broadest protection for public entities in West Virginia.
- WVcorp coverage provides protection from claims or suits for personal injury or property damage.
- Excess limits available

Basis of Contribution

Net Operating Expense	\$ 4,212,065
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Limits

- \$1,000,000 Combined Single Limit for Bodily Injury and Property Damage - Each Occurrence
- No Annual Aggregate

Additional Coverages

- Failure to Supply (No Sublimit)
- Sidetrack Agreements including Railroads
- Contractual Liability for Covered Contracts
- Personal Injury and Advertising Liability
- Broad Form Property Damage Liability
- Incidental Medical Malpractice
- Limited Worldwide Liability
- Owned Watercraft under 51 feet
- Products/Completed Operations
- Punitive Damages Covered in Most Cases
- Employee Benefits Liability

Sublimits

- \$100,000 Fire Legal Liability - Real Property
- \$100,000 Care, Custody, and Control of Others' Property

Deductible

None



Cyber Risk

- WVcorp members are covered for online privacy matters (including identity theft), losses due to network security breaches (including hacking and viruses), copyright infringement, and online slander or libel, among other issues.
- Increased limits available

Limits

- \$1,000,000 Per Occurrence and Aggregate - Per Member

Coverages

Network Security, Privacy, and Data Breach Liability

- Liability for unauthorized access to the computer network, including personal identifying information such as social security numbers, credit card numbers, etc.
- Liability for transmission of a computer virus

Multimedia Liability

- Copyright/trademark infringement, invasion of privacy, plagiarism, libel and slander through website or social media

Regulatory Liability

- Liability, including defense costs, resulting from a claim by an official regulatory agency or governmental body as a result of a security breach or privacy breach or breach of privacy regulations
- Includes civil and/or administrative penalties or fines imposed by an official regulatory agency or governmental body

Data Breach Incident Response

- Expenses paid to third party service providers arising from a data breach for legal services, notification expenses, fraud monitoring and resolution services, call center services, public relations services, and computer forensic services.

Data Restoration

- Costs to restore, compile or replace data
- Reasonable and necessary costs and expenses to determine scope of breach
- Costs paid to restore, compile or replace data to a third party as a result of a network security breach or cyber extortion event

Cyber Extortion

- Reimbursement of reasonable costs and expenses resulting from request for money to avoid damage, destruction, corruption or introduction of a computer virus, a malicious code or denial of service

Social Engineering Fraud

- Covers financial loss relating to a social engineering event whereby an employee is instructed to move funds to another bank fraudulently

PCI DSS Fines

- Covers PCI contractual costs and regulatory fines following a security or privacy event

Deductible

None

Environmental Liability

- WVcorp provides members with liability protection for first and third party environmental liabilities.
- Coverage for third party cleanup involving above ground pollution exposures is included.

Limits

- \$500,000 Each Incident and Aggregate - Per Member
- \$1,000,000 Pool Aggregate

Coverages

- Third Party Clean-up for above ground pollution exposures, such as:
 - Water & Sewer Operations
 - Transfer Stations
 - Spraying of Pesticides and Herbicides
 - Golf Courses
 - Above Ground Storage Tanks

Exclusions *

- Underground Storage Tanks
- Landfills

* WVcorp will place coverage for these excluded exposures through a commercial carrier, if requested.

Deductible

- \$25,000 Per Occurrence



Law Enforcement Liability

- WVcorp Law Enforcement Liability provides protection from allegations arising from law enforcement operations.

Limit

- \$1,000,000 Personal Injury, Property Damage, or Wrongful Act – Per Occurrence

Coverages

Follows Coverage Contract for Liability Coverage

Additional Coverages

- Bodily Injury/Property Damage with respects to Law Enforcement operations
- Personal Injury Liability
- Broad Form Property Damage Liability
- Limited Worldwide Liability
- Owned Watercraft under 51 feet
- Volunteers included as covered persons (volunteer fire & rescue are excluded)
- Contractual Liability for covered contracts

Deductible

- \$2,500 Per Occurrence



Public Officials Liability

- Public Officials Liability provides protection against allegations of wrongful acts, such as sexual harassment and employment practices.
- Defense costs are provided for certain excluded coverages
- Prior Acts Coverage included if prior coverage was written on claims-made basis.

Limits

- \$1,000,000 Each Wrongful Act
- \$1,000,000 Annual Aggregate
- \$10,000 HRC/EEOC Defense

Policy Form

Occurrence

Coverages

- Employment Practices
- Sexual Harassment
- Notary Public applicable for all current employees while acting within the course and scope of their notarial duties of the Member
- Defense cost in addition to coverage limits

Additional Provisions

- Claims handled when filed, not only if a lawsuit is filed

\$100,000 Defense Limit provided for the following excluded coverages:

- Employment Wrongful Acts, when no monetary damages requested
- Land Use/Eminent Domain (subject to \$25,000 Deductible)
- Suits for non-monetary relief brought to remove an elected official pursuant to WV Code §6-6-7 (subject to \$25,000 Deductible)

\$50,000 Defense Reimbursement Limit provided for the following excluded coverages:

- Criminal Acts (subject to a \$10,000 Deductible); see contract language for specific terms and conditions

Deductible

- \$2,500 Per Occurrence
- \$25,000 Land Use/Eminent Domain



Automobile Liability and Physical Damage

- WVcorp coverage includes hired and non-owned vehicles
- Automatic coverage for newly acquired vehicles at no additional charge until renewal.
- Excess limits available.

Basis of Contribution

Number of Vehicles

69

Liability

Limits

- \$1,000,000 Liability Limit For Owned and Hired Autos - Bodily Injury and Property Damage - Each Occurrence
- \$2,000 Medical Payments (Per Person)
- \$1,000,000 Non-Owned Auto Liability (excess over any other collectible insurance)
- \$1,000,000 Uninsured Motorist
- \$250,000 Underinsured Motorist
- \$1,000,000 Garage Liability
- \$100,000 Garagekeepers
- No Annual Aggregate

Additional Coverages

- Out of State No Fault Coverage provided at the basic minimum limits required by state law
- Newly acquired vehicles covered until renewal at no additional charge
- Unlimited Physical Damage for all owned vehicles; deductible will apply
- Replacement cost coverage can be provided on any vehicle with a replacement cost value in excess of \$50,000
 - Must be reported at 100% of replacement cost value
 - Additional charge will apply

Physical Damage

Deductibles

- \$1,000 Comprehensive (ACV)
- \$1,000 Collision (ACV)
- \$1,000 Hired Car Physical Damage Comprehensive (up to \$50,000)
- \$1,000 Hired Car Physical Damage Collision (up to \$50,000)
- \$1,000 Garagekeepers

Definitions

- **Replacement Cost (RC):** The Fund will pay the lesser of: (a) the cost of repairing damaged property or replacing damaged or stolen property with the same kind or quality; (b) the cost to replace the damaged or stolen property with comparable new property as of the time of loss; or (c) the Limit of Coverage applicable to the lost, damaged or stolen Covered Auto.
- **Actual Cash Value (ACV):** The cost to repair, rebuild, or replace lost or damaged property, at the time and place of the loss, with other property of comparable size, material and quality, less allowance for physical deterioration, depreciation, obsolescence, and depletion.

Please provide values for all vehicles you wish to have this coverage applied to effective 07/01/2024



Crime Coverage

- Crime provides protection from loss of money and securities, as well as, forgery and fraud.
- State-required faithful performance bonds for covered persons are included.
- Coverage is for covered crimes committed by employees, board members, commission members and volunteers.

Limits

- \$500,000 Per Occurrence
- \$25,000 Telephone Toll Fraud

Coverage Forms

- Employee Theft
- Employee Dishonesty (Faithful Performance Form)
- Loss Inside and Outside the Premises
- Money Orders and Counterfeit Paper Currency
- Depositors Forgery Coverage
- Computer Fraud
- Funds Transfer Fraud

Public Officials Required Bond

Meets maximum listed Bond value for all public officials as outlined by West VA Code §6-2-10, §6-2-10A, and §6-2-11

Deductible

- \$250 Per Occurrence

Excess Liability

- Excess liability provides additional limits over and above the underlying limits for those coverages for which excess limits are purchased.
- Underlying limits must be exhausted before excess liability is available for losses.

Limits

- Excess Automobile Liability
 - \$5,000,000 Limit
 - \$0 Excess Liability Aggregate
- Excess General Liability
 - \$5,000,000 Limit
 - \$0 Excess Liability Aggregate
- Excess Law Enforcement Liability
 - \$5,000,000 Limit
 - \$0 Annual Aggregate
- Excess Public Officials Liability
 - \$5,000,000 Limit
 - \$5,000,000 Annual Aggregate

**Does not include Non-Owned Automobile Liability, Garage Liability, and Uninsured/Underinsured Motorists Coverage*



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 2, 2024
Section:	Approval of vendor invoice payments
Category:	Action Item
Agenda Item Name:	Vendor invoices presented for approval: April 15-26. <i>(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.)</i>
Recommended By:	City Treasurer
Summary:	Accounts payable transactions in all funds April 15-26, 2024
Fiscal Impact:	Report details \$456,653 in transactions from all funds.
Recommendation:	Consider for approval
Attachments:	1. AP Check Report - 2024_05_02

4/29/2024 9:10 AM
VENDOR SET: 01 Elkins
BANK: * ALL BANKS
DATE RANGE: 4/15/2024 THRU 4/26/2024

A/P HISTORY CHECK REPORT

PAGE: 1

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02486	FPG							
C-CHECK	FPG	VOIDED V	4/24/2024			015293		4,111.19CR

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	0	0.00	0.00	0.00
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	1 VOID DEBITS	0.00		
	VOID CREDITS	4,111.19CR	4,111.19CR	0.00

TOTAL ERRORS: 0

VENDOR SET: 01 BANK:	TOTALS:	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
		1	4,111.19CR	0.00	0.00
BANK:	TOTALS:	1	4,111.19CR	0.00	0.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00438	Master Service Corporation							
I-Application#4	Emergency Generator Install	R	4/23/2024	40,500.00		000114		
I-Application#5	Emergency Generator Install	R	4/23/2024	16,730.00		000114		57,230.00

* * T O T A L S * *		NO		INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:		1		57,230.00	0.00	57,230.00
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	

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: ARPA TOTALS:	1	57,230.00	0.00	57,230.00
BANK: ARPA TOTALS:	1	57,230.00	0.00	57,230.00

4/29/2024 9:10 AM
 VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE: 4/15/2024 THRU 4/26/2024

A/P HISTORY CHECK REPORT

PAGE: 3

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00741	Great-West Trust Company LLC							
I-VF 202404161640	Voya	D	4/16/2024	595.00		005887		
I-VF2202404161640	Voya AT	D	4/16/2024	100.00		005887		695.00
00792	WV Consolidated Retirement Boa							
I-RTD202404021632	Retirement	D	4/16/2024	6,827.23		005888		
I-RTD202404021633	Retirement	D	4/16/2024	409.37		005888		
I-RTD202404161640	Retirement	D	4/16/2024	6,769.04		005888		14,005.64
00952	WV Consolidated Retirement Boa							
I-RTF202404021632	Retirement	D	4/16/2024	2,953.96		005889		
I-RTF202404161640	Retirement	D	4/16/2024	2,360.88		005889		
I-RTN202404021632	Retirement	D	4/16/2024	3,923.92		005889		
I-RTN202404161640	Retirement	D	4/16/2024	4,014.04		005889		13,252.80
00993	WV Consolidated Retirement Boa							
I-RT6202404021632	Retirement 6%	D	4/16/2024	9,533.84		005890		
I-RT6202404161640	Retirement 6%	D	4/16/2024	9,353.54		005890		18,887.38
00116	Child Support Enforcement							
I-CDS202404161640	Child Support	R	4/16/2024	690.10		015234		690.10
00121	Citizens Bank of WVFP							
I-FP 202404161640	Fire Pension	R	4/16/2024	479.01		015235		479.01
00122	Citizens Bank of WVPP							
I-PP 202404161640	Police Pension	R	4/16/2024	216.88		015236		
I-PPN202404161640	Police Pension-2010 Forward	R	4/16/2024	216.12		015236		433.00
00147	COE Misc							
I-MIS202404161640	Misc Reimbursements	R	4/16/2024	427.91		015237		427.91
00150	COE Payroll							
I-T1 202404161640	Federal Withholding	R	4/16/2024	12,780.59		015238		12,780.59
00151	COE Payroll							
I-T3 202404161640	FICA	R	4/16/2024	19,778.30		015239		
I-T4 202404161640	Medicare	R	4/16/2024	4,968.84		015239		24,747.14
00152	COE Payroll							
I-T2 202404161640	State Withholding	R	4/16/2024	5,627.00		015240		5,627.00
00203	Davis Trust Company							
I-CC 202404161640	Employee Christmas Club	R	4/16/2024	2,760.00		015241		2,760.00

4/29/2024 9:10 AM
VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE: 4/15/2024 THRU 4/26/2024

A/P HISTORY CHECK REPORT

PAGE:

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VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00747	Washington National Insurance							
I-WN 202404161640	Washington National Insurance	R	4/16/2024	641.85		015242		641.85
00837	COE Payroll Reimbursement							
I-001202404161640	Payroll Reimbursement	R	4/16/2024	55,287.04		015243		
I-006202404161640	Payroll Reimbursement	R	4/16/2024	5,601.15		015243		
I-036202404161640	Payroll Reimbursement	R	4/16/2024	13,345.30		015243		
I-400202404161640	Payroll Reimbursement	R	4/16/2024	24,015.93		015243		
I-401202404161640	Payroll Reimbursement	R	4/16/2024	14,399.52		015243		
I-404202404161640	Payroll Reimbursement	R	4/16/2024	11,262.43		015243		123,911.37
01885	Colonial Life							
I-CL 202404161640	Colonial Life-AT	R	4/16/2024	112.10		015244		
I-CLP202404161640	Colonial Life-PT	R	4/16/2024	52.52		015244		164.62
00001	A & A Safety, Inc.							
I-199210	Signs	R	4/16/2024	2,225.00		015245		2,225.00
00006	AFLAC							
I-AF 202404021632	Aflac-After Tax Ins	R	4/16/2024	67.78		015246		
I-AF 202404161640	Aflac-After Tax Ins	R	4/16/2024	67.78		015246		
I-AFL202404021632	Aflac Insurance	R	4/16/2024	68.67		015246		
I-AFL202404161640	Aflac Insurance	R	4/16/2024	68.67		015246		272.90
00047	Truist Governmental Finance							
I-00005 042424	9948000234-05 042424	R	4/16/2024	2,596.05		015247		
I-00006 042724	9948000234-06 042724	R	4/16/2024	2,643.26		015247		5,239.31
00065	Christopher Boatwright							
I-Travel 041824	Travel-Charleston Training	R	4/16/2024	96.00		015248		96.00
00085	Burgess & Niple, Inc.							
I-1133517	Prof Engineering Serv 02/2024	R	4/16/2024	2,194.50		015249		2,194.50
00126	City of Clarksburg							
I-202404129282	Compost 1451 4/11/24	R	4/16/2024	90.60		015250		90.60
00140	City of Elkins							
I-CKREQ 041124	Whitmer Utility Pmts to Elkins	R	4/16/2024	625.37		015251		625.37
00154	COE Sanitation							
I-202404035712	Hauling Brush #99 032724	R	4/16/2024	299.48		015252		
I-202404035713	HaulingFee-Brush #100	R	4/16/2024	299.48		015252		598.96

4/29/2024 9:10 AM
 VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE: 4/15/2024 THRU 4/26/2024

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VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00202	Davis Trust Company							
I-12755 042224	3113776-12755 042224	R	4/16/2024	4,256.84		015253		4,256.84
00242	Elkins Professional Firefighte							
I-EPP202404021632	Elkins Professional FF	R	4/16/2024	135.00		015254		
I-EPP202404161640	Elkins Professional FF	R	4/16/2024	135.00		015254		270.00
00430	Jonathan Distefano dba Mainten							
I-1234 040324	8 Keys	R	4/16/2024	48.00		015255		48.00
00457	Metalworks, Inc.							
I-13380	Repair Body Valve	R	4/16/2024	240.00		015256		
I-13388	SS brackets	R	4/16/2024	267.00		015256		507.00
00468	Miss Utility of West Virginia,							
I-WV24-1179	Message Fees 03/2024	R	4/16/2024	255.60		015257		255.60
00471	Mon Power							
I-CityPark 041024	City Park 030924-040824	R	4/16/2024	9.77		015258		
I-Park 095 041024	Park 030924-040824	R	4/16/2024	7.89		015258		
I-Park 465 041024	Park St 465 030924-040824	R	4/16/2024	10.90		015258		
I-Park 996 041024	Park St 030924-040824	R	4/16/2024	7.46		015258		
I-Whitmer 040924	Church Hill Rd 030624-040424	R	4/16/2024	1,098.20		015258		1,134.22
00483	Mountain Valley Bank							
I-1202553-21 042824	1202553-21 042824	R	4/16/2024	2,369.18		015259		2,369.18
00483	Mountain Valley Bank							
I-1202553-24 041524	1202553-24 041524	R	4/16/2024	6,518.78		015260		6,518.78
00484	Mountaineer Gas Company							
I-421Davis 040524	421 Davis 030724-032824	R	4/16/2024	255.77		015261		255.77
00551	Preiser Scientific, Inc.							
I-567305-1	Free Chl Reag Set/Buffers	R	4/16/2024	600.41		015262		600.41
00591	Retiree Health Benefit Trust F							
I-04/2024 RHBT	Retirees 04/2024	R	4/16/2024	1,639.16		015263		1,639.16
00670	Steptoe & Johnson PLLC							
I-1129452	Prof Services through 03/31/24	R	4/16/2024	2,508.14		015264		2,508.14
00779	Woodford Oil Company							
I-314205 Diff 0322	Diff on invoice 314205	R	4/16/2024	500.00		015265		500.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00805	FBMC							
I-MFB202404021632	Mt. Flex Benefit	R	4/16/2024	1,828.72		015266		
I-MFB202404161640	Mt. Flex Benefit	R	4/16/2024	1,886.44		015266		
I-RChen 04/2024	RChenoweth April 2024	R	4/16/2024	49.90		015266		3,765.06
00810	WV Public Employee Insurance A							
I-Admn Fees 042024	Admin Fees 4/2024	R	4/16/2024	200.00		015267		
I-BL 202404161640	Basic Life Benefit	R	4/16/2024	186.12		015267		
I-BL1202404161640	Basic Life Benefit +	R	4/16/2024	1.98		015267		
I-DL 202404021632	Dependent Life	R	4/16/2024	89.61		015267		
I-DL 202404161640	Dependent Life	R	4/16/2024	89.61		015267		
I-HPA202404021632	Ins-Health Plan A	R	4/16/2024	949.00		015267		
I-HPA202404161640	Ins-Health Plan A	R	4/16/2024	949.00		015267		
I-HPB202404021632	Ins-Health Plan B	R	4/16/2024	627.50		015267		
I-HPB202404161640	Ins-Health Plan B	R	4/16/2024	627.50		015267		
I-ICA202404021632	Ins - Emp/Child-Plan A	R	4/16/2024	2,266.00		015267		
I-ICA202404161640	Ins - Emp/Child-Plan A	R	4/16/2024	2,266.00		015267		
I-ICB202404021632	Ins- Emp/child - Plan B	R	4/16/2024	494.50		015267		
I-ICB202404161640	Ins- Emp/child - Plan B	R	4/16/2024	494.50		015267		
I-IFA202404021632	Ins - Family - Plan A	R	4/16/2024	16,675.00		015267		
I-IFA202404161640	Ins - Family - Plan A	R	4/16/2024	16,675.00		015267		
I-IFB202404021632	Ins - Family - Plan B	R	4/16/2024	5,825.00		015267		
I-IFB202404161640	Ins - Family - Plan B	R	4/16/2024	5,825.00		015267		
I-IFD202404021632	Ins-Fam-Plan B - Post Tax	R	4/16/2024	582.50		015267		
I-IFD202404161640	Ins-Fam-Plan B - Post Tax	R	4/16/2024	582.50		015267		
I-ISA202404021632	Ins - Single - Plan A	R	4/16/2024	4,279.69		015267		
I-ISA202404161640	Ins - Single - Plan A	R	4/16/2024	4,062.50		015267		
I-ISB202404021632	Ins-Single - Plan B	R	4/16/2024	3,934.00		015267		
I-ISB202404161640	Ins-Single - Plan B	R	4/16/2024	3,934.00		015267		
I-OL 202404021632	Optional Life	R	4/16/2024	351.63		015267		
I-OL 202404161640	Optional Life	R	4/16/2024	379.11		015267		
I-RChen 04/2024	RChenoweth Health/life 4/24	R	4/16/2024	1,335.98		015267		
I-TOF202404021632	Tobacco Surcharge Family	R	4/16/2024	325.00		015267		
I-TOF202404161640	Tobacco Surcharge Family	R	4/16/2024	325.00		015267		
I-TOS202404021632	Tobacco Surcharge Single	R	4/16/2024	137.50		015267		
I-TOS202404161640	Tobacco Surcharge Single	R	4/16/2024	137.50		015267		74,608.23
00812	WV Regional Jail and Correctio							
I-3124B49F	23 days inmate housing TVRJ	R	4/16/2024	1,253.04		015268		1,253.04
00990	Cleveland Brothers							
I-INPP5926053	Element-Fuel/Element-Sep	R	4/16/2024	142.66		015269		142.66

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VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00992	McNeil & Company							
I-1354214	Add 23 Sutphen/Del 1990Pierce	R	4/16/2024	208.27		015270		208.27
01386	The Sign Guy							
I-25643	8 HDU Signs	R	4/16/2024	24,480.00		015271		24,480.00
01559	Ryan Summerfield							
I-Travel 041724	Travel -Morgantown Training	R	4/16/2024	88.50		015272		88.50
01681	HdL Companies							
I-03312024	Add'l Bus License Rev 3/2024	R	4/16/2024	3,195.93		015273		3,195.93
01704	Dustin George							
I-Travel 041824	Travel-Charleston Training	R	4/16/2024	96.00		015274		96.00
01790	Crim Law Office PLLC							
I-422	Sanitary Bd Services 03/2024	R	4/16/2024	1,140.00		015275		
I-423	Water Board 03/2024	R	4/16/2024	1,230.00		015275		2,370.00
01821	Busy Beaver							
I-1610/L	hose fitting	R	4/16/2024	7.38		015276		7.38
01942	Elkins Municipal Building Comm							
I-1214756-11 041524	1214756-11 041524 32/80	R	4/16/2024	4,833.20		015277		4,833.20
01957	Zoro Tools, Inc.							
I-14023076	sump pump/fittings	R	4/16/2024	129.85		015278		129.85
02389	Fire & Police Selection Inc							
I-21573	PACT Testing/Materials	R	4/16/2024	500.00		015279		500.00
02630	West Virginia United Health Sy							
I-GAR202404021632	Case #22-M42C-00404/DStemple	R	4/16/2024	456.62		015280		456.62
02636	Applied Concepts Inc-Stalker R							
I-436358	Radar Cables/Mounts	R	4/16/2024	1,695.50		015281		1,695.50
02637	Cody Kerns							
I-CKREQ 041524	Reimb for Elect Sewer Snake	R	4/16/2024	85.60		015282		85.60
02182	Ramon Goux							
I-Travel 0423-050124	Travel - Training	R	4/23/2024	442.50		015283		442.50

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00032	Absolute Assurance Drug Test L							
I-3903	Employment Testing Leary	R	4/24/2024	42.00		015284		42.00
00132	Clarksburg Water Board							
I-M91512	compliance sampling	R	4/24/2024	23.00		015285		23.00
00471	Mon Power							
I-Barron 041724	Barron 031524-041224	R	4/24/2024	13,100.81		015286		
I-RRave 041624	RR Ave 031424-041224	R	4/24/2024	151.06		015286		13,251.87
00582	Region VII Plan. & Development							
I-520-9	GIS Services 3/2024	R	4/24/2024	55.00		015287		55.00
00779	Woodford Oil Company							
I-4584048	CHV Multifak EP 1 35/1	R	4/24/2024	580.00		015288		580.00
00786	WV Bureau for Public Health							
I-MallowWm CLII	William Mallow CLII WW Cert	R	4/24/2024	150.00		015289		150.00
00976	David Davis Heating, A/C & Ele							
I-3955	Filters/Honeywell Thermostat	R	4/24/2024	1,078.94		015290		1,078.94
01594	Pace Analytical Services LLC							
I-2430515876	Feb24-Mar24 Lab Contract	R	4/24/2024	2,465.00		015291		2,465.00
02047	Cybertech Automation USA Inc							
I-12998	2023 Whitmer WTP	R	4/24/2024	5,529.56		015292		
I-12999	2023 Whitmer WTP	R	4/24/2024	1,852.12		015292		
I-13000	Repair Flow Meter	R	4/24/2024	108.00		015292		7,489.68
02486	FPG							
I-21803F	BM Repair and Test	V	4/24/2024	270.71		015293		
I-21932F	Recordall Disc Meter	V	4/24/2024	3,840.48		015293		4,111.19
02486	FPG							
M-CHECK	FPG	VOIDED	V	4/24/2024		015293		4,111.19CR
02486	FPG							
I-21803F	BM Repair and Test	R	4/24/2024	Reissue		015294		
I-21932F	Recordall Disc Meter	R	4/24/2024	Reissue		015294		
I-21932F UPS	UPS US Ground on Inv 21932F	R	4/24/2024	109.56		015294		4,220.75

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VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
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* * T O T A L S * *

NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS: 60	352,582.91	0.00	352,582.91
HAND CHECKS: 0	0.00	0.00	0.00
DRAFTS: 4	46,840.82	0.00	46,840.82
EFT: 0	0.00	0.00	0.00
NON CHECKS: 0	0.00	0.00	0.00
VOID CHECKS:			
0 VOID DEBITS 4,111.19			
VOID CREDITS 4,111.19CR	0.00	0.00	

TOTAL ERRORS: 0

NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: Pool TOTALS: 64	399,423.73	0.00	399,423.73
BANK: Pool TOTALS: 64	399,423.73	0.00	399,423.73
REPORT TOTALS: 65	456,653.73	0.00	456,653.73



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 2, 2024
Section:	New business
Category:	Ordinance
Agenda Item Name:	Ordinance 328: An Ordinance Of The City Of Elkins, West Virginia To Vacate, Abandon And Close A Portion Of That Certain Public Right Of Way Known As Coke Alley Of The Valley Improvement Company South Elkins Addition Between Tenth Street And Eleventh Street (first of two readings)
Recommended By:	Operations Manager, Fire Chief, Police Chief
Summary:	Coca-Cola Consolidated, Inc. (CCCI) operates the Coca-Cola bottling plant located along Eleventh Street, on parcels divided by an open alley known as Coke Alley. Forklifts and other vehicles transit regularly between the two buildings, across the alley. CCCI has requested that the city abandon the section of Coke Alley dividing its properties, so that it may fence off this current thoroughfare for the safety of passersby and CCCI personnel. Elkins City Code § 93.070 et. seq. (Street and Alley Abandonment Procedures) prescribes a process to be followed for the abandonment of unopened alleys. As there is no process in city code for the abandonment of opened alleys, the process in § 93.070 et. seq. was followed in this case. That process requires: • A petition by the requesting party • An engineer's or surveyor's map of such right-of-way • A hearing before the Municipal Properties Committee • A Class I legal advertisement announcing the above hearing All of these requirements have been met (see attached checklist). The Operations Manager, the Fire Chief, and the Police Chief have all reviewed and do not object to this request being granted. If granted, this section of alley will permanently become the private property of CCBCC Operations, LLC, a wholly owned subsidiary of CCCI (the petitioner).



CITY OF ELKINS AGENDA ITEM REPORT

	The attached ordinance requires that the eventual quitclaim deed will reserve all necessary City of Elkins underground water and sewer utility easements.
Fiscal Impact:	None
Recommendation:	Consider for approval
Attachments:	1. abandonment checklist - Coke Alley - 2024_05_02 2. O-328 - abandoning part of Coke Alley

STREET AND ALLEY ABANDONMENT PROCEDURES

Elkins City Code §93.070 - §93.076

93.070 LEGISLATIVE INTENT.

Council finds and declares that within the city there are one or more streets, alleys and public rights-of-way that have not, do not or will not in the future serve any public purpose; that exist only by means of appearance on plats or maps of sections of the city; that it would be in the best interest of the city to abandon and vacate such streets, alleys and public rights-of-way, thereby absolving any actual or contingent liability; and that would otherwise permit more appropriate land use within the city thereby promoting orderly development of the city.

93.071 AUTHORITY.

Council, pursuant to the authority granted it by the Charter and the West Virginia Code, reserves the right to close, abandon, discontinue for public use any part or all of any street, alley, land, road or other designated travel way presently owned by or dedicated to the city.

A landowner shall file with the City Clerk:

- ☒ A petition to Council
- ☒ An engineer's or surveyor's map of such right-of-way together with abutting property owners
- ☒ A list of all owners of property abutting on such right-of-way
- ☒ An amount set forth by Council from time to time at the time of the filing of the petition for each quitclaim deed to cover the administrative cost, cost of legal publication, the cost of preparation of the deed, and recordation thereof. Per Ord. 185 the fees are \$100, plus \$50 for each quitclaim deed

Received on: 12/8/23 by SLS (clerk's initials) Amount R'cd \$ 100

The Petition is referred to the Municipal Properties Committee who shall:

- ☒ Fix a time and place for a public hearing on the petition. Such public hearing shall be held not less than 15 days after the date and place have been so fixed; and be published as a Class I legal advertisement in compliance with the provisions of W.Va. Code Art. 59-3. The notice shall be published at least 15 days before such hearing.

Hearing advertised on: 12/23/23 Hearing held on: 1/8/2024

- ☐ Verify that the applicant served, at least 15 days before such hearing, in the manner provided by law for the service of notices and process a notice showing the time, place and purpose of such hearing, upon every owner of property, and every person holding a lien thereon, abutting such street, alley, lane, road or other designated travel way.
- ☒ report its recommendations to Council at the next Council meeting. The recommendations of the Municipal Properties Committee to Council may include a recommendation as to a value to be placed on the right-of-way or portion thereof to be considered for abandonment.

Denied on: _____ (or) Referred to Council on: 1/8/2024

Council shall direct the preparation of an ordinance in the manner prescribed by law. Council shall then vote on passage or rejection of the ordinance by a simple majority vote of the members present at a regular or special meeting at which a quorum is present.

Ordinance first reading: _____ second reading: _____

The Inter-Mountain Legals Print Ad Proof

ADNo: 76004 Customer Number: L01320

Customer Name: SUTTON STOKES

Company: CITY OF ELKINS

Address: 401 DAVIS AVE

City/St/Zip: ELKINS, WV 26241

Phone: (304) 636-1414 Solicitor: JH

Category: 10 Class: 1000 Rate: LE-0 Start: 12-23-2023 Stop: 12-23-2023

Lines: 32 Inches: 3.11 Words: 160

Credit Card:

Expire:

Order Number:

Cost: 20.68 Extra Charges: 2.00 Adjustments: .00

Payments: .00 Discount: .00

Balance: 22.68

NOTICE OF PUBLIC HEARING

Please take notice that on January 8, at 11:00 a.m., in the Council Chamber of Elkins City Hall in Elkins, West Virginia, the Municipal Properties Committee will hold a public hearing on the petition of Coca Cola Consolidated, Inc. (CCCI) to abandon an opened portion of an alley known as Coke Lane. The portion of Coke Lane proposed to be abandoned passes between two CCCI properties at the south end of the block of Coke Lane between Tenth and Eleventh Streets.

The hearing will be open to the public and any interested parties may appear at the hearing and be heard with respect to the petition.

A copy of the petition and related documents are available for public inspection at the City Clerk's Office located at 401 Davis Avenue, Elkins, West Virginia. This office is open to the public Monday through Friday, 8:00 a.m. to 4:30 p.m.

City of Elkins
Sutton R. Stokes, City Clerk
12/23

ORDINANCE 328

AN ORDINANCE OF THE CITY OF ELKINS, WEST VIRGINIA TO VACATE, ABANDON AND CLOSE A PORTION OF THAT CERTAIN PUBLIC RIGHT OF WAY KNOWN AS COKE ALLEY OF THE VALLEY IMPROVEMENT COMPANY SOUTH ELKINS ADDITION BETWEEN TENTH STREET AND ELEVENTH STREET
--

WHEREAS, the City of Elkins has received a petition from Coca-Cola Consolidated, Inc. (“Petitioner”) requesting the vacation, abandonment and closure of a portion of Coke Alley of the Valley Improvement Company South Elkins Addition between Tenth Street and Eleventh Street; and

WHEREAS, the Petitioner has complied with the abandonment procedures adopted by the Common Council; and

WHEREAS, on January 8, 2024, the Municipal Properties Committee conducted a public hearing and found, after hearing testimony from representatives of the Petitioner, from Chief Bennett and from Chief Himes, that abandoning a portion of Coke Alley of the Valley Improvement Company South Elkins Addition would not be detrimental to the traveling public and would be beneficial to the Petitioner and their employees; and

WHEREAS the interest of the City and its residents will be best served by vacating and abandoning a portion of the public right of way known as Coke Alley of the Valley Improvement Company South Elkins Addition between Tenth Street and Eleventh Street; and

WHEREAS it is appearing that the Petitioner or its wholly owned subsidiary is the sole owner of the property abutting this portion of Coke Alley of the Valley Improvement Company South Elkins Addition between Tenth Street and Eleventh Street and it further appearing that property or interest of no person, firm or corporation will be damaged or injured by said abandonment; and

WHEREAS the Common Council deems it to be in the public interest that said public right of way being a portion of Coke Alley of the Valley Improvement Company South Elkins Addition between Tenth Street and Eleventh Street, as shown on the attached plat ,be vacated, abandoned and closed as not necessary for the public use or good.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKINS THAT:

1. The portion of the public right of way referred to herein and as shown on the attached plat, be and is hereby vacated, abandoned, and closed, and that from and after the final adoption of this Ordinance, the same shall cease to be a public road or way.

2. A public hearing with regard to the proposed vacation, abandonment and closure was held before the Municipal Properties Committee, pursuant to Notice of Hearing published in The Inter-Mountain.

3. Upon final adoption of this Ordinance, a quitclaim deed, reserving all necessary City of Elkins underground water and sewer utility easements, shall be executed by the Mayor to the wholly owned subsidiary of the Petitioner, namely CCBCC Operations LLC, a Delaware limited liability company.

4. The quitclaim deed and a duly certified copy of this Ordinance shall be recorded in the Office of the Clerk of the County Commission of Randolph County, West Virginia.

This Ordinance shall become effective upon the date of its final adoption.

PASSED AND APPROVED ON THE FIRST READING: _____, 2024.

PASSED AND APPROVED ON THE SECOND AND FINAL READING: _____, 2024.

Jerry A. Marco, Mayor

Attest:

Sutton Stokes, City Clerk

REVISED DRAFT COPY 4/15/2024
SHOWING CORNER MARKERS SET
FOR PROPOSED ALLEY CLOSURE
FOR REVIEW ONLY UNTIL
FINAL ORDINANCE OF CLOSURE

TOTAL 10° 00' WEST
DECL - 9° 10' WEST
TN - 0° 50'

MAGNETIC NORTH AT SITE
GRID NORTH FROM GPS CONTROL
MAY 2023 (WV SOUTH)

ALL BEARING'S
SHOWN ARE GRID

RAILROAD (60')

10TH STREET (60')

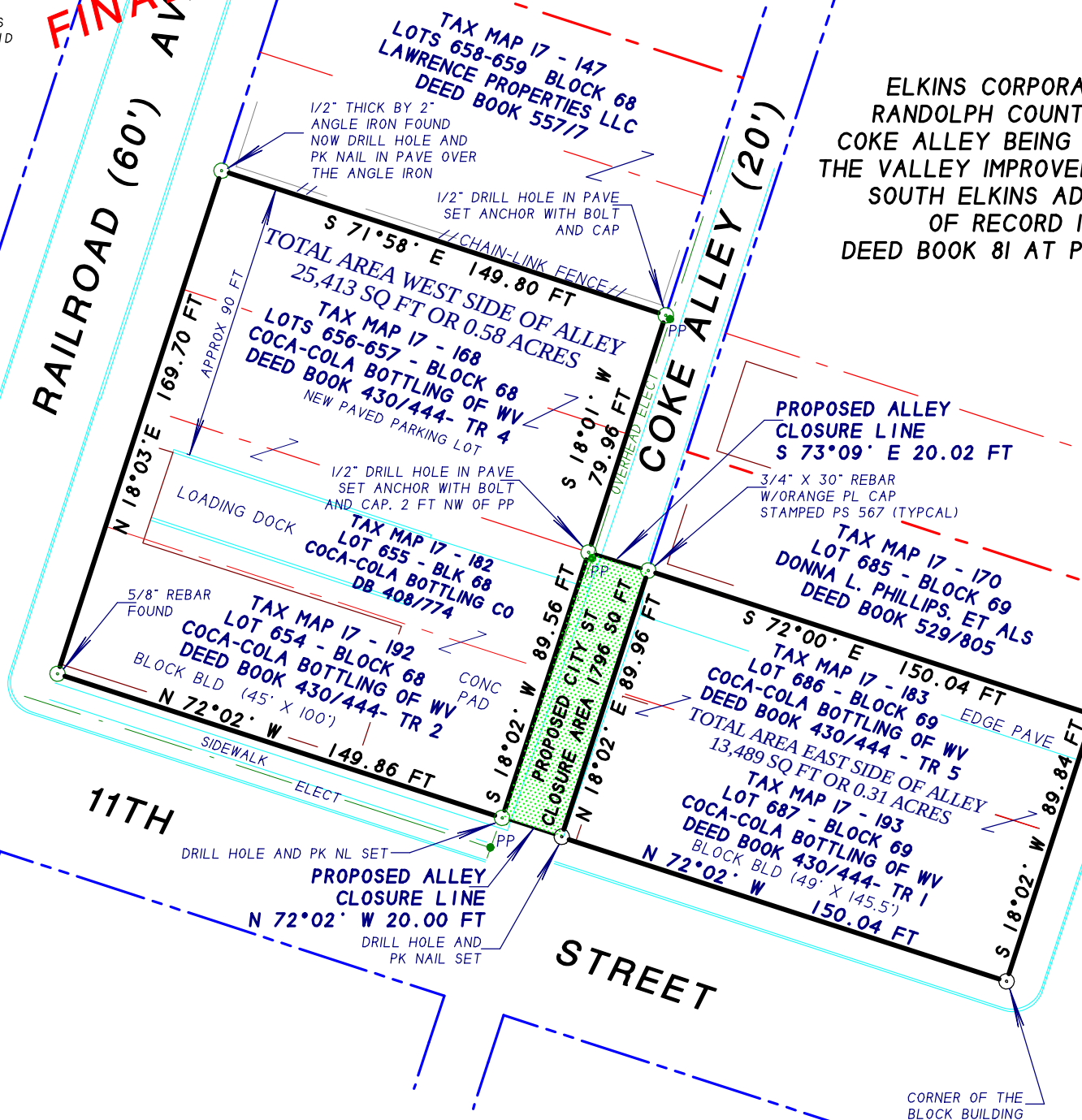
COKE ALLEY (20')

AVENUE

SOUTH DAVIS (60')

STREET

ELKINS CORPORATION
RANDOLPH COUNTY, WV
COKE ALLEY BEING PART OF
THE VALLEY IMPROVEMENT CO'S
SOUTH ELKINS ADDITION
OF RECORD IN
DEED BOOK 81 AT PAGE 414



PLAT OF SURVEY
FOR
PROPOSED PARTIAL CLOSURE OF COKE ALLEY
COCA-COLA BOTTLING COMPANY OF WV
SCALE: 1 INCH = 50 FEET



ELKINS CORPORATION RANDOLPH COUNTY, WEST VIRGINIA
Being Part Of The Valley Improvement Co's
South Elkins Addition Of Record In Deed Book 81 At Page 414
And Being A Proposed Alley Closure Of A Portion Of The South End Of
Coke Alley Between Lot 655 Of Block 68 (DB 408/774) And Lot 654 Of
Block 68 (DB 430/444- TR #2) On The West; And Lot 686 Of Block 69
(DB 430/44- TR #5) And Lot 687 Of Block 69 (DB 430/444- TR #1) On
The East As Were Conveyed As Follows:
1) Coca-Cola Bottling Co. Consolidated To COCA-COLA BOTTLING WORKS
OF COLUMBIA, TENNESSEE, INC On Nov 2, 1990 Of Record
In Deed Book 408 At Page 774.
2) Coca-Cola Bottling Works of Columbia, Tennessee, Inc. To THE COCA-COLA
BOTTLING COMPANY OF WEST VIRGINIA On December 10, 1993 Of Record
In Deed Book 430 At Page 444.
Portion Of Alley Between Tax Map 17, Parcels 182 And 192 On West
And Tax Map 17, Parcels 183 And 193 On East.

Revised Plat 4/15/2024

Site Location In May 2023
By LEON G. MALLOW
Professional Surveyor No. 567 of
LEON G. MALLOW SURVEYING, INC.
2000 Piercy Rd. Montrose, WV 26283



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 2, 2024
Section:	New business
Category:	Ordinance
Agenda Item Name:	Ordinance 329: An Ordinance Of The Common Council Of Elkins, West Virginia Amending Sections Of City Code, Chapter 152, Zoning Regarding Use Definitions (first of two readings)
Recommended By:	Planning Commission
Summary:	Use Definitions Needed for Conference and Event Center There are insufficient "use" definitions to apply to the Randolph County Development Authority's conference and event center planned for the railyard. According to RCDA, the center will host conventions, trade shows, exhibits, assemblies, meetings, theatrical performances, and similar events. There will also be a coworking space. Currently, the only applicable use definition in the zoning code is for theaters, shown below: • "Theater" means a building or part of a building devoted to the showing of movies, musical performances, dance, or theatrical productions, usually on a paid admission basis. The Planning Commission recommends the following new use definitions and allowing them "by right" in the Central Business District and the Commercial District. (Review the zoning map here.) • "<i>Conference center</i>" means a building or part of a building designed to host conventions, trade shows, exhibits, assemblies, meetings, and similar events, and may include large and small halls and meeting rooms. Services associated with meetings and events, such as catering, meal service, bar service, and related accessory uses and services shall also be permitted. • "<i>Coworking space</i>" means a room or rooms which may contain desks or other workspaces and facilities and is used by entrepreneurs, small teams, and/or employees of multiple companies to work on their own projects. Rules for membership and participation in the coworking space are explicit, transparent and are available to the public. Coworking



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	spaces may host classes or networking events which are open either to the public or to current and prospective members. Fabrication tools are limited to those which do not generate noise or pollutants in excess of what is customary within a typical office environment." Museums As a separate matter, the Planning Commission also recommends adding a use definition for museums. The following definition is proposed, and it is further proposed that the new use be allowed (1) by right in the Central Business District, the Commercial District, and the Educational District, and (2) conditionally in City Residential. "Museum" means a building or part of a building that displays, preserves, and/or exhibits objects of community and cultural interest in one or more of the arts and sciences, intended to be used by members of the public for viewing, with or without an admission charge.
Fiscal Impact:	None
Recommendation:	Consider for approval
Attachments:	1. O-329 - Amending Sections Chapter 152 Zoning Use Definitions_

ORDINANCE 329

AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA AMENDING SECTION OF CITY CODE, CHAPTER 152, <u>ZONING</u>, REGARDING USE DEFINITIONS

WHEREAS, the Common Council previously adopted a zoning ordinance which is codified in City Code Chapter 152, Zoning; and

WHEREAS, following the enactment of the zoning ordinance it has become apparent that there are several “use” definitions that should be added to promote the purposes of zoning, and

WHEREAS the Elkins Planning Commission has met and reviewed the instances where there are no “use” definitions for a building or facility which will or may be constructed within the City; and

WHEREAS, the Elkins Planning Commission has voted, pursuant to City Code §152.04, thereby recommending to the Common Council that certain designated sections of Chapter 152; Zoning, only concerning “use” definitions along with corresponding tables be amended; and

WHEREAS it appears that the Elkins Planning Commission has made this recommendation in furtherance of its authority and responsibilities to advise Council of any proposed amendments to Chapter 152: Zoning; and

WHEREAS, the Common Council has determined that by accepting the recommendation of the Elkins Planning Commission it is in the best interest of the citizens of the City.

NOW THEREFORE BE IT ORDAINED and ENACTED by the Common Council that City Code, Chapter 152: Zoning, be amended to add the following new use definitions:

§ 152.056 Definitions

“Conference center” means a building or part of a building designed to host conventions, trade shows, exhibits, assemblies, meetings, and similar events, and may include large and small halls and meeting rooms. Services associated with meetings and events, such as catering, meal service, bar service, and related accessory uses and services shall also be permitted.

“Coworking space” means a room or rooms which may contain desks or other workspaces and facilities and is used by entrepreneurs, small teams, and/or employees of multiple companies to work on their own projects. Rules for membership and participation in the coworking space are explicit, transparent and are available to the public. Coworking spaces may host classes or networking events which are open either to the public or to current and prospective members. Fabrication tools are limited to those which do not generate noise or pollutants in excess of what is customary within a typical office environment.

“Museum” means a building or part of a building that displays, preserves, and/or exhibits objects of community and cultural interest in one or more of the arts and sciences, intended to be used by members of the public for viewing, with or without an admission charge.

§152.092 Conditional Uses in City Residential (R-2) District

The following shall be added to the list of conditional uses in City Residential (R-2) District:

Museum

§152.111 Permitted Uses in the Central Business (CBD) District:

The following shall be added to the list of uses permitted by right in the Central Business District (CBD):

Conference Center
Coworking Space
Museum

§152.121 Permitted Uses in the Commercial (B-1) District

The following shall be added to the list of uses permitted by right in the Commercial (B-1) District:

Conference Center
Coworking Space
Museum

§152.131 Permitted Uses in the Educational (E) District:

The following shall be added to the list of uses permitted by right in the Educational (E) District:

Museum

The changes to Chapter 152: Zoning are only to the sections referred to herein and all other sections of said Chapter shall remain in full force in effect.

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

This Ordinance shall become effective upon passage.

PASSED AND APPROVED ON THE FIRST READING: _____,
2024.

PASSED AND APPROVED ON THE SECOND AND FINAL READING:
_____, 2024.

CITY OF ELKINS, WEST VIRGINIA

Jerry A. Marco, Mayor

Attest:

Sutton Stokes, City Clerk