# ELKINS COMMON COUNCIL
# PUBLIC HEARING
# MINUTES

***401 Davis Avenue***
***Council Chamber, 2nd Floor***
***December 15, 2022***
***7:00 p.m.***

Elkins Common Council met in special session in the council chamber of city hall. Present were Mayor Jerry A. Marco; Councilpersons N.E. Bross-Fregonara, R.C. Chenoweth, M. D. Cuonzo, G.M. Hinchman, D.C. Parker, L.S. Severino, and L.H. Vest; City Treasurer T. Judy; Fire Chief S.D. Himes; Police Chief T. Bennett; City Attorney G. S. Roberts; and City Clerk J.R. Sutton (acting as recording secretary).

Councilpersons J.A. Guye and C.C. Lowther and Interim Operations Manager M. Himes were absent.

The hearing was called to order at 7:00 p.m.

a. An Ordinance of the Common Council of the City of Elkins, West Virginia, renewing franchise agreement with Cequel III Communications II, LLC, DBA Optimum.

   Pat Varchetto, resident of 217 Sylvester Drive, had a chance to review what council is going to consider for approval this evening and asked if anyone from the city was in the room when this was discussed. Mr. Varchetto suggested that if the city paid anyone to work on this agreement on our behalf that we should ask for a refund. Finally, Mr. Varchetto commented that there was an outage earlier this week, the reason for which he has not been told, and asked council if they were going to help customers.

The hearing closed at 7:02 p.m.

# ELKINS COMMON COUNCIL
# REGULAR COUNCIL MEETING
# MINUTES

***401 Davis Avenue***
***Council Chamber, 2nd Floor***
***December 15, 2022***
***Immediately following public hearing***

Elkins Common Council met in special session in the council chamber of city hall. Present were Mayor Jerry A. Marco; Councilpersons N.E. Bross-Fregonara, R.C. Chenoweth, M. D. Cuonzo, G.M. Hinchman, D.C. Parker, L.S. Severino, and L.H. Vest; City Treasurer T. Judy; Fire Chief S.D. Himes; Police Chief T. Bennett; City Attorney G. S. Roberts; and City Clerk J.R. Sutton (acting as recording secretary).

Councilor J.A. Guye and Interim Operations Manager M. Himes were absent. Councilor C.C. Lowther arrived at 7:28 p.m.

**MINUTES**

Cm. Parker, **MOVED APPROVAL OF THE MINUTES OF THE DECEMBER 1, 2022 MEETING.** The motion carried.

**CORRESPONDENCE AND NOTIFICATIONS**

Council received the following correspondence and notifications:

- Issued building permits
- Approved minutes of committee, board and commission meetings
- Events

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

| **ISSUED BUILDING PERMITS** | | | | |
|---|---|---|---|---|
| **Permit** | **Applicant** | **Location** | **Description** | **Value** |
| 220285 | Sullivan, Amanda & Sean | 113 Elm St. | Install solar panels | 24,575.00 |
| 220286 | Severino, Anthony | 141 Buffalo St. | Replace roof shingles | 7,000.00 |
| 2202787 | Cain, Mark & Suzanne | 1520 S Kerens Ave. | Replace roof shingles | 6,147.00 |
| 2202788 | Hohl, Jennifer | 1013 S Henry Ave. | Replace roof shingles | 3,094.00 |
| 2202789 | Howell, Bruce | 523 Center St. | Electric Service upgrade | 1,200.00 |
| 2202790 | Phillips, Carson | 210 Graham St. | Rebuild 2 porches, French doors and 4x6 | 6,231.00 |
| 2202791 | Woodlands Development Group | 98 Washington Ave. | 200 amp electrical upgrade | 2,330.00 |

**PRESENTATION**

Angela Daniels, Executive Director of the Tygart Valley United Way, described all the programs the organizations supports and/or administers in their service area and specifically in Randolph County. The campaign for this year is "it starts with you".

**COMMITTEE REPORTS** provided by all committee chairs present.

**STAFF REPORTS** were provided by all administrative officers present.

**APPROVAL OF VENDOR INVOICE PAYMENTS**

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

The invoices in question were as specified on the following list, which is attached and made part of this record:

- Accounts Payable check transactions for the period November 28 – December 9, 2022.

**UNFINISHED BUSINESS**

Cm. Chenoweth**, MOVED APPROVAL OF RESOLUTION 1592: APPOINTING AN OPERATIONS MANAGER AND ESTABLISHING AMOUNT OF ANNUAL COMPENSATION (AMENDED).** The motion carried.

**NEW BUSINESS**

Cm. Chenoweth, **MOVED APPROVAL OF ORDINANCE 309: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA, RENEWING FRANCHISE AGREEMENT WITH CEQUEL III COMMUNICATIONS II, LLC DBA OPTIMUM (2ND AND FINAL READING).**

Cm. Chenoweth, **MOVED APPROVAL OF ENTERING INTO EXECUTIVE SESSION FOR THE PURPOSE OF ATTORNEY-CLIENT PRIVILEGE.** The motion carried. Council entered executive session at 7:42 p.m. and returned at 8:02 p.m. The chair announced that no action was taken.

Cm. Chenoweth, **MOVED TO WITHDRAW THE PREVIOUS MOTION TO APPROVE ORDINANCE 309.** The motion carried.

Cm. Lowther, **MOVED APPROVAL OF RESOLUTION 1594: APPROVING CONDITIONS OF AGREEMENT BETWEEN INVOICE CLOUD AND THE CITY OF ELKINS, AND AUTHORIZING EXECUTION OF AGREEMENT.** The motion carried.

Cm. Hinchman, **MOVED APPROVAL OF RESOLUTION 1595: ACCEPTING CONDITIONS OF FINANCING AGREEMENT BETWEEN TRUIST FINANCIAL CORPORATION AND THE CITY OF ELKINS, AND AUTHORIZING EXECUTION OF FINANCING DOCUMENTS FOR A WASTEWATER DEPARTMENT VEHICLE.** The motion carried.

Cm. Chenoweth, **MOVED APPROVAL OF ENTERING INTO EXECUTIVE SESSION TO DISCUSS PROSPECTIVE APPOINTMENTS TO VARIOUS CITY BOARDS AND COMMISSIONS.** The motion carried. Council entered executive session at 8:05 p.m. and returned at 8:34 p.m. The chair announced that no action was taken.

Cm. Chenoweth, **MOVED APPROVAL OF THE APPOINTMENT OF SHAWN BENNETT TO THE BOARD OF APPEALS FOR THE IPMC WITH A TERM ENDING JUNE 30, 2027.** The motion carried.

Cm. Chenoweth, **MOVED APPROVAL OF THE APPOINTMENT OF JAMES FILLER TO THE ELKINS-RANDOLPH COUNTY BOARD OF HEALTH FOR A TERM ENDING OCTOBER 31, 2027.** The motion carried.

Cm. Chenoweth, **MOVED APPROVAL OF THE APPOINTMENT OF CASSANDRA ELLSWOOD AND ELIZABETH DOUGLAS TO THE BOARD OF ZONING APPEALS BOTH WITH TERMS ENDING DECEMBER 31, 2025.** The motion carried.

**MAYOR'S COMMENTS** were provided.

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

The meeting adjourned at 8:37 p.m.

*Approved by council at the meeting of January 5 2023*

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Jerry A. Marco, Mayor

*Attest:*

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Jessica R. Sutton, City Clerk