



City of Elkins

Regular Council Meeting

May 16, 2024
7:00 PM
401 Davis Avenue
Council Chamber, 2nd Floor

AGENDA

1. **Public Hearing**
 - a. Public hearing pursuant to Elkins City Code §158.068 (C), regarding the proposed zoning of an unzoned parcel in Elkins Corp. Tax District, Tax Map 17, Parcel 258.
2. **Invocation and Pledge of Allegiance**
3. **Call to order and roll call**
4. **Public comment**
5. **Minutes**
 - a. Proposed minutes for the meeting of May 2, 2024
6. **Correspondence, Notifications, and Recognitions**
 - a. Building permits, zoning permits, and vacant property registrations
7. **Presentation**
 - a. Josh Nease, Mon Forest Towns
8. **Councilor Reports**
9. **Staff reports**
 - a. Treasurer's report
10. **Approval of vendor invoice payments**
 - a. Vendor invoices presented for approval: April 29-May 10, 2024

(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.)
11. **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 (final reading)
 - b. Ordinance 329: An Ordinance Of The Common Council Of Elkins, West Virginia Amending Sections Of City Code, Chapter 152, Zoning Regarding Use Definitions (final reading)

- c. Ordinance 330: An ordinance of the Common Council Of Elkins, West Virginia assigning zoning districts to an unzoned parcel on North 12th Street (first of two readings)
- d. Ordinance 331: An Ordinance Of The Common Council Of Elkins, West Virginia Amending Sections Of City Code, Chapter 152, Zoning Regarding Use Definitions, Uses in the Industrial District, and Height of Accessory Buildings (first of two readings)
- e. Ordinance 332: Annexing a parcel on Redbud Lane into the City of Elkins (first of two readings)
- f. Ordinance 333: Annexing two parcels near the Elkins Water Plant into the City of Elkins (first of two readings)
- g. Resolution 1752: Amending the personnel policy to eliminate restrictions on using benefits during the first 90 days of employment
- h. Resolution 1753: Adopting an updated Elkins Fire Department organizational chart and staffing policy
 - i. Resolution 1754: Adopting an updated policy for use of the downtown sound system
- j. Resolution 1755: Let bids for relocation of sewer line under former city street garage near Eleventh Street
- k. Resolution 1756: Reappoint R. Woolwine to the Airport Authority
- l. Resolution 1757: FY 2024 General Fund budget revisions 10
- m. Resolution 1758: Accepting the “base bid” (\$1.255 million) for the city hall HVAC system from Commercial Plumbing and Heating
- n. Reschedule meeting of June 20, due to West Virginia Day holiday, and reschedule July 4 meeting, due to Independence Day holiday

12. Mayor’s comments

13. Adjournment



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 2024
Section:	Public Hearing
Category:	Presentation
Agenda Item Name:	Public hearing pursuant to Elkins City Code §158.068 (C), regarding the proposed zoning of an unzoned parcel in Elkins Corp. Tax District, Tax Map 17, Parcel 258.
Recommended By:	Planning Commission
Summary:	The Planning Commission has recommended zoning districts for an unzoned parcel near North 12th Street. Per Elkins City Code §158.068 (C), a public hearing is required before the ordinance assigning the recommended zoning may be read for the first time. That ordinance, 330, is item "c" on tonight's agenda.
Fiscal Impact:	n/a
Recommendation:	Hear public comments on this matter
Attachments:	None



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 2024
Section:	Minutes
Category:	Action Item
Agenda Item Name:	Proposed minutes for the meeting of May 2, 2024
Recommended By:	City Clerk
Summary:	Minutes proposed for the regular council meeting of May 2, 2024.
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. city council - 2024_05_02 - minutes_proposed

Proposed Minutes

ELKINS COMMON COUNCIL REGULAR COUNCIL MEETING MINUTES

***401 Davis Avenue
Council Chamber, 2nd Floor
May 2, 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, A.C. Carroll, 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).

Councilor C.C. Lowther was absent.

PUBLIC COMMENT

There was no public comment.

MINUTES

Chenoweth **MOVED APPROVAL OF THE MINUTES OF THE MEETING OF APRIL 16, 2024.** The motion carried.

CORRESPONDENCE AND NOTIFICATIONS

Council received the following correspondence and notifications:

- Issued building permits
- Vacant property registrations

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 15-26.

Proposed Minutes

NEW BUSINESS

Chenoweth MOVED APPROVAL OF 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). The motion carried.

Carroll MOVED APPROVAL OF 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). The motion carried.

The meeting was adjourned at 7:39 p.m.

Attest: S.R. Stokes, City Clerk

Jerry A. Marco, Mayor



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 2024
Section:	Correspondence, Notifications, and Recognitions
Category:	Presentation
Agenda Item Name:	Building permits, zoning permits, and vacant property registrations
Recommended By:	Building Officer
Summary:	The attached report from the Building Officer details building permits for 14 projects with a total valuation of \$120,296.00, as well as year-to-date vacant property registrations.
Fiscal Impact:	See report
Recommendation:	Review presented information
Attachments:	1. Building Permits - 2024_05_16

BUILDING PERMITS 4/30-5/13

5/13/2024 4:51 PM 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: 4/30/2024 THRU 5/13/2024 EXPIRE DATES: 0/00/0000 THRU 99/99/9999
STATUS INCLUDED: Opened ISSUED DATES: 0/00/0000 THRU 99/99/9999
=====

PROJECT: 240104 - COMMERCIAL ACCESSORY BUILDING TYPE: BC-ACC COMMERCIAL ACCESSORY BLD
PROPERTY: 435 WILSON ST
APPLIED DATE: 5/01/2024 ISSUED DATE: 5/01/2024 EXPIRATION DATE: 10/31/2024 COMPLETION DATE: 0/00/0000
CONTRACTOR: SOLAR SOLAR HOLLER LLC ISSUED TO: NATURE CONSERVANCY
2835 PARK AVENUE 435 WILSON ST
HUNTINGTON, WV 25704 ELKINS, WV 26241
SQUARE FEET: 1,064
DWELLING TYPE: PRIVATE UNITS: 1
STATUS: OPEN BALANCE: 269.60

PROJECT: 240105 - RESIDENTIAL ROOFING TYPE: ROOF-RES RESIDENTIAL ROOFING
PROPERTY: 236 TERRACE AVE
APPLIED DATE: 5/01/2024 ISSUED DATE: 5/01/2024 EXPIRATION DATE: 10/31/2024 COMPLETION DATE: 0/00/0000
CONTRACTOR: ISSUED TO: GALLAGHER, PATRICK
236 TERRACE AVE
ELKINS, WV 26241
SQUARE FEET: 32
DWELLING TYPE: PRIVATE UNITS: 1
STATUS: OPEN BALANCE: 0.00

PROJECT: 240107 - COMMERCIAL REMODEL TYPE: BC-REM COMMERCIAL REMODEL
PROPERTY: 21 THIRD ST
APPLIED DATE: 5/01/2024 ISSUED DATE: 5/01/2024 EXPIRATION DATE: 10/31/2024 COMPLETION DATE: 0/00/0000
CONTRACTOR: AYTHOS AYTHOS LLC ISSUED TO: AUGUSTA HERITAGE CENTER, INC
451 CENTRAL STREET 21 THIRD ST
ELKINS, WV 26241 ELKINS, WV 26241
SQUARE FEET: 150
DWELLING TYPE: PRIVATE UNITS: 3
STATUS: OPEN BALANCE: 0.00

PROJECT: 240108 - RESIDENTIAL PLUMBING TYPE: PLB-RES RESIDENTIAL PLUMBING
PROPERTY: 34 CHERRY ST
APPLIED DATE: 5/01/2024 ISSUED DATE: 5/01/2024 EXPIRATION DATE: 10/31/2024 COMPLETION DATE: 0/00/0000
CONTRACTOR: ISSUED TO: MARTIN, IAN C
34 CHERRY ST
ELKINS, WV 26241
SQUARE FEET: 115
DWELLING TYPE: PRIVATE UNITS: 1
STATUS: OPEN BALANCE: 25.00

PROJECT: 240110	- RESIDENTIAL SIDEWALK/DRIVEWAY	TYPE: BR-SIDE	RES DRIVEWAY/SIDEWALK
PROPERTY:	31 CHERRY ST		
APPLIED DATE:	5/02/2024	ISSUED DATE:	5/02/2024
CONTRACTOR:		EXPIRATION DATE:	11/01/2024
		COMPLETION DATE:	0/00/0000
		ISSUED TO:	JOBE, RONALD & NANCY
			31 CHERRY ST
			ELKINS, WV 26241
SQUARE FEET:	50		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	0.00
PROJECT: 240111	- RESIDENTIAL FENCE	TYPE: FENCE-RES	RESIDENTIAL FENCE
PROPERTY:	400 ANDREWS ST		
APPLIED DATE:	5/03/2024	ISSUED DATE:	5/03/2024
CONTRACTOR:	PHEASANT PHEASANT MOUNTAIN CONSTRUCTION	EXPIRATION DATE:	11/02/2024
	39 BARRED OWL DRIVE	COMPLETION DATE:	0/00/0000
	KERENS, WV 26276	ISSUED TO:	BOGGS, CHELSEA N
			400 ANDREWS ST
			ELKINS, WV 26241
SQUARE FEET:	1		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	0.00
PROJECT: 240113	- RESIDENTIAL PLUMBING	TYPE: PLB-RES	RESIDENTIAL PLUMBING
PROPERTY:	185 SUMMIT ST		
APPLIED DATE:	5/03/2024	ISSUED DATE:	5/03/2024
CONTRACTOR:	PHILLIPSRE PHILLIPS REPAIR SERVICE	EXPIRATION DATE:	11/02/2024
	928 S HENRY AVENUE	COMPLETION DATE:	0/00/0000
	ELKINS, WV 26241	ISSUED TO:	WINGERBERG, JENNIFER L
			185 SUMMIT ST
			ELKINS, WV 26241
SQUARE FEET:	25		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	25.00
PROJECT: 240115	- COMMERCIAL REMODEL	TYPE: BC-REM	COMMERCIAL REMODEL
PROPERTY:	324 FOURTH ST		
APPLIED DATE:	5/03/2024	ISSUED DATE:	5/03/2024
CONTRACTOR:	CHRISTIAN CHRISTIAN BROTHERS GEN CONT	EXPIRATION DATE:	11/02/2024
	405 E BLUEBONNET LANE	COMPLETION DATE:	0/00/0000
	HOFFMAN ESTATES, IL 60169	ISSUED TO:	HUNTINGTON NATIONAL BANK
			37 W BROAD ST HP 1097
			CORP REAL ESTATE
			COLUMBUS, OH 43215-0000
SQUARE FEET:	20		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	0.00
PROJECT: 240116	- COMMERCIAL ROOFING	TYPE: ROOF-COM	COMMERCIAL ROOFING
PROPERTY:	111 DAVIS AVE		
APPLIED DATE:	5/03/2024	ISSUED DATE:	5/03/2024
CONTRACTOR:	BURKHOLDER BURKHOLDER ENTERPRISE	EXPIRATION DATE:	11/02/2024
	5698 MORGANTOWN PIKE	COMPLETION DATE:	0/00/0000
	BELINGTON, WV 26250	ISSUED TO:	MKA PROPERTIES LLC
			PO BOX 287
			ELKINS, WV 26241
SQUARE FEET:	4,300		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	0.00

PROJECT: 240117	- RESIDENTIAL REMODEL	TYPE: BR-REM	RESIDENTIAL REMODEL
PROPERTY:	107 PLEASANT AVE		
APPLIED DATE:	5/13/2024	ISSUED DATE:	5/13/2024
CONTRACTOR:		EXPIRATION DATE:	11/12/2024
		COMPLETION DATE:	0/00/0000
		ISSUED TO:	SANDS, DIANE M
			PO BOX 3
			BOWDEN, WV 26254
SQUARE FEET:	750		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	47.50
PROJECT: 240118	- RESIDENTIAL SIDEWALK/DRIVEWAY	TYPE: BR-SIDE	RES DRIVEWAY/SIDEWALK
PROPERTY:	109 WILTON AVE		
APPLIED DATE:	5/13/2024	ISSUED DATE:	5/13/2024
CONTRACTOR:	SIMON	EXPIRATION DATE:	11/12/2024
	SIMON CONCRETE SOLUTIONS	COMPLETION DATE:	0/00/0000
	1801 LIVINGSTON AVENUE	ISSUED TO:	STAATS, SCOTT A
	ELKINS, WV 26241		109 WILTON AVE
SQUARE FEET:	760		ELKINS, WV 26241
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	37.80
PROJECT: 240119	- RESIDENTIAL ROOFING	TYPE: ROOF-RES	RESIDENTIAL ROOFING
PROPERTY:	105 ADAMS ST		
APPLIED DATE:	5/13/2024	ISSUED DATE:	5/13/2024
CONTRACTOR:		EXPIRATION DATE:	11/12/2024
		COMPLETION DATE:	0/00/0000
		ISSUED TO:	ISENHART, BRANDON
			105 N WASHINGTON AVE
			ELKINS, WV 26241
SQUARE FEET:	1,420		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	121.20
PROJECT: 240121	- RESIDENTIAL ROOFING	TYPE: ROOF-RES	RESIDENTIAL ROOFING
PROPERTY:	1307 HARRISON AVE		
APPLIED DATE:	5/13/2024	ISSUED DATE:	5/13/2024
CONTRACTOR:	CLIFFORDRB	EXPIRATION DATE:	11/12/2024
	CLIFFORD R BILLER GEN CONT	COMPLETION DATE:	0/00/0000
	336 BLAINE AVE	ISSUED TO:	CHAMBERS, LAURA
	ELKINS, WV 26241		1307 HARRISON AVE
SQUARE FEET:	2,200		ELKINS, WV 26241
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	116.00
PROJECT: 240122	- RESIDENTIAL SIDEWALK/DRIVEWAY	TYPE: BR-SIDE	RES DRIVEWAY/SIDEWALK
PROPERTY:	242 DIAMOND ST		
APPLIED DATE:	5/13/2024	ISSUED DATE:	5/13/2024
CONTRACTOR:		EXPIRATION DATE:	11/12/2024
		COMPLETION DATE:	0/00/0000
		ISSUED TO:	CLINGERMAN, JONATHON S
			242 DIAMOND ST
			ELKINS, WV 26241
SQUARE FEET:	480		
DWELLING TYPE:	PRIVATE	UNITS:	1
STATUS:	OPEN	BALANCE:	30.00

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

ISSUED YEAR: 2024

MONTH	PROJECTS	VALUATION OF WORK
MAY	14	120,296.00

ZONING PERMITS

NONE

VACANT STRUCTURE BILLING

5/13/2024 5:02 PM
 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: 0/00/0000 THRU 99/99/9999
 EFFECTIVE DATE: 3/01/2024 THRU 5/13/2024
 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	Active	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	Active	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	Active	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	Active	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	FARUK	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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\$1600.00 COLLECTED THUS FAR



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 2024
Section:	Staff reports
Category:	Presentation
Agenda Item Name:	Treasurer's report
Recommended By:	
Summary:	The attached report from the City Treasurer includes: • General Fund Revenue Detail report showing: most recent month's revenues, YTD revenues, and YTD actual revenues as percentage of budgeted revenues • Bank account balances • Budget control summary • Letter from HDL Companies (assists city in recovering underpayments of business taxes and fees)
Fiscal Impact:	n/a
Recommendation:	Review presented information
Attachments:	1. Treasurer's Report - 2024_05_16

General Fund Revenue Detail

	March Revenues	YTD Revenues	Percent of Revenues Collected Per Budget	Percent of Yr. Completed 83.33
Unassigned Fund Balance				384,359.00
County Tax	\$74,004.94	\$1,120,825.03	94.33%	1,188,238.00
B & O Tax	\$279,907.25	\$1,575,733.34	111.75%	1,410,000.00
Hotel/Motel Tax	\$18,821.91	\$206,877.08	106.09%	195,000.00
Gas & Oil Severance Tax	\$0.00	\$70,881.19	283.52%	25,000.00
2% City Utility Tax	\$7,165.87	\$73,285.90	104.69%	70,000.00
Utility Excise Tax	\$48,680.50	\$286,507.83	95.50%	300,000.00
Liquor Tax	\$22,426.22	\$87,360.62	94.96%	92,000.00
Police	\$481.75	\$7,191.84	29.97%	24,000.00
Municipal Court	\$1,704.25	\$23,612.30	38.08%	62,000.00
Code Enforcement	\$3,098.95	\$21,944.60	85.39%	25,700.00
Business License	\$410.00	\$11,295.00	38.95%	29,000.00
Intergovernmental	\$14,014.65	\$540,819.99	296.39%	182,471.00
Franchise/IRP Fees	\$24,134.07	\$118,001.48	84.29%	140,000.00
Phil Gainer Community Center	\$7,740.00	\$49,566.78	127.09%	39,000.00
Misc. Revenue	\$16,715.49	\$161,042.22	152.99%	105,260.00
Municipal Sales Tax	\$405,179.58	\$1,503,742.08	107.41%	1,400,000.00
TOTAL	\$924,485.43	\$5,858,687.28	103.29%	5,672,028.00

FY2024 Budget Control Summary

														YTD TOTALS
General Fund														
Revenues	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	
	\$854,865.33	\$331,004.66	\$543,271.68	\$1,092,594.27	\$306,582.34	\$156,086.32	\$893,452.11	\$315,101.25	\$441,243.89	\$924,485.43	\$0.00	\$0.00	\$1,386,553.77	\$5,858,687.28
Expenses	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
	\$443,738.72	\$412,809.63	\$403,761.70	\$535,055.34	\$475,531.75	\$509,387.32	\$442,145.26	\$387,599.67	\$523,279.54	\$338,824.58	\$0.00	\$0.00		\$4,472,133.51
Sanitation Fund														
Revenues	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	
	\$122,635.34	\$129,954.36	\$113,859.96	\$126,649.07	\$130,931.78	\$125,560.19	\$126,677.20	\$132,649.17	\$508,613.72	\$123,976.10	\$0.00	\$0.00	-\$284,869.48	\$1,641,506.89
Expenses	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
	\$375,747.22	\$112,032.55	\$128,365.08	\$150,347.04	\$120,339.07	\$142,634.08	\$220,489.53	\$109,677.52	\$448,763.46	\$117,980.82	\$0.00	\$0.00		\$1,926,376.37
Sewer Fund														
Revenues	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	
	\$216,491.85	\$207,080.31	\$217,303.75	\$243,124.25	\$248,104.41	\$215,658.94	\$206,231.45	\$275,589.81	\$294,491.33	\$229,151.16	\$0.00	\$0.00	-\$72,016.67	\$2,353,227.26
Expenses	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
	\$244,836.96	\$222,640.35	\$241,235.73	\$232,602.45	\$312,911.69	\$253,078.52	\$248,473.42	\$215,323.88	\$245,346.95	\$208,793.98	\$0.00	\$0.00		\$2,425,243.93
Water Fund														
Revenues	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	
	\$364,356.67	\$405,886.10	\$373,182.41	\$458,593.81	\$458,760.49	\$412,542.93	\$351,123.90	\$425,790.59	\$401,774.48	\$335,386.00	\$0.00	\$0.00	\$290,526.75	\$3,987,397.38
Expenses	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
	\$339,127.28	\$355,984.86	\$432,184.41	\$406,387.95	\$333,170.84	\$403,403.22	\$411,156.60	\$336,231.82	\$384,548.52	\$294,675.13	\$0.00	\$0.00		\$3,696,870.63
Fire Fund														
Revenues	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	
	\$38,221.11	\$80,439.36	\$155,574.44	\$50,475.39	\$79,873.97	\$77,057.58	\$43,948.82	\$102,069.38	\$117,874.61	\$48,300.38	\$0.00	\$0.00	-\$89,399.53	\$793,835.04
Expenses	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
	\$90,744.77	\$70,132.37	\$84,702.51	\$125,866.17	\$87,272.30	\$98,575.93	\$83,638.93	\$79,413.49	\$80,852.52	\$82,035.58	\$0.00	\$0.00		\$883,234.57
Landfill Fund														
Revenues	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	
	\$5,921.54	\$6,126.90	\$6,122.09	\$5,838.48	\$7,482.12	\$8,425.33	\$8,754.02	\$8,559.34	\$8,225.84	\$580.69	\$0.00	\$0.00	\$64,438.74	\$66,036.35
Expenses	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
	\$1,019.07	\$6.95	\$168.69	\$6.97	\$11.14	\$170.50	\$17.42	\$15.84	\$174.44	\$6.59	\$0.00	\$0.00		\$1,597.61

Bank Account Name	Balance as of 4/30/2024
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ARPA	\$625,554.63
Elkins Building Comm. Sinking Fund	\$0.00
Elkins Municipal Building Comm.	\$0.00
Financial Stabilization	\$941,162.00
Fire Pension Fund	\$2,717,053.01
Firemen's Pension & Relief Fund	\$0.00
Landfill Access Escrow	\$1,871,837.37
Landfill Post Closure	\$48,728.26
Opioid	\$21,841.54
Payroll	\$4,376.86
Police Forfeitures	\$1,851.93
Police Pension Fund	\$4,475,209.30
Police Seizures	\$26,668.20
Policemen's Pension & Relief Fund	\$0.00
Pooled Cash-Coal Severance Fund	\$185,836.92
Pooled Cash-Fire Fund	\$354,503.97
Pooled Cash-General Fund	\$2,282,936.13
Pooled Cash-Landfill Fund	\$127,116.45
Pooled Cash-Parks Fund	\$914,931.40
Pooled Cash-Sanitation Fund	\$630,041.15
Pooled Cash-Sewer Fund	\$61,411.50
Pooled Cash-Water Fund	\$351,246.25
Sewer Depreciation	\$231,967.67
Sewer O&M	\$472,410.60
Sewer Project	\$49.84
Water Depreciation	\$199,469.38
Water O&M	\$447,177.56

HdL[®] Companies

May 10, 2024

Tracy Judy, City Treasurer
City of Elkins
401 Davis Avenue
Elkins, WV 26241

Dear Tracy:

RE: Update to West Virginia Clients

We hope this letter finds you well. HdL is constantly working to grow and improve the scope of services we provide to our municipal clients in West Virginia and nationally. We are writing to notify you of a recent legislative change introduced by House Bill 4812, how HdL is ensuring our compliance with the Bill, and to share how HdL can best serve you moving forward.

For over 40 years HdL has been dedicated to assisting municipalities by identifying businesses operating without proper licenses and ensuring compliance with municipal ordinances. In concert with your staff and our efforts, we have successfully identified over 5,000 unregistered businesses in West Virginia, thereby allowing municipalities to recover more than \$17 million in unpaid Business License fees and Business and Occupation Taxes. As you know, these funds significantly contribute to the viability of essential municipal services such as public safety and parks and recreation.

House Bill 4812, which was passed on March 9th, caps the fee a vendor may charge to collect business and occupation taxes at 20%. To demonstrate HdL's compliance with this requirement, it is appropriate to further define the services HdL provides, and how we are compensated for these services.

Historically, HdL has provided two very specific, but separate services to our clients in West Virginia; Discovery Services and Tax Collection Services, which we bundled together as a unified revenue enhancement service. Today we are announcing HdL's comprehensive Tax and Fee Compliance Service, which offers additional services and value to our clients, and further specifies the services we offer. HdL's Tax and Fee Compliance Service is a comprehensive offering that includes 1) Discovery - identifying and registering entities that are subject to licensure or taxation, 2) Audit - identifying and investigating under-reported tax liability, 3) Tax Collection - recovering known outstanding debts/taxes/fees, and 4) Payments - processing payments. These various services are outlined in more detail below. We will continue to offer you the same Discovery Services and Tax Collection Services we have been providing but want to make you aware of these



714.879.5000 | hdlcompanies.com |

120 S. State College Blvd.
Suite 200
Brea, CA 92821

additional services that will be available to our clients in West Virginia. To better assist your municipality and align our business structure, our service scope and fees for service as outlined below shall apply to the services described beginning on June 7, 2024, and moving forward.

- 1) **Discovery Services** – HdL will research, identify, validate, and register those entities subject to registration and/or taxation that are not currently on record and/or paying all taxes, fees, and penalties due to your municipality. Discovery services shall be paid as follows:
 - a. For research, identification, and validation services, a fee of 30% of all outstanding taxes/fees/money identified to bring an entity compliant where the identified entity becomes compliant following identification. This 30% shall be paid to HdL upon an entity's compliance and for the twenty-four (24) month period after the first date of compliance.
 - b. For tax collection services see subsection 3 below.
- 2) **Audit Services** – HdL will identify potential under-reporting and/or misclassified entities, which may result in additional revenue to your municipality. HdL will (following consultation, review of initial audit data, and instruction from your municipality) further investigate entities that are identified as a potential under-reporting business. If the investigation supports the initial finding, HdL shall submit final audit summaries to your municipality, discuss further actions, educate entities on proper reporting practices, generate a detailed municipal invoice for deficiencies, and provide all results to the business entity and municipality. Audit Services shall be paid as follows:
 - a. For identifying additional revenue via the initial audit, reporting, further investigation, and generating audit reports along with detailed invoices, a fee of 30% shall be paid to HdL for all monies paid by an entity because of HdL's audit services. This 30% shall be paid to HdL upon an entity's compliance and for the twenty-four (24) month period after the first date of compliance.
 - b. For tax collection services see subsection 3 below.
- 3) **Tax Collection Services** – HdL will facilitate the collection of any monies identified by Discovery Services, Audit Services, other HdL services, or unrelated to HdL that are due and owing from entities that have outstanding debt/taxes/fees of any kind to your municipality and have failed to pay those debts/taxes/fees. HdL will notify entities of their options to pay or dispute the debt/tax/fee and provide entities with detailed invoicing along with payment options. For HdL's Tax Collection Services, a municipality shall pay to HdL a

fee of 20% of all monies received because of the service. The 20% fee shall be paid upon an entity's payment of any amount due and owing and for additional monies paid from that entity for the twenty-four (24) month period after the first date of payment.

- 4) **Payment Processing** – HdL offers processing for payments received because of HdL's Tax and Fee Administration Compliance Services, Discovery Services, Audit Services and/or Tax Collection Services. If HdL processes payments for your municipality, HdL shall remit the net revenue no less than monthly, along with supporting summary and detailed transaction reports.
- a. For processing services, a municipality authorizes HdL to collect the following convenience fee from the taxpayer at time of payment.
 - i. Credit and debit card processing – 2.9% of transaction amount, minimum of \$2.00.
 - ii. ACH/eCheck processing - \$2.50 per transaction.
 - b. For any instance of a credit card chargeback, stop payment, returned payment, or processing on an account with insufficient funds, HdL shall charge a fee of \$25.00 to the applicable entity.

We are committed to assisting your municipality in seeing that every entity operating within your jurisdiction is meeting its obligations to pay those taxes and fees that are due and owing because of the entity profiting from servicing your citizens and utilizing municipal services.

We remain dedicated to delivering high-quality services while maximizing revenue for your city or town. We value our partnership and look forward to continuing a collaborative effort that benefits your citizens. **This is a notification of change due to recent legislation in the West Virginia legislature. There is no need for further action on your part at this time, however, as always, we are available to answer questions that may arise.**

Thank you for your continued support and valued partnership.

Sincerely,



Eddy Forrest
Director of Operations



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 2024
Section:	Approval of vendor invoice payments
Category:	Action Item
Agenda Item Name:	Vendor invoices presented for approval: April 29-May 10, 2024 <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 29-May 10, 2024.
Fiscal Impact:	Report details \$571,783 in transactions from all funds.
Recommendation:	Consider for approval
Attachments:	1. AP Check Report - 2024_05_16

VENDOR SET: 01 Elkins

BANK: ARPA America Rescue Plan Act

DATE RANGE: 4/29/2024 THRU 5/10/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02047	Cybertech Automation USA Inc							
I-13001	WTP Project	R	4/30/2024	111,815.13		000115		111,815.13

* * T O T A L S * *

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1	111,815.13	0.00	111,815.13
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	111,815.13	0.00	111,815.13
BANK: ARPA TOTALS:	1	111,815.13	0.00	111,815.13

5/10/2024 2:34 PM
VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE: 4/29/2024 THRU 5/10/2024

A/P HISTORY CHECK REPORT

PAGE: 2

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00517	Ohio Valley Bank							
C-2950 040124	Correct entry-taking frm sweep	N	4/30/2024	89.91CR		000000		
I-2950 040124	loan 2950 interest pmt	N	4/30/2024	89.91		000000		
02630	West Virginia United Health Sy							
C-GAR202404181641	Case #22-M42C-00404/DStemple	N	4/30/2024	456.62CR		000000		
I-GAR202404161640	Case #22-M42C-00404/DStemple	N	4/30/2024	456.62		000000		
00741	Great-West Trust Company LLC							
I-VF 202404301643	Voya	D	4/30/2024	570.00		005891		
I-VF2202404301643	Voya AT	D	4/30/2024	100.00		005891		670.00
00116	Child Support Enforcement							
I-CDS202404301643	Child Support	R	4/30/2024	690.10		015295		690.10
00121	Citizens Bank of WVFP							
I-FP 202404301643	Fire Pension	R	4/30/2024	471.71		015296		471.71
00122	Citizens Bank of WVFP							
I-PP 202404301643	Police Pension	R	4/30/2024	163.33		015297		
I-PPN202404301643	Police Pension-2010 Forward	R	4/30/2024	337.13		015297		500.46
00147	COE Misc							
I-MIS202404301643	Misc Reimbursements	R	4/30/2024	409.90		015298		409.90
00150	COE Payroll							
I-T1 202404301643	Federal Withholding	R	4/30/2024	11,832.00		015299		11,832.00
00151	COE Payroll							
I-T3 202404301643	FICA	R	4/30/2024	18,453.42		015300		
I-T4 202404301643	Medicare	R	4/30/2024	4,673.60		015300		23,127.02
00152	COE Payroll							
I-T2 202404301643	State Withholding	R	4/30/2024	5,287.00		015301		5,287.00
00203	Davis Trust Company							
I-CC 202404301643	Employee Christmas Club	R	4/30/2024	2,680.00		015302		2,680.00
00747	Washington National Insurance							
I-WN 202404301643	Washington National Insurance	R	4/30/2024	632.71		015303		632.71
00837	COE Payroll Reimbursement							
I-001202404301643	Payroll Reimbursement	R	4/30/2024	51,546.62		015304		
I-006202404301643	Payroll Reimbursement	R	4/30/2024	5,718.25		015304		
I-036202404301643	Payroll Reimbursement	R	4/30/2024	13,185.73		015304		
I-400202404301643	Payroll Reimbursement	R	4/30/2024	21,521.49		015304		
I-401202404301643	Payroll Reimbursement	R	4/30/2024	12,969.26		015304		
I-404202404301643	Payroll Reimbursement	R	4/30/2024	11,132.96		015304		116,074.31

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01885	Colonial Life							
I-CL 202404301643	Colonial Life-AT	R	4/30/2024	112.10		015305		
I-CLP202404301643	Colonial Life-PT	R	4/30/2024	52.52		015305		164.62
00837	COE Payroll Reimbursement							
I-400202404181641	Payroll Reimbursement	R	4/30/2024	456.62		015306		456.62
00057	BFMC, Inc.							
I-27922	Green pressure seal env	R	4/30/2024	1,337.29		015307		1,337.29
00119	First-Citizens Bank & Trust Co							
I-44606797	Kyocera Copier 050624	R	4/30/2024	52.50		015308		
I-44612920	KM Printer Contract 050824	R	4/30/2024	55.00		015308		107.50
00149	COE Parks and Recreation							
I-05/2024 Support	Support 05/2024	R	4/30/2024	25,483.00		015309		25,483.00
00154	COE Sanitation							
I-202404175765	Brush #101-Hauling Fee	R	4/30/2024	299.48		015310		299.48
00235	Elkins Building Comm.							
I-05/2024	Monthly Rent 05/2024	R	4/30/2024	3,483.79		015311		3,483.79
00300	Glotfelty Tire Center							
I-6-394829	repair RR Tire	R	4/30/2024	184.00		015312		184.00
00334	Core & Main LP							
I-U670628	Hymax Grip Cplng/Long Flip Cpl	R	4/30/2024	1,640.00		015313		1,640.00
00381	Grover C Jackson Jr							
I-05/2024 RENT	Rent 05/2025	R	4/30/2024	1,800.00		015314		1,800.00
00422	Leslie Equipment Co.							
I-1138772	Backhoe Forks	R	4/30/2024	1,650.00		015315		1,650.00
00430	Jonathan Distefano dba Mainten							
I-1212	service call/rehab lock	R	4/30/2024	137.80		015316		137.80
00479	Amtower Auto Supply, Inc.							
I-208377	69 - Buckle Straps	R	4/30/2024	169.26		015317		
I-209088	Battery/Battery Protect	R	4/30/2024	366.17		015317		535.43
00484	Mountaineer Gas Company							
I-1Baxter 041924	1Baxter 030624-040524	R	4/30/2024	396.51		015318		
I-1Baxter 614 041924	1 Baxter 030624-040524	R	4/30/2024	307.19		015318		
I-216 4th 041924	216 4th-030724-040524	R	4/30/2024	39.23		015318		
I-216-4th 041924	216-4th 030724-040924	R	4/30/2024	1,211.56		015318		
I-401Davis 041924	401 Davis 031124-040524	R	4/30/2024	1,836.80		015318		

5/10/2024 2:34 PM
 VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE: 4/29/2024 THRU 5/10/2024

A/P HISTORY CHECK REPORT

PAGE:

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-917 SRR 041924	917 S RR 030624-040524	R	4/30/2024	675.64		015318		
I-Barron 041924	Barron 030624-040524	R	4/30/2024	117.39		015318		
I-Baxter 041924	Baxter 030624-040524	R	4/30/2024	575.15		015318		
I-Center 041924	Center 030624-040524	R	4/30/2024	139.72		015318		
I-FloodCtl 041924	Flood Ctl 030624-040924	R	4/30/2024	452.34		015318		
I-Glendale 041924	Glendale LS3 030624-040524	R	4/30/2024	128.55		015318		
I-Inds Pk 041924	Inds Pk 031124-040924	R	4/30/2024	162.05		015318		
I-RELee 041924	RELee 030624-040824	R	4/30/2024	563.99		015318		
I-Stewart LS4 041924	Stewart LS4 030624-040524	R	4/30/2024	59.63		015318		6,665.75
00500	Newlons International Sales, L							
I-01P17181	AD9 Kits/Filters	R	4/30/2024	152.23		015319		
I-01P17460	Air Cleaner/Lube Filter/Module	R	4/30/2024	433.63		015319		585.86
00606	Steven C. Rodeheaver							
I-12216	Dust Mop/Mophead/Handle	R	4/30/2024	144.00		015320		144.00
00701	Toshiba Financial Services							
I-527306476	Lex/Toshiba 051224	R	4/30/2024	228.85		015321		228.85
00712	Tyler Technologies, Inc.							
I-045-464125	Biometric Meter and Maint	R	4/30/2024	2,635.00		015322		2,635.00
00726	USA Bluebook							
I-INV00225329	TrashPump/Metal Detector	R	4/30/2024	2,269.00		015323		
I-INV00228968	HoseKit/MtlDetector/TrnsPump	R	4/30/2024	4,649.00		015323		
I-INV00228997	Metal Detector	R	4/30/2024	670.00		015323		
I-INV00231579	Piston Probe 36in w/InsHandle	R	4/30/2024	239.95		015323		7,827.95
00729	Valley Can Custom Container							
I-14440	Containers w/lids	R	4/30/2024	10,791.00		015324		10,791.00
00855	LMC & Associates							
I-3583	Structural Issues 03/2024	R	4/30/2024	119.50		015325		119.50
01372	WV State Police Academy							
I-PDC-24-0066	Forensic Photo Course	R	4/30/2024	250.00		015326		250.00
01662	Varner Outdoor Power Equip							
I-57432	Lawn Mower Service	R	4/30/2024	185.00		015327		185.00
01751	COE WWTP							
I-202404085719	WTP Backwash 03/2024	R	4/30/2024	901.00		015328		901.00

5/10/2024 2:34 PM
 VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE: 4/29/2024 THRU 5/10/2024

A/P HISTORY CHECK REPORT

PAGE: 5

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01821	Busy Beaver							
I-1622\L	Hitch Pin/Lawn Roller	R	4/30/2024	269.78		015329		269.78
01833	P3 Cost Analysts							
I-23394	Visa VUIRF 04/2024	R	4/30/2024	556.19		015330		556.19
02012	Appalachain Aggregates							
I-217209	99.70 ton stone	R	4/30/2024	2,152.50		015331		
I-217212	25.02 ton stone	R	4/30/2024	568.13		015331		2,720.63
02157	Jerry A Marco							
I-Travel 042223	Travel -Charleston WV	R	4/30/2024	274.49		015332		274.49
02217	Steve Hannan Construction							
I-105	Garage Door Springs/Opener	R	4/30/2024	2,217.32		015333		2,217.32
02347	LEAF							
I-16373625	Tosh 5525AC 050824	R	4/30/2024	292.45		015334		
I-163878025	Tosh E4515AC 051124	R	4/30/2024	301.50		015334		
I-16394177	Tosh ES4515AC 051324	R	4/30/2024	133.78		015334		
I-16422843	Tosh E478S 051824	R	4/30/2024	96.74		015334		
I-16422844	Tosh E478S 051824	R	4/30/2024	96.74		015334		921.21
02431	Ferguson Waterworks #527							
I-0877039	Water Feed Tank for Chain Saw	R	4/30/2024	911.34		015335		
I-0881344	6 CC BRS SDL IPS PVC	R	4/30/2024	501.54		015335		1,412.88
02638	Almost Heaven Woodcraft LLC							
I-1437	Lasered Leather Key Chain	R	4/30/2024	612.50		015336		612.50
02639	Gail Phares-Cardinal							
I-Reimb Pavilion	Glendale Cancel 04/27	R	4/30/2024	60.00		015337		60.00
02640	Donna Wilfong							
I-Reimb Pavilion	Reim Sycamore Pavilion	R	4/30/2024	65.00		015338		65.00
02641	Hornor Brothers Engineers							
I-2024-064	Whitmer WT Plant Plans	R	4/30/2024	96.09		015339		96.09
1	CROSS, MARK&ELIZABET							
I-000202404291642	US REFUND	R	4/30/2024	25.00		015340		25.00
00707	Trickett Hardware, Inc.							
I-041024	Pliers/Batteries/Paint/UtLock	R	4/30/2024	889.55		015341		889.55

5/10/2024 2:34 PM
VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE: 4/29/2024 THRU 5/10/2024

A/P HISTORY CHECK REPORT

PAGE: 6

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00032	Absolute Assurance Drug Test L							
I-3677	Random Testing	R	5/02/2024	363.00		015342		363.00
00023	Appalachian Forest Heritage Ar							
I-4Q FY 23-24	4Q FY 23-24 Contribution	R	5/08/2024	1,500.00		015343		1,500.00
00047	Truist Governmental Finance							
I-00007 051924	9948000234-07 051924	R	5/08/2024	4,984.55		015344		4,984.55
00085	Burgess & Niple, Inc.							
I-1141408	Prof Eng Services 3/2024	R	5/08/2024	5,956.50		015345		5,956.50
00126	City of Clarksburg							
I-202405039444	Compost Ticket 1511	R	5/08/2024	140.00		015346		140.00
00132	Clarksburg Water Board							
I-M91621	Compliance Sample	R	5/08/2024	230.00		015347		230.00
00158	COE Water Depreciation Account							
I-04/2024 Deposit	Water Depr Deposit 04/2024	R	5/08/2024	8,096.04		015348		8,096.04
00182	Country Roads Transit							
I-4Q FY 23-24	4Q Contribution FY23-24	R	5/08/2024	3,500.00		015349		3,500.00
00211	Elkins Depot Welcome Center							
I-H/M 03/2024	Hotel/Motel Collection 03/2024	R	5/08/2024	9,410.96		015350		9,410.96
00239	Elkins Historic Landmark Commi							
I-4Q FY 23-24	4Q FY 23-24 Contribution	R	5/08/2024	1,000.00		015351		1,000.00
00241	Elkins Main Street							
I-4Q FY 23-24	4Q FY 23-24 Contribution	R	5/08/2024	4,812.50		015352		4,812.50
00243	Elkins Randolph County Chamber							
I-4Q FY 23-24	4Q FY 23-24 Contribution	R	5/08/2024	1,500.00		015353		1,500.00
00250	Elkins-Randolph County Regiona							
I-4Q FY 23-24	4Q FY 23-24 Contribution	R	5/08/2024	4,562.50		015354		4,562.50
00251	Elkins-Randolph County Public							
I-4Q FY 23-24	4Q FY 23-24 Contribution	R	5/08/2024	5,625.00		015355		5,625.00
00283	Frontier							
I-042024	Phone charges	R	5/08/2024	1,357.65		015356		
I-042924 Whitmer	3042279917 Phone chgs	R	5/08/2024	189.73		015356		1,547.38

5/10/2024 2:34 PM
 VENDOR SET: 01 Elkins
 BANK: Pool Pooled Cash
 DATE RANGE: 4/29/2024 THRU 5/10/2024

A/P HISTORY CHECK REPORT

PAGE: 7

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00471	Mon Power							
I-90009552184 041924	power/consumption	R	5/08/2024	48,106.47		015357		48,106.47
00484	Mountaineer Gas Company							
I-500ScottFd 042924	500 Scott Ford 031824-041724	R	5/08/2024	40.01		015358		
I-BearHntr 042924	Bear Hunter 031524-041624	R	5/08/2024	38.00		015358		78.01
00540	Pitney Bowes Bank Inc							
I-Postage 04/2024	Postage Alloc 04/2024	R	5/08/2024	679.29		015359		679.29
00570	Randolph County Commission							
I-4Q FY 23-24	4Q FY 23-24 Contribution	R	5/08/2024	1,750.00		015360		1,750.00
00571	The Arts Center							
I-4Q FY 23-24	4Q FY 23-24 Contribution	R	5/08/2024	1,250.00		015361		1,250.00
00573	Randolph County Development Au							
I-4Q FY 23-24	4Q FY 23-24 Contribution	R	5/08/2024	3,375.00		015362		3,375.00
00578	Randolph Elkins Health Departm							
I-4Q FY 23-24	4Q FY 23-24 Contribution	R	5/08/2024	1,125.00		015363		1,125.00
00579	Randolph-Tucker Children's Adv							
I-4Q FY 23-24	4Q FY 23-24 Contribution	R	5/08/2024	1,250.00		015364		1,250.00
00682	Talbott Glass, LLC							
I-7578	Install new door closure	R	5/08/2024	287.00		015365		287.00
00711	Tygart Valley Transfer, Inc.							
I-000023166	Comm	R	5/08/2024	20.07		015366		
I-00023054	Res	R	5/08/2024	754.85		015366		
I-00023057	Res	R	5/08/2024	1,131.31		015366		
I-00023058	Comm	R	5/08/2024	1,030.98		015366		
I-00023075	Comm	R	5/08/2024	303.85		015366		
I-00023079	Comm	R	5/08/2024	169.12		015366		
I-00023080	Res	R	5/08/2024	156.70		015366		
I-00023100	Comm	R	5/08/2024	535.08		015366		
I-00023101	Res	R	5/08/2024	732.87		015366		
I-00023102	Res	R	5/08/2024	630.63		015366		
I-00023117	Comm	R	5/08/2024	415.64		015366		
I-00023124	Res	R	5/08/2024	594.32		015366		
I-00023126	Comm	R	5/08/2024	785.42		015366		
I-00023129	Res	R	5/08/2024	722.36		015366		
I-00023139	Res	R	5/08/2024	141.41		015366		
I-00023152	Comm	R	5/08/2024	333.47		015366		
I-00023153	Res	R	5/08/2024	732.87		015366		
I-00023156	Res	R	5/08/2024	879.06		015366		
I-00023157	Comm	R	5/08/2024	764.40		015366		

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE: 4/29/2024 THRU 5/10/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-00023182	Res	R	5/08/2024	819.82		015366		
I-00023183	Res	R	5/08/2024	616.30		015366		
I-00023184	Comm	R	5/08/2024	1,000.41		015366		
I-00023202	Comm	R	5/08/2024	311.49		015366		
I-00023217	Comm	R	5/08/2024	217.85		015366		
I-00023234	Res	R	5/08/2024	800.71		015366		
I-00023235	Res	R	5/08/2024	1,056.78		015366		
I-00023237	Comm	R	5/08/2024	887.66		015366		
I-00023269	Comm	R	5/08/2024	302.89		015366		
I-00023291	Res	R	5/08/2024	632.54		015366		
I-00023296	Res	R	5/08/2024	605.79		015366		
I-00023297	Comm	R	5/08/2024	427.11		015366		
I-00023313	Res	R	5/08/2024	259.90		015366		
I-00023315	Comm	R	5/08/2024	199.70		015366		
I-00023317	Comm	R	5/08/2024	460.55		015366		
I-00023322	Comm	R	5/08/2024	80.26		015366		
I-00023333	Comm	R	5/08/2024	206.39		015366		
I-00023340	Comm	R	5/08/2024	543.68		015366		
I-00023341	Res	R	5/08/2024	644.96		015366		
I-00023342	Res	R	5/08/2024	620.12		015366		
I-00023363	Comm	R	5/08/2024	303.85		015366		
I-00023368	Comm	R	5/08/2024	446.22		015366		
I-00023373	Comm	R	5/08/2024	293.34		015366		
I-00023389	Comm	R	5/08/2024	730.96		015366		
I-00023392	Res	R	5/08/2024	763.44		015366		
I-00023393	Res	R	5/08/2024	709.94		015366		
I-00023408	Comm	R	5/08/2024	296.21		015366		
I-00023412	Comm	R	5/08/2024	62.11		015366		
I-00023415	Comm	R	5/08/2024	234.10		015366		
I-00023418	Res	R	5/08/2024	453.86		015366		
I-00023419	Res	R	5/08/2024	630.63		015366		
I-00023421	Comm	R	5/08/2024	729.05		015366		
I-00023434	Comm	R	5/08/2024	283.78		015366		
I-00023470	Res	R	5/08/2024	833.20		015366		
I-00023471	Comm	R	5/08/2024	1,003.28		015366		
I-00023473	Res	R	5/08/2024	1,012.83		015366		
I-00023527	Comm	R	5/08/2024	454.82		015366		
I-00023535	Res	R	5/08/2024	624.90		015366		
I-00023536	Res	R	5/08/2024	608.65		015366		
I-00023559	Comm	R	5/08/2024	275.18		015366		
I-00023562	Res	R	5/08/2024	190.14		015366		
I-00023563	Comm	R	5/08/2024	488.26		015366		
I-00023568	Res	R	5/08/2024	610.56		015366		
I-00023570	Res	R	5/08/2024	561.83		015366		
I-00023572	Comm	R	5/08/2024	625.85		015366		
I-00023611	Comm	R	5/08/2024	263.72		015366		
I-00023618	Res	R	5/08/2024	726.18		015366		
I-00023619	Comm	R	5/08/2024	706.11		015366		

5/10/2024 2:34 PM
 VENDOR SET: 01 Elkins
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A/P HISTORY CHECK REPORT

PAGE: 9

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-00023622	Res	R	5/08/2024	681.27		015366		
I-00023638	Res	R	5/08/2024	196.83		015366		
I-00023652	Comm	R	5/08/2024	751.98		015366		
I-00023655	Res	R	5/08/2024	615.34		015366		
I-00023656	Res	R	5/08/2024	471.06		015366		
I-00023681	Comm	R	5/08/2024	112.75		015366		
I-00023691	Comm	R	5/08/2024	189.19		015366		
I-00023702	Comm	R	5/08/2024	213.08		015366		
I-00023706	Res	R	5/08/2024	750.07		015366		
I-00023708	Res	R	5/08/2024	941.17		015366		
I-00023710	Comm	R	5/08/2024	926.84		015366		
I-00023745	Comm	R	5/08/2024	139.50		015366		
I-00023748	Comm	R	5/08/2024	283.78		015366		
I-00023767	Comm	R	5/08/2024	441.44		015366		
I-00023774	Res	R	5/08/2024	605.79		015366		
I-00023775	Res	R	5/08/2024	562.79		015366		
I-00023800	Comm	R	5/08/2024	484.44		015366		
I-00023819	Comm	R	5/08/2024	262.76		015366		
I-00023820	Res	R	5/08/2024	550.37		015366		
I-00023822	Comm	R	5/08/2024	579.03		015366		
I-00023823	Res	R	5/08/2024	577.12		015366		
I-00023866	Res	R	5/08/2024	212.12		015366		
I-00023869	Res	R	5/08/2024	672.67		015366		
I-00023873	Res	R	5/08/2024	730.00		015366		
I-00023875	Comm	R	5/08/2024	603.88		015366		
I-00023888	Comm	R	5/08/2024	236.01		015366		
I-00023895	Comm	R	5/08/2024	194.92		015366		
I-00023906	Comm	R	5/08/2024	176.77		015366		
I-00023919	Res	R	5/08/2024	537.95		015366		
I-00023921	Res	R	5/08/2024	426.15		015366		
I-00023922	Comm	R	5/08/2024	762.49		015366		
I-00023955	Comm	R	5/08/2024	227.41		015366		
I-00023968	Comm	R	5/08/2024	147.15		015366		
I-00023984	Comm	R	5/08/2024	878.10		015366		
I-00023990	Res	R	5/08/2024	1,087.36		015366		
I-00023992	Res	R	5/08/2024	794.98		015366		
I-00024025	Comm	R	5/08/2024	128.04		015366		
I-00024032	Comm	R	5/08/2024	295.25		015366		
I-00024044	Tygart Valley Transfer, Inc.	R	5/08/2024	461.51		015366		
I-00024045	Comm	R	5/08/2024	578.08		015366		
I-00024046	Res	R	5/08/2024	561.83		015366		56,501.59
00786	WV Bureau for Public Health							
I-Jenkins CLII	Brian Jenkins CLII Cert	R	5/08/2024	150.00		015367		150.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00813	West Virginia Rural Water Asso							
I-2024 Membership	Water/Sewer 2024 Membership	R	5/08/2024	2,613.65		015368		2,613.65
01313	COE Water O & M Account							
I-04/2024 Deposit	Water O&M Deposit 04/2024	R	5/08/2024	12,902.14		015369		12,902.14
01727	Enterprise FM Trust							
I-578571-050324	Fleet Leases 05/2024	R	5/08/2024	18,533.39		015370		18,533.39
01790	Crim Law Office PLLC							
I-425	Attorney Fees 04/2024	R	5/08/2024	7,600.00		015371		7,600.00
01989	Mitchell Tree Care LLC							
I-1883	Trees Installed	R	5/08/2024	3,150.00		015372		3,150.00
02118	Don's Auto Body Repair							
I-050224	Paint fenders/tailgate	R	5/08/2024	1,000.00		015373		1,000.00
02322	Badger Meter							
I-80156497	MBL Hosting/Units/License	R	5/08/2024	4,289.62		015374		4,289.62
02347	LEAF							
I-16449219	Tosh/Lexmark 052424	R	5/08/2024	570.83		015375		
I-16464618	Toshiba 478S 052524	R	5/08/2024	109.47		015375		
I-16464619	Tosh E4515AC 052524	R	5/08/2024	180.03		015375		
I-16464620	Tosh E3025AC 0425/0525	R	5/08/2024	1,052.65		015375		1,912.98
1	COOPER, WALTER							
I-000202405061644	US REFUND	R	5/08/2024	76.11		015376		76.11

* * T O T A L S * *		NO	INVOICE AMOUNT		DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	82		459,297.97		0.00	459,297.97
HAND CHECKS:	0		0.00		0.00	0.00
DRAFTS:	1		670.00		0.00	670.00
EFT:	0		0.00		0.00	0.00
NON CHECKS:	2		0.00		0.00	0.00
VOID CHECKS:	0 VOID DEBITS	0.00				
	VOID CREDITS	0.00	0.00		0.00	
TOTAL ERRORS: 0						

5/10/2024 2:34 PM
VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE: 4/29/2024 THRU 5/10/2024

A/P HISTORY CHECK REPORT

PAGE: 11

VENDOR I.D.	NAME	STATUS	CHECK	INVOICE	DISCOUNT	CHECK	CHECK	CHECK
			DATE	AMOUNT		NO	STATUS	AMOUNT
			NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT		
VENDOR SET: 01	BANK: Pool	TOTALS:	85	459,967.97	0.00	459,967.97		
BANK: Pool	TOTALS:		85	459,967.97	0.00	459,967.97		
REPORT TOTALS:			86	571,783.10	0.00	571,783.10		



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 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 (final reading)
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')

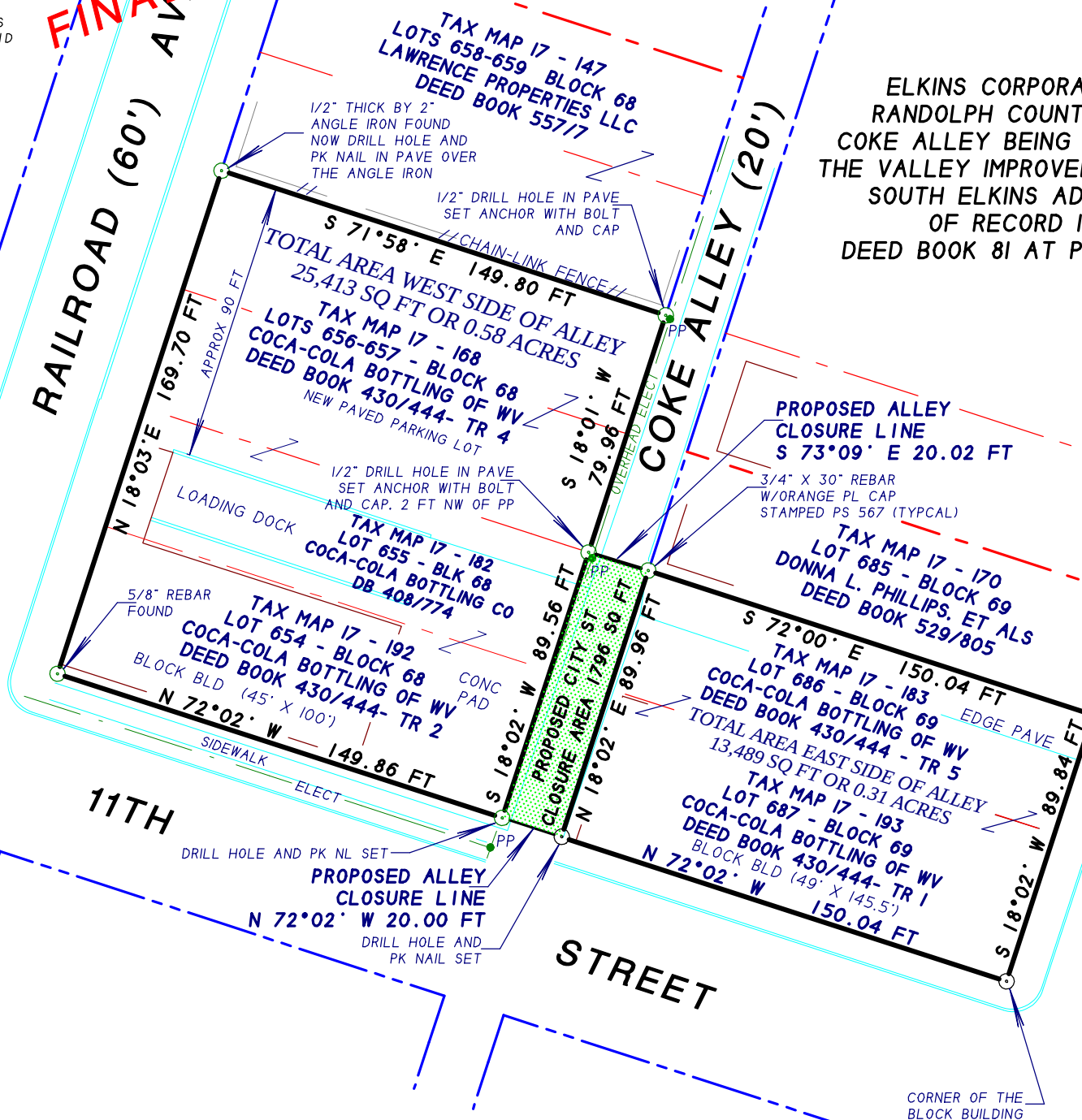
COKE ALLEY (20')

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 16, 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 (final reading)
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



CITY OF ELKINS AGENDA ITEM REPORT

	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



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 2024
Section:	New business
Category:	Ordinance
Agenda Item Name:	Ordinance 330: An ordinance of the Common Council Of Elkins, West Virginia assigning zoning districts to an unzoned parcel on North 12th Street (first of two readings)
Recommended By:	Planning Commission
Summary:	The 2022 zoning update left unzoned a parcel of land owned by CSX between North 12th Street and the railroad tracks, near where North 12th Street intersects South Davis Avenue. Presumably, this land was left unzoned on the assumption that it was part of the railroad right of way and essential to rail operations, but it is not used for railroad purposes and is instead leased by CSX to other parties for non-railroad uses. Residents of the neighboring blocks addressed the Planning Commission to express their desire to keep the adjacent section of the parcel free from retail businesses and similar establishments. Following the process adopted by council (Ordinance 317, finally adopted December 21) for zoning unzoned parcels: • The Planning Commission submitted its recommendation to council on January 18 • A date was set for a hearing before council (tonight, May 16) • The owner of record, CSX (represented by Damien D'Anna), was notified of the hearing via certified mail and email (see attached letter to CSX and email acknowledging receipt) • Tonight's hearing was advertised via legal advertisement (see attached) • The ordinance was provided, attached to an email further advising of tonight's hearing and next steps, to both CSX and CSX's tenant (see attached email, and note that CSX twice indicated it has no objection to the proposed zoning classifications)



CITY OF ELKINS AGENDA ITEM REPORT

Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. 1 - notice to CSX of zoning recommendation 2. 2- RE_ notification of zoning recommendation 3. 3 - AD-76147 4. 4 - notice of zoning recommendation - chabut 5. 5 - RE_ FW_ zoning update - D'anna and Chabut 6. O-330 - (Zoning Districts to Unzoned Parcel on North 12th Street)



City of Elkins, West Virginia

March 4, 2024

Mr. Damien D'Anna
Director – Real Estate Sales and Leasing
CSX Transportation Inc.
500 Water Street, 12th Floor
Jacksonville, FL 32202

Re: North 12th Street
Elkins, WV
Tax Map 17 Parcel 258

Dear Mr. D'Anna,

The Elkins Planning Commission has recommended to the Elkins Common Council that the above-referenced CSX property, which is unzoned, be zoned as City Residential (R-2) District and as Commercial (B-1) District as is shown on the attached Map. This recommendation has been acknowledged by the Common Council and will proceed as is provided in City Code.

Elkins City Code §152.068 (C) provides that prior to the zoning hearing and formal designation of any unzoned parcel of land being zoned, the City shall, at least thirty (30) days prior to the enactment of an ordinance amending the zoning map given, give written notice, by certified mail, to the landowner, whose property is directly involved in the proposed zoning and amendment to the zoning. This letter shall serve as that required notice. If you have any questions, please contact me at 304-636-1414 Ext. 1211.

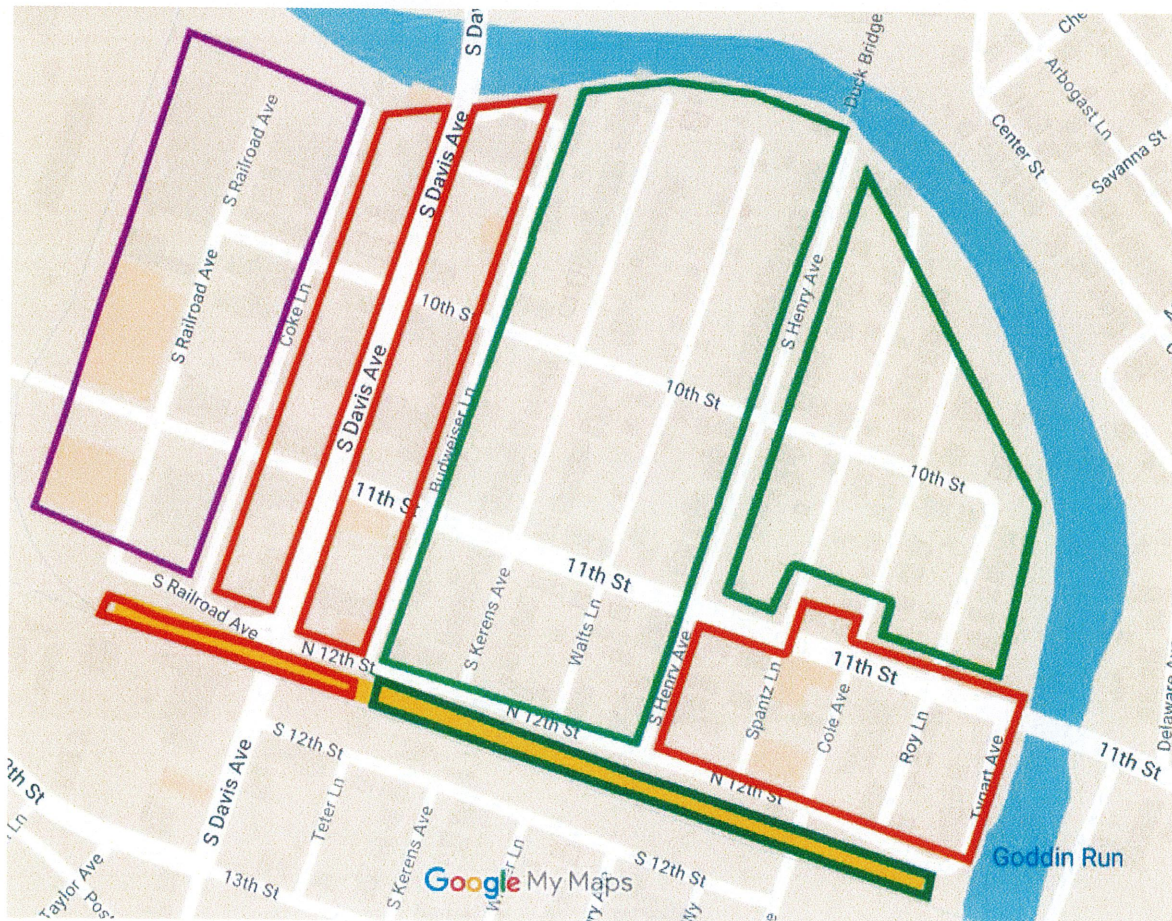
Very truly yours,

Sutton Stokes, Clerk

Reference Map

The map below shows the approximate location of CSX's unzoned parcel (Tax Map 17 Parcel 258) as a yellow block. The color polygons show the adjacent zoned areas and the commission's recommendation for zoning Tax Map 17 Parcel 258.

- Purple = Industrial (I-1)
- Red = Commercial (B-1)
- Green = City Residential (R-2)



From: [D'Anna, Damien](#)
To: [Sutton Stokes](#)
Cc: [Gerry Roberts](#)
Subject: RE: [E] notification of zoning recommendation
Date: Thursday, March 28, 2024 4:38:48 PM
Attachments: [image002.png](#)
[image003.png](#)

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I understand and we won't object if this is where the powers that be end up settling.

Damien D'Anna
Director – Real Estate Sales and Leasing
CSX Transportation, Inc.
T. 904-279-3646 | M. 904-545-1869
500 Water St., 12th Floor, Jacksonville, FL 32202



From: Sutton Stokes <suttonstokes@cityofelkinswv.com>
Sent: Thursday, March 28, 2024 4:28 PM
To: D'Anna, Damien <Damien_Danna@csx.com>
Cc: Gerry Roberts <gsroberts@wvlawyers.com>
Subject: RE: [E] notification of zoning recommendation

This Message Is From an External Sender

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Damien,

Speaking as an observer of the commissioners' deliberations, it appeared to me they were trying to balance the interests and preferences of both CSX (and your tenant) and of the nearby residential property owners.

Sutton Stokes

City Clerk
City of Elkins
401 Davis Ave.
Elkins, WV 26241
Email: suttonstokes@cityofelkinswv.com
Phone: (304) 636-1414, ext. 1211

www.cityofelkinswv.com
www.facebook.com/ElkinsCityHall
www.twitter.com/ElkinsCityHall



From: D'Anna, Damien <Damien_Danna@csx.com>
Sent: Monday, March 25, 2024 9:21 AM
To: Sutton Stokes <suttonstokes@cityofelkinswv.com>
Cc: Gerry Roberts <gsroberts@wvlawyers.com>
Subject: RE: [E] notification of zoning recommendation

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Receipt confirmed. Is there a reason that the far eastern portion that is adjacent to commercially zoned property would be proposed for residential rezoning?

Damien D'Anna
Director – Real Estate Sales and Leasing
CSX Transportation, Inc.
T. 904-279-3646 | M. 904-545-1869
500 Water St., 12th Floor, Jacksonville, FL 32202
CSX

From: Sutton Stokes <suttonstokes@cityofelkinswv.com>
Sent: Tuesday, March 19, 2024 3:45 PM
To: D'Anna, Damien <Damien_Danna@csx.com>
Cc: Gerry Roberts <gsroberts@wvlawyers.com>
Subject: [E] notification of zoning recommendation

This Message Is From an External Sender

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Damien,

With this email, I am forwarding a scan of a letter sent certified to your office (according to the address in your email signature) on March 4.

I have not yet received the confirmation slip. Would you mind confirming via this email that you have received the attached letter? Thanks!

Sutton Stokes
City Clerk
City of Elkins

401 Davis Ave.
Elkins, WV 26241
Email: suttonstokes@cityofelkinswv.com
Phone: (304) 636-1414, ext. 1211

www.cityofelkinswv.com
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The Inter-Mountain Legals Print Ad Proof

ADNo: 76147 Customer Number: L01320
 Customer Name: TRACY `JUDY 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: 4-9-2024 Stop: 4-9-2024
 Lines: 36 Inches: 3.50 Words: 183

Credit Card: Expire:
 Order Number:
 Cost: 23.35 Extra Charges: 2.00 Adjustments: .00
 Payments: .00 Discount: .00
 Balance: 25.35

NOTICE OF PUBLIC HEARING

Please take notice that on May 16, 2024 at 7:00 p.m. in the Council Chambers of Elkins City Hall in Elkins, West Virginia, the Common Council of the City of Elkins will hold a public hearing pursuant to Elkins City Code Section 158.068 (C), regarding the proposed zoning of a unzoned parcel of land. The Elkins Planning Commission voted to recommend the zoning districts for an unzoned parcel in Elkins Corp. Tax District, Tax Map 17, Parcel 258 to the Common Council of the City of Elkins.

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

A copy of the ordinance to zone the parcel known as Elkins Corp. Tax District, Tax Map 17, Parcel 258 and related documents are available for public inspection at the City Clerk's office located at 401 Davis Avenue, Elkins, West Virginia. That 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
 4/9

From: [Sutton Stokes](#)
To: joe@elkinstruck.com
Subject: notice of zoning recommendation
Date: Friday, March 8, 2024 5:18:00 PM
Attachments: [notice to CSX of zoning recommendation.pdf](#)
[image001.png](#)

Mr. Chabut,

I'm attaching a scan of a letter sent certified to Damien D'Anna, of CSX, earlier this week.

Once the next steps (including a public hearing before council) are arranged, I'll be back in touch to keep you in the loop. You will have at least 30 days' notice of the hearing date.

Have a great weekend.

-Sutton

Sutton Stokes
City Clerk
City of Elkins
401 Davis Ave.
Elkins, WV 26241
Email: suttonstokes@cityofelkinswv.com
Phone: (304) 636-1414, ext. 1211

www.cityofelkinswv.com
www.facebook.com/ElkinsCityHall
www.twitter.com/ElkinsCityHall



From: [D'Anna, Damien](#)
To: [Sutton Stokes](#)
Cc: joe@elkinstruck.com
Subject: RE: [E] FW: zoning update
Date: Monday, April 29, 2024 11:55:02 AM
Attachments: [image002.png](#)
[image003.png](#)

CAUTION: This email originated from outside the organization. Do not click links or open attachments or reply unless you recognize the sender and know the content is safe. Contact Help Desk for assistance.

No objection from CSX.

Damien D'Anna
Director – Real Estate Sales and Leasing
CSX Transportation, Inc.
T. 904-279-3646 | M. 904-545-1869
500 Water St., 12th Floor, Jacksonville, FL 32202



From: Sutton Stokes <suttonstokes@cityofelkinswv.com>
Sent: Monday, April 29, 2024 11:53 AM
To: D'Anna, Damien <Damien_Danna@csx.com>
Cc: joe@elkinstruck.com
Subject: [E] FW: zoning update

This Message Is From an External Sender

This message came from outside your organization.

Here is the ordinance imposing zoning on the CSX property near North 12th Street in Elkins. Council will consider it on May 16 and June 6. Please let me know if you have any questions.

Sutton Stokes

City Clerk
City of Elkins
401 Davis Ave.
Elkins, WV 26241
Email: suttonstokes@cityofelkinswv.com
Phone: (304) 636-1414, ext. 1211

www.cityofelkinswv.com
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ORDINANCE 330

AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA ASSIGNING ZONING DISTRICTS TO UNZONED PARCEL ON NORTH 12TH STREET

WHEREAS, the Common Council has previously adopted a zoning ordinance which is codified in City Code Chapter 152, Zoning which has been amended by ordinance to establish a procedure for the zoning of unzoned land ; and

WHEREAS, City Code §152.068(C) Zoning of Land Unzoned Within the City of Elkins, provides the procedure for assigning a zoning district; and

WHEREAS, the Elkins Planning Commission has met and, consistent with the Comprehensive Plan, has recommended that the unzoned parcel on North 12th Street, shown on the Office of the Randolph County Assessor's site as Elkins Corp. District, Tax Map 17, Parcel 258, be assigned zoning districts as shown on the attached map; and

WHEREAS, the City has provided written notice at least thirty days prior to the enactment of this Ordinance by certified mail to the landowner whose property is directly involved in the proposed zoning and amendment to the zoning map, said landowner being CSX Transportation, Inc.; and

WHEREAS, the City has published a notice of the proposed amendment to the zoning ordinance map as a Class II-O legal advertisement pursuant to W. Va. Code Chapter 59; and

WHEREAS, the City Council, after the required thirty-day notice period, has held a public hearing regarding the zoning designations of the unzoned land.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Common Council that the unzoned parcel located on North 12th Street and identified as Elkins Corp. District, Map 17, Parcel 258, be zoned as follows:

1. Said unzoned parcel shall be zoned and assigned zoning districts as shown on the attached map as City Residential (R-2) and Commercial (B-1).
2. The assignment of zoning districts is approved in compliance with City Code §152.068(B) s set forth in City Code § 152.068(C)(2).
3. The Zoning Map shall be amended to show the zoning districts assigned to said unzoned parcel.
4. The provisions of City Code Chapter 152 Zoning regarding the zoning districts Residential (R-2) and Commercial (B-1) shall be applicable to said parcel.

The changes to the Zoning Map which is part of Chapter 152: Zoning are only to the unzoned parcel referred to herein and all other sections of said Chapter and the Zoning Map shall remain in full force and 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 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

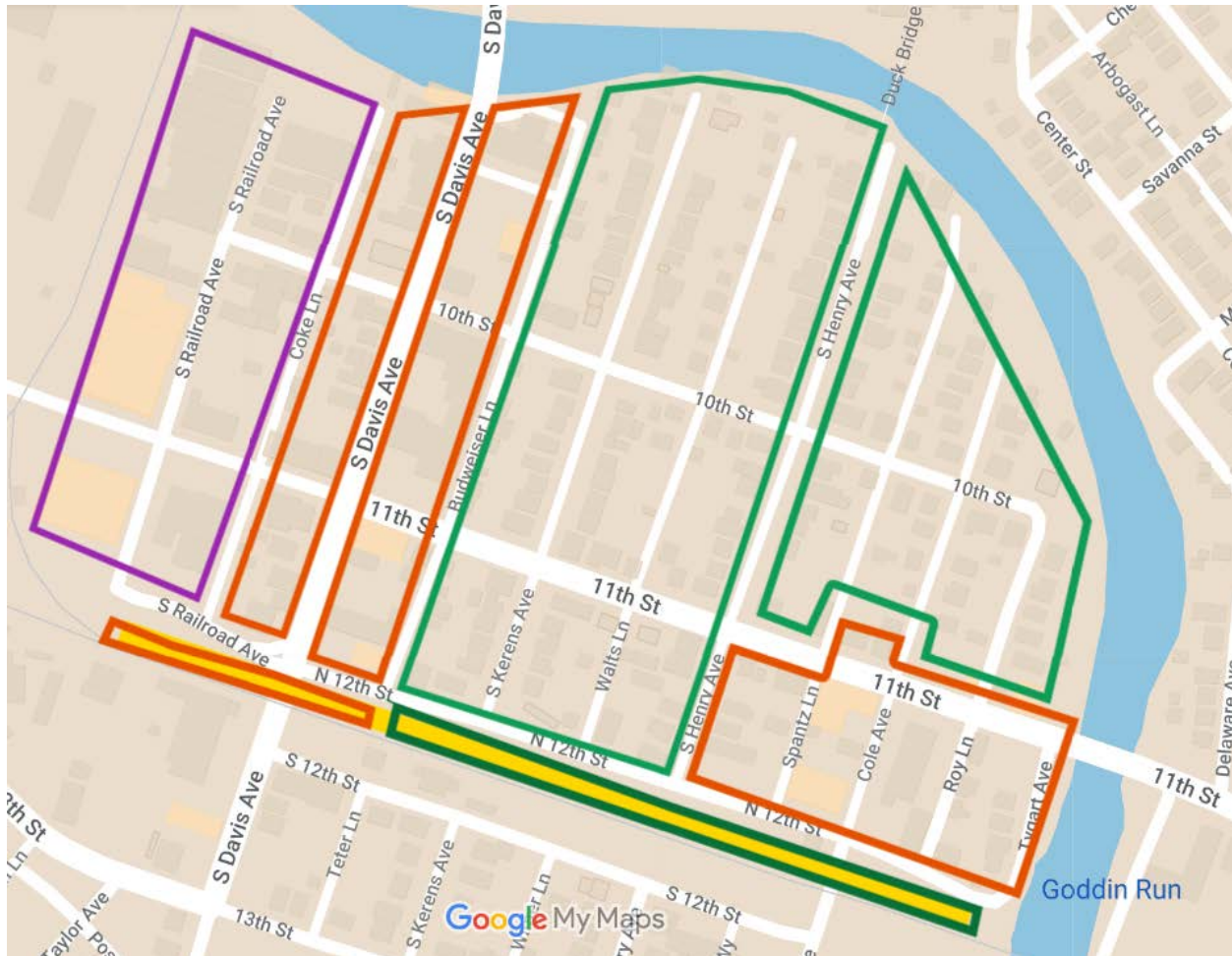
ORDINANCE

2

Reference Map

The map below shows the approximate location of CSX's unzoned parcel as a yellow block. The color polygons show the adjacent zoned areas and the commission's recommendation for zoning the unzoned (yellow) parcel.

- Purple = Industrial (I-1)
- Red = Commercial (B-1)
- Green = City Residential (R-2)





CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 2024
Section:	New business
Category:	Ordinance
Agenda Item Name:	Ordinance 331: An Ordinance Of The Common Council Of Elkins, West Virginia Amending Sections Of City Code, Chapter 152, Zoning Regarding Use Definitions, Uses in the Industrial District, and Height of Accessory Buildings (first of two readings)
Recommended By:	Planning Commission
Summary:	Ordinance 331, recommended by the Elkins Planning Commission: • Amends the previous restriction on the height of accessory buildings (18 feet everywhere but in the Industrial District) to the following: "The height of accessory buildings and structures, except agricultural buildings and structures and those located in the Industrial District, shall not exceed the height of a single-story principal building or structure, and, for all principal buildings or structures greater than one story, shall not exceed 75% of the height of the principal building or structure, except that in all cases the height of an accessory building or structure shall not exceed 25 feet." • Adds the use "Clinic" to the Industrial District. • Amends the definition of the use "Clinic" to add the underlined language in the following: "An establishment providing medical, chiropractic, psychiatric, or surgical services exclusively on an outpatient basis, including emergency treatment and diagnostic services <u>or any other human rehabilitation service</u>."
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. O-331 - (Amending Sections Regarding Use Definitions Uses in Ind District and Height of Acessory)

ORDINANCE 331

AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA AMENDING SECTIONS OF CITY CODE, CHAPTER 152, ZONING REGARDING USE DEFINITIONS, USES IN THE INDUSTRIAL DISTRICT AND HEIGHT OF ACCESSORY BUILDINGS.

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, a request has been made regarding a particular “use” definition and the reconsideration of a particular “use” in the Industrial District; and

WHEREAS, following the enactment of the zoning ordinance, a request regarding the height of an accessory building has also been made; and

WHEREAS, the Elkins Planning Commission has met and reviewed the information and requests related to the “use” definition, the consideration of an additional “use” in the Industrial District and the height of the accessory buildings; and

WHEREAS, the Elkins Planning Commission has voted, pursuant to City Code §152.024, thereby recommending that the “use” definition of Clinic be modified, that a Clinic be permitted by right in the Industrial (I-1) District and that the height restriction of an accessory building be modified; and

WHEREAS, it appears that the Elkins Planning Commission has made these recommendations in furtherance of its authority and responsibilities to advise Common Council of any proposed amendments to Chapter 152: Zoning which promote the purposes of zoning; and

WHEREAS, the Common Council has determined, with the advice and the recommendation of the Elkins Planning Commission and the finding that these amendments are consistent with the adopted comprehensive plan, it is in the best interest of the citizens of the City to make these amendments.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Common Council that City Code, Chapter 152: Zoning be amended to add the following definition for “Clinic”:

§152.056 DEFINITIONS

CLINIC. An establishment providing medical, chiropractic, psychiatric, or surgical services exclusively on an outpatient basis, including emergency treatment and diagnostic services or any other human rehabilitation service.

ORDINANCE 331

§ 152.141 PERMITTED USES IN THE INDUSTRIAL (I-1) DISTRICT

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

Clinic

§ 152.196 ACCESORY BUILDINGS, USES AND STRUCTURES.

(D) The height of accessory buildings and structures, except agricultural buildings and structures and those located in the Industrial District, shall not exceed the height of a single-story principal building or structure, and, for all principal buildings or structures greater than one story, shall not exceed 75% of the height of the principal building or structure, except that in all cases the height of an accessory building or structure shall not exceed 25 feet.

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 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



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 2024
Section:	New business
Category:	Ordinance
Agenda Item Name:	Ordinance 332: Annexing a parcel on Redbud Lane into the City of Elkins (first of two readings)
Recommended By:	City Clerk
Summary:	Woodlands Development & Lending, the owner of a tract of land near Redbud Lane in Elkins, has requested that the tract be annexed into and made part of the City of Elkins, pursuant to West Virginia Code Chapter § 8-6-4.
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. O-332 - (Annexation of Redbud Lane)

ORDINANCE 332

AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA ANNEXING A PARCEL ON REDBUD LANE IN THE CITY OF ELKINS §8-6-4.

WHEREAS, the Common Council has received a petition from Dustin Smith, on behalf of Woodlands Development Group, Inc. (“Woodlands”), said petition having been authorized by the Board of Directors of Woodlands, requesting the City of Elkins to annex a tract of land, namely a 0.59 acre tract at the corner of Redbud Lane and Wilson Lane, Leadsville District, Tax Map 126 Parcel 14.6 as shown on a plat attached hereto and being more particularly described as follows:

A tract on land situate in Leadsville District, Randolph County, West Virginia, more particularly described as follows:

Beginning at a $\frac{5}{8}$ ” iron rebar (with cap found), being in the northern right of way line of West Virginia County Route 250/12 and being a corner to Woodlands Development Group’s 0.59 acre tract (573/147), and being in the line of Walter L. Schmidlen Jr.’s 85.702 acre tract (544/168;506/647), thence leaving said 0.59 acre tract and with the northern right of way line of said Route 250/12 and with said 85.702 acre tract

S 84 – 04 W 160.00 Feet to a $\frac{3}{4}$ ” iron rebar (set with cap), being in the northern right of way line of said Route 250/12, thence leaving said Route 250/12 and entering said 85.702 acre tract with two (2) lines of partition

N 6 – 03 W 160.00 feet to a $\frac{3}{4}$ ” iron rebar (set with cap), thence

N 84 – 04 E 160.00 feet to a $\frac{5}{8}$ ” iron rebar (with cap found), being in the line of said 0.59 acre tract, thence with said 0.59 acre tract

S 6 -03 E 159.92 feet to the beginning containing 0.59 acres, or 25,587 square feet more or less as surveyed by Robert A. Kitzmiller, Professional Surveyor #635 of Buckhannon, West Virginia.

Being a part of an 85.702 acre tract which was conveyed by James A. and William G. Coberly, trustees to Walter L. Schmidlen and Susan Schmidlen by deed recorded in the office of the Clerk of Randolph County, West Virginia in Deed Book 506 at Page 647 and by deed recorded in Deed Book 544 at Page 168. And further being a tract of land conveyed to Woodlands by Walter L. Schmidlen and

Susan Schmidlen by deed recorded in the aforesaid Clerk's Office in Deed Book 587 at Page 93.

WHEREAS, on May 6, 2024, at a regular meeting of Woodlands Board of Directors, the filing of the petition was confirmed and approved and additionally authorizing David Clark, Executive Director, to execute any documents with the City of Elkins; and

WHEREAS, said tract of land described herein owned by Woodlands is adjacent to and abuts another tract of land within the corporate limits of the City of Elkins; and

WHEREAS, West Virginia Code Chapter § 8-6-4 provides that the annexation of additional territory may be had without a vote, if the Petition is filed with the City Council by a majority of the qualified voters of the additional territory to be annexed, and that the Petition to be annexed is filed by the majority of the freeholders of the additional property whether they reside or have a place of business therein or not; and

WHEREAS, it has been determined that Dustin Smith and David Clark, in their respective positions with Woodlands, confirmed by the action of the Woodlands Board of Director, possess the authority to act on behalf of the freeholders of the land, Woodlands, which is the subject of the Petition; and

WHEREAS, the Common Council of the City of Elkins has determined that the aforementioned Petition from Woodlands is sufficient in every respect, pursuant to West Virginia Code § 8-6-4.

NOW THEREFORE BE IT ORDAINED and ENACTED by the Common Council of the City of Elkins, West Virginia, that the above bounded and described tract of real property, the boundaries of which are being reflected in a Plat attached hereto and made a part hereof, be annexed into the City of Elkins pursuant to the request of the freeholders of said land and that the annexed area be designated as “City Residential (R-2)” . The zoning use district assigned to the designated annexed area shall be shown on the official zoning map of the City of Elkins in the Office of the City Clerk.

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 FINAL READING: _____, 2024.

CITY OF ELKINS, WEST VIRGINIA

Jerry A. Marco, Mayor

Attest:

Sutton Stokes, City Clerk



Woodlands
Development Group

316 Railroad Ave., Suite 310
Elkins, WV 26241

Resolution

Be it resolved that:

The Board of Directors of Woodlands Development Group, Inc. (WDG) approves a request to incorporate the property owned by WDG on Redbud Lane, known as Redbud Apartments, within the corporate limits of the City of Elkins.

This resolution also authorizes David Clark, Executive Director, to execute all Agreements and any related documents with the City of Elkins.

Authorized by a majority vote of the Board of Directors on May 6, 2024.


Adam Williams, President

Woodlands Development Group
316 Railroad Ave. STE 310, Elkins, WV 26241
4/16/24

City of Elkins, WV
Attn: Elkins City Clerk
401 Davis Avenue
Elkins, WV 26241

**Re: *Incorporation of Certain
Randolph County Property***

On behalf of Woodlands Development Group, being sole freeholder, we are requesting that the City of Elkins Common Council incorporate the following real property within the corporate limits of the City of Elkins. The property is described as follows:

A legal description and plat of survey for the subject property are attached.

Please let us know if there is anything else you need in addition to this letter for presentation to and consideration by the City of Elkins Common Council.

We look forward to becoming a part of the City of Elkins.

Sincerely,

Dustin Smith
Director of Project Development



PLAT OF SURVEY
for



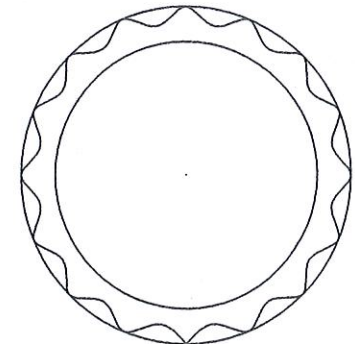
Walter L. Schmidlen Jr. & Susan Schmidlen
Leadsville District, Randolph County, W.Va.

Being a Part of an 85.702 Acre Tract which was conveyed by
James A. & William G. Coberly, Trustees To Walter L. Jr. & Susan Schmidlen
by Deed dated 11/17/2005 and Recorded in the Office of the
Clerk of Randolph County, W.Va. in Deed Book 506 Page 647.

And Being a Part of an 85.702 Acre Tract which was conveyed by
Walter L. Schmidlen, III To Walter L. Schmidlen, Jr.
by Deed dated 2/17/2011 and Recorded in the Office of the
Clerk of Randolph County, W.Va. in Deed Book 544 Page 168.

p/o Tax Map Sheet 126 - Parcel 14

Wilson Lane



Tygarts Valley Limited Partnership
443/401
126-14.2

WV. CO. RT. 250/12

To Junct of Rt. 250 →

Precision Survey Company

Robert A. Kitzmiller

Robert A. Kitzmiller P.S. # 635
566 Manning Road
Buckhannon, WV. 26201

PLAT DATE : 6/4/2016

Surveyed : June, 2016

Plat North
According to
Plat Cabinet D - Sheet 94

Walter Schmidlen Jr.
p/o 506/647; 544/168
p/o 126-14

Wilson Lane Development, LLC.
571/409
39-2

5/8" IR(F)
(cap)

5/8" IR(F)
(cap)

3/4" IR(S)
(w/cap)

N 84-04 E 160.00'

N 6-03 W 159.92'

Walter L. Schmidlen Jr.
0.59 Ac. / 25,587 Ft.²
p/o 506/647; 544/168
p/o 126-14

Walter Schmidlen Jr.
p/o 506/647; 544/168
p/o 126-14

S 6-03 E 159.92'

Woodlands Development Group
573/147
39-2.2

Beg at a
5/8" IR(F)
(cap)

(Tie - 159.76')

5/8" IR(F)
(cap)

S 84-04 W 160.00'

Wilson Lane

← To End of pavement



Scale : 1 inch = 50 Ft.

Precision Survey Company
566 Manning Road
Buckhannon, West Virginia 26201

Description of Survey
For
Walter L. Schmidlen, Jr.

A TRACT OF LAND SITUATE IN LEADSVILLE DISTRICT, RANDOLPH COUNTY, WEST VIRGINIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON REBAR (WITH CAP FOUND), BEING IN THE NORTHERN RIGHT OF WAY LINE OF WEST VIRGINIA COUNTY ROUTE 250/12 AND BEING A CORNER TO WOODLANDS DEVELOPMENT GROUP'S 0.59 ACRE TRACT (573/147), AND BEING IN THE LINE OF WALTER L. SCHMIDLEN JR.'S 85.702 ACRE TRACT (544/168;506/647), THENCE LEAVING SAID 0.59 ACRE TRACT AND WITH THE NORTHERN RIGHT OF WAY LINE OF SAID ROUTE 250/12 AND WITH SAID 85.702 ACRE TRACT

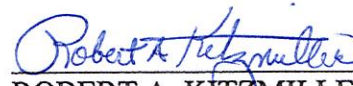
S 84 - 04 W 160.00 FEET TO A 3/4" IRON REBAR (SET WITH CAP), BEING IN THE NORTHERN RIGHT OF WAY LINE OF SAID ROUTE 250/12, THENCE LEAVING SAID ROUTE 250/12 AND ENTERING SAID 85.702 ACRE TRACT WITH TWO (2) LINES OF PARTITION

N 6 - 03 W 159.92 FEET TO A 3/4" IRON REBAR (SET WITH CAP), THENCE

N 84 - 04 E 160.00 FEET TO A 5/8" IRON REBAR (WITH CAP FOUND), BEING IN THE LINE OF SAID 0.59 ACRE TRACT, THENCE WITH SAID 0.59 ACRE TRACT

S 6 - 03 E 159.92 FEET TO THE BEGINNING CONTAINING 0.59 ACRES, OR 25,587 SQUARE FEET MORE OR LESS AS SURVEYED BY ROBERT A. KITZMILLER PROFESSIONAL SURVEYOR # 635 OF BUCKHANNON, WEST VIRGINIA.

BEING A PART OF AN 85.702 ACRE TRACT WHICH WAS CONVEYED BY JAMES A. AND WILLIAM G. COBERLY, TRUSTEES TO WALTER L. SCHMIDLEN AND SUSAN SCHMIDLEN BY DEED RECORDED IN THE OFFICE OF THE CLERK OF RANDOLPH COUNTY, WEST VIRGINIA IN DEED BOOK 506 AT PAGE 647 AND BY DEED RECORDED IN DEED BOOK 544 AT PAGE 168.


ROBERT A. KITZMILLER PLS. # 635
PRECISION SURVEY COMPANY
566 MANNING ROAD
BUCKHANNON, WV. 26201

Telephone : 304-472-0171

JUNE 4, 2016

THIS DEED, Made this 5 day of JUNE, 2017, by and between WALTER L. SCHMIDLEN, JR., SUSAN ANN SCHMIDLEN and BRENDA J. SCHMIDLEN, Grantors and parties of the first part, and WOODLANDS DEVELOPMENT GROUP, INC., a West Virginia not-for-profit corporation, Grantee and party of the second part.

WITNESSETH: That for and in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, receipt of which is hereby acknowledged, the party of the first part does bargain and sell, grant and convey unto the party of the second part, with covenants of General Warranty of title, a tract of land situate in Leadsville District, Randolph County, West Virginia, more particularly described as follows:

Beginning at a 5/8" iron rebar (with cap found), being in the Northern right of way line of West Virginia county route 250/12 and being a corner to Woodlands Development Group's 0.59 acre tract (573/147), and being in the line of Walter L. Schmidlen Jr.'s 85.702 acre tract (544/168; 506/647), thence leaving said 0.59 acre tract and with the Northern right of way of said route 250/12 and with said 85.702 acre tract

S 84-04 W 160.00 feet to a 3/4" iron rebar (set with cap), being in the Northern right of way line of said route 250/12, thence leaving said route 250/12 and entering said 85.702 acre tract with two (2) lines of partition

N 6-03 W 159.92 feet to a 3/4" iron rebar (set with cap), thence

N 84-04 E 160.00 feet to a 5/8" iron rebar (with cap found), being in the line of said 0.59 acre tract, thence with said 0.59 acre tract

S 6-03 E 159.92 feet to the beginning, containing 0.59 acres, or 25,587 square feet, more or less, as surveyed by Robert A. Kitzmiller, Professional Surveyor #635 of Buckhannon, West Virginia.

And being a part of an 85.702 acre tract which was conveyed to Walter L. Schmidlen, Jr., Susan Ann Schmidlen, Walter L. Schmidlen III, and Brenda J. Schmidlen by James A. Coberly and William G. Coberly, Trustees, by deed dated the 17th day November, 2005, of record in the aforesaid Clerk's Office in Deed Book 506, at page 647. By deed dated the 16th day of February, 2011, and recorded in the aforesaid Clerk's Office in Deed Book 544, at page 168, Walter L. Schmidlen III conveyed all his 1/4 interest to Walter L. Schmidlen, Jr.

This conveyance is expressly made subject to all prior reservations, restrictions, exceptions, easements, rights of way, covenants, conditions and limitations that may be found in instruments of record in the chain of title to said real estate.

CERTIFICATION OF RESIDENCE: Under penalties of perjury the Grantors declare that they are all residents of the State of West Virginia.

DECLARATION OF CONSIDERATION OR VALUE: The undersigned declare that the total consideration paid for the property conveyed by the document to which this Declaration is appended is FORTY THOUSAND DOLLARS (\$40,000.00).

WITNESS the following signatures:


WALTER L. SCHMIDLEN, JR.


SUSAN ANN SCHMIDLEN


BRENDA J. SCHMIDLEN

Randolph County
Brenda Wiseman, Clerk
Instrument 2017015792
06/06/2017 @ 12:32:45 PM
DEED
Book 587 @ Page 93
Pages Recorded 3
Recording Cost \$
Transfer Tax \$
36.00
176.00

STATE OF WEST VIRGINIA,
COUNTY OF RANDOLPH, TO-WIT:



The foregoing Deed was acknowledged before me this 5 day of June,
2017, by Walter L. Schmidlen, Jr.

My Commission expires: Feb. 22, 2023

Christie Kepner
NOTARY PUBLIC

* STATE OF WEST VIRGINIA,
COUNTY OF RANDOLPH, TO-WIT:

The foregoing Deed was acknowledged before me this 5 day of June,
2017, by Susan Ann Schmidlen.

My Commission expires: Feb. 22, 2023



Christie Kepner
NOTARY PUBLIC

STATE OF WEST VIRGINIA,
COUNTY OF RANDOLPH, TO-WIT:

The foregoing Deed was acknowledged before me this 5 day of June,
2017, by Brenda J. Schmidlen.

My Commission expires: May 19, 2018



Patricia Deusenberry
NOTARY PUBLIC

This Instrument was prepared by:
THOMAS R. ROSS II
Attorney at Law
P.O. Box 2448
Elkins, WV 26241

WEST VIRGINIA, RANDOLPH COUNTY CLERK'S OFFICE
This Instrument was this day presented to me in my office, and
thereupon, together with the Certificate thereto annexed, is
admitted to record.
04/06/17
Teste Brenda Wiseman
Clerk



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 2024
Section:	New business
Category:	Ordinance
Agenda Item Name:	Ordinance 333: Annexing two parcels near the Elkins Water Plant into the City of Elkins (first of two readings)
Recommended By:	City Clerk
Summary:	During construction of the Elkins Water Plant, the city acquired title to two parcels that lie outside the city boundary. Ordinance 333 would annex those two parcels into and make them part of the City of Elkins.
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. O-333 - (Annexation of Two Parcels near the Elkins Water Plant)

ORDINANCE 333

AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA ANNEXING TWO PARCELS NEAR THE ELKINS WATER PLANT INTO THE CITY OF ELKINS.

WHEREAS, the Common Council has received a petition from Mayor Jerry A. Marco, on behalf of the City of Elkins, requesting the City of Elkins to annex into the City of Elkins two parcels of land owned by the City near the Elkins Water Plant being more particularly described as follows:

First Parcel

BEING a 2.775 acre tract, or parcel, of land together with all easements, right of ways, exceptions and appurtenances, which is a part of the lands of Richard R. and Judith L. Ware (Deed Book 520-Page 226, Tax Map 127-Parcel 13, Leadsville District) located in The City of Elkins, Randolph County, West Virginia, which said parcel is situated on a ridge top approximately 200 feet easterly of the existing McQuain Street Water Storage Tank, City of Elkins (Deed Book 257-Page 195, Tax Map 14-Parcel 42.1, Elkins Corp District), and being more particularly described as follows:

BEGINNING (P.O.B.) at a 48-inch black oak found with angle iron witness found at N 23° 37' 08" E a distance of 5.42 feet and a rebar with a yellow cap stamped "Chapman Tech Group" found at S 46° 39' 01" E 3.39 feet, said black oak being the common corner between Douglas Coal Company (Deed Book 273-Page 258, Tax Map 14-Parcel 14, Elkins Corp. District), the City of Elkins (High Street Water Tank Site, Elkins Corp. District, Tax Map 14-Parcel 15) and Richard R. and Judith L. Ware (Deed Book 520-Page 226, Leadsville District, Tax Map 127-Parcel 13); Thence with the division line between said Douglas Coal Company and Richard R. and Judith L. Ware,

N 13° 12' 46" E a distance of 149.72 feet to a 5/8-inch x 30-inch rebar with yellow cap stamped "Chapman Tech Group" set from which a 36-inch white oak witness bears N 67° 17' 14" W a distance of 8.61 feet, and said rebar marking a common corner to said Douglas Coal Company, Richard Ware and Cequel III Comm. II LLC (Deed Book 494-Page 230, Elkins Corp. District, Tax Map 14-Parcel 42,); Thence with the division line between said Ware, and Cequel,

N 13° 05' 49" E a distance of 308.19 feet to 5/8-inch x 30-inch rebar with yellow cap stamped "Chapman Tech Group" set; Thence continuing with said division line,

N 45° 45' 28" E passing a rebar found in fence line at 152.56 feet and continuing 166.39 feet, in all a distance of 318.95 feet, to 16-inch locust in a fence line in the division line between said Ware, and Laurence B. and Kathleen P. McArthur (Deed Book 368-Page 186,

Elkins Corp. District, Tax Map 127-Parcel 12.2); Thence leaving said division line and running through the lands of said Ware for the following five (5) calls,

S 04° 22' 04" E a distance of 165.88 feet to a 5/8-inch x 30-inch rebar with yellow cap stamped "Chapman Tech Group" set; Thence,

S 21° 15' 11" W a distance of 502.18 feet to a 5/8-inch x 30-inch rebar with yellow cap stamped "Chapman Tech Group" set; Thence,

S 24° 43' 52" W a distance of 421.48 feet to a 1 inch (inside diameter) metal pipe found at a common corner to said Ware and The City of Elkins (Water Tank Site); Thence,

N 15° 39' 34" E a distance of 328.47 feet to a 1 inch (inside diameter) metal pipe found at a common corner to said Ware and The City of Elkins (Water Tank Site); Thence,

N 67° 20' 37" W a distance of 81.79 feet to the POINT OF BEGINNING (P.O.B.) and containing 120,888.2 square feet, or 2.775 acres.

And being the same property conveyed by Richard R. Ware and Judith L. Ware by deed dated May 23, 2014, to the City of Elkins and of record in the Office of the Clerk of the County Commission of Randolph County, West Virginia, in Deed Book 566 at page 29. Said parcel is also identified in Leadsville District on Tax Map 127, Parcel 13.1.

Second Parcel

BEING a 0.363 acre tract, or parcel, of land together with all easements, right of ways, exceptions and appurtenances, which is a part of the lands of Steve Kimbrew (Deed Book 505-Page 797, Tax Map 127-Parcel 12.3, Leadsville District) located in The City of Elkins, Randolph County, West Virginia, which said parcel is situated on a ridge top approximately 200 feet northeast of the existing McQuain Street Water Storage Tank, City of Elkins (Deed Book 257-Page 195, Tax Map 14-Parcel 42.1, Elkins Corp District), and being more particularly described as follows:

BEGINNING (P.O.B.) at a rebar found in a fence-line being a common corner between Steve Kimbrew (Deed Book 505-Page 797, Tax Map 127-Parcel 12.3, Leadsville District) and Cequel III Comm. II LLC (Deed Book 494-Page 230 Tax Map 14, Parcel 42, Elkins Corp. District) and also being in a westerly line of Richard R. and Judith L. Ware (Deed Book 520-Page 226, Tax Map 127-Parcel 13, Leadsville District) and from which a 5/8-inch x 30-inch rebar with yellow cap stamped "Chapman Tech Group" set bears S 45° 45' 28" W a distance of 152.56 feet; Thence with division line between Cequel III Comm. II LLC. and Steve Kimbrew,

N 48° 08' 48" W a distance of 190.45 feet to a 5/8-inch x 30-inch rebar with yellow cap stamped "Chapman Tech. Group" set in said division line and from which a rebar found in the same division line bears N 48° 08' 48" W a distance of 518.93 feet to rebar found; Thence leaving said division line and running through the lands of said Kimbrew,

S 87° 35' 26" E a distance of 261.29 to a 16-inch locust in a fence line from which a rebar found bears N 27° 15' 50" E a distance of 493.98 feet and being a common corner to said McArthur and Ware; Thence with the common line,
S 45° 45' 28" W a distance of 166.39 feet to the POINT OF BEGINNING (P.O.B.) containing 0.363 acres, 15,807.3 square feet.

And being the same property conveyed by Steve Kimbrew by deed dated September 18, 2014 to the City of Elkins and of record in the Office of the Clerk of the Commission of Randolph County, West Virginia in Deed Book 568 at page 16. Said parcel is also identified in Leadsville District on Tax Map 127, Parcel 12.4.

WHEREAS, said parcels of land described herein, owned by the City of Elkins, are adjacent to and abut other land owned by the City of Elkins and within the corporate limits of the City of Elkins; and

WHEREAS, West Virginia Code Chapter § 8-6-4 provides that the annexation of additional territory may be had without a vote, if the petition is filed with the City Council by a majority of the qualified voters of the additional territory to be annexed, and the Petition to be annexed is filed by the majority of freeholders of the additional property whether they reside or have a place of business therein or not; and

WHEREAS, it has been determined that Mayor Marco possesses the authority to act on behalf of the freeholders of the land, the City of Elkins, which is the subject of this Petition; and

WHEREAS, the Common Council of the City of Elkins has determined that the aforementioned Petition from the City of Elkins is sufficient in every respect, pursuant to West Virginia Code § 8-6-4.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Common Council of the City of Elkins, West Virginia, that the two above bounded and described parcels of real property be annexed into the City of Elkins pursuant to the request of the freeholders of said land and that the annexed area be designated as "City Residential (R-2) District". The zoning use district assigned to the designated annexed area shall be shown on the official zoning map of the City of Elkins in the Office of the City Clerk.

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 the date of its final adoption.

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

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

Jerry A. Marco, Mayor

Attest:

Sutton Stokes, City Clerk

THIS DEED, Made and entered into this 23rd day of May, 2014, by and between RICHARD R. WARE and JUDITH L. WARE, husband and wife, Grantors, and the CITY OF ELKINS, WEST VIRGINIA, a municipal corporation, Grantee.

WITNESSETH: That for and in the consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the Grantors do hereby grant and convey, with covenants of GENERAL WARRANTY, unto the Grantee, the following tract of real estate being a 2.775 acre tract, or parcel, of land together with all easements, right of ways, exceptions and appurtenances, which is a part of the lands of Richard R. and Judith L. Ware (Deed Book 520-Page 226, Tax Map 127-Parcel 13, Leadsville District) located in The City of Elkins, Randolph County, West Virginia, which said parcel is situated on a ridge top approximately 200 feet easterly of the existing McQuain Street Water Storage Tank, City of Elkins (Deed Book 257-Page 195, Tax Map 14-Parcel 42.1, Elkins Corp District), and being more particularly described as follows:

BEGINNING (P.O.B.) at a 48-inch black oak found with angle iron witness found at N 23° 37' 08" E a distance of 5.42 feet and a rebar with a yellow cap stamped "Chapman Tech Group" found at S 46° 39' 01" E 3.39 feet, said black oak being the common corner between Douglas Coal Company (Deed Book 273-Page 258, Tax Map 14-Parcel 14, Elkins Corp. District), the City of Elkins (High Street Water Tank Site, Elkins Corp. District, Tax Map 14-Parcel 15) and Richard R. and Judith L. Ware (Deed Book 520-Page 226, Leadsville District, Tax Map 127-Parcel 13); Thence with the division line between said Douglas Coal Company and Richard R. and Judith L. Ware,

N 13° 12' 46" E a distance of 149.72 feet to a 5/8-inch x 30-inch rebar with yellow cap stamped "Chapman Tech Group" set from which a 36-inch white oak witness bears N 67° 17' 14" W a distance of 8.61 feet, and said rebar marking a common corner to said Douglas Coal Company, Richard Ware and Cequel III Comm. II LLC (Deed Book 494-Page 230, Elkins Corp. District, Tax Map 14-Parcel 42,); Thence with the division line between said Ware, and Cequel,

N 13° 05' 49" E a distance of 308.19 feet to 5/8-inch x 30-inch rebar with yellow cap stamped "Chapman Tech Group" set; Thence continuing with said division line,

N 45° 45' 28" E passing a rebar found in fence line at 152.56 feet and continuing 166.39 feet, in all **a distance of 318.95 feet**, to 16-inch locust in a fence line in the division line between said Ware, and Laurence B. and Kathleen P. McArthur (Deed Book 368-Page 186, Elkins Corp. District, Tax Map 127-Parcel 12.2); Thence leaving said division line and running through the lands of said Ware for the following five (5) calls,

S 04° 22' 04" E a distance of 165.88 feet to a 5/8-inch x 30-inch rebar with yellow cap stamped "Chapman Tech Group" set; Thence,

S 21° 15' 11" W a distance of 502.18 feet to a 5/8-inch x 30-inch rebar with yellow cap stamped "Chapman Tech Group" set; Thence,

S 24° 43' 52" W a distance of 421.48 feet to a 1 inch (inside diameter) metal pipe found at a common corner to said Ware and The City of Elkins (Water Tank Site); Thence,

N 15° 39' 34" E a distance of 328.47 feet to a 1 inch (inside diameter) metal pipe found at a common corner to said Ware and The City of Elkins (Water Tank Site); Thence,

N 67° 20' 37" W a distance of 81.79 feet to the POINT OF BEGINNING (P.O.B.) and containing 120,888.2 square feet, or 2.775 acres.

Reference is made to a plat entitled "PLAT OF SURVEY SHOWING A 2.775 ACRE PARCEL TO BE GRANTED TO THE CITY OF ELKINS, LEADSVILLE DISTRICT, RANDOLPH CO., WV" by Chapman Technical Group dated September 10, 2013, as surveyed by Jason E. Brown, WV Professional Surveyor No. 2188, attached hereto and made a part of this survey description.

The Grantors hereby also grant and convey unto the Grantee a permanent drainage easement across part of the lands of Richard R. and Judith L. Ware (Deed Book 520-Page 226, Tax Map 127-Parcel 13, Leadsville District) located in The City of Elkins, Randolph County, West Virginia, which said parcel is situated on a ridge top approximately 200 feet easterly of the existing McQuain Street Water Storage Tank, City of Elkins (Deed Book 257-Page 195, Tax Map 14-Parcel 42.1, Elkins Corp District), and being more particularly described as follows:

BEGINNING (**P.O.B.**) at a point (not set) in the common division line between said Ware and Debra Fragale (Deed Book 537-Page 611, Tax Map 19-Parcel 240, Elkins Corporation District) and from which a 1-inch metal pipe found in the division line between said Ware and Fragale bears N 30° 24' 30" W a distance of 130.41 feet; Thence leaving said division line and through the lands of Ware for the following three (3) bearings and distances:

N 79° 37' 19" E a distance of 202.32 feet to a point (not set)

S 79° 28' 03" E a distance of 145.45 feet to a point (not set)

S 52° 51' 53" E a distance of 162.47 feet to a point (not set) in the northwesterly right of way line of Weese Street; Thence with said Weese Street,

S 35° 30' 11" W a distance of 34.01 feet to a point (not set); Thence leaving said Weese Street and through the lands of said Ware for the following four (4) bearings and distances:

N 55° 15' 13" W a distance of 166.67 feet to a point (not set)

N 79° 28' 03" W a distance of 132.46 feet to a point (not set)

S 79° 11' 51" W a distance of 101.92 feet to a point (not set)

S 25° 35' 50" W a distance of 78.24 feet to a point (not set) in the aforesaid division line between Ware and Fragale and from which a 5/8-inch x 30-inch rebar with a yellow cap stamped "Chapman Tech Group" set in said division line bears S 30° 28' 36" E a distance of 136.60 feet; Thence with division line,

N 30° 24' 30" W a distance of 100.15 feet to the POINT OF BEGINNING (**P.O.B.**) and containing 18,941.0 square feet, or 0.435 acres.

Reference is made to a plat entitled "PLAT OF SURVEY SHOWING A 0.435 ACRE PERMANENT DRAINAGE EASEMENT TO BE GRANTED TO THE CITY OF ELKINS, LEADSVILLE DISTRICT, RANDOLPH CO., WV" by Chapman Technical Group dated September 10, 2013, as surveyed by Jason E. Brown, WV Professional Surveyor No. 2188, attached hereto and made a part of this survey description.

The Grantors agree that they shall not alter nor interfere with the construction, use, operation and maintenance of the permanent drainage easement described herein.

Being part of the same real estate conveyed to Richard R. Ware and Judith L. Ware, husband and wife, by Richard Roger Ware, by deed dated October 23, 2007, of record in the Office of the Clerk of the County Commission of Randolph County, West Virginia, in Deed Book 520 at page 226.

This conveyance is made subject to any and all outconveyances, reservations, restrictions, rights-of-way, covenants, leases and licenses found in the chain of title to the described real estate.

The Grantors certify that they are not subject to the withholding requirements of §11-21-71b, West Virginia Code, as they are residents of the State of West Virginia.

TO HAVE AND TO HOLD unto the Grantee, its successors and assigns forever.

DECLARATION OF CONSIDERATION OR VALUE: Upon penalty of fine and imprisonment as provided by law, the undersigned Grantors hereby declare that the total consideration paid for the property transferred by this document is the sum of SIXTY-TWO THOUSAND DOLLARS (\$62,000.00), however is exempt from payment of excise tax pursuant to *West Virginia Code § 11-22-1, et seq.*, as the transfer involves a government agency.

WITNESS the following signatures and seals:

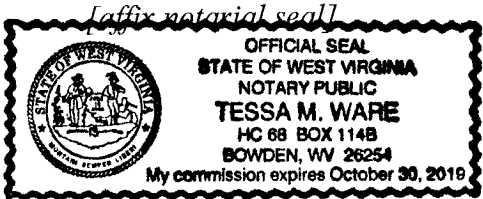
Richard R. Ware (SEAL)
Richard R. Ware

Judith L. Ware (SEAL)
Judith L. Ware

STATE OF WEST VIRGINIA,

COUNTY OF RANDOLPH, TO WIT:

The foregoing instrument was acknowledged before me this 23 day of May, 2014, by Richard R. Ware.



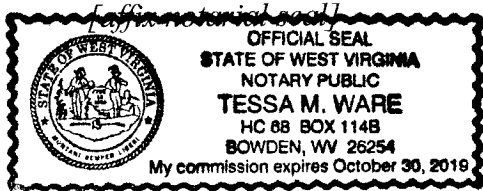
Tessa M. Ware
Notary Public

My commission expires: October 30, 2019

STATE OF WEST VIRGINIA,

COUNTY OF RANDOLPH, TO WIT:

The foregoing instrument was acknowledged before me this 23 day of May, 2014, by Judith L. Ware.



Tessa M. Ware
Notary Public

My commission expires: October 30, 2019

This instrument was prepared by:

Geraldine S. Roberts
McNeer, Highland, McMunn and Varner, L.C.
One Randolph Avenue
P. O. Box 1909
Elkins, WV 26241-1909

GRID NORTH
WSPCS NAD 83

BEGINNING (P.O.B.) at a point (not set) in the common division line between said Ware and Debra Fragale (Deed Book 537-Page 611, Tax Map 19-Parcel 240, Elkins Corporation District) and from which a 1-inch metal pipe found in the division line between said Ware and Fragale bears N 30° 24' 30" W a distance of 130.41 feet; Thence leaving said division line and through the lands of Ware for the following Three (3) bearings and distances:

N 79° 37' 19" E a distance of 202.32 feet to a point (not set)

S 79° 28' 03" E a distance of 145.45 feet to a point (not set)

S 52° 51' 53" E a distance of 162.47 feet to a point (not set) in the northwesterly right of way line of Weese Street; Thence with said Weese Street,

S 35° 30' 11" W a distance of 34.01 feet to a point (not set); Thence leaving said Weese Street and through the lands of said Ware for the following four (4) bearings and distances:

N 55° 15' 13" W a distance of 166.67 feet to a point (not set)

N 79° 28' 03" W a distance of 132.46 feet to a point (not set)

S 79° 11' 51" W a distance of 101.92 feet to a point (not set)

S 25° 35' 50" W a distance of 78.24 feet to a point (not set) in the aforesaid division line between Ware and Fragale and from which a 5/8-inch x 30-inch rebar with a yellow cap stamped "Chapman Tech Group" set in said division line bears S 30° 28' 36" E a distance of 136.60 feet; Thence with division line,

N 30° 24' 30" W a distance of 100.15 feet to the POINT OF BEGINNING (P.O.B.) and containing 18,941.0 square feet, or 0.435 acres.

RICHARD R. WARE &
JUDITH L. WARE
DEED BOOK 520, PAGE 226
TAX MAP 127, PARCEL 13
LEADSVILLE DISTRICT

1" METAL PIPE FOUND
IN AT BASE OF AN OLD FENCE POST

P.O.B.
POINT (NOT SET)

DEBRA FRAGALE
DB 537, PG. 611
ELKINS CORP. DIST.
FM 19, PAR. 240

ORIGINALLY COFFMAN ADDITION

DEBRA FRAGALE
DB 537, PG. 611
ELKINS CORP. DIST.
FM 19, PAR. 239

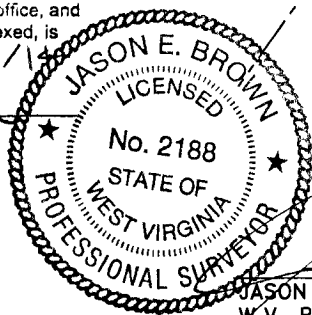
RICHARD R. WARE &
JUDITH L. WARE
DEED BOOK 520, PAGE 226
TAX MAP 127, PARCEL 13
LEADSVILLE DISTRICT

5/8" X 30" REBAR WITH CAP
STAMPED "CHAPMAN TECH GROUP" SET

WEST VIRGINIA, RANDOLPH COUNTY CLERK'S OFFICE
This instrument was this day presented to me in my office, and
thereupon, together with the Certificate thereto annexed, is
admitted to record.

Tested
Clerk

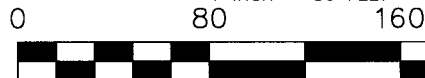
Brenda Wiseman



JASON E. BROWN
W.V. PROFESSIONAL SURVEYOR NO. 2188

DATE

GRAPHIC SCALE
1 INCH = 80 FEET



Chapman Technical Group

ENGINEERS • ARCHITECTS • INTERIOR DESIGNERS • LANDSCAPE ARCHITECTS

P.O. Box 1355, St. Albans, West Virginia
(304) 727-5501

P.O. Box 229, Buckhannon, West Virginia
(304) 472-8914

PLAT OF SURVEY SHOWING
A 0.435 ACRE
PERMANENT DRAINAGE EASEMENT
TO BE GRANTED TO
THE CITY OF ELKINS
ELKINS CORP. DISTRICT
RANDOLPH CO., WV

JOB NUMBER:	07061
SCALE:	1"=80'
DATE:	09/10/13
DRAWN BY:	JEB
DESIGNED BY:	N/A
CHECKED BY:	JMD

SHEET NO.

REVISION



THIS DEED, Made and entered into this 18th day of September, 2014, by and between STEVE KIMBREW, single, Grantor, and the CITY OF ELKINS, WEST VIRGINIA, a municipal corporation, Grantee.

WITNESSETH: That for and in the consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the Grantor does hereby grant and convey, with covenants of GENERAL WARRANTY, unto the Grantee, the following tract of real estate being a 0.363 acre tract, or parcel, of land together with all easements, right of ways, exceptions and appurtenances, which is a part of the lands of Steve Kimbrew (Deed Book 505-Page 797, Tax Map 127-Parcel 12.3, Leadsville District) located in The City of Elkins, Randolph County, West Virginia, which said parcel is situated on a ridge top approximately 200 feet northeast of the existing McQuain Street Water Storage Tank, City of Elkins (Deed Book 257-Page 195, Tax Map 14-Parcel 42.1, Elkins Corp District), and being more particularly described as follows:

BEGINNING (P.O.B.) at a rebar found in a fence-line being a common corner between Steve Kimbrew (Deed Book 505-Page 797, Tax Map 127-Parcel 12.3, Leadsville District) and Cequel III Comm. II LLC (Deed Book 494-Page 230 Tax Map 14, Parcel 42, Elkins Corp. District) and also being in a westerly line of Richard R. and Judith L. Ware (Deed Book 520-Page 226, Tax Map 127-Parcel 13, Leadsville District) and from which a 5/8-inch x 30-inch rebar with yellow cap stamped "Chapman Tech Group" set bears S 45° 45' 28" W a distance of 152.56 feet; Thence with division line between Cequel III Comm. II LLC and Steve Kimbrew,

N 48° 08' 48" W a distance of 190.45 feet to a 5/8-inch x 30-inch rebar with yellow cap stamped "Chapman Tech. Group" set in said division line and from which a rebar found in the same division line bears N 48° 08' 48" W a distance of 518.93 feet to rebar found; Thence leaving said division line and running through the lands of said Kimbrew,

S 87° 35' 26" E a distance of 261.29 to a 16-inch locust in a fence line from which a rebar found bears N 27° 15' 50" E a distance of 493.98 feet and being a common corner to said Kimbrew and Ware; Thence with the common line,

S 45° 45' 28" W a distance of 166.39 feet to the POINT OF BEGINNING (P.O.B.) containing 0.363 acres, 15,807.3 square feet.

Reference is made to a plat entitled "CORRECTIVE PLAT OF SURVEY SHOWING A 0.363 ACRE PARCEL TO BE GRANTED TO THE CITY OF ELKINS, LEADSVILLE DISTRICT, RANDOLPH CO., WV" by Chapman Technical Group dated August 5, 2014, as surveyed by Jason E. Brown, WV Professional Surveyor No. 2188, attached hereto and made a part of this survey description.

Being part of the same real estate conveyed to STEVE KIMBREW by VIRGINIA F. GEORGE, by deed dated October 7, 2005, of record in the Office of the Clerk of the County Commission of Randolph County, West Virginia, in Deed Book 505 at page 797.

This conveyance is made subject to any and all outconveyances, reservations, restrictions, rights-of-way, covenants, leases and licenses found in the chain of title to the described real estate.

The Grantor certifies that he is not subject to the withholding requirements of §11-21-71b, West Virginia Code, as it is a resident entity of the State of West Virginia.

TO HAVE AND TO HOLD unto the Grantee, its successors and assigns forever.

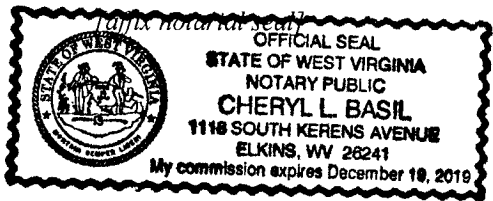
DECLARATION OF CONSIDERATION OR VALUE: Upon penalty of fine and imprisonment as provided by law, the undersigned Grantor hereby declares that the total consideration paid for the property transferred by this document is the sum of THREE THOUSAND DOLLARS (\$3,000.00), however is exempt from payment of excise tax pursuant to *West Virginia Code § 11-22-1, et seq.*, as the transfer involves a government agency.

WITNESS the following signatures and seals:

Steve Kimbrey (SEAL)
STEVE KIMBREW

STATE OF West Virginia,
COUNTY OF Randolph, TO WIT:

The foregoing instrument was acknowledged before me this 18th day of September, 2014,
by STEVE KIMBREW.



Cheryl L. Basil
Notary Public

My commission expires: 12-19-19

This instrument was prepared by:

Geraldine S. Roberts
McNeer, Highland, McMunn and Varner, L.C.
One Randolph Avenue
P. O. Box 1909
Elkins, WV 26241-1909

Brenda Wiseman
RANDOLPH County 09-22-07 PM
Instrument No 201407331
Date Recorded 09/18/2014
Document Type DE
Pages Recorded 3
Book-Page 548-16
Recording Fee \$11.00
Additional \$5.00

GRID NORTH
WSPCS NAD 83
SOUTH ZONE

PA
TO

TIE-LINE TO REBAR FOUND

N 48°08'48" W 518.93'

GRAVEL ROAD

P.O.B.
REBAR FOUND
IN FENCE-LINE

A circular professional seal for a surveyor. The outer ring contains the text "JASON E. BROWN" at the top and "PROFESSIONAL SURVEYOR" at the bottom, separated by two five-pointed stars. Inside this ring, the word "LICENSED" is at the top and "STATE OF WEST VIRGINIA" is at the bottom, also separated by two five-pointed stars. In the center of the seal, the number "No. 2188" is prominently displayed.

GRAPHIC SCALE
1 INCH = 60 FEET
60' 120' 180'

REVISION NOTE:

THIS MAP IS INTENDED TO CORRECT AN EARLIER VERSION DATED 09/10/13 UPON WHICH THE PARENT TRACT OWNER NOW SHOWN AS KIMBREW-TAX PARCEL 12.3 OF TAX MAP 127, WAS INCORRECTLY DESIGNATED AS McARTHUR-TAX PARCEL 12.2 OF TAX MAP 127.

Being a 0.363 acre tract, or parcel, of land together with all easements, right of ways, exceptions and appurtenances, which is a part of the lands of Steve Kimbrow (Deed Book 505-Page 797, Tax Map 127-Parcel 12.3, Leadville District) located in The City of Elkins, Randolph County, West Virginia, and parcel is situated on a ridge top approximately 200 feet northeast of the existing McQuinn Street Water Storage Tank, City of Elkins (Deed Book 257-Page 195, Tax Map 14-Parcel 42.1, Elkins Corp. District), and being more particularly described as follows:

BEGINNING (P.O.B.) at a rebar found in a fence-line being a common corner between Steve Kimbrow (Deed Book 505-Page 797, Tax Map 127-Parcel 12 3, Leadville District) and Cequel II Comm II LLC (Deed Book 494 Page 230 Tax Map 14, Parcel 42, Eagle Creek District) also being in a westerly line of Richard R. and Judith L. Ware (Deed Book 520-Page 226, Tax Map 127-Parcel 13, Leadville District) and from which a 5/8" x 30" inch rebar with yellow cap stamped "Chapman Tech Group" extends S 45° 45' 26" W at a distance of 152.56 feet. Thence with division line between Cequel II Comm II LLC, and Steve Kimbrow.

N 48° 08' 46" W a distance of 190.45 feet to a 5/8-inch x 30-inch rebar with yellow cap stamped "Chapman Tech. Group" set in said division line and from which a feather found in the same division line bears N 48° 08' 48" W a distance of 516.93 feet to rebar found; Thence leaving said division line and running through the lands of said Kimbrow,

S 87° 35' 26" E a distance of 261.29 to a 16-inch locust in the fence line from which a rebar found bears N 27° 15' 50" E a distance of 493.98 feet and being a common corner to said Kimbrow and Ware; Thence with the common line

S 46° 45' 28" W a distance of 166.99 feet to the POINT OF BEGINNING (P.O.B.) containing 0.363 acres, 15,807.3 square feet

JASON E. BROWN
W.V. PROFESSIONAL SURVEYOR NO. 2188

DATE _____

ENGINEERS • ARCHITECTS • INTERIOR DESIGNERS • LANDSCAPE ARCHITECTS

P.O. Box 1355, St. Albans, West Virginia
(304) 727-5301

**CORRECTIVE PLAT
OF SURVEY SHOWING
A 0.363 ACRE PARCEL
TO BE GRANTED TO
THE CITY OF ELKINS
LEADSVILLE DISTRICT
RANDOLPH CO., WV**

JOB NUMBER:	07061
SCALE:	1"=60'
DATE:	08/05/14
DRAWN BY:	JEB
DESIGNED BY:	N/A
CHECKED BY:	JMD
SHEET NO.	
1 OF 1	

WEST VIRGINIA, RANDOLPH COUNTY CLERK'S OFFICE
This instrument was this day presented to me in my office, and thereupon, together with the Certificate thereto annexed, is submitted to record.

Tested by Brenda Wiseman 09/18/14
Clerk



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1752: Amending the personnel policy to eliminate restrictions on using benefits during the first 90 days of employment
Recommended By:	Personnel Committee
Summary:	For the morale and well-being of new employees, the following change to the Personnel Policy is recommended: 4. C: Full-time Regular Employees Employees who work a minimum of twenty (20) hours per week, year-round, shall be considered full-time, regular employees. Full-time regular employees are prohibited from using sick leave, annual leave, or personal days until completion of all assigned workdays during the first 90 calendar days of employment. There is no good rationale for this policy, while it is actively injurious when new employees have justifiable reasons for needing to use or another of these benefits.
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. R-1752 - amending personnel policy to eliminate 90 day restriction

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1752)
May 16, 2024

***Amending the City of Elkins Personnel Policy to Eliminate the
Restriction on Using Benefits Time During first 90 Days of Employment***

WHEREAS, the Common Council of the City of Elkins (“Council”) has previously adopted a Personnel Manual, on October 21, 2010, and which it has amended from time to time; and,

WHEREAS, Council’s Personnel Committee has recommended that the said Manual’s restriction concerning absences from work during the first 90 days of employment for Full Time Regular Employees be eliminated as follows:

4. C: Full-time Regular Employees

Employees who work a minimum of twenty (20) hours per week, year-round, shall be considered full-time, regular employees. ~~Full-time regular employees are prohibited from using sick leave, annual leave, or personal days until completion of all assigned workdays during the first 90 calendar days of employment.~~

WHEREAS, Council finds that it is in the best interests of the City of Elkins to adopt and implement this change; ***now, therefore, be it***

RESOLVED, that the Elkins Common Council hereby orders that the above change be made, effective immediately.

Jerry A. Marco, Mayor

Attest:

Sutton Stokes, City Clerk



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1753: Adopting an updated Elkins Fire Department organizational chart and staffing policy
Recommended By:	Personnel Committee
Summary:	The attached updated Civil Service Rank Structure and Staffing Policy for the Elkins Fire Department is needed as a result of changes to rank titles and to clarify policies for vacancies and promotions.
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. R-1753 - EFD Rank Structure and Staffing Policy

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1753)

May 16, 2024

***Approval of Civil Service Rank Structure and
Staffing Policy for the Elkins Fire Department***

WHEREAS, the Civil Service Rank Structure and Staffing Policy for the Fire Department has been proposed to Common Council as set forth in the attached exhibit; and,

WHEREAS, the Personnel Committee has reviewed said proposal and recommends that said proposal be approved and implemented; now, ***therefore, be it***

RESOLVED, that the Elkins Common Council approves the Civil Service Rank Structure and Staffing Policy for the Fire Department as set forth in the attached exhibit.

Attest: Sutton R. Stokes, City Clerk

Jerry A. Marco, Mayor

Elkins Fire Department Proposed Rank Structure

The Elkins Fire Department (EFD) operates three shifts of paid, civil service firefighters. The purpose of this document is to describe the ideal assignment of firefighters by rank to these shifts. As personnel enter and depart EFD service, there may sometimes be discrepancies between this ideal structure and the ranks of the individuals currently assigned to each shift.

The following principles pertain:

- The goal is to maintain a staffing level of nine civil-service firefighters, with three assigned to each shift.
- A retirement or resignation at any rank that brings the number of serving civil-service firefighters below 9 will result in (1) a vacancy at that rank for the purposes of the internal promotion process and (2) a vacancy at the entry level to return the department to its full complement of 9 civil-service firefighters.
- Entry-level firefighters serve a one-year probationary period. After successful completion of their probationary period, they are eligible for advancement to Firefighter 1. For the ranks of Firefighter 1 and higher, two years must be served at each rank before promotion to the next rank.
- In addition to time-in-grade of two years and competitive standardized testing when required, firefighters seeking promotion must also satisfy training and certification requirements.
- Firefighters will be assigned and may be reassigned to shifts at the discretion of the Chief, as needed for safety, order, and good discipline.

Ranks in the Elkins Fire Department shall be structured as follows. Again, the goal is to maintain a staffing level of three civil-service firefighters per shift, so not all of these positions would be filled at the same time.

Shift 1	Shift 2	Shift 3
Captain	Captain	Captain (2 yr.)
Lieutenant (2 yr.)	Lieutenant (2 yr.)	Lieutenant (2 yr.)
Firefighter 2 (2 yr.)	Firefighter 2 (2 yr.)	Firefighter 2 (2 yr.)
Firefighter 1 (2 yr.)	Firefighter 1 (2 yr.)	Firefighter 1 (2 yr.)
Probationary Firefighter (1 yr.)	Probationary Firefighter (1 yr.)	Probationary Firefighter (1 yr.)



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Resolution 1754: Adopting an updated policy for use of the downtown sound system
Recommended By:	City Clerk
Summary:	An updated policy for use of the downtown sound system is attached.
Fiscal Impact:	Would impose fees as follows: • \$50 application fee for use of the downtown sound system by outside organization • Additional daily \$50 fee for organizations accessing direct control of system Cost of system to city: In addition to the \$20,000 cost of purchasing and installing this system, the annual cost for licensing and software is approximately \$1,300.
Recommendation:	Consider for approval
Attachments:	1. R-1754 - updated policy for downtown sound system 2. Downtown Sound System Policy draft - 2024_05_03

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1754)
May 16, 2024

Adopting and Implementing an Updated Policy for Use of the Downtown Sound System

WHEREAS, Elkins Common Council (“Council”) has purchased and deployed a Downtown Sound System, for the dual purposes of emergency announcements and broadcasting music during public events; and,

WHEREAS, the Rules & Ordinances Committee has recommended the attached updated policy regarding use by the public of the said System; and,

WHEREAS, Council finds that it is in the best interest of the citizens of the City of Elkins to implement this updated policy; now, ***therefore, be it***

RESOLVED, that the Elkins Common Council approves of and orders the immediate implementation of the attached policy for use of the downtown sound system.

Attest: Sutton R. Stokes, City Clerk

Jerry A. Marco, Mayor

Downtown Sound System Policy - Draft

City of Elkins controls access to an outdoor sound system that includes speakers mounted on utility poles along Davis Avenue from city hall to Second Street and along Third Street from the Elkins Depot Welcome Center to Kerens Avenue. This system enables the broadcast of public service announcements and/or playing music during downtown events.

The city sponsors daily music programs during the Mountain State Forest Festival and the holiday season. During the rest of the year, as a courtesy, the city also makes this system available to the organizers of downtown events for music programming. For these events, organizers are charged a nominal fee for use of the downtown sound system. This fee covers the cost of staff time, music licensing, and the streaming app the city uses to play music over the system.

In addition to the \$20,000 cost of purchasing and installing this system, the annual cost for licensing and software is approximately \$1,300.

Standard Use of the Downtown Sound System

The standard method for playing music over the downtown sound system is as follows:

- Organizers apply for BOTH an event permit and a permit for use of the downtown sound system. There is a standard \$50 application fee for use of the downtown sound system.
- Staff reviews and approves these applications as appropriate.
- Staff plans the music program with the event organizer. The app used by the city offers numerous playlists organized by season, genre, and style. Through consultation, staff and the organizer will select from these playlists for the event. Staff and the organizer will also plan the times during which music may be played.

The following conditions apply to all uses of the downtown sound system:

- Music will only be programmed to play during the active hours of the approved event. Music will not be programmed earlier than 9 a.m. or later than 7 p.m.
- Because of the impact of downtown music on residents and others who may not be participating in the event, music played over the system must in the judgement of city staff be appropriate for all ages and audiences.
- Only music may be played over the downtown sound system. Speeches and other spoken-word material will not be allowed.

Direct Control in Special Circumstances

Under special circumstances, highly qualified organizations may be permitted to exercise direct control of the system, including microphone access for announcements and the ability to play self-selected music from their own equipment. Only organizations that, in the judgement of city staff, have qualified sound personnel will be permitted to have direct control of the downtown sound system.

These organizations must supply their own audio devices, mixers, microphones, cables, and other equipment necessary to use the system. We will provide a direct XLR input at one of the two access points on Third Street, but the city does not lend or rent out audio equipment.

Organizations seeking direct control must make the following certifications to the city:

- Only qualified personnel will be allowed to make use of the system.
- The organization will play music that, in the judgement of staff, is appropriate for all ages and audiences. The organization will not play speeches or other spoken-word material.
- The organization understands that it is responsible for and must secure all appropriate music licensing (approximately \$800 in annual costs). Failure to do so opens the organization, not the city, to legal action by the licensing authorities.
- The organization understands that Spotify, Amazon Music, Apple Music, and similar music streaming apps are intended for private use only. The terms of service of these apps prohibit them from being used for public performances such as broadcasting over the downtown sound system. Violating these terms of service opens the organization, not the city, to legal action by these companies.
- The organization understands that direct control of the system poses a risk of excessive feedback or other problems that could cause significant damage to this \$20,000 system. The organization agrees to reimburse the city for any damage caused during its direct control of the system.

The steps for organizations seeking direct control of the system are as follows:

- Organizers apply for BOTH an event permit and a permit for use of the downtown sound system. In addition to the standard \$50 application fee for use of the downtown sound system, organizations seeking direct control of the system must pay a daily \$50 service charge to defray the cost of additional staff time required for setup and activation/deactivation.
- Staff reviews and approves these applications as appropriate.
- Staff plans the schedule of the music program with the event organizer. Staff will activate and deactivate the system before and after the program, to prevent damage or misuse.

Right to Refuse

City staff may decline to approve any use of the downtown sound system that seems excessive, disruptive, provocative, or otherwise inappropriate for the downtown setting for any other reason.

##

Additional assets needed if approved:

- Form for acknowledging need for licenses
- Form for acknowledging can't use consumer streaming apps
- Form for acknowledging will reimburse in case of damage
- Updated event indemnification to include pledge to defend if sued about licensing



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1755: Let bids for relocation of sewer line under former city street garage near Eleventh Street
Recommended By:	
Summary:	The property on Eleventh Street (former Street Department garage) is highly desirable for commercial uses in terms of location but saleability is hampered by the existence of a large sewer main under the property. There is in hand a proposal from Civil & Environmental Consultants, Inc. to move the line. Council has already authorized the use of Financial Stabilization Account funds if needed, although it appears that state economic development funds may be available for some or all of the project cost. The attached resolution authorizes publication of a request for bids for this project. Council previously transferred this property to the Randolph County Development Authority to market it for development, with the stipulation that the proceeds of any sale would come to the city. RCDA is aware of this and in support of this project in general and this step in particular.
Fiscal Impact:	TBD
Recommendation:	Consider for approval
Attachments:	1. R-1755 - publish request for bids for relocation of sewer line

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1755)
May 16, 2024

***Authorizing Publication of a Request for Bids for a
Project to Relocate a Sewer Line near Eleventh Street***

WHEREAS, the Common Council (“Council”) of the City of Elkins, West Virginia (“City”) is the owner of the Elkins Public Wastewater System; and,

WHEREAS, it has become necessary to relocate a sewer main under a property near Eleventh Street, the former site of the City’s Street Department garage (“Project”); and,

WHEREAS, an engineering firm, Civil and Environmental Consultants, has prepared plans and specifications for this Project and stands ready to manage the bidding process on behalf of the City; and,

WHEREAS, Elkins City Code §6-2.1 authorizes the contracting for and expenditure of public funds for the purpose of providing public improvement projects; and,

WHEREAS, Council has, via Resolution 1735, authorized the use of monies from the Financial Stabilization Fund to pay for this Project; and,

WHEREAS, it appears that publishing a request for bids for this Project and thereafter proceeding with the relocation of the said sewer line is in the best interests of the citizens of the City of Elkins;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby authorizes the publication of a request for bids for the completion of the above described Project.

Attest: Sutton R. Stokes, City Clerk

Jerry A. Marco, Mayor



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1756: Reappoint R. Woolwine to the Airport Authority
Recommended By:	Airport Authority, City Clerk
Summary:	Reappoints R. Woolwine to another three-year term on the Elkins-Randolph County Regional Airport Authority.
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. R-1756 - Reappointment of R. Woolwine to Airport Authority

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1756)
May 16, 2024

Reappointment of Robert Woolwine to the Elkins-Randolph County Regional Airport Authority

WHEREAS, Robert Woolwine's term on the Elkins-Randolph County Regional Airport Authority ("Authority") is set to expire on June 30, 2024; and,

WHEREAS, the request of the Authority is to reappoint Robert Woolwine for an additional three-year term beginning July 1, 2024; and,

WHEREAS, the incumbent wishes to continue his service with the Authority;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby reappoints Robert Woolwine to the Elkins-Randolph County Regional Airport Authority for a term to end on June 30, 2027.

Attest: Sutton R. Stokes, City Clerk

Jerry A. Marco, Mayor



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1757: FY 2024 General Fund budget revisions 10
Recommended By:	City Treasurer, Operations Manager
Summary:	Shifts \$232,000 from various lines in the Streets account to Streets - Capital Outlay to fund the purchase of a new street sweeper.
Fiscal Impact:	Shifts already budgeted funds within the Street Department.
Recommendation:	Consider for approval
Attachments:	1. R-1757 - FY2024 General Fund budget revision 10

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1757)
May 16, 2024

***Resolution to Approve FY 2024 Budget Revision
(General Fund #10)***

WHEREAS, the City of Elkins has previously prepared and submitted its General Fund Budget for the Fiscal Year 2024; and,

WHEREAS, it has become necessary to revise said Budget; and,

WHEREAS, the attached Budget Revision transfers funds as shown;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Common Council of the City of Elkins hereby approves the attached FY 2024 Budget Revision (General Fund #10).

Jerry Marco, Mayor

Attest:

Sutton R. Stokes, City Clerk

General Fund Budget Revision

Revision Number 10

Revenues

Fund	Department	Transfer From/Description	Amount
001	000-Revenues		
TOTAL			\$0.00

Department	Transfer To/Description	Amount
000-Revenues		
		\$0.00

Expenses

Fund	Department	Transfer From/Description	Amount
001	750-Streets	341-0001 Paving	\$210,000.00
		457-0000 Capital Outlay Buildings	\$10,000.00
		458-0000 Capital Outlay Improvements	\$12,000.00
TOTAL			\$232,000.00

Department	Transfer To/Description	Amount
750-Streets	459-0000 Capital Outlay Equipmen	\$232,000.00
		\$232,000.00



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1758: Accepting the "base bid" (\$1.255 million) for the city hall HVAC system from Commercial Plumbing and Heating
Recommended By:	Operations Manager, Finance Committee
Summary:	Attached resolution accepts the "base bid" (\$1.255 million) for the city hall HVAC system from Commercial Plumbing and Heating and authorizes the Operations Manager to take any necessary steps to proceed with contracting for and executing this project. The bid record sheet will be distributed at the meeting.
Fiscal Impact:	\$1.255 million
Recommendation:	Consider for approval
Attachments:	1. R-1758 - Accepting Bid for City Hall HVAC system

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1758)
May 16, 2024

Accepting Bid from Commercial Plumbing and Heating for City Hall HVAC Project

WHEREAS, The City of Elkins, West Virginia (“City”) has previously determined to install an HVAC system in City Hall and make related improvements; and,

WHEREAS, the City has advertised for and received bids from companies qualified for and interested in performing this work (see attached bid record sheet); and,

WHEREAS, the Operations Manager recommends acceptance of the “base bid” from Commercial Plumbing and Heating; and;

WHEREAS, it appears that proceeding with this project on these terms is in the best interests of the City of Elkins;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby accepts the “base bid” for installation of an HVAC system, along with related improvements, at City Hall, in the amount of \$1.255 million, from Commercial Plumbing and Heating.

Jerry A. Marco, Mayor

Attest:

Sutton Stokes, City Clerk



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	May 16, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Reschedule meeting of June 20, due to West Virginia Day holiday, and reschedule July 4 meeting, due to Independence Day holiday
Recommended By:	City Clerk
Summary:	The second regular meeting of June falls on June 20, West Virginia Day. The first meeting of July falls on July 4, Independence Day.
Fiscal Impact:	
Recommendation:	Cancel both meetings (June 20, July 4). Hold a special meeting June 27 and return to the regular meeting schedule with the meeting of July 18.
Attachments:	None