



City of Elkins  
**TIF Advisory Committee  
Meeting**

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August 27, 2024  
1:30 PM  
401 Davis Avenue  
Council Chamber, 2nd Floor

**AGENDA**

- 1. Call to order and roll call**
- 2. Public comment**
- 3. New business**
  - a. Committee meeting rules of procedure
  - b. Committee processes and protocols
  - c. Revenues report and bond issuance timeline
  - d. Delegation to community partners
- 4. Announcements**
- 5. Adjournment**



## CITY OF ELKINS AGENDA ITEM REPORT

<b>Meeting Date:</b>	August 27, 2024
<b>Section:</b>	New business
<b>Category:</b>	Action Item
<b>Agenda Item Name:</b>	Committee meeting rules of procedure
<b>Recommended By:</b>	City Clerk
<b>Summary:</b>	The attachment presents draft rules of meeting procedure and related matters for the committee. The committee is directed by its establishing ordinance to establish rules of procedure.
<b>Fiscal Impact:</b>	n/a
<b>Recommendation:</b>	Consider for approval
<b>Attachments:</b>	1. TIF Adv Committee Rules - draft - 2024_08_16

**City of Elkins**  
**Rules of TIF Advisory Committee**  
**Adopted: \_\_\_\_\_**

**Rule Titles**

1. Meetings
2. Agenda Items and Informational Packets
3. Order of business at regular meetings
4. Reading of the minutes
5. When a member abstains from voting
6. Executive session
7. Rescission, amendment, and suspension of rules
8. Discussion, debate, and voting
9. Parliamentary rules of order
10. Members of the public speaking before city council

**1. Meetings**

- a) The Committee shall meet from time to time as needed to accomplish its duties. Meetings will be scheduled by the City Clerk. In scheduling these meetings, every effort shall be made enable the attendance of all members, but, if necessary, the Committee may meet and take action on duly noticed business with only a quorum present. Meeting information, including locations, dates, times, and subjects to be discussed, will be shared with the public in compliance with all applicable provisions of the West Virginia Open Governmental Meetings Act.
- b) Meetings may also be held upon the written petition of two or more members of the Committee, at the direction of the City Council, or at the direction of the Mayor.
- c) All meetings of the Committee shall be held in the Council Chamber at City Hall; provided, that the Committee may designate another place, open to the public and within the city when, in the opinion of a majority of the members, the Council Chambers would not be adequate to accommodate the number of persons expected to be present for a meeting, or when, for other good reason, the Council Chamber is not deemed suitable.
- d) The Committee may elect to meet using telephonic or electronic tools. Individual members may join otherwise in-person meetings using such tools, provided that the use of these tools

must otherwise comply with all applicable requirements of city and state code, especially including requirements concerning access by members of the public.

- e) All meetings of the Committee shall be open to orderly members of the public; provided, that the Committee may, during any meeting, elect to enter executive session, as provided by W.Va. Code § 6-9A-4; at which time, the Committee may exclude from attendance any nonmembers whose presence is not necessary for the consideration of the subject being considered in executive session; and provided further, that no final decision shall be made or vote or action taken upon any matter until the meeting has been reopened to the public.

## **2. Agenda Items and Informational Packets**

To promote the orderly conduct of the business of the Committee and the timely preparation of an accurate agenda, the following rules are hereby established and applicable to the conduct of Committee meetings.

- a) Agendas will be prepared by the City Clerk. Agenda items may be docketed by any member of the Committee or at the direction of City Council.
- b) Meeting notices and agendas will be posted in compliance with all applicable provisions of the West Virginia Open Governmental Meetings Act.
- c) The City Clerk or city attorney will prepare and/or approve the final form of resolutions; the city attorney will prepare and must approve the final form of ordinances. The City Clerk shall assign a number to each ordinance and resolution introduced and shall have authority to edit and correct resolutions as to form.

## **3. Order of business at regular meetings**

- a) The presiding officer, being the City Clerk or his designee, shall abide by the order of business as presented in the duly posted meeting agenda.
- b) The presiding officer may, by publicly stated reason and with unanimous consent of the body, change the order of business irrespective of the order as set forth in subsection (a).

## **4. Reading of the minutes**

Members are provided copies of the minutes in advance of the meeting at which they will be considered for approval; because members have the opportunity to review minutes beforehand, minutes are not typically read at the meeting.

## **5. When a member abstains from voting**

No member shall vote on any question before the Committee if they are directly and immediately interested therein other than as any other member of the public; however, no member may abstain from voting without, prior to a vote being taken, having stated their reason for not voting.

## **6. Rescission, amendment, and suspension of rules**

No standing order or rule of the Committee shall be rescinded or amended except by a majority vote of the Committee's members.

## **7. Discussion, debate, and voting**

- a) Agenda business items must be moved before being debated or discussed. At their discretion, the Chair may propose action on an item by unanimous consent.
- b) Items not appearing on the agenda may not be substantively discussed.
- c) The Chair may participate in debates and discussions without relinquishing the Chairmanship.
- d) Members need not rise to speak. Members must be recognized by the Chair before obtaining the floor, but the Chair must recognize any member who seeks the floor while entitled to it.
- e) No one except Committee members and the Chair may participate in or contribute to discussion and debate unless recognized by the Chair in due order.
- f) The standard method of voting will be by voice. The Chair will first ask all those in favor of a motion to say "aye," and they will next ask all those opposing a motion to say "nay." If the result of the voice vote is not unanimous, the Chair or any member shall request a roll-call vote. The request of any member for a roll-call vote shall be granted.

## **8. Parliamentary rules of order**

For circumstances not described in these rules, refer to *Robert's Rules of Order, Newly Revised*, a copy of which shall remain on file in the office of the City Clerk.

## **9. Members of the public speaking before the Committee**

Members of the public speaking before the Committee shall be governed by the same rules governing members of the public speaking before City Council, to wit, Elkins City Code Chapter 31.05, rev., as follows:

- a) Privilege of citizens and taxpayers to be heard; limitation on time to speak. Any citizen or taxpayer of the City may be heard either in person or by counsel upon any matter introduced or pending before the Common Council; but no speech or hearing shall exceed five minutes, except by the unanimous consent of the Council. If a citizen or taxpayer of the City requests to be heard either in person or by counsel upon any matter which is not introduced or pending before the Common Council, said citizen or taxpayer of the City may be permitted to address Council upon unanimous consent of the Council. Said speech or hearing shall not exceed five minutes, except again by unanimous consent of the Council.

- b) Citizens or counsel to speak only once on one subject at any one meeting. No citizen or taxpayer of the City or his counsel shall speak more than once on one subject at any one meeting of the Common Council, except by unanimous consent.
- c) Manner of addressing Council. Any person, before addressing the Council, shall rise to his feet, respectfully address the presiding officer, and remain standing while delivering his address. The person addressing Council shall state his name and address, and if the person represents a group or is speaking on behalf of someone other than himself.
- d) Order of recognition. If two or more persons desire to address the Common Council at the same time, the presiding officer shall recognize the person who first addressed the Chair, and the other person shall at once be seated.
- e) Acknowledgment. The mayor or the presiding officer of the meeting shall acknowledge the person addressing the Common Council. The mayor or the presiding officer may request that the matter being addressed in the public comment be referred to the appropriate Council Committee.

## **10. Expulsion**

If a citizen, Committee member, official, or any other person in attendance at a Committee meeting becomes unruly, the Chair will, by gavel, advise such person that they are out of order and must cease and desist whatever speech or other actions that the Chair deems unruly. If the unruly actions continue after such censure, the Chair shall direct the chief of police or his representative to remove such person or persons.



## CITY OF ELKINS AGENDA ITEM REPORT

<b>Meeting Date:</b>	August 27, 2024
<b>Section:</b>	New business
<b>Category:</b>	Action Item
<b>Agenda Item Name:</b>	Committee processes and protocols
<b>Recommended By:</b>	City Clerk
<b>Summary:</b>	The committee's establishing ordinance directs it to "develop forms as it deems necessary so as to fulfill the purposes for which the Committee has been established." Attached is a memo reviewing the ordinance's directives and drafts of two forms for rating, prioritizing, and recommending projects to be funded with TIF revenues.
<b>Fiscal Impact:</b>	n/a
<b>Recommendation:</b>	Discuss, revise, and consider for approval
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Memo - TIF Committee first steps - 2024_08_20</li> <li>2. TIF Committee - project recommendation form - 2024_08_20</li> <li>3. TIF Committee - project rating and prioritization form - 2024_08_20</li> </ol>

# Memo

To: TIF Advisory Committee  
From: Sutton Stokes, City Clerk  
Date: August 19, 2024  
Re: TIF Committee first steps

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As stipulated by City of Elkins Ordinance 327, there is to be a TIF Advisory Committee comprising the City Clerk, the Operations Manager, the Executive Director of the Randolph County Development Authority, and the Executive Director of Woodlands Development Group, Inc.

The committee is directed by the ordinance to create and apply “a system of objective criteria rating and prioritizing development or redevelopment projects as described in the Project Plan to foster economic development in the TIF District.”

Before projects may be funded (by City Council), the committee must find the following:

- (A) all requirements of any applicable law, rule or regulation and all due process requirements have been satisfied; and
- (B) the particular project for which proceeds from the TIF Fund will be expended meets one of the following objectives:
  - (1) eliminates a public health or safety hazard;
  - (2) provides an economic or community development benefit; or
  - (3) will result in a beautification impact to the TIF District and the City of Elkins.

Finally, the committee is directed to “adopt and establish rules and regulations and develop forms as it deems necessary so as to fulfill the purposes for which the Committee has been established.”

Proposed committee rules of procedure have been circulated separately. The purpose of this memo is to propose approaches for satisfying points A and B, above.

## **The TIF Projects**

The ordinance establishing the Elkins TIF District 1 (City of Elkins Ordinance 315) envisions a list of projects including, but not limited to, the following:

- (i) riverfront development and beautification along the Tygart Valley River;
- (ii) recreational trail system improvements throughout the proposed TIF District;
- (iii) streetscaping, wayfinding, lighting, and sidewalk improvements in the downtown business district;
- (iv) improvements to the Elkins Railyard, including the Roundhouse Plaza and construction of a new event center; and

(v) improvements to the Randolph County Industrial Park.

Per Ordinance 315, TIF revenues may fund a wide range of design, permitting, acquisition, construction and equipping of site, infrastructure and other improvements, both public and private.

### **Compliance with Applicable Laws, Rules, and Regulations**

There are three main categories of laws, rules, and regulations that the committee must concern itself with.

- Open Governmental Meetings Act and rules of meeting procedure: These will be documented and of record through the due posting of agendas, recording of minutes, etc.
- Ordinance 327 requirements for rating/prioritization of projects: See below.
- Laws related to the bidding out of public projects (e.g., West Virginia Code §5G).

The committee has the support of legal counsel for guidance and review at all stages.

### **Rating and Prioritization of Projects**

The TIF District is expected to generate only modest revenues, at least initially, with the result that—even after monetizing these revenues through a bond issue—the city will be limited in its ability to complete even one of the above projects, much less all of them. It will therefore be important to select projects and project components carefully.

The purpose of this committee is to make recommendations to council concerning which projects or project components it makes the most sense to pursue at any given point in time—in other words, to perform the “rating and prioritization” of projects directed by our establishing ordinance.

In doing so, what dimensions or qualities should be used? What factors should lead this committee to recommend one project over another in a given year/with a certain bond issue?

One explicit requirement is for any project funded with TIF revenues to meet one of the objectives listed at the beginning of this memo, under (B), excerpted from this committee’s establishing ordinance (i.e., public health/safety improvements, economic or community development benefits, or beautification impacts).

In addition, and as perhaps the main purpose of this committee, it also makes sense to consider synergies/efficiencies with other projects, opportunities to leverage outside funding, and the availability of expert assistance from community partners (e.g., Woodlands, RCDA, EAST, etc.).

There will likely be consensus about what project will make the most sense at any given time. In that case, a simple narrative explanation (1) confirming that the project satisfies the minimum requirements of Ordinance 327 and (2) describing any efficiencies, outside funding, and/or outside assistance that are available for the given project (and the extent to which these are not as available for any other project at the given time) would seem to suffice. “Rating and prioritization” would seem to be in order only when two or more projects are under consideration.

Attached to this memo are drafts proposed formats for two different worksheets/reports that might be generated by the committee.

- *Project Recommendation*: to be used when consensus seems to exist concerning the desirability of one project over another.
- *Project Rating and Prioritization Worksheet*: to be used to generate scores for comparison of two or more projects under consideration at a certain time.

##

# TIF Advisory Committee Project Recommendation - Draft

**Project:** \_\_\_\_\_

## **Ordinance 327 Minimum Requirements**

Will the project:

Yes	No	
		Eliminate a public health or safety hazard;
		Provide an economic or community development benefit
		Result in a beautification impact to the TIF District and the City of Elkins.

(Per Ordinance 327, no project may be funded using TIF revenues unless it meets at least one of the above objectives.)

## **Narrative Project Description**

# TIF Advisory Committee Project Rating and Prioritization Worksheet - Draft

Project: \_\_\_\_\_

## Ordinance 327 Minimum Requirements

Will the project:

Yes	No	
		Eliminate a public health or safety hazard;
		Provide an economic or community development benefit
		Result in a beautification impact to the TIF District and the City of Elkins.

## Rating and Prioritization

Public Health/Safety Improvements			
0 points	1 point	2 points	3 points
Does not apply	Improvements are only incidental to main purpose of project	Improvements are significant but not the primary focus of the project	Improvements are the primary focus of the project

Economic/Community Development Benefit			
0 points	1 point	2 points	3 points
Does not apply	Benefits are only incidental to main purpose of project	Benefits are significant but not the primary focus of the project	Improvements are the primary focus of the project

Beautification Impact			
0 points	1 point	2 points	3 points
Does not apply	Impacts are only incidental to main purpose of project	Impacts are significant but not the primary focus of the project	Impacts are the primary focus of the project

<b>Synergies and Efficiencies</b>			
0 points	1 point	2 points	3 points
None	Project does not pose significant obstacles to other projects occurring at the same time	Project presents moderate opportunities for increased efficiency as a result of other concurrent project(s)	Project combines with or complements other concurrent projects resulting in significant efficiencies, cost-savings, and multipliers

<b>Availability of Expert Assistance</b>			
0 points	1 point	2 points	3 points
Does not apply	Community partner available to provide informal input and advice	Community partner available for formal role on project, below the level of project manager	Community partner able to formally manage the project

<b>Opportunities to Leverage Outside Funding</b>			
0 points	1 point	2 points	3 points
No outside funding available for this project or project phase	Outside grant, earmark, or other funding is available for less than the amount committed by City of Elkins	Outside grant, earmark, or other funding is available that matches the amount committed by City of Elkins	Outside grant, earmark, or other funding is available that exceeds the amount committed by City of Elkins

Total the points in each of the above categories here: \_\_\_\_\_



## CITY OF ELKINS AGENDA ITEM REPORT

<b>Meeting Date:</b>	August 27, 2024
<b>Section:</b>	New business
<b>Category:</b>	Action Item
<b>Agenda Item Name:</b>	Revenues report and bond issuance timeline
<b>Recommended By:</b>	City Clerk
<b>Summary:</b>	City's financial advisor for TIF matters will present information about current and anticipated revenues and possible bond issuance timelines
<b>Fiscal Impact:</b>	TBD
<b>Recommendation:</b>	Consider for next steps and recommendations to council
<b>Attachments:</b>	None



## CITY OF ELKINS AGENDA ITEM REPORT

<b>Meeting Date:</b>	August 27, 2024
<b>Section:</b>	New business
<b>Category:</b>	Action Item
<b>Agenda Item Name:</b>	Delegation to community partners
<b>Recommended By:</b>	City Clerk
<b>Summary:</b>	Planning for use of Woodlands, RCDA, and/or other community partners as project managers and similar roles.
<b>Fiscal Impact:</b>	TBD
<b>Recommendation:</b>	Consider for next steps and recommendations to council
<b>Attachments:</b>	None