

STATE OF WEST VIRGINIA; COUNTY OF UPSHUR; CITY OF BUCKHANNON; TO-WIT:

A meeting of the Buckhannon Housing Enforcement Board was held April 26, 2017 at 3:00 pm in City Hall. The following persons were present:

Mayor	David McCauley	Present
Recorder	Susan Aloï	Absent
Building Code Enforcement Officer	Vincent Smith	Present
Member	David Thomas	Present
Member	Stephen Smith	Present
City Engineer	Jay Hollen	Present
Fire Chief	Jim Townsend	Present
Office Staff	Barbara Hinkle	Present

Recognized Guests: No guests were present

Meeting Agenda Posted 04-19-17

City of Buckhannon Housing Enforcement Board – 3:00 pm in Council Chambers Meeting Agenda for Wednesday April 26, 2017

- A. Call to Order
 - A.1 Moment of Silence
 - A.2 Pledge to the Flag of the United States of America
- B. Recognized Guests
 - B.1.1 None
- C. Department Report
 - C.1 Primary Concerns
 - B.1.2 108 East Main Street
 - B.1.3 161 Wood Street-Demolition Order
 - B.1.4 85 Wood Street
 - B.1.5 120 East Main Street
 - B.1.6 86 Randolph Street
 - B.1.7 Vehicles on ROW or Side Walks
 - B.1.8 Chickens and Rabbits in City Limits
- D. Correspondence & Information
 - D.1 Todd McCoy digital billboard up-date
 - D.2 Vacant Building Ordinance Registration (16)
- E. Consent Agenda
 - E.1 Approval of Minutes - January 25, 2017
- F. Strategic Issues for discussion and vote
 - F.1 Letter for Storage Buildings in the Floodplain not Anchored
 - F.2 On Site Citations 1st Offense Warning
 - F.3 High Grass and Grass in Street
- G. Board Members Comments and Announcements
- H. Mayor's Comments and Announcements
- I. Adjournment
Posted 04-19-17

The meeting was called to order by Mayor McCauley followed by a moment of silence with special thoughts for Harley Brown's family, Amby and Phil Jenkins and also Michael Livesay in-regards to health issues. The pledge to the US Flag led by Fire Chief Jim Townsend.

Housing Enforcement Officer Vincent Smith led the discussions regarding the following properties:

- **108 East Main Street-** Vincent reported that he believes the property owners are on tract at getting their property in order and have made some improvements.

- **161 Wood Street-** Vincent reported he has received multiple complaints. Vincent stated we thought that we had it resolved but Mrs. Halterman's daughter stepped in and said that they did not want to give the property to the City. Vincent asked does the City want to put a 60-day condemnation on it, the pros and cons are that after the 60 days it will be the City's expense to do something to it. Mayor McCauley asked about the asbestos report. Vincent stated that it did have some asbestos. Vincent reported that there is a bid of \$1200 to \$1400 for the removal cost of the asbestos. After discussions; Mayor McCauley stated to issue a criminal citation in conjunction with condemnation process.

CITY OF BUCKHANNON
70 E MAIN STREET BUCKHANNON, WV 26201
304-472-1651

Demolition Order



Subject Structure

Date: March 10, 2017

Certified Mail-Return Receipt

To: Susanne E Halterman
21 Harbor Court
Falling Waters WV 25419

Location: 161 Wood Street Buckhannon, WV 26201____
Tax Map: 11/431
Parcel: 0297

It has been determined that the structure at the locations specified above is unfit for use and occupancy, and has deteriorated to the degree that repair would be unreasonable. Pursuant to Section 110.1 of the 2012 International Property Maintenance Code (copy attached), you are hereby directed to raze and remove said structure within sixty (60) days of receipt of this notice.

Failure to comply within this time will result in referral of the matter to municipal court, and may subject you to a fine of twenty-five to one hundred dollars per day. A demolition permit is required.

Transfer of ownership of any property under a compliance order is prohibited except as permitted under Section 107.6 (copy attached). This order is subject to appeal (see Section 111, attached). The cost of any action taken by the City regarding the subject premises will be charged against the real estate upon which the structure is located and will be a lien upon such real estate.

Please contact the City of Buckhannon Attorney Thomas O'Neill, if any information contained herein is incorrect. Your cooperation is appreciated.

Respectfully,

Vincent Smith
Building Code Enforcement Officer
City of Buckhannon

Motion Thomas / Hollen to move on with the criminal citation and condemnation process. Discussion; Dr. Smith looks at this property as a health issue. Mayor McCauley asked Vincent to post something after the process of the condemnation has started. **Motion Carried.**

- **85 Wood Street & 86 Randolph Street-** Vincent stated that he would have the property owners to contact Dave McCauley for an introduction to the appropriate folks at the college regarding the college purchasing these two properties.

- **120 East Main Street Betty Rusmisell Estate** – Vincent reported that he has spoken with the estate attorney Tom Fluharty and stated that the estate is in the process of being closed and new owners should take over in the next month. Mayor McCauley asked for Vincent to notify Mr. Fluharty that this will be put on the next agenda for definitive action.
- **Vehicles on ROW or Sidewalks** - Vincent stated that there have been a lot of issues; his view is that if you are parked on a sidewalk there should be a ticket issued. Mayor McCauley stated that the parking enforcement has been issuing tickets and needs to be continuing to issue tickets. Vincent stated that if a person is parking on a ROW and not tearing up the grass and dragging mud out on to the streets he does not have a problem with it being utilized as parking. Mayor McCauley stated that if they are bringing debris out on public ways there should be a way to police the issue and Vincent stated that we do. Vincent stated the reason he has brought this to the board is so everyone is on the same page. The board held discussions on property above the river trail about vehicles being parked in the alley and Vincent stated that there may be part of a building on part of the right of way. Mayor McCauley asked to have Jerry Arnold to look for the corners and determine property lines.
- **Chickens and Rabbits in City Limits** - Vincent reported that the owner of the chickens at 33 Shawnee Drive has agreed to move the chickens out of the city limits.
 - Vincent updated the board about 80 S. Kanawha Street regarding rabbits, high grass and chickens. Vincent stated that he and a police officer had contacted the owner of 80 S Kanawha Street and told him that the chickens had to be removed from the property. Vincent stated that since the visit, the owner has started cleaning up his property.
 - The board held discussions regarding rabbits in the city limits, and the board informed Vincent that if he deems it being a nuisance depending on the quantity of complaints from neighbors the board will stand by him with issuing a citation.
 - Dave Thomas has concerns with 34 Hart Street with high grass. Vincent stated that he spoke with the owners. Mayor McCauley asked if a letter be sent and Vincent asked if he could do an onsite citation warning. Mayor McCauley told Vincent to defer to his administrative judgment.

Correspondence:

- **Digital Billboard-Todd McCoy:** Vincent updated the board that Mr. McCoy has presented to the state and the state is reviewing his billboard signage requirements and looks to be on track and looking at the 1st of June to be erected and be in place for our summer events.
- **Vacant Building Ordinance Registration (16)** – Vincent stated that there are 16 out of 149 properties on the vacant property registration. He stated that he has received three unclaimed letters. Mayor McCauley asked that out of the letters that have come back, do the owners live in Upshur County, Vincent stated yes that some of them do. Mayor McCauley suggests getting with Chief Gregory because Municipal Police Officers are authorized by state statute to serve process and to serve onsite citations to the property owners. Vincent asked to serve the ones in city limits and to also serve the ones in Upshur County. Vincent asked do we have the jurisdiction to go out in the county and Mayor McCauley replied yes.

-62 South Kanawha Street: Vincent presented the following letter from Dr. Daniels

08 JUNE 2016

Vincent Smith, Building Enforcement Officer
City of Buckhannon
70 East Main Street
Buckhannon West Virginia 26201

RE: 62 South Kanawha Street

Mr. Smith:

Please be advised that the above referenced property is not to be considered abandoned. While water service has been disconnected to prevent structural damage from burst water pipes, the electricity and gas are both connected and the property is heated during winter. It is ventilated with an automatic attic fan year round. The structure is properly maintained and repaired except for the front storm door which is damaged yearly by WV DOT snowplows spraying it with salted snow and slush. The yard is also properly maintained. The property is used at least twice a year during visits to Buckhannon.

In light of the above, I would appreciate your removing this structure from your list of "Vacant Buildings".



William D. Daniel

Vincent reported that Dr. Daniels is contending that the house is occupied on occasion but does not have water, sewer and garbage service to the property. Vincent stated the lot is being maintained. The only fee that he pays is police and fire fees. Mayor McCauley stated that if they say it is not abandoned then that means it is being used. Mayor McCauley stated that if it is being used even if there is no water generated there should be some way to assess a sewer bill. The board held discussions on imposing waste collection fee, police & fire fee and public safety fee. Mayor McCauley stated that since Dr. Daniel deemed that the property is not abandoned then the City should be treating the property as not abandoned from a billing standpoint. Mayor McCauley suggested to Vincent to take it up with the Sanitary Board to see if there is a way to establish a minimum bill if we come to understand that there is sanitary sewage being used despite not having water.

Consent Agenda:

- **Approval of Minutes-January 25, 2017 - Approved**

Strategic Issues for Review:

- **Letter for Storage Buildings in the Floodplain not Anchored:** Jay reported that the data base has been built and that the letters are getting ready to go out. Jay stated they wanted to get the letters out next month. Vincent reported that FEMA was impressed with our letter and wanted to use it as their sample letter.
- **On Site Citations 1st Offense Warning** – Vincent stated after the 2nd reading and everything is final he would like to start using it as a tool.
- **High Grass and Grass in Street** - Vincent stated that he has spoken with Erasmo about this issue of grass in the street and he stated that we want to educate all the residents. Vincent stated that it has been put in the newspaper a couple of times. Vincent said they need to decide when to start taking a firm stance. Mayor McCauley stated that the high grass is something that can be cited and that the grass in the street has not been a citable offense but if we need to advance that we could. Jay asked if it could be addressed in the stormwater department guidelines that are being developed. Dave Thomas suggested giving a warning before issuing a citation.

Board Member Comments:

- Dr. Smith commented that he was impressed with the Town Hall Meeting that was held on Monday April 24th. Dr. Smith talked about saving the bees and asked if the City has any sites to where clover could be planted for the bees.
- **Jay Hollen** - Had nothing to comment
- **Chief Townsend** - Chief Townsend asked if proceedings had begun on NFPA Adoption and Vincent reported yes and will be good to go on June 2nd.
- **Dave Thomas** - Mr. Thomas inquired about the property behind the Post Mansion, and has there been any discussion of maintaining it. Jay stated that the large track that he can think of belongs to the Lewis'; where they have the horse and draft show and that they are maintaining it.
- **Mayor McCauley** - Mayor McCauley asked to continue to keep Amby and Phil Jenkins in thoughts and prayers.

The next scheduled meeting of the HEB will be held July 26, 2017.

Motion Thomas/ Hollen to adjourn at 4:19 pm

Mayor David McCauley _____

Assistant Recorder Amberle Jenkins _____