

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

A scheduled meeting of the Buckhannon Housing Enforcement Board was held July 27, 2016 at 3:00 p.m. in City Hall. The following persons were present:

Mayor	David McCauley	Present
Recorder	Richard Edwards	Present
Acting City Administrator	Amberle Jenkins	Present
Code Enforcement Officer	Vincent Smith	Present
Member	David Thomas	Present
Member	Stephen Smith	Absent
City Engineer	Jay Hollen	Present
Fire Chief	James Townsend	Present

Guest: John Gyga

The Mayor noting a quorum was present called the meeting to order at 3:00 p.m.

The Mayor asked for a moment of silent prayer or meditation. The Mayor asked Mr. Thomas to lead the Pledge of Allegiance.

Meeting Agenda Posted 07-20-16

City of Buckhannon Housing Enforcement Board – 3:00 pm in Council Chambers Meeting Agenda for Wednesday July 27, 2016

- A. Call to Order
 - A.1 Moment of Silence
 - A.2 Pledge to the Flag of the United States of America
- B. Recognized Guests
 - John Gyga
 - B.1 Appearance First Impressions Curb Appeal from John Gyga
- C. Department Report
 - C.1 Primary Concerns
 - 121 East Main Street
 - 67 Morton Avenue
 - 11 Madison Street
 - C.2 Secondary Concerns
 - Swimming Pools Not Fenced
 - 161 Wood Street
 - 85 Wood Street
 - 86 Randolph Street
 - Height of Grass-Certified Letter
- D. Correspondence
 - D.1 Vehicle Encroachments on City Right of Ways
 - D.2 36 N Spring St & 48 East Main St -Vacant Building Ordinance Registration
 - D.3 Notice-Door Removal from Abandoned Freezers, Refrigerators, etc
- E. Consent Agenda
 - E.1 Approval of Minutes – May 4, 2016
- F. Strategic Issues for discussion and vote
 - F.1 Letter for Storage Buildings in the Floodplain not Anchored
- G. Board Members Comments and Announcements
- H. Mayor’s Comments and Announcements
- I. Adjournment

POSTED 07-20-16

Recognized Guests:

- John Gygas “Appearance First Impressions Curb Appeal” correspondence. Mr. Gygas was not present when the meeting was called to order for recognized guest agenda item. Mr. Gygas did appear at the meeting approximately ½ through. After agenda was completed the Mayor recognized Mr. Gygas. Mr. Gygas explained and discussed his concerns and ideas for improvements and auditing for future references and plans. He elaborated on his correspondence. The Mayor thanked Mr. Gygas and asked the Board to review and take his correspondence under advisement to discuss at the next Board meeting.

Appearance
First Impressions
Curb Appeal

In the next few months Buckhannon will attract people from throughout the United States for Wesleyan's 125th, the City of Buckhannon's 200th and the Strawberry Festival's 75th anniversaries. These are several inexpensive suggestions to improve a person first impression of the Buckhannon area.

- A. The flowers are in front of banners on the main street lights and next year could the flowers or banners be moved below or above one or another?
- B. In he split rail fences near the swing along the river walk, by the spruce trees at the RR crossing, the street going to the boat access and along the River walk, there are several places where the rails or posts are damage or broken. These repairs should take about **four hours and cost less than \$300**
- C. We have several places where our street signs are obsolete, unreadable, confusing or contradictory and traffic regulation information (*example no parking*) need to be replaced with standard international signs and reflective green street name signs.
1. At the end of Camden, there are signs or sign posts which could be removed and replace with more modern signs, could these hard to read crosswalk signs be removed and replace with signs like the one in front of the post office? Also on Camden could crosswalk signs be placed at the college cross walks Also there needs an arrow indicating keep right at both the ends of Camden. **A top safety priority .**
 2. Many of the new street signs are hard to read and need to be redone One of solutions would have the”Sign Guy” work with the summer college art project to design a readable reflective over lay for the existing “artie” signs.
 3. Driving around the town there many locations where the sign posts are bent and it looks like we are Southern West Virginia counties (*shoddy*)
 4. There are places where the traffic signs are obsolete such as one way do not enter sign at the end of Barbour street and no parking this side Also there are many obsolete no parking signs in many locations such as by the town hall.
 5. This maybe a WVWC issue but can the posts with no signs be removed from Camden Avenue and have a new sign directing a person to the boat ramp, soccer and softball fields..
 6. Parking for college cultural and athletic events is poor. A possible solution would be parking on Camden during the events lined and signed to indicate this for these events only
 7. Main and Sedwick streets from the library to College Avenue are de facto one way streets. it is almost impossible for a large truck or bus to turn onto College Avenue. Are there plans to safely direct traffic to an alternative route?
- D. The curb, turn and drainage at the end of College need attention. The curb could be cut and removed to allow the water to flow into the existing drain. This would take

less than a day. Also while they are there could they again "drain the swamp?"

- E Bottom line the streets and many other areas **need a licensed urban GIS planner.**
- F Would it be possible to have several well-advertized trash days where residences can have large white appliances or bulky yard items picked up?
- G Many of the large trees along East Main and Meade Streets, College and Camden Avenues, along with the Wesleyan campus have the appearance of being in a Viet Nam artillery barrage. Being blunt it looks like hell.
1. Badly trimmed or dying trees need to be totally removed and new ones planted. I believe there is person at Wesleyan looking at this issue.
 2. WV Forestry Division has an urban forest program to help in this project.
 3. I think one of the district forest office in Buckhannon to assist in the planning of urban friendly trees such as Norway maple or *Gingko*.
(*planting of 200 trees would be great for the 200th celebration*)
 4. The new trees can be in memory or honor of a person or groups.
- H. This would be up to Wesleyan, however some suggested ways direct traffic to the College using a large " Bobcat Paw" or a WWC" signs.
1. From the route 20 exit on route 33 direct the traffic to turn left at the Court House onto Main Street or if exiting onto Main Street before the route 20 have the traffic go straight to Florida An alternate route for bus traffic could be having them turn, at the Couthouse, onto or go straight on *Locust - Kanawha* Street to past McDonald's then left onto College or Marion.
 2. Near the Dairy Queen have the traffic turn right onto Florida Street to College which is one of the more attractive streets in town.
 3. On Florida or Kanawha have the traffic turn left onto College to the welcome center or main entrance. (*there could be a large readable map near the welcome center parking lot*)
 4. For athletic events have a sign directing the bus traffic to gym and the outside fields at the intersection of Florida and Camden or Marion.
This is not as confusing as it looks
- I About 60% of the Excessive amount of lights on East Main could be removed and used on Spring Street and North Kanawha Streets. I believe better environmental friendly lighting on Florida to College and on College from Kanawa to Meade Street.

Department Reports:

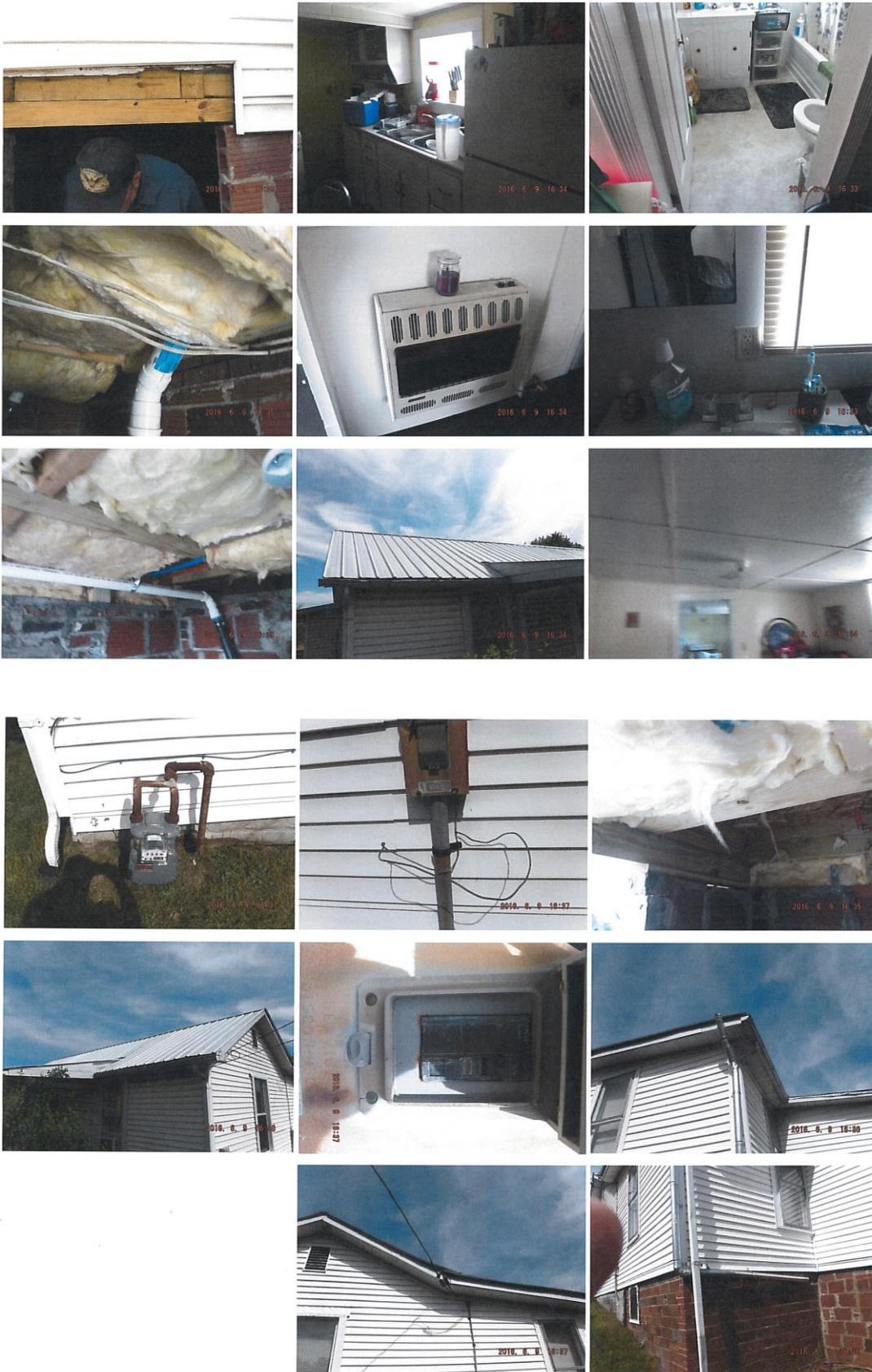
Primary Concerns:

- **121 East Main Street** and 67 Morton Ave are owned by the same family. The 121 East Main St. address/building is currently unoccupied. The owners are in the midst of an estate settlement for this property. The owners contend that it should not be placed on vacant building list due to current litigation. Mr. Smith will continue to determine a plan of action and timeline with the property/estate representative to correct the issues.



- **67 Morton Avenue** had many notices sent by hand and mail about the property. This property has since been brought into compliance. Mr. Smith reports that he has since taken this property off of his list, and believes this is a great example of how this process should work. After further discussion and upon,

Motion [Thomas/Hollen] to have Matt Hymes research the property ownership concerns for the 121 East Main Street property and report back to the HEB with ownership and current status of property. Motion passed unanimously.



- **11 Madison Street** also known as the Latham House was discussed by Mr. Smith. Discussion was had about the history and/or possible historical significance of this property. Discussion was had about previous plans as recalled by members and interested parties. Discussion was had about any recent work to address the dilapidated structure. Discussion was had about possible dangers for citizens and children that may be able to access the property and building. A new roof was put on the building in late 2015. Discussion was had in whom to contact, ownership, and the eventual solution to this eyesore downtown. Board would like the Mayor and Mr. Smith to contact the interested or responsible parties to develop a plan of action and timeline as to securing the property. The Board would request this information and plan by the next HEB meeting. If resolution and a plan cannot be attained, ultimate razing of the property will next be considered by the city, and owners invoiced for the work.

Secondary Concerns:

- **Swimming Pools not fenced.** Discussion was had and information provided to board regarding Sec 303.1 and 303.2 swimming pools and enclosures per the City of Buckhannon's adoption of the International Property Maintenance. According to previous ordinance the height of a fence enclosure for all pools is 4ft unless the pool is less than 24" in depth. Mr. Smith would like verification if a 4 ft. fence is required for a 4 ft. pool. Discussion was had in about the appropriate size of a pool and the fence surrounding it. The safety aspect of this ordinance is the most important concern for the safety of children from access and eventual drowning. The Board will ask the Planning Commission to take a look at this ordinance, review, and come back with recommendations for Mr. Smith, HEB and, City Council to consider.

- **SECTION 303 : 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE
SWIMMING POOLS, SPAS AND HOT TUBS**

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

- **161 Wood Street** damaged by fire. The property is in arrears for utilities. The owner has suggested that the City take ownership of the property. Discussion was had in regards to the benefits/liabilities for this property. Discussion was had about possible concerns of asbestos and other contaminants that may need to be addressed. It was discussed and suggested that an inspection be done

regarding any and all concerns for taking ownership of said property. If the inspections and concerns are minor or minimal, it is suggested that perhaps the City should consider ownership.



- 85 Wood Street** was brought up again as a long term property concern. Discussion was had about past attempts to have repairs and concerns attended. There have been repeated attempts to bring this property into compliance. The Board directs Mr. Smith to attempt contact with owners, have a plan developed with a timeline to come into compliance. If those attempts fail, the Zoning Officer will considered taking further action (property lien or condemnation process) at the next HEB meeting.



85 WOOD STREET

- 86 Randolph Street** vacant structure was discussed. As with the previous property, there are concerns for lack of attention to the City's attempts to contact and remedy the property compliance issues. Mr. Smith is directed to investigate, contact, and recommend a plan of action for this property. Included but not limited to property lien or condemnation process.



86 RANDOLPH STREET

Grass Notification letter was discussed. Due to non-compliance with the Zoning Ordinance 244 Section 602 the following properties were delivered notices:

- **39 Sedgwick Street , 68 Boggess Street, and 86 Randolph Street.**

If these properties do not come into compliance, City will send crews to rectify and bring those properties into compliance. Property owners will be invoiced if such action is taken.

Motion [Hollen/Thomas] To send a certified letter to the owners of 39 Sedgwick Street in Dayton, Ohio to address the issue. Motion passed unanimously.

Correspondence:

- **Vehicle Encroachments on City Right of Ways.** Mr. Smith discussed and explained the letter as submitted to BPD Chief defining the means of contacting and addressing citations for such offenses. Discussion was had about the amount of time for non-compliance at 30 days. Mr. Thomas suggested that the time limit be at 5 working days to come into compliance. The Board agreed with Mr. Thomas and asks Mr. Smith to change the length of compliance time from 30 days, to 5 working days.

May 18, 2016

Matthew Gregory
Buckhannon Police Chief
City of Buckhannon

RE: Encroachments on city right of ways

Dear Matt:

This letter is to outline the procedure to address ROW encroachments.

- (1) I will identify any concerns and try to make initial contact with property owner.
- (2) I will write a letter pursuant to City Ordinance No. 357 to the owner of record with one copy to be mailed Certified – Return Receipt. One copy will be given to the police department to be hand delivered by an officer. This letter will be a warning notice with a 30 day compliance requirement.
- (3) If after 30 days a non- compliance still exists the police department will issue a criminal citation under Article V – Jurisdiction of City’s Municipal Court.

Sincerely,
Vincent Smith
Vincent Smith
Building Code Enforcement Officer

- **36 N. Spring Street** correspondence from Mr. VanNostrand, owner of discussed property.

Fwd: Vacant Property Ordinance

1 message

Vincent Smith <vincent.smith@buckhannonwv.org>
To: Teresa Summers <teresa.summers@buckhannonwv.org>

Fri, Jun 10, 2016 at 3:41 PM

Vincent Smith
Code Enforcement Officer
Mobile: 304-476-0070

Begin forwarded message:

From: "Bryson VanNostrand" <bryson@vnarch.com>
Date: June 10, 2016 at 2:11:28 PM EDT
To: "Vincent Smith" <vincent.smith@buckhannonwv.org>
Cc: <amby.j@buckhannonwv.org>, "McCauley, David" <mccauley@wwvc.edu>
Subject: Vacant Property Ordinance

Vince - please accept the attached digital file as my petition to the Housing Enforcement Board to exempt my property at 36 North Spring Street from registration as a vacant structure.

Bryson

Bryson VanNostrand, AIA

VANNOSTRAND ARCHITECTS PLLC

29 East Main Street, Ste. 4

Buckhannon, WV 26201

304-473-0555



VANNOSTRAND ARCHITECTS PLLC
29 East Main Street, Ste 4
Buckhannon, West Virginia 26201
304.473.0555

June 10, 2016

Mr. Vincent Smith, Building Enforcement Officer
City of Buckhannon
70 East Main Street
Buckhannon, WV 26201

Re: 36 North Spring Street

Dear Mr. Smith,

I am in receipt of your letter, dated June 3, 2016, advising me of changes to the City's Vacant Building Ordinance.

Please accept this letter as evidence of the following:

1. I own the property at 36 North Spring Street.
2. The property at 36 North Spring Street has never been utilized for housing, or any other residential use.
3. The structure at 36 North Spring Street is classified as an existing "Storage" occupancy, as defined by the WV State Fire Marshal, with its contents classified as "ordinary hazard."
4. The structure at 36 North Spring Street has been continuously occupied and "in use" throughout my ownership, and is not vacant.

As such, I do not believe that the subject property should be registered as a vacant building.

Respectfully,

VanNostrand Architects PLLC

Bryson VanNostrand, AIA
bryson@vnarch.com

- **48 E. Main Street:** Formal request to exempt 48 E Main Street from Article 367 of Codified Ordinance, owner of property Catherine Cuppari.



Erika Klie Kolenich
 Licensed in WV & OH
 Karl Kolenich
 Licensed in WV & OH
 Melissa T. Roman
 Licensed in WV
 James Lindsay
 Licensed in WV
 www.klielaw.com

85 W. Main Street Buckhannon, WV 26201 (304) 472-5007 • Fax: (304) 472-1126

July 13, 2016

City of Buckhannon
 Housing Enforcement Board
 Attn: Vincent Smith, Building Enforcement Officer
 70 East Main Street
 Buckhannon, WV 26201

Re: Formal Request to Exempt 48 E Main Street
 From Article 367 of the Codified Ordinances

Dear Vincent:

Please be advised that our firm represents Catherine Cuppari in a lawsuit resolving 48 E. Main Street, here in downtown Buckhannon. Mrs. Cuppari rented said property and is currently involved in litigation to evict the tenant, gain re-entry to the property and make the necessary repairs from damage sustained by the tenants. Mrs. Cuppari has a good-standing prospective buyer that intends on operate in the building once she is able to resolve the lawsuit and make the requisite repairs. Our client respectfully requests that this property be exempted from the Vacant Building Registry enumerated under Article 367 of the Codified Ordinances of the City of Buckhannon. Additionally, pursuant to said Article, Mrs. Cuppari respectfully requests a hearing before the Board issues any unfavorable decision to this request.

Sincerely,

Melissa T Roman /msh
 Melissa T. Roman
 mroman@klielawoffices.com

MTR/msh

The letters will be researched and is considered FYI item at this point. Mr. Smith will research and discuss at next HEB meeting.

- **Notice- Door Removal from Abandoned Freezers, Refrigerators, etc....FYI item.**

NOTICE

West Virginia State Law requires doors to be removed from abandoned refrigerators, freezers, or any other airtight appliance.

An airtight appliance could trap a child inside as the youth might think it would be a fun place to play. Without a supply of air, light, and no way to exit, a tragedy would likely result. *You are hereby ordered to take action immediately and correct this violation of state law.*

Code Enforcement Officer
 City of Buckhannon
 304-472-1651

West Virginia State Code -- Chapter 61. Crimes and Their Punishment

§ 61-2-26. Doors to be removed from abandoned refrigerators, freezers and other appliances

No person shall abandon any refrigerator or food freezer appliance or other airtight appliance having a height or length greater than two feet without first removing all entry doors therefrom.

Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than two hundred dollars, or imprisoned in the county jail not more than six months, or both fined and imprisoned.

Did you know?

Old refrigerators and freezers are a danger to small children that might think it is a fun place to play. Remove the doors!

Your residential waste service includes removal of oversized items including but not limited to: appliances (Freon removed), bicycles, furniture, and tires (radius of not more than 16^{1/2} inches). This service, Bulky Goods Pickup, occurs on the 2nd Friday of each month, and must be scheduled by calling 304-472-1430 *at least two days in advance*. This service does NOT include any type of construction materials such as lumber, roofing, drywall, sinks, etc.

Waste collection begins at 5:30 a.m. and will occur on the same day each week except when New Year's Day, Memorial Day, Independence Day, Labor Day Thanksgiving Day, or Christmas Day falls on or before your scheduled collection day. For those four cases, collection will occur one day later than normal.

Please Recycle! Curb side pickup occurs in the City on the 1st and 3rd Tuesday. You may also take your items to Crossroads near Wal-Mart or to the recycling Center on Mudlick Road.

Please note: West Virginia State Law prohibits setting a refrigerator, freezer, or similar appliance without first *removing the doors*.

Consent Agenda:

- Approval of the minutes for May 4, 2016 HEB meeting.

Motion [Thomas/Hollen] to approve consent agenda. Motion passed unanimously.

Strategic Issues for Discussion and Vote:

- **Letter for Storage Buildings in the Floodplain not Anchored.**
Mr. Hollen and Mr. Smith discussed the FEMA properties in the floodplain. Discussion was had about structures in the floodplain that are not in compliance with the "anchoring" requirement of buildings or structures. Mr. Hollen reminded the Board that a FEMA inspection will be in November. The city must adhere to compliance requirements or jeopardize the current status for FEMA flood insurance. Discussion was had about simplifying the letter. Discussion was had about implementation of the letter. Board is asked to review and approve such a letter to be sent to properties in non-compliance.

City of Buckhannon
70 East Main Street
Buckhannon, WV 26201



Phone: 304.472.1651
TDD: 304.472.9550
Fax: 304.472.0934

June 28, 2016

Property Owners of
Appurtenant Structures within a
FEMA-designated Floodplain in
Buckhannon, West Virginia

**Re: Requirements for the Installation of Appurtenant Structures
Located within a FEMA-designated Floodplain within the
Corporate Limits of Buckhannon, West Virginia**

To All Property Owners,

The purpose of this letter is to inform you of the minimum requirements that must be followed when the installation and/or construction of an Appurtenant Structure occurs, or has occurred, within a FEMA-designated Floodplain within the corporate limits of the City of Buckhannon (City).

As defined in Ordinance No. 353 (*The Floodplain Ordinance*), an Appurtenant Structure is "A structure on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. This does not include a gas or liquid storage tank."

Note: A complete copy of *The Floodplain Ordinance* can be located on the City's website at the following location:
<http://buckhannonwv.org/wordpress/wp-content/uploads/2015/02/o353.pdf>.

When the installation and/or the construction of an Appurtenant Structure takes, or has taken, place within a FEMA-designated Floodplain within the corporate limits of the City, the Property Owner shall adhere to the following requirements from ARTICLE VI – SPECIFIC REQUIREMENTS., Section 6.1 Design and Construction Standards, Paragraph A. Basements and Lowest Floors and Paragraph C. Appurtenant Structures of *The Floodplain Ordinance*:

- A.c. Openings - For all new construction, relocation, substantial improvements, and repair of substantial damage, those fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Registered Professional Engineer or meet or exceed the following minimum criteria:
 - a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b) The bottom of all openings shall be no higher than one foot above grade.
 - c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- C.2.a. Structures shall be no more than 600 square feet in size and shall be valued at less than \$10,000.00.
- C.2.b. Floors shall be at or above grade on at least one side.
- C.2.c. Structures shall be located, oriented and constructed to minimize flood damage.

City of Buckhannon
70 East Main Street
Buckhannon, WV 26201



Phone: 304.472.1651
TDD: 304.472.9550
Fax: 304.472.0934

- C.2.d. Structures shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- C.2.f. Machinery, electric devices or appliances, and all utilities shall be located at least 18 inches above the Base Flood Elevation.
- C.2.g. The venting requirements contained in Section 6.1 (A) are applicable and shall be strictly adhered to.
- C.3. In addition, a Non-conversion Agreement shall be signed by the applicant stating that the use of the appurtenant structure or detached or attached garage shall not be changed from the use permitted, acknowledging that the structure may be subject to greater flood risk and that higher flood insurance premiums may be possible, and that a change in use may require full compliance with this ordinance. The applicant agrees to notify prospective buyers of the existence of this agreement. It shall be the responsibility of the applicant to transfer the agreement at closing to the new owner via notarized signature, a copy of all new agreements shall be provided to the Permit Officer. Failure to transfer the agreement and provide a signed copy to the Permit Officer shall subject the violator to the penalties set forth in Section 8.3 of this ordinance.

Note: A copy of the Non-Conversion Agreement is attached to this letter for your review and use.

The Property Owner needs to be aware that all of the requirements listed above shall be agreed upon and shall become part of both the Building Permit and/or Zoning applications. Failure to comply with these requirements could result in fines and/or the removal of the appurtenant structure from the property.

If you have any comments or questions regarding the contents of this letter, please contact me or Mr. Smith at your convenience to discuss this letter further. Mr. Hollen can be contacted at 304-472-1651, extension 1006 or via email at jay.hollen@buckhannonwv.org and Mr. Smith can be contacted at 304-472-1651, extension 1007 or via email at vincent.smith@buckhannonwv.org.

Sincerely,

James S. Hollen, III, PE, CFM
City Engineer
Certified Floodplain Manager

Vincent R. Smith
Zoning Officer
Building Code Enforcement Officer

c: David W. McCauley – Mayor

Attachments: Non-Conversion Agreement

**NON-CONVERSION AGREEMENT
FOR STRUCTURES IN THE 100-YEAR FLOODPLAIN**

(Attached Garages, Basements, Detached Garages, Entertainment Areas, Pavilions, Storage Buildings & Sheds, Storage Rooms - Crawl Spaces Greater Than 6 Feet in Height)

Application has been made for a **Conditioned Permit** to build a _____

_____ which does not conform to the elevation requirements of the City of Buckhannon's Floodplain Ordinance.

Permit Number: _____

Property Owner: _____

Address: _____

Base Flood Elevation at the property / site: _____ (NGVD/NAVD)

Deed Date and Reference (Block, Tax Map, Parcel Number, etc.): _____

In consideration for the granting of a Conditioned Permit for the above structure which does not conform to the requirements of the Floodplain Ordinance of the City of Buckhannon, the Property Owner agrees to, and understands, the following:

1. Where applicable, the enclosed area, if permitted, shall be used solely for parking of vehicles, limited storage, or access to the building and will never be used for human habitation or living quarters without first becoming fully compliant with the Floodplain Ordinance of the City of Buckhannon in effect at the time of conversion.
2. That all interior walls, ceilings, and floors below the Flood Protection Elevation Level shall be unfinished and/or constructed of flood-resistant materials as identified in the Floodplain Ordinance of the City of Buckhannon.
3. That all mechanical, electrical, HVAC or plumbing devices shall not be installed below the Base Flood Elevation (BFE) indicated on the FEMA FIRM maps for the property upon which the structure is located (or is to be located). In some instances, as determined by the City of Buckhannon's Floodplain Manager, the installed devices shall require installation 18 inches (18") above the BFE.
4. That the walls of the enclosed areas below the BFE shall be equipped with at least two (2) water equalizing vents which permit the automatic entry and exit of flood water, with total openings of at least one square inch (1 in²) for every square foot (1 ft²) of enclosed area below flood level. The water equalizing vents shall be located on at least (2) different walls and the bottoms of the vents shall be no more than one foot (1 ft) above the adjacent ground elevation at all water equalizing vent locations.
5. That the requested structure may increase the risk to life and property, and may be subject to increased premium rates for flood insurance from the National Flood Insurance Program (NFIP).
6. That any variation in construction beyond what is approved & permitted by the City of Buckhannon shall constitute a violation and be abatable as such.
7. By receiving this permit, the Property Owner agrees to notify any prospective Buyer of the existence of the Non-Conversion agreement. It shall be the responsibility of the Property Owner to transfer this Non-Conversion Agreement at closing to the new owner via a notarized signature. It is also the responsibility of the Property Owner to forward a copy of all executed agreements to the City of Buckhannon's Certified Floodplain Manager, Zoning Officer and/or Building Code Enforcement Officer. Failure to notify, transfer and forward the Non-Conversion Agreement to the appropriate parties at the City of Buckhannon shall subject the Property Owner to penalties as set forth in the Floodplain Ordinance.
8. The Property Owner understands that the primary reason for the execution of this Non-Conversion Agreement is to prevent conversion of spaces originally designed only for limited storage, parking of vehicles, temporary (less than five (5) days) entertainment purposes or access to the structure, into living quarters that will put humans and damageable contents in danger from flooding.
9. That this Non-Conversion Agreement becomes part of Permit Number _____ and grants the Building Code Official, the Zoning Official and/or the Certified Floodplain Manager the ability to inspect and enforce the provisions of this Non-Conversion Agreement at any time.

Property Owner's Signature Date Printed Name

Property Owner's Signature Date Printed Name

Type of Identification: _____

Witness my hand and official seal, this _____ day of _____, 20__

Notary Public Signature

Notary Seal

Note: This Non-Conversion Agreement must be used whenever a permit to build or substantially improve an enclosed storage building / shed, parking structure, garage, pavilion or other building access structures is requested *within* the 100-Year Floodplain below the Base Flood Elevation. This Non-Conversion Agreement must be signed whenever permits are to be issued (for example, garages and accessory / appurtenant structures and foundation enclosures which exceed 6 feet in height). This Non-Conversion Agreement must be recorded as a deed restriction by the County Clerk of Upshur County prior to either the Certificate of Occupancy and/or the Certificate of Use being issued.

Note: The phrase "Base Flood Elevation" is defined as the Base Flood Elevation (BFE) as depicted on an official FEMA Flood Insurance Rate Map (FIRM). The BFE may be increased by the City of Buckhannon's adoption of a higher elevation standard, which currently includes 18" of "Freeboard" above the indicated BFE.

Board Member Comments and Announcements:

- None

Mayor Comments:

- Mayor recognized Mr. John Gyga to discuss his recommendations. Please see recognized guest on the agenda.

With no further business the HEB adjourned at 4:52 pm.

Mayor David McCauley

City Recorder Richard Edwards
