

STATE OF WEST VIRGINIA, COUNTY OF UPSHUR, CITY OF BUCKHANNON, TO WIT:

A regular meeting of the Buckhannon City Council was held August 18, 2016 at 7:00 pm with the following persons present:

Mayor	David McCauley	Present
City Recorder	Richard Edwards	Absent
Acting City Administrator	Amberle Jenkins	Present
Council Member	David Thomas	Present
Council Member	CJ Rylands	Present
Council Member	Mary Albaugh	Present
Council Member	Pamela Cuppari	Absent
Council Member	Robbie Skinner	Present
City Attorney	Scott McClure of McClure and Goad, PLLC	Present
BPD Chief	Matthew Gregory	Present
BPD Lieutenant	Doug Loudin	Present
Water Plant Superintendent	Tom Landis	Present
Water Line Superintendent	Kelly Arnold	Present
Sanitary Superintendent	Erasmus Rizo	Present
Building Code Enforcement	Vincent Smith	Present
Office Clerk	Barbara Hinkle	Present
Channel 3	Dennis Cortes	Present
Record Delta	Katie Minsker	Present
Inter-Mountain	Katrina Duckworth	Present

**City of Buckhannon
City Council Meeting Attendance Record**

Name – Please write clearly	Street Address	Do you desire to address Council? Yes or No and if Yes, State Topic	
Robert Osburn	1 Towner Dr	Y	(N)
Dr Timothy S Reese	42 College Ave	Y	(N)
Tammy Reger	Chamber	Y	(N)
Ronnie & Darinda Grumbine	Kigg #1 Addition	Y	N ?
Maria Bray	115 Chestnut	Y	(N)
Tom O'Neill	203 Grant Lane	Y	(N)
Ben Pad	102 BARRIS ST	Y	(N) maybe
Erasmus Rizo	30 Arnold Av.	Y	(N)
Amanda Hayes	2-B Clarksbury Rd	Y	(N)
Scott Preston	Lincoln Way	Y	(N)
		Y	N
		Y	N

Thursday, August 18, 2016

Meeting Agenda Posted 08-15-16

**City Council of Buckhannon – 7:00 pm in Council Chambers
Meeting Agenda for Thursday August 18, 2016**

- A. Call to Order**
 - A.1 Moment of Silence
 - A.2 Pledge to the Flag of the United States of America
 - A.3 Mayor’s Greetings
- B. Recognized Guests**
 - B.1 Proclamation Sydney Hosfeld – National Merit Scholarship
- C. Department and Board Report**
 - C.1 Police Chief-Matt Gregory
 - C.2 Water Department – Water Line Superintendent Kelly Arnold & Water Plant Superintendent Tom Landis
 - C.3 Sanitary Department – Superintendent Erasmus Rizo
 - C.4 Vincent Smith – Building Code Enforcement Officer
 - C.5 Scott McClure– City Attorney
 - C.6 Amberle Jenkins-Report
- D. Correspondence**
 - D.1 Letter sent to John Gyax (curb appeal)
- E. Consent Agenda**
 - E.1 Approval of Minutes – Regular meeting August 11
 - E.2 Approval of Building and Wiring Permits
 - E.3 Approval of Payment of the Bills

- F. Strategic Issues for Discussion and/or Vote
 - F.1 Property Transfer UCDA Ordinance 2016-007 – second and final reading
 - F.2 TV Cable Board Franchise Ordinance 2016-006 – second reading (requires three readings)
 - F.3 Director of Public Works Ordinance & Director of Finance Ordinance 2016-009- second & final reading
 - F.4 Downtown Parking Ordinance 2016-008 – first reading
 - F.5 Accept Notice of Termination of Agreement McClure Goad PLLC (city attorney)
 - F.6 Notice to Proceed to Accept Statement of Qualifications for City Attorney

- G. Comments and Announcements
 - G.1 Mary Albaugh
 - G.2 Pamela Cuppari
 - G.3 C J Rylands
 - G.4 Robbie Skinner
 - G.5 David Thomas
 - G.6 Richard Edwards

- H. Mayor's Comments and Announcements
 - H.1 Bi-Centennial Anniversary Meeting Notes
 - H.2 WVWC Student Greeting Letter

- I. Adjournment

Posted 08-15-2016

Mayor McCauley called the meeting to order following by a moment of silence and pledge to the US Flag.

Proclamation – Sydney Hosfeld, National Merit Scholarship (arrived while in department reports) Mayor McCauley presented and read the following Proclamation.

MAYOR'S PROCLAMATION

WHEREAS, the **National Merit Scholarship Program** is a [United States](#) academic [scholarship](#) competition for recognition and university scholarships administered by the National Merit Scholarship Corporation (NMSC), a privately funded, [non-profit](#) organization based in [Evanston, Illinois](#); and,

WHEREAS, since 1955 the Program has recognized finalists & semi-finalists for their academic & extracurricular achievements with approximately 1.5 million students in more than 22,000 high schools entering the National Merit Scholarship competition annually when they take the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT); and,

WHEREAS, students are tested on their [critical reading](#), [mathematics](#) problem-solving, & [writing](#) abilities, rather than just upon existing knowledge; and,

WHEREAS, to be considered for a National Merit Scholarship, semifinalists have to fulfill requirements to advance to finalist standing with each semifinalist submitting a detailed scholarship application that includes essays & information about [extracurricular achievements](#), [awards](#), & [leadership](#) positions while also being required to establish an outstanding [academic record](#), be endorsed & recommended by a school official, & earn SAT scores confirming their qualifying test performance; and,

WHEREAS, from the semifinalist group, a limited number of students advance to finalist standing based upon the above criteria; and,

WHEREAS, BUHS 2016 graduate **SYDNEY HOSFELD** recently was named as a National Merit Scholarship finalist, being the first scholar selected from our community in many years; and,

WHEREAS, **MS. HOSFELD**, being the daughter of Lisa & Bruce Hollen, & Alan Hosfeld, is now enrolled as a computer science major at West Virginia University where she also will be playing piccolo as part of "the PRIDE of West Virginia," i.e., the WVU Marching Band; and,

WHEREAS, our City of Buckhannon family is extremely proud of, & desires to recognize **SYDNEY HOSFELD** & wish her the very best of luck as she commences her college studies.

NOW, THEREFORE, I, DAVID W. McCAULEY, MAYOR OF THE CITY OF BUCKHANNON, pursuant to the power & authority duly vested in me, do hereby proclaim Thursday, August 18, 2016 to be "**SYDNEY HOSFELD DAY**" throughout our City of Buckhannon.

I further urge all of our residents to greet our community's most honored daughter, **SYDNEY HOSFELD**, along with her family, friends, & me, together with all members of our City government family during her most special day.

Given under my hand and official seal of
The City of Buckhannon, this 18th day of August, 2016

David W. McCauley, Mayor

Department Reports:

Chief of Police- Matthew Gregory:

- Chief Gregory presented the 6 awards that the Buckhannon Police Department received from Governor's Highway Safety Program. Three awards given to the department and three were given to individual officers. Top awards were given to Buckhannon Police Department, 1. Management of Grants; 2. Seatbelt violations; 3. Distracted driving violations (cell phone). Sgt Courtney received a top award for Occupant protection; PFC Wilson received two top awards, Occupant protection and Cell phone violations. Besides the awards, \$4,500.00 was awarded to the Police Department.

Council thanked the Police Department for their work.

Chief Gregory also reported on the following:

- WVWC begins this weekend. Students will be moving on campus. Chief has been in communication with staff to facilitate traffic.
- Chief Gregory reported on costs associated with the hire of part time police officers. Council passed this ordinance. The advantage to part time officers will; Help fill in during emergencies, leave days, training days, court ordered testimonies, and still offer double coverage during shift. He explained the need for double coverage, giving safety examples. An investigative part time officer can help with witnesses and interviews. A part time officer can also be used for crime prevention and can also assist with education and business checks. Chief Gregory explained in detail the needed for the part time officer and explained the following costs related to this cost. Part time police officer was not budgeted in this year's budget. The budget was already in place when the idea was drafted. This information was submitted as information to City Council. City Council discussed the matter at some length. There was question regarding sharing equipment. Basically guns cannot be shared. If a part time officer is hired this year a new vehicle could be purchased now instead of next year when it is time to purchase three cruisers. Then purchase two next year. There was question of hiring just one part time to see the impact on overtime and investigations. Also question as to what expectations are, that we want the police department to do. Drug enforcement? Behavior of disruptive people in public places? After about 50 minutes the conversation turned to complaints that several received concerning persons hanging out in Jawbone Park and making it uncomfortable for residents to use. Chief Gregory explained that public intoxication is not a jail offense. If a person is issued 3 or more tickets they become mental cases. Mental cases are very difficult to get any action. Persons can be jailed for Disorderly Conduct but must be done in the presence of an officer. Vagrancy is not a crime. Stereotyping people is not lawful. Many times when officers check on these individuals they are not breaking any laws. Mayor McCauley mentioned would officer's presence, just a walk through would make a positive impact? Mayor McCauley recommended possible Town Hall regarding Police Department public interaction and purpose.

Water Line Superintendent- Kelly Arnold: Mr. Arnold reported on the following:

- Three leaks were repaired.
- Work on Hodgesville and Adrian meter pit service.
- Continue to work on SCADA system.
- Radio read meters are installed in outlying areas except Liggett Addn.
- A sanitary survey inspection was conducted by the Health Department. A good report was given.
- A part time hire was approved so crews can continue to work on radio read meters.
- Crews looking into a valve program interacting with mapping.

Mayor McCauley reminded the public that the Water Department has been working on a 3 million dollars upgrade to the water plant and water meters.

Sanitary Superintendent- Erasmo Rizo: Mr. Rizo reported on the following:

- Problems on Lynn Street, Pinnell Street, W Lincoln Street were addressed and completed.
- Minor line extensions were done at Southern States and Brushy Fork. The owners paid for the materials on these two projects.
- Two combination storm and sewer projects one at Randolph Street and the other at Lightburn Street. Repairs of both storm and sewer lines are underway.
- Plans are to work on the clarifier in-house. These are 66' diameter wells. Doing this work in-house will save about \$130,000.
- The department has plans to purchase a used backhoe and a new Ford truck.
- Mr. Rizo took this opportunity to brief Council on the storm water issues in Buckhannon. The Sanitary Department has been taking the calls on these, but Buckhannon does not have a comprehensive plan for this problem. Sanitary sewers are completely different than storm sewers. A presentation will be presented in the near future to City Council regarding this matter. Mayor McCauley chimed in that there is a need to combine the sanitary and storm water and figure a way to finance this. In the past Council has budgeted for storm sewer each year on random projects.

Building Code Enforcement Officer-Vincent Smith: Mr. Smith reported on the following:

To: Members of City Council
From: Vincent Smith, Code Enforcement/Zoning Officer
Date: Thursday, August 18, 2016
RE: Activity report for the months from May 2, 2016 to August 12, 2016

Zoning, Planning and Development:

The Zoning Board of Appeals met on Monday, July 25, 2016 and Monday, August 8, 2016. They approved the construction applications at 37 Marion Street and 35 Boggess Street. The distance to the property line was less than required by Ordinance 244.

Zoning and Building: Routine applications with emphasis on repair, storage buildings, new construction and home additions.

Activity Report:

153 Building Permits Issued Total Value \$ 2,017,695.84 Permit Fee \$ 14,742.58

Electrical Fee \$ 2,767.00

43 Zoning Applications Received

- 38 approved
- 3 pending
- 2 denied
- 2 appealed

14 Asbestos Certification Required

7 Elevation Certification Required

10 Zoning/Flood questions

Multiple trash/abandoned automobile complaints, animal complaints received and remediated.

Five high grass letters were mailed.

Planning Commission:

The planning commission met on July 19, 2016.

Discussion on the 2020 plan as it pertains to zoning and currently completed projects.

The next meeting will be October 18, 2016 @ 7:00 PM.

Historic Landmark Commission:

The historic Landmark Commission met on July 18, 2016. Discussed street signs, historic plaques and Heavner Cemetery.

The next meeting will be October 17, 2016 @ 6:00 PM.

Housing Enforcement Board:

The Housing Enforcement Board met on July 27, 2016. Discussed letters for storage buildings that are not anchored to FEMA requirements. Fencing of swimming pools as per International Property Maintenance Code and vacant building registrations.

The next meeting will be October 26, 2016 @ 3:00 PM.

Zoning Board of Appeals:

No appeals pending.

Vacant properties have been reduced from 123 with no activity to 43. Letters will be sent again to the 43 property owners.

Mr. Smith also explained that Logan Outdoors approached him about placing an outdoor digital billboard. The rotating messages can be used as public announcements as well. The problem is that the current ordinance does not allow for off-sight advertisement. Mayor McCauley explained that in the early 80's there was no Corridor H. There was concern of sign pollution. Therefore; wording was made to prevent that. Mayor McCauley asked that this matter be placed on the agenda for the next meeting to be referred to Planning Commission for review. If Planning Commission decides this is a good move, they in turn will refer back to City Council for draft to amend the zoning ordinance.

- **Zoning Board of Appeals Report Re: 37 Marion Street & 35 Boggess Street:**

STATE OF WEST VIRGINIA, COUNTY OF UPSHUR, CITY OF BUCKHANNON, TO WIT:

A meeting of the Zoning Board of Appeals of the City of Buckhannon was held on July 25, 2016 at 6:00 p.m. at City Hall with the following in attendance:

Board Member	Michael Cowger	Present
Board Member	Jane Reddecliff	Present
Board Member	Marilyn Walton	Present
Board Member	Dennis Cortes	Present
Board Member	Timothy Reese	Present
Recorder	Richard Edwards	Present
Building Code Enforcement Officer	Vincent Smith	Present

Noting that a quorum was present Chairman Cowger called the meeting to order at 6:00 pm. Chairman Cowger explained the purpose of the meeting as:

Public Hearing for a permit denial by the Zoning Officer, Vincent Smith regarding 37 Marion Street. Permit was denied per Zoning Ordinance 244, Section 502C-3 & 502C-5b . Mr. Smith explained the Ordinance and the reasoning for denial.

Mr. Cowger recognized Mr. John Brake to discuss his appeal to the Board. Mr. Brake believes that this variance should be considered because of other variances in the neighborhood have been approved previously. Mrs. Walton and Mrs. Reddecliff discussed that this variance was appropriate.

After further discussion and upon,

Motion [Reddecliff/Walton] to Approve the zoning variance application from John Brake of 37 Marion Street to construct a 12'x12' addition. Motion Carried.

With no further business before the Zoning Board of Appeals the Board adjourned at 6:10pm

Chairman Michael Cowger City Recorder Richard Edwards

STATE OF WEST VIRGINIA, COUNTY OF UPSHUR, CITY OF BUCKHANNON, TO WIT:

A meeting of the Buckhannon Zoning Board of Appeals was held in Council Chambers at City Hall, 70 East Main on August 8, 2016 at 6:00 pm with the following in attendance:

Board Member	Michael Cowger	Present
Board Member	Jane Reddecliff	Present
Board Member	Marilyn Walton	Present
Board Member	Dennis Cortes	Present
Board Member	Timothy Reese	Present
Recorder	Richard Edwards	Present
Building Code Enforcement Officer	Vincent Smith	Present
Property Owner	Carrie & Craig Wallace	Present

Noting that a quorum was present Chairman Cowger called the meeting to order at 6pm.

Chairman Cowger explained the purpose of the meeting as:

Public Hearing for a permit denial by the Zoning Officer, Vince Smith regarding 35 Boggess Street was denied per Zoning Ordinance 244, Section 501C-3. For a 10x26' front porch addition. Mr. Smith explained the Ordinance and the reasoning for denial.

Mr. Cowger recognized Craig and Carrie Wallace to discuss the appeal to the Board. The Board believes that this variance should be considered because of other variances in the neighborhood have been approved previously. Mrs. Walton and Mrs. Reddecliff discussed that this variance was appropriate. Chairman Cowger asked if there were any objections received by correspondence. None being submitted, and with no objections,

After further discussion and upon,

Motion [Reddecliff/Walton] to Approve a zoning variance permit for the property at 35 Boggess Street.

Motion to approve variance was carried.

With no further business before the Zoning Board of Appeals the Board adjourned at 6:08 p.m.

Chairman Michael Cowger

City Recorder Richard Edwards

Bi-Centennial Committee- Maria Bray and Amanda Hayes: Reported on the following:

Bicentennial Planning Committee Aug. 8, 2016 Meeting #4

The Bicentennial Planning Committee held its fourth meeting at the Public Safety Complex.

Chamber executive director Tammy Reger updated the committee on possible 200th celebration memorabilia. Ron Hinkle Glass came up with suncatcher in blue and white. Could also be used as Christmas ornament with decorative tag that would show it was to commemorate the bicentennial. Could sell at \$10 as a fundraiser.

Ron Williams from Ralston Press suggested a post card set. A set of four would cost \$322.16. Andregg's Jewelers suggested a Christmas ornament but Tammy didn't have more details about that. Will look into all more and update at next meeting.

Tammy also reported that the DOH had sent back the permit for the banner across Main Street and it would be up that week. (Update: the banner is up).

Al Tucker and John Simons from the Buckhannon-Upshur Camera Club said the club was interested in a bicentennial photo contest but couldn't have one at the end of September due to other club commitments.

Al recommended the contest start in late August and wrap up before Thanksgiving with entries judged and winners announced in early December at a special event.

Amanda suggested capitalizing on Christmas Parade crowd and having special event with winners announced after the parade...perhaps using the room at the Public Safety Complex for small reception. Kids and their parents will already be next door seeing Santa the fire department.

Al and John will finalize details.

Amanda will publicize when she gets the information and distribute to other media - Intermountain, Exponent.

Charliena Eubank and Debra Hupp discussed more details for talent show, pageant and parade.

Talent show would be Sept. 23; acts would need to be at Jawbone by 4:30 p.m. and talent show would start at 6 p.m. Applications would need to be sent to city hall.

Pageant - Saturday, Sept. 24 - would include 30-second promo of Buckhannon.

Thomas Law Center for the Performing Arts will be back-up location in case of bad weather.

Winners from both would be in the parade the next week.

Parade - Sept. 30-Line-up from 5:30-6 p.m.

Discussion about route. Most in agreement that it could start at college and come down East Main. Some feel it could turn on to Friendly Way and end at Jawbone. Others feel it should come down to South Florida Street, passing city hall and then turn.

Mayor will have conversation with fire department.

Fireworks still in the discussion phase - waiting to hear about sponsors

Time capsule - Mayor has secured an 18-inch cube for the time capsule..will be bigger than some we looked at online but will still need to have vetting process to decide what goes in. Amanda Hayes and Maria Bray working on this.

Will have items on display at the Sept. 30 celebration and then have separate ceremony at a later date to bury it. Need to decide when it will be reopened - 50 years? 100 years?

John Gygas discussed having brochure with history.
Other suggested this could be incorporated into brochure with events.
Will research more for next meeting.

Dennis Cortes with Channel 3 discussed taping another episode of Tender Loving Care. Will work with Charliena and Strawberry Festival committee to discuss talent show, parade and pageant.

It was decided to ask CVB about their interest in coordinating historical window decorating contest. Mayor will check with Dough Re Mi owners about coordinating cupcake contest.

Union Elementary Fundraiser for 200 Pringle Trees may be our answer to the tree discussion.
It was decided to meet weekly - meetings may not have to be as long - but need to meet weekly to keep up with everything going on.
Next meeting - Aug. 15 at 6 p.m. at the Public Safety Complex.

City Attorney-Scott McClure: Reported on the following:

- Mr. McClure reported that a letter was sent to a local backhoe company for damages to water lines. This has not been paid yet.
- Mr. McClure checked with the Home Rule Board to determine if Home Rule Ordinances should be filed with them. It is Not Necessary to file the ordinances with the Home Rule Board. However, it is a good idea so that other communities can have access to them.
- Mr. McClure will represent the City in a municipal court trial tomorrow.

Assistant Recorder- Amberle Jenkins: Mrs. Jenkins reported on the following:

- **Municipal Police Officers & FireFighters Retirement System: WV Legislature 2016 House Bill 4519**

MUNICIPAL POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM

The Municipal Police Officers and Firefighters Retirement System (MPFRS) was established January 1, 2010. All paid police officers and firefighters employed in covered employment by a participating municipality or municipal subdivision after the date the municipality or municipal subdivision elected to join MPFRS are required to be members of MPFRS as a condition of employment. MPFRS currently has 97 active members.

CONTRIBUTIONS
MPFRS is funded by employee and employer contributions. An active employee currently contributes 8.5% of his or her gross monthly salary and the employer currently contributes 8.5% of the employee's gross monthly salary for a total current combined contribution equal to 17%. The Board may increase the employer contribution rate to no more than 10.5% to ensure actuarially sound funding for the plan. At no time may the rate of employee contribution exceed the rate of employer contribution.

CONCURRENT EMPLOYMENT
Any active member who has concurrent employment in an additional job or jobs that requires participation in another retirement system administered by CPRB must contribute 8.5% of his or her monthly salary from such additional employment to MPFRS, and his or her other employer must contribute 10.5% of his or her monthly salary from such additional employment to MPFRS.

RETIREMENT BENEFITS
The statute prohibits any payout of regular retirement, disability or death benefits from the MPFRS fund prior to January 1, 2017. In order to qualify for regular retirement benefits, a member of MPFRS must meet one of the following requirements:

While still in covered employment:

- Attainment of age 50 when age plus contributory service equals 70 (excluding military service)
- Attainment of age 60 and completion of 10 years contributory service (excluding military service)

When covered employment has ceased:

- Attainment of age 50 and the completion of 20 years of contributory service (excluding military service)
- Attainment of age 62 with 5 or more years of contributory service (excluding military service)

Final Average Salary (FAS) is the average of the highest annual compensation received by the member during covered employment for any 5 consecutive plan years (Jan. 1- Dec. 31) within the last 10 years of service. The accrued benefit on behalf of any member is calculated as follows:

Final Average Salary x Years of Credited Service x Benefit Percentage
2.6% x FAS x Years of Service for years 1-20
2.0% x FAS x Years of Service for years 21-25
1.0% x FAS x Years of Service for years 26-30

Retirement income payments shall commence on the first day of the calendar month following: 1) CPRB's receipt of the member's voluntary application to retire; 2) Member's termination of covered employment; and 3) Member's attainment of early or normal retirement criteria.

The very first benefit payment due to a retiree or beneficiary will be mailed directly to the recipient's home address. Following the first payment, barring any unforeseen circumstances, benefit payments are credited by direct deposit to retiree accounts on the 25th of each month, except the month of December, when retiree accounts are credited on the 18th. If the 25th (or December 18th) falls on a weekend or holiday, direct deposits are processed on the prior full business day.

Retirement benefits are not automatic.
You must apply to the Board for your retirement benefits. Distributions must start by April 1 of the year following the later of: a) the date you reach age 70 1/2, or b) the date upon which you terminate employment.

ANNUITY OPTIONS (SELECTED BY THE MEMBER)
SHAREHOLD LIFE ANNUITY - A lifetime annuity payable monthly to the member determined under the regular benefit formula with no adjustment.

OPTION A: Contingent Joint and Survivor Annuity - A life annuity payable during the joint lifetime of the member and his or her named beneficiary. Upon the death of the member,

the named beneficiary shall receive a lifetime annuity in a reduced amount equal to 50%, 66 2/3%, 75% or 100% of the amount paid while both were living, as selected by the member.

OPTION B: TEN YEARS CERTAIN AND LIFE ANNUITY - A reduced annuity payable monthly for the lifetime of the member. If the member dies before receiving 120 monthly payments, the remainder of the 120 monthly payments shall be payable to the member's beneficiary or member's estate.

A retiree who is married and elects a survivor option naming someone other than their spouse must have their spouse complete a voluntary spousal waiver. A named survivor must be a natural person with an insurable interest in the member's life. An annuity option may not be modified once the member receives their first annuity payment.

BENEFICIARY OPTION PRIOR TO RETIREMENT
If a member is not married, or if he or she does not have dependent children or dependent parents, the member may name a beneficiary or beneficiaries to receive a return of accumulated contributions at his or her death. The member must complete a Pre-Retirement Beneficiary Designation form and return it to CPRB. The member should keep a copy of this form for his or her records. If a member's family situation changes (marriage, birth, death, divorce, etc.), his or her beneficiary designation should be reevaluated.

DISABILITY BENEFITS
The statute prohibits any payout of disability benefits prior to January 1, 2017. Totally disabled means a member's inability to engage in substantial gainful activity by reason of any medically determined physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months. A member is totally disabled only if his or her physical or mental impairment is so severe that he or she is not only unable to perform his or her previous work as police officer or firefighter but also cannot, considering his or her age, education and work experience, engage in any other kind of substantial gainful employment which exists in the state.

DUTY RELATED DISABILITY:
Any member of MPFRS who becomes totally disabled while in covered employment by injury, illness or disease as a result of an occupational risk or hazard inherent in or peculiar to the services required of members or while performing the services required of a police officer or firefighter is entitled to receive a duty disability benefit, provided that it is determined by two physicians, one of whom shall be named by CPRB, that he or she is not only unable to perform adequately the duties required of a police officer or firefighter, but also cannot engage in any other kind of substantial gainful employment.

The benefit payable for a duty related disability is a monthly amount in which the annual benefit is a sum equal to 90% of the member's last 12 full months average salary until age 65, or until the disability sooner terminates, and then "normal retirement" plus 1/2 time disability service.

NON-DUTY RELATED DISABILITY:
Any member of MPFRS who becomes totally disabled while in covered employment from any cause other than a duty related injury, illness or disease and which cause is not due to vicious habits or willful misconduct is entitled to receive a non-duty disability benefit, provided that it is determined by two physicians, one of whom shall be named by CPRB, that he or she is not only unable to perform adequately the duties required of a police officer or firefighter, but also cannot engage in any other kind of substantial gainful employment. The benefit payable for a non-duty related disability is a monthly amount in which the annual benefit is a sum equal to 66 2/3% of the member's last 12 months average salary until age 60, or until the disability sooner terminates, and then normal retirement plus 1/2 time disability service.

Continued Disability: The Board may require subsequent medical evaluations to determine if a disability retiree has fully recovered from such disability. The Board may also require a disability benefit recipient to file an annual statement of earnings and any other information required in rules adopted by the Board.

DEATH BENEFITS
The statute prohibits any payout of death benefits prior to January 1, 2017.

DUTY RELATED: The surviving spouse of any member who, while in covered employment, has died or dies by reason of injury, illness or disease resulting from an occupational risk or hazard inherent in or peculiar to the service required of members, while the member was or is engaged in the performance of his or her duties as a police officer or firefighter, or the surviving spouse of a member who dies from any cause after having been retired with a duty related disability, is entitled to receive in equal monthly installments during his or her lifetime an amount equal to the greater of 1/2 of the annual compensation received in the preceding 12 month period by the deceased member, or if the member dies after his or her normal retirement age, the monthly amount the spouse would have received had the member retired the day before his or her death and elected a 100% Joint and Survivor annuity with the spouse as the joint annuitant, and then died.

NON-DUTY RELATED: The surviving spouse of any member who has been a member for at least 10 years who, while in covered employment, has died or dies from non-duty related causes and not due to vicious habits, intemperance or willful

MUNICIPAL POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM



CONSOLIDATED PUBLIC RETIREMENT BOARD
4101 MacCorkle Avenue, SE
Charleston, West Virginia 25304
Telephone: (304) 558-3570 or
(800) 654-406 (nationwide)
Fax: (304) 558-1394 or
(304) 558-5455
E-mail: CPRB@wv.gov
Website: www.wvretirement.com

BOARD MEMBERS
David L. Wyatt, **Chairman**
Governor Earl Ray Tomblin
Auditor Glen B. Gainer III, Vice Chairman
Treasurer John D. Perdue
Acting Cabinet Secretary Jason Pizatella
Amy Bird
Joseph Bunn
Captain Michael G. Corsaro
Angela Crank
Joe Lynch
D. Todd Murray
Andrew Richardson
David Stover
C. Jeffrey Vallet

EXECUTIVE DIRECTOR
Jeffrey E. Fleck

March 2015

ADMINISTERED BY:
THE WEST VIRGINIA CONSOLIDATED PUBLIC
RETIREMENT BOARD (CPRB)

TIER I PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

FOR THOSE MEMBERS HIRED BY A
PARTICIPATING PUBLIC EMPLOYER
FOR THE FIRST TIME PRIOR TO
JULY 1, 2015



Administered by:
The West Virginia
Consolidated Public Retirement Board
(CPRB)

4101 MacCorkle Avenue, SE
Charleston, West Virginia 25304
Telephone: (304) 558-3570 or
(800) 654-406 (nationwide)
Fax: (304) 558-1394 or
(304) 558-5455
E-mail: CPRB@wv.gov
Website: www.wvretirement.com

Executive Director
Jeffrey E. Fleck
June 2016

misconduct on his or her part shall receive in equal monthly installments during his or her lifetime an amount equal to the greater of 1/3 of the annual compensation received in the preceding 12 month period by the deceased member; or if the member dies after his or her normal retirement age, the monthly amount which the spouse would have received had the member retired the day before his or her death, elected a 100% Joint and Survivor annuity with the spouse as joint annuitant, and then died.

DEPENDENT DEATH BENEFITS

A surviving spouse of a member who dies of a duty or non-duty related death is also entitled to receive \$100 monthly for each dependent child. If the surviving spouse dies, or if there is no surviving spouse, the fund shall pay monthly to each dependent child a sum equal to 100% of the surviving spouse's entitlement divided by the number of dependent children. If there is neither a surviving spouse nor a dependent child, the fund shall pay to the dependent parents of the deceased member a sum equal to what the surviving spouse would have received without children. When there is only one parent surviving, that parent is entitled to receive 1/2 the amount which both parents would have been entitled to receive.

BURIAL BENEFITS

Any MPFRS member who dies as a result of a service related illness or injury is entitled to a lump sum burial benefit of \$5,000 to be paid to the member's spouse, or to the member's estate if not married, for the purpose of paying burial expenses and settling the member's final affairs.

DEPENDENT CHILD SCHOLARSHIP

Any person qualifying as a dependent child of a deceased member under MPFRS may be entitled to receive scholarship monies, not to exceed \$7,500 per year, to be applied to the career development education of that dependent at a West Virginia institution.

MILITARY SERVICE

Any member of MPFRS who previously served on active duty in the armed forces of the United States and was honorably discharged is entitled to apply for up to 2 years of credited service for that active duty with no additional contributions required. Military service credit will not be credited for the purpose of meeting initial retirement eligibility. Any employee may purchase as much as an additional twelve months of service for time served in active military duty that otherwise has not been credited by paying the actuarial reserve lump sum purchase amount within three years after becoming vested.

TERMINATION OF EMPLOYMENT

Any member who terminates covered employment and is not

spouse or alternative beneficiary, if applicable, pre-decease the member, the member may also elect one of the following options:

(A) The member may name another beneficiary, who has an "insurable interest" in the life of the member, to receive the 100% Joint and Survivor annuity; or
(B) The member may name a beneficiary to receive a lump sum payment of his or her employee contributions, plus 4% interest.

CATEGORY 3: HIRED FOR THE FIRST TIME BEFORE OR ON JUNE 9, 2006, HAS 10 OR MORE YEARS OF CREDITED SERVICE AND IS NOT MARRIED AT THE TIME OF DEATH:

A member who falls under this category may elect one of the following options:

(A) The member may elect to name a beneficiary(ies) to receive a lump sum payment of his or her employee contributions plus 4% interest.
(B) The member may elect to have a 100% Joint and Survivor annuity, calculated as if the member had retired the day preceding the date of his or her death, paid to a named beneficiary who has an "insurable interest" in the life of the member.

(C) The member may elect not to name a beneficiary and have his or her pre-retirement death benefit paid as a monthly annuity, calculated as though the member had retired as of the date of his or her death and elected a Straight Life annuity, to a minor child or children until the minor child or children attains age 21 or sooner marries or becomes emancipated. *In no event shall any child or children receive more than \$250.00 per month under this option.*

CATEGORY 4: HIRED FOR THE FIRST TIME AFTER JUNE 9, 2006, HAS 10 OR MORE YEARS OF CREDITED SERVICE AND IS MARRIED AT THE TIME OF DEATH:

Upon the death of a member who falls under this category, a 100% Joint and Survivor annuity will be paid to the deceased member's surviving spouse, calculated as if the member had retired the day preceding the date of his or her death, unless the "Spouse's Waiver of Survivorship Annuity" section on the beneficiary form is completed. If the "Spouse's Waiver of Survivorship Annuity" section is completed, the member may:

(A) Elect to name a beneficiary (ies) to receive a lump sum payment of his or her employee contributions, plus 4% interest; or
(B) Elect to name a child who is financially dependent by virtue of a permanent mental or physical disability to receive the 100% Joint and Survivor Annuity.

**Evidence of the dependent child's disability must be provided and the disabled child must be named sole beneficiary.*

CATEGORY 5: HIRED FOR THE FIRST TIME AFTER JUNE 9, 2006, HAS 10 OR MORE YEARS OF CREDITED SERVICE AND IS NOT MARRIED AT THE TIME OF DEATH:

A member who falls under this category may elect one of the following options:

(A) The member may elect to name a beneficiary(ies)

immediately eligible to receive benefits is entitled to receive from the fund the member's accumulated contributions, which include regular interest, currently 4%. Upon withdrawal, the member forfeits his or her accrued benefit and ceases to be a member. Any member who has 5 years of contributory service is eligible, upon cessation of covered employment, to either withdraw his or her accumulated contributions or choose not to withdraw his or her accumulated contributions and to receive retirement income payments, if eligible, upon attaining normal retirement age.

REINSTATEMENT

Any member who ceases employment in covered employment and active participation in MPFRS and who thereafter becomes reemployed in covered employment may not receive any credited service for any prior withdrawal accumulated contributions from this plan unless following his or her return to covered employment and active participation in MPFRS, the member redeposits in the fund the amount of the accumulated contributions withdrawn from previous covered employment, together with interest on the accumulated contributions at the rate determined by the board, currently 7.5%, from the date of withdrawal to the date of redeposit. Upon repayment, the member shall receive the same credit as if no refund had been made. The repayment shall be made in a lump sum within 60 months of reemployment in covered employment.

APPOINTMENTS

Most retirement related matters can be handled from the convenience of your home via mail and telephone. However, members who wish to visit CPRB to discuss related matters with a CPRB staff member are required to make an appointment.

QUESTIONS

Should you have questions regarding the West Virginia Municipal Police Officers and Firefighters Retirement System, please feel free to contact us in writing or by phone at the Consolidated Public Retirement Board (CPRB), Monday through Friday, 8:00 a.m. to 5:00 p.m. You may also visit our website at www.wvretirement.com.

NOTE

Information contained in this brochure illustrates CPRB's understanding of the current provisions of the West Virginia Municipal Police Officers and Firefighters Retirement System. These provisions are contained in the current plan statutes and legislative rules, and are subject to modification by the West Virginia Legislature each year. This brochure is for general guidance purposes only. In the event there is a discrepancy between information contained in this brochure and WV Code and Rules, the language in the Code and Rules shall prevail.

to receive a lump sum payment of his or her employee contributions plus 4% interest.

(B) The member may elect to have a 100% Joint and Survivor annuity, calculated as if the member had retired the day preceding the date of his or her death, paid to a child who is financially dependent upon the member by virtue of a permanent mental or physical disability.

**Evidence of the dependent child's disability must be provided and the disabled child must be named sole beneficiary.*

(C) The member may elect not to name a beneficiary and have his or her pre-retirement death benefit paid as a monthly annuity, calculated as though the member had retired as of the date of his or her death and elected a Straight Life annuity, to a minor child or children until the minor child or children attains age 21 or sooner marries or becomes emancipated. *In no event shall any child or children receive more than \$250.00 per month under this option.*

DEPENDENT SCHOLARSHIP

Any person who qualifies as a surviving dependent child of a law enforcement officer who dies in the performance of duty is entitled to receive a scholarship to be applied to their career development education.

EMPLOYMENT AFTER RETIREMENT

- If a retiree becomes regularly employed by a participating employer, payment of his or her annuity shall be suspended during his or her re-employment and he or she shall again become a contributing member of PERS.
- A retiree may accept temporary employment from a participating employer so long as he or she does not receive compensation in excess of \$20,000 during any calendar year.
- It is the retiree's responsibility to contact the Board to report re-employment and to determine future retirement options.
- Disability benefits may not earn more than the Social Security substantial gainful activity amount.

TERMINATION OF EMPLOYMENT

If a member terminates employment prior to the time he or she qualifies for retirement benefits and has accrued at least five years of contributing service, contributions may be left on deposit until he or she qualifies for retirement benefits, or the member may choose to withdraw his or her employee contributions plus 4% interest. If he or she has two or more years of contributing service from the plan after termination of employment, Employer contributions are not eligible to be withdrawn. Once the member withdraws contributions from the system, all future retirement and disability benefits are forfeited.

REINSTATEMENT OF PREVIOUSLY WITHDRAWN SERVICE

Certain members who have been re-employed by a participating public employer may purchase previously

RETIREMENT BENEFIT ESTIMATE

Approximately 6 to 12 months prior to retirement eligibility, members should contact the Board to request an estimate of benefits for all three retirement annuity options. An estimate is required prior to receiving a retirement packet.

EFFECTIVE DATE OF RETIREMENT

- Effective date of retirement is dependent upon termination of employment, meeting retirement eligibility and the Board's receipt of the retirement application. Date of the Board's receipt of the retirement application can impact the effective date of retirement. If the member is less than age 60 upon termination of employment, and all retirement criteria are met, the effective date of retirement will be the first day of the month following receipt of the retirement application.
- Retirement benefits are not automatic. Prospective retirees must make application to the Board in order to commence retirement benefits.

RETIREMENT BENEFIT FORMULA

- Regular retirement benefits are paid in equal monthly installments in an amount equal to 2% multiplied by the member's years of credited service multiplied by the member's Final Average Salary (FAS).
- Final Average Salary means the average annual salary from the highest 36 consecutive months within the last 15 years of employment. Any lump sum payment that is not guaranteed to be paid annually is not considered compensation and is, therefore, not used in FAS. Annual increment pay received by State employees is considered compensation and is, therefore, used in FAS.

2% x Years of Service x FAS = Annual Straight Life Retirement Benefit

ANNUITY OPTIONS

STRAIGHT LIFE: A lifetime annuity payable monthly to the retiree determined under the full benefit formula without adjustment. There are no beneficiary benefits payable under this option.

OPTION A - 100% JOINT AND SURVIVOR: A reduced annuity payable monthly to the retiree for his or her lifetime. Upon the death of the retiree, the named beneficiary will receive the same amount for his or her lifetime.

OPTION B - 50% JOINT AND SURVIVOR: A reduced annuity payable monthly to the retiree for his or her lifetime. Upon the death of the retiree, the named beneficiary will receive one-half of the monthly payment for his or her lifetime.

The named beneficiary in both Option A and Option B must have an insurable interest in the life of the retiree such as a spouse, child, parent, or other dependent. Under all options, any unpaid employee contributions, plus 4% interest, remaining at the retiree's or beneficiary's death, will be paid to the named beneficiary or the estate.

withdrawn service, provided that he or she redeposits the withdrawn funds plus interest from the date of the withdrawal. Members must be re-employed for one year and the first reinstatement payment must be made between the first and second year of re-employment. If the first reinstatement payment is not made before the end of the member's second year of re-employment, the member is not eligible to reinstate previously withdrawn service. The full reinstatement amount must be repaid (in a lump sum or payments) before the end of the fifth year of the member's return to employment. Members should contact the Board at the end of his or her first year of return to employment to obtain the cost to reinstate withdrawn PERS service.

MILITARY SERVICE

Military service up to 5 years may be credited to PERS members in accordance with the WV Code §5-10-15. Members who have a break in employment as a result of being called to active military service may be eligible to purchase additional military service credit as provided by federal law.

National Guard service may be purchased by PERS members in accordance with WV Code §5-10-15c.

OUT OF STATE SERVICE

A member of PERS may purchase up to five years of service credit for public employment performed in another State. However, the member cannot be vested in the other State's retirement system or be in receipt of an annuity from such plan. Purchased out-of-state service may not be used to establish eligibility for a PERS retirement benefit.

APPOINTMENTS

Most retirement related matters can be handled from the convenience of your home via mail and telephone. However, members who wish to visit the Board to discuss retirement related matters with a PERS staff member are required to make an appointment.

QUESTIONS

Should you have any questions regarding PERS, please feel free to contact us in writing, by phone, or e-mail, Monday through Friday, 8:00 a.m. to 5:00 p.m. For additional information, you may also want to visit our website.

NOTE

Information contained in this brochure illustrates the CPRB's understanding of the current provisions of the PERS. These provisions are contained in the current plan statutes, and are subject to modification by the West Virginia Legislature each year. This brochure is for general guidance purposes only. In the event there is a discrepancy between information contained in this brochure and the WV State Code and Rules, the language in the Code and Rules shall prevail.

Once benefits are received under the annuity option selected by the retiree, the option selected is final and no changes are allowed unless permitted pursuant to WV Code §5-10-24.

BENEFIT PAYMENTS

The first benefit payment due to a retiree or beneficiary will be mailed directly to the recipient's home address. Following the first payment, barring any unforeseen circumstances, benefit payments are credited by direct deposit to retiree accounts on the 25th of each month, except on the 1st of December when retiree accounts are credited on the 18th. If the 25th (or December 18th) falls on a weekend or holiday, direct deposits are processed on the prior full business day.

Social Security income, private sector income, or private sector retirement benefits do not affect PERS regular retirement benefits. (Some stipulations apply to disability retirees.)

Distributions (whether eligible for lump sum refund or monthly annuity) must start by April 1 of the year following the later of: (A) The date a member reaches age 70½, or (B) The date upon which a member terminates employment.

USE OF UNUSED SICK AND ANNUAL LEAVE AT RETIREMENT

PERS members who have accrued, unused sick and/or annual leave days may be eligible to acquire additional credited service to be applied on the basis of 1 month of service credit granted for each 10 days of unused, accrued sick and/or annual leave. Such days will constitute additional service in the computation of retirement benefits. The additional credited service shall not be used in meeting initial eligibility for retirement criteria.

In the alternative to increasing retirement benefits, members who participate in the Public Employee Insurance Agency (PEIA) may be eligible to apply accrued, unused sick and/or annual leave days at retirement toward the purchase of retiree health insurance under PEIA. Members should contact PEIA to determine if they are eligible for this option prior to retirement.

Unused leave CANNOT be divided and used for both retirement service credit and PEIA coverage. Members who retire from a city, county, or any other non-direct employer of the State should contact their employer or PEIA regarding eligibility for PEIA insurance coverage. If the member separates from employment prior to eligibility for a retirement annuity, unused leave is not eligible to be used for additional retirement service or PEIA at a later date.

DISABILITY RETIREMENT

LESS THAN 10 YEARS OF SERVICE - A member who has less than 10 years of credited service may apply for disability

retirement benefits if the member became incapacitated within 12 months of last being employed with a participating public employer and if the incapacitation occurred as a result of a work related injury. The member must be receiving (or have received) Workers' Compensation benefits on account of such disability.

10 OR MORE YEARS OF SERVICE: A member who has 10 or more years of credited service may apply for disability retirement benefits if the member became incapacitated within 12 months of last being employed with a participating public employer.

Disability benefits shall not be less than 50% of a member's FAS. At age 65, the disability benefit is calculated on actual years of service and may be reduced, but the straight life benefit or equivalent may not be less than 20% of the FAS.

Disability retirees are required to submit medical recertifications and copies of his or her annual statement of earnings for specified periods of time following receipt of disability benefits.

CHANGING A BENEFICIARY PRIOR TO RETIREMENT

If a member wishes to change a beneficiary(ies), he or she must complete a new beneficiary form and return it to the Board. The member should keep a copy of this form for his or her records. If a member's family situation changes (birth, death, divorce, marriage), his or her beneficiary designation should be reevaluated.

DEATH PRIOR TO RETIREMENT - BENEFICIARY OPTIONS: PERS members may select beneficiary options based only upon the specific category that describes his or her particular circumstance at the time a beneficiary form is completed (i.e., date of hire, years of service and marital status).

CATEGORY 1: LESS THAN 10 YEARS OF CREDITED SERVICE: A member who falls under this category may elect to name a beneficiary(ies) to receive a lump sum payment of his or her employee contributions plus 4% interest.

CATEGORY 2: HIRED FOR THE FIRST TIME BEFORE OR ON JUNE 9, 2006, HAS 10 OR MORE YEARS OF CREDITED SERVICE AND IS MARRIED AT THE TIME OF DEATH: Upon the death of a member who falls under this category, a 100% Joint and Survivor annuity will be paid to the deceased member's surviving spouse, calculated as if the member had retired the day preceding the date of his or her death, unless the "Spouse's Waiver of Survivorship Annuity" section on the beneficiary form is completed. If the "Spouse's Waiver of Survivorship Annuity" section is completed, the member may elect to name an alternative beneficiary, who has an "insurable interest" in the life of the member, to receive the 100% Joint and Survivor Annuity. Should the surviving

PUBLIC EMPLOYEES RETIREMENT SYSTEM

The Public Employees Retirement System (PERS) was established on July 1, 1961 for the purpose of providing retirement benefits for employees of the State and other political subdivisions. PERS has approximately 36,122 active members and approximately 25,679 retirees receiving annuity benefits. PERS is funded by employee and employer contributions. An active member hired for the first time prior to July 1, 2015 contributes 4.5% of his or her gross monthly salary to the plan. Until June 30, 2016, the employer will contribute 13.5% of the member's gross monthly salary for a total combined contribution equal to 18%. Effective July 1, 2016, the employer will contribute 12% of the member's gross monthly salary for a total combined contribution equal to 16.5%. All employee contributions currently remitted are tax deferred. Contributions for members, as a percentage of gross salary, are established by statute. The employee and employer contributions are annually reviewed to assure that they result in actuarially sound funding for the plan.

"Board", when used in the following sections of this brochure refers to the West Virginia Consolidated Public Retirement Board.

RETIREMENT BENEFITS

In order to qualify for retirement benefits, a member of PERS must meet eligibility requirements.

A member hired for the first time prior to July 1, 2015 who has not separated from employment with a participating PERS agency may:

- Retire with full benefits at age 55 if age plus contributing service equals 80 or more. (Known as the Rule of 80).
- Retire with full benefits at age 60 if he or she has 5 or more years of contributing service.
- Retire at age 55 with reduced benefits if he or she has 10 or more years of service.
- Retire with reduced benefits if less than 55 years of age and he or she has 30 or more years of service.

A member hired for the first time prior to July 1, 2015 who has separated from employment with a participating PERS agency and has not withdrawn his or her contributions may:

- Retire at age 62 with full benefits if he or she has 5 or more years of contributory service.
- Retire with full benefits at age 55 if age plus contributing service equals 80 or more. (Known as the Rule of 80).
- Retire with reduced benefits if he or she has 10 or more years of service, and attained age 55 at the time of separation of employment.
- Retire with reduced benefits at age 55 if he or she has between 20 and 25 years of service.
- Retire with reduced benefits if less than 55 years of age and he or she has 30 or more years of credited service.

(B) The member may elect to have a 100% Joint and Survivor annuity, calculated as if the member had retired the day preceding the date of his or her death, paid to a named beneficiary who has an "insurable interest" in the life of the member.

(C) The member may elect not to name a beneficiary and have his or her pre-retirement death benefit paid as a monthly annuity, calculated as though the member had retired as of the date of his or her death and elected a Straight Life annuity, to a minor child or children until the minor child or children attain age 21 or sooner marries or becomes emancipated. In no event shall any child or children receive more than \$250.00 per month under this option.

CATEGORY 4: Hired for the first time after June 9, 2006, has 10 or more years of credited service and is married at the time of death:
Upon the death of a member who falls under this category, a 100% Joint and Survivor annuity will be paid to the deceased member's surviving spouse, calculated as if the member had retired the day preceding the date of his or her death, unless the "Spouse's Waiver of Survivorship Annuity" section on the beneficiary form is completed. If the "Spouse's Waiver of Survivorship Annuity" section is completed, the member may:

(A) Elect to name a beneficiary (ies) to receive a lump sum payment of his or her employee contributions, plus 4% interest; or

(B) Elect to name a child who is financially dependent by virtue of a permanent mental or physical disability to receive the 100% Joint and Survivor Annuity.
*Evidence of the dependent child's disability must be provided and the disabled child must be named sole beneficiary.

CATEGORY 5: Hired for the first time after June 9, 2006, has 10 or more years of credited service and is NOT married at the time of death:
A member who falls under this category may elect one of the following options:

(A) The member may elect to name a beneficiary(ies) to receive a lump sum payment of his or her employee contributions plus 4% interest; or

(B) The member may elect to have a 100% Joint and Survivor annuity, calculated as if the member had retired the day preceding the date of his or her death, paid to a child who is financially dependent upon the member by virtue of a permanent mental or physical disability.
*Evidence of the dependent child's disability must be provided and the disabled child must be named sole beneficiary.

(C) The member may elect not to name a beneficiary and have his or her pre-retirement death benefit paid as a monthly annuity, calculated as though the member had retired as of the date of his or her death and elected a Straight Life annuity, to a minor child or children until the minor child

or children attain age 21 or sooner marries or becomes emancipated. In no event shall any child or children receive more than \$250.00 per month under this option.

DEPENDENT SCHOLARSHIP
Any person who qualifies as a surviving dependent child of a law enforcement officer who dies in the performance of duty is entitled to receive a scholarship to be applied to the career development education of that dependent.

EMPLOYMENT AFTER RETIREMENT
• If a retiree becomes regularly employed by a participating PERS employer, payment of his or her annuity shall be suspended during his or her re-employment, and he or she shall again become a contributing member of PERS.
• A retiree may accept temporary employment from a participating employer so long as he or she does not receive compensation in excess of \$20,000 during any calendar year.
• It is the retiree's responsibility to contact the Board to report re-employment and to determine future retirement options.
• Disability retirees may not earn more than the Social Security substantial gainful activity amount.

TERMINATION OF EMPLOYMENT
If a member terminates employment prior to the time he or she qualifies for retirement benefits and has accrued at least ten (10) years of contributing service, contributions may be left on deposit until he or she qualifies for retirement benefits, or the member may choose to withdraw his or her employee contributions (plus 4% interest if he or she has two or more years of contributing service) from the plan after termination of employment. Unemployed contributors are not eligible to be withdrawn. Once the member withdraws contributions from the system, all future retirement and disability benefits are forfeited.

REINSTATEMENT OF PREVIOUSLY WITHDRAWN SERVICE
Certain members who have been re-employed by a participating public employer may purchase previously withdrawn PERS service, provided that he or she redeposits the withdrawn funds plus interest from the date of the withdrawal. Members must be re-employed for one year and the first reinstatement payment must be made between the first and second year of re-employment. If the first reinstatement payment is not made before the end of the member's second year of re-employment, the member is not eligible to reinstate previously withdrawn service. The full reinstatement amount must be repaid (in a lump sum or payments) before the end of the fifth year of the member's return to employment. Members should contact the Board at the end of his or her first year of return to employment to obtain the cost to reinstate withdrawn PERS service.

MILITARY SERVICE
Up to 5 years of active duty military service and/or National Guard service may be purchased by PERS Tier II members in accordance with the WV Code §§5-10-15 and 5-10-15c. A Tier II member interested in purchasing active duty military service and/or National Guard service must notify PERS in writing that he or she requests to purchase military service during their first 12 months of employment. After completion of 12 months of retirement contributions, PERS will calculate the actual reserve purchase amount and notify the member.

Employees who continue concurrently in active service of the WV National Guard after the time to purchase the employees prior National Guard service may purchase military service credit earned after the prior service period in every even calendar year following, up to the 5 year total.

Members who have a break in employment as a result of being called to active military service may be eligible to purchase additional military service credit as provided by federal law.

OUT OF STATE SERVICE
A member of PERS may purchase up to five years of service credit for public employment performed in another State. However, the member cannot be vested in the other State's retirement system or be in receipt of an annuity from such plan. Purchased out-of-state service may not be used to establish eligibility for a PERS retirement benefit.

APPOINTMENTS
Most retirement related matters can be handled from the convenience of your home via mail and telephone. However, members who wish to visit the Board to discuss retirement related matters with a PERS staff member are **required** to make an appointment.

QUESTIONS
Should you have any questions regarding PERS, Tier II, please feel free to contact us in writing, by phone, or e-mail, Monday through Friday, 8:00 a.m. to 5:00 p.m. For additional information, you may also want to visit our website.

Note:
Information contained in this brochure illustrates the CPRB's understanding of the current provisions of the PERS. These provisions are contained in the current plan statutes, and are subject to modification by the West Virginia Legislature each year. This brochure is for general guidance purposes only. In the event there is a discrepancy between information contained in this brochure and the WV State Code and Rules, the language in the Code and Rules shall prevail.

TIER II PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

FOR THOSE HIRED FOR THE FIRST TIME
AND FIRST BECAME A MEMBER
ON OR AFTER
JULY 1, 2015



Administered by:
The West Virginia
Consolidated Public Retirement Board
(CPRB)

4101 MacCorkle Avenue, SE
Charleston, West Virginia 25304
Telephone: (304) 558-3570 or
(800) 654-4406 (nationwide)
Fax: (304) 558-1394 or
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Website: www.wvretirement.com

Executive Director
Jeffrey E. Fleck

June 2016

PUBLIC EMPLOYEES RETIREMENT SYSTEM TIER II

The Public Employees Retirement System (PERS) was established on July 1, 1961 for the purpose of providing retirement benefits for employees of the State and political subdivisions. During the 2015 Legislative session, legislation passed creating a second tier of retirement benefits for those hired for the first time and first became a member of PERS on or after July 1, 2015 (Tier II). PERS has approximately 36,122 active members and approximately 25,679 retirees receiving annuity benefits. PERS is funded by employee and employer contributions. An active member hired for the first time who first became a member on or after July 1, 2015 will contribute 6.0% of his or her gross monthly salary to PERS Tier II. Until June 30, 2016, the employer will contribute 13.5% of the member's gross monthly salary for a total combined contribution equal to 19.5%. Effective July 1, 2016, the employer will contribute 12% of the member's gross monthly salary for a total combined contribution equal to 18%. All employee contributions currently remitted are tax deferred. Contributions for members are established by statute. The employer contributions are annually reviewed to assure that they result in actuarially sound funding for the plan.

"Board", when used in the following sections of this brochure refers to the West Virginia Consolidated Public Retirement Board.

RETIREMENT BENEFITS
In order to qualify for retirement benefits, a Tier II member of PERS must meet certain eligibility requirements.

A PERS Tier II member who has not separated from employment with a participating PERS agency may:

- Retire with full benefits at age 62 if he or she has 10 or more years of contributing service.
- Retire between the age of 60 and 62 with reduced benefits if he or she has 10 or more years of contributing service.
- Retire between the age of 57 and 62 with reduced benefits if he or she has 20 or more years of service.
- Retire between the age of 55 and 62 with reduced benefits if he or she has 30 or more years of contributing service.

A PERS Tier II member who has separated from employment with a participating PERS agency prior to retirement and has not withdrawn his or her contributions may:

- Retire at age 64 with full benefits if he or she has 10 or more years of contributory service, excluding purchased military service.

- Retire at age 63 with full benefits if he or she has 20 or more years of service, excluding purchased military service.

RETIREMENT BENEFIT ESTIMATE
Approximately 6 to 12 months prior to retirement eligibility, members should contact the Board to request an estimate of benefits for all three retirement annuity options. An estimate is required prior to receiving a retirement packet.

EFFECTIVE DATE OF RETIREMENT

- Effective date of retirement is dependent upon termination of employment, meeting retirement eligibility and the Board's receipt of the retirement application. The Date the Board receives of the retirement application can impact the effective date of retirement. If the member is less than age 62 upon termination of employment, and all retirement criteria are met, the effective date of retirement will be the first day of the month following receipt of the retirement application.
- Retirement benefits are not automatic. Prospective retirees must make application to the Board in order to commence retirement benefits.

RETIREMENT BENEFIT FORMULA
• Regular retirement benefits are paid in equal monthly installments in an amount equal to 2% multiplied by the member's years of credited service multiplied by the member's Final Average Salary (FAS).

- Final Average Salary means the average annual salary from the highest 60 consecutive months within the last 15 years of employment. Any lump sum payment that is not guaranteed to be paid annually is not considered compensation and is, therefore, not used in FAS. Annual increment pay received by State employees is considered compensation and is, therefore, used in FAS.

$$2\% \times \text{Years of Service} \times \text{FAS} = \text{Annual Straight Life Retirement Benefit}$$

ANNUITY OPTIONS

STRAIGHT LIFE: A lifetime annuity payable monthly to the retiree determined under the full benefit formula without adjustment. There are no beneficiary benefits payable under this option.

OPTION A - 100% JOINT AND SURVIVOR: A reduced annuity payable monthly to the retiree for his or her lifetime. Upon the death of the retiree, the named beneficiary will receive the same amount for his or her lifetime.

OPTION B - 50% JOINT AND SURVIVOR: A reduced annuity payable monthly to the retiree for his or her lifetime. Upon the death of the retiree, the named beneficiary will receive one-half of the monthly payment for his or her lifetime.

The named beneficiary in both Option A and Option B must have an insurable interest in the life of the retiree such as a

spouse, child, parent, or other dependent. Under all options, any unpaid employee contributions, plus 4% interest, remaining at the retiree's or beneficiary's death, will be paid to the named beneficiary or the estate.

Once benefits are received under the annuity option selected by the retiree, the option selected is final and no changes are allowed unless permitted pursuant to WV Code §§5-10-24.

BENEFIT PAYMENTS

The first benefit payment due a retiree or beneficiary will be mailed directly to the recipient's home address. Following the first payment, barring any unforeseen circumstances, benefit payments are credited by direct deposit to retiree accounts on the 25th of each month, except in the month of December when retiree accounts are credited on the 18th. If the 25th (or December 18th) falls on a weekend or holiday, direct deposits are processed on the prior full business day.

Social Security income, private sector income, or private sector retirement benefits do not affect PERS regular retirement benefits. (Some stipulations apply to disability retirees.)

Distributions (whether eligible for lump sum refund or monthly annuity) must start by April 1 of the year following the later of: (A) The date a member reaches age 70½, or (B) The date upon which a member terminates employment.

RETIREMENT BENEFIT ESTIMATE
Approximately 6 to 12 months prior to retirement eligibility, members should contact the Board to request an estimate of benefits for all three retirement annuity options. An estimate is required prior to receiving a retirement packet.

DISABILITY RETIREMENT
LESS THAN 10 YEARS OF SERVICE - A member who has less than 10 years of credited service may apply for disability retirement benefits if the member became incapacitated within 12 months of last being employed with a participating public employer and if the incapacitation occurred as a result of a work related injury. The member must be receiving (or have received) Workers' Compensation benefits on account of such disability.

10 OR MORE YEARS OF SERVICE - A member who has 10 or more years of credited service may apply for disability retirement benefits if the member became incapacitated within 12 months of last being employed with a participating public employer.

Disability benefits shall not be less than 50% of a member's FAS. At age 65, the disability benefit is calculated on actual years of service and may be reduced, but the straight life benefit or equivalent may not be less than 20% of the FAS.

Correspondence:

- Letter sent to John Gyga-Curb Appeal

CITY OF BUCKHANNON WEST VIRGINIA 26201

70 E. MAIN STREET
BUCKHANNON, WV 26201

TELEPHONE
(304) 472-1651
DD # (304) 472-9550
FAX # (304) 472-4620

8/8/2016

Mr. John Gyga
131 Barbour St.
Buckhannon, WV 26201

Mr. Gyga,

After being in attendance at several meetings that you have presented a list of suggestions/complaints titled "Appearance, First Impressions, Curb Appeal" I felt compelled to respond and try to answer some of your concerns. I will list my answers in the same format as your questions.

A. The banners are installed as high as possible on the light poles. The planters have to be kept high enough to avoid creating a hazard and prevent tampering with them. They are on opposing sides so when looking at them while driving on Main St. there is very little obstruction.

B. The split rail fence has been repaired along the walk trail. This is an ongoing project due to vandalism and accidents.

C. We are constantly replacing street signage both informative and regulatory. We conduct a reflectivity assessment every year on our regulatory signage.

1. While I do not fully understand the question. I feel part of the question is the responsibility of WVWC. We will be adding signage identifying Camden Avenue as a divided Street.
2. We continually replace street signs as budget permits.
3. We straighten all street signs in the spring and as needed throughout the year.
4. I do not know what you mean by obsolete but the referenced signs are very much needed. We certainly do not want vehicles entering the short section of Barbour St. from Marion and trying to exit onto S. Kanawha St., or parking on the wrong side of the street, or in areas that parking is prohibited.
5. This is a WVWC issue.
6. This is a WVWC issue; I would be against painting lines on Camden for special event parking.
7. E. Main and Sedgwick Streets are no different from all of the streets in the city with on street parking. The UCBOE buses navigate our streets with little difficulty.

D. We will be removing the roll curb on Railroad Avenue at College Avenue intersection while we are working on the College Avenue sidewalk. This will take a little longer than a day and cost about \$2000.00. The swamp that you reference will be addressed later as it will involve steeper work.

E. I am not sure we need an urban planner but I am trying to enlist the help of WVUTAP to realize a



comprehensive sidewalk assessment.

F. The City of Buckhannon Waste Collection Board conducts bulky goods collection on the second Friday of each month. We also have numerous opportunities each April for residents to clean-up their properties and dispose of the waste free of charge. These events are covered in the local newspapers and reported on at several meetings covered by our local TV station.

G. I cannot speak for the WVWC Campus but the larger trees lining our streets are usually topped by the power company. These trees still offer some shade to the property owners and most of them would rather the trees that are still healthy stay.

1. I agree that unhealthy trees should be removed but trees that are healthy just because they were topped should not be removed until they become a hazard.
2. We apply for the WV Forestry and First Energy tree grants each year.
3. Since 2008, we have planted well over 200 new trees in our parks, cemeteries, and along our streets. You John contributed 80+ trees yourself a couple of years ago.

H. This section involves WVWC in how to direct visitor to their campus. We would assist WVWC in whatever they would decide. We have been discussing paw prints leading to WVWC and markers leading to our high school.

I. The lighting on East Main Street is installed using the manufacturer's specifications to give the appropriate light coverage. All of the fixtures have house shades and comply with the International Dark-Sky Association by not projecting upward light.

In closing, the City of Buckhannon Street Department consists of nine full time employees and seven part time seasonal employees. The department is responsible for the construction and maintenance on the following city facilities all streets, alleys, sidewalks, signage, signals, parks, cemeteries, trees, flowers, FEMA buy out properties, Stockert Youth Center, Public Safety Complex, Charles W. Gibson Memorial Library, City Hall, Street Garage/equipment, and the walk trail. I would concede that there are many areas we could improve, for the labor force and the budget amount; I would place the Buckhannon Street Department right up there with any in the state. I feel we are a very progressive and skilled work force. This fact is reflected in the numerous polls conducted on small towns in West Virginia. Thank you for your commitment to bettering our Buckhannon community.

Sincerely,



Jerry Arnold
Street Commissioner
City of Buckhannon

Cc: David McCauley, City Council, CPWB, WVWC

Consent Agenda:

- **Approval of Minutes-Regular Meeting August 11**
- **Approval of Building and Wiring Permits**
- **Approval of Payment of Bills**

**COUNCIL MEETING
Building, Electrical, Demolition Permits
August 18, 2016**

Permit Number	Submitted By and Location	Contractor	Description of Work to be Performed			Total Fees Paid	Zoning	Asbestos	Flood Zone	Elev. Certificate
			Building Description and Value	Electrical Code						
73458	Sprint 47 E Main St	Stoker Construction Lusk Electrical	Inside Remodel Electrical	\$18,842.00 \$3,800.00	A	\$160.15 \$100.00				
73459	Josh Mullins 1 Armory Road	Self	Greenhouse 24'x24' Signage 3'x3'	\$3,050.00		\$28.50	X			
73460	Sprint 47 E Main St	Awatt Sign	Replacement Signage 31'x107'	\$15,000.00		\$127.50	X			
73461	VOID									
73462	Elanor Blend 11 Myrna St	James Lance Handy Man	Replacement Carpet	\$2,465.00		\$26.95				
73463	Nina Scattaregia 68 S Kanawha St	Randy H Collins	Hardwood Flooring	\$2,000.00		\$22.00				
73464	Number One Auto 50 N Locust St	Self	Addition Office 20'x48'	\$53,000.00	A	\$344.50 \$100.00	X	X	X	
73465	Community Care North Ridge Ste 118	Reliable Builders	Inside Remodel for Care Express	\$149,000.00	A	\$819.50 \$149.00	X			

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT	
MAYOR'S OFFICE	XEROX CORPORATION	409-341-00	MAYOR'S SUPPLIES & M	METER USAGE 6-21 TO 7-21-1	110.76	
	GATES SUPPLY	409-341-00	MAYOR'S SUPPLIES & M	PLOTTER PAPER & INK	201.18	
	BRICK STREET MUTUAL	409-226-00	MAYOR'S INSURANCE &	WC 7-5-16 TO 8-1-2016	86.78	
	FBI- BACKGROUND CHECKS	409-341-00	MAYOR'S SUPPLIES & M	PCRD-FEE FOR REC CK FIREC	18.00	
	PITNEY BOWES	409-341-00	MAYOR'S SUPPLIES & M	RENTAL CHARGES	725.00	
	ECHARD; HELEN J	409-214-00	MAYOR'S TRAVEL	MILEGE TO JUDGE TRAINING	27.00	
	SIGN GUY LLC	409-341-05	EVENT/FIREWORK EXPEN	BICENTENNIAL BANNERS	460.00	
	BCN TELECOM INC	409-211-00	MAYOR'S TELEPHONE	472-8149 & 1651	13.59	
	INTERNAL REVENUE SERVICE	409-104-00	MAYOR'S F.I.C.A.	FICA WITHHELD AND MATCHED	20.58	
		409-104-00	MAYOR'S F.I.C.A.	MEDICARE WITHHELD & MATCHE	4.81	
	AMAZON.COM	409-341-00	MAYOR'S SUPPLIES & M	PCRD-FLDRS TAPE HLTRS CAP	13.30	
		409-341-00	MAYOR'S SUPPLIES & M	PCRD-FLDRS TAPE HLTRS CAP	10.32	
		409-341-00	MAYOR'S SUPPLIES & M	PCRD-BINDERS FOR OFFICE	34.95	
	ROSSMAN & CO/PCB	409-341-00	MAYOR'S SUPPLIES & M	DEBT COLLECTION	58.66	
				TOTAL:	1,784.93	
	COUNCIL	BRICK STREET MUTUAL	410-226-00	COUNCIL INSURANCE (P	WC 7-5-16 TO 8-1-2016	0.75
					TOTAL:	0.75
RECORDER	BRICK STREET MUTUAL	411-226-00	INSURANCE/COMPENSATI	WC 7-5-16 TO 8-1-2016	1.33	
		EDWARDS: RICHARD	411-214-00	RECORDER TRAVEL	REIMB MILEAGE @ WVML CONF	81.00
				TOTAL:	82.33	
TREASURER	BRICK STREET MUTUAL	413-226-00	TREASURER'S INSURANC	WC 7-5-16 TO 8-1-2016	45.88	
		INTERNAL REVENUE SERVICE	413-104-00	TREASURER'S F.I.C.A.	FICA WITHHELD AND MATCHED	13.56
			413-104-00	TREASURER'S F.I.C.A.	MEDICARE WITHHELD & MATCHE	3.17
				TOTAL:	62.61	
COURT	BRICK STREET MUTUAL	416-226-00	POLICE JUDGE INS BON	WC 7-5-16 TO 8-1-2016	4.56	
				TOTAL:	4.56	
CITY ATTORNEY	BRICK STREET MUTUAL	417-226-00	CITY ATTORNEY INS UN	WC 7-5-16 TO 8-1-2016	1.10	
			TOTAL:	1.10		
CITY ENGINEER	BRICK STREET MUTUAL	420-226-00	CITY ENGINEER INS &	WC 7-5-16 TO 8-1-2016	0.22	
			TOTAL:	0.22		
ZONING	LYKINS OIL COMPANY	437-214-00	TRAVEL EXPENSE	SYC POLICE WATER SAN FIRE	0.00	
		BRICK STREET MUTUAL	437-226-00	ZONING INSURANCE & B	WC 7-5-16 TO 8-1-2016	447.04
		INTERNAL REVENUE SERVICE	437-104-00	ZONING F.I.C.A.	FICA WITHHELD AND MATCHED	62.00
			437-104-00	ZONING F.I.C.A.	MEDICARE WITHHELD & MATCHE	14.50
				TOTAL:	523.54	
DATA PROCESSING	MPL CORPORATION	439-230-00	DATA PROCESSING	NETWORKING TOWER ACCESS FE	170.00	

08-18-2016 11:00 AM

Disbursement Report 8-11-2016 TO 8-17-2016

PAGE: 2

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT			
				TOTAL:	170.00			
CITY HALL	UNIFIRST CORP.	440-216-00	CITY HALL MAINTENANC	ALL DEPT UNIFORMS	235.68			
		RITE-WAY HEATING & PLUMBING	440-216-00	CITY HALL MAINTENANC	CITY HALL SEWER LINE REPA	31.97		
		BRICK STREET MUTUAL	440-226-00	CITY HALL INSURANCE	WC 7-5-16 TO 8-1-2016	82.89		
		DODSON BROS EXTERMINATING	440-216-00	CITY HALL MAINTENANC	CITY HALL PEST INSPECTION	27.00		
		INTERNAL REVENUE SERVICE	440-104-00	CITY HALL FICA	FICA WITHHELD AND MATCHED	60.99		
			440-104-00	CITY HALL FICA	MEDICARE WITHHELD & MATCHE	14.26		
				TOTAL:		452.79		
		POLICE	RALSTON PRESS INC	700-341-00	POLICE DEPT. MAT & S	WARNING CITATION BOOKS	202.50	
				LYKINS OIL COMPANY	700-343-00	POLICE DEPT. AUTO SU	SYC POLICE WATER SAN FIRE	1,328.19
				UNIFIRST CORP.	700-341-00	POLICE DEPT. MAT & S	SAFETY COMPLEX RUGS JULY 1	78.60
BRICK STREET MUTUAL	700-226-00			POLICE DEPT. INSURAN	WC 7-5-16 TO 8-1-2016	1,517.70		
UPSHUR COUNTY FRN	700-341-00			POLICE DEPT. MAT & S	REIMB SCHOOL SUPPLIES NNO	168.54		
WATCH GUARD VIDEO	700-459-00			POLICE DEPT. NEW EQU	BODY CAMERA BARCUS	960.00		
O'NEAL COMMUNICATIONS AND EL	700-343-00			POLICE DEPT. AUTO SU	REPAIRS TO CRUISERS	190.00		
JENKINS FORD INC	700-343-00			POLICE DEPT. AUTO SU	MULTI POINT INSPECTION	40.00		
	700-343-00			POLICE DEPT. AUTO SU	MULTI POINT INSPECTION	431.32		
	700-343-00			POLICE DEPT. AUTO SU	MULTI POINT INSPECTION	174.24		
	700-343-00			POLICE DEPT. AUTO SU	MULTI-POINT INSPECTION	90.93		
	700-343-00			POLICE DEPT. AUTO SU	MULTI-POINT INSPECTION	90.01		
AR500 ARMOR	700-341-00			POLICE DEPT. MAT & S	PCRD-BPROOF VESTS	2,745.00		
HAWTHORN SUITES BY WYNDHAM	700-221-00			POLICE DEPT. TRAININ	PCRD-STEWART PRO TRNG	476.00		
CHIEF SUPPLY / LAW ENFORCEME	700-345-00			POLICE DEPT. UNIFORM	SAFETY VEST	26.48		
	700-341-00			POLICE DEPT. MAT & S	FLASHLIGHT BATTERY STICK	28.48		
BCN TELECOM INC	700-211-00			POLICE DEPT. TELEPHO	472-5723	6.79		
WALMART STORES INC -BUCKHANN	700-341-00			POLICE DEPT. MAT & S	NATIONAL NIGHT OUT	184.84		
SAM'S PIZZA	700-341-00			POLICE DEPT. MAT & S	PIZZA FOR NATIONAL NIGHT	150.00		
	700-341-00			POLICE DEPT. MAT & S	PIZZA FOR NATIONAL NIGHT	150.00		
	700-341-00			POLICE DEPT. MAT & S	PIZZA FOR NATIONAL NIGHT	70.00		
	700-341-00			POLICE DEPT. MAT & S	PIZZA FOR NATIONAL NIGHT	75.00		
INTERNAL REVENUE SERVICE	700-104-00			POLICE DEPT. FICA TA	FICA WITHHELD AND MATCHED	1,214.12		
	700-104-00			POLICE DEPT. FICA TA	MEDICARE WITHHELD & MATCHE	283.95		
CHAMPION INDUSTRIES	700-341-00			POLICE DEPT. MAT & S	FILING CABINET	360.95		
CORRIDOR H TIRE INC	700-343-00			POLICE DEPT. AUTO SU	TIRES MOUNT BALANCE 2011	62.00		
WV CORRECTIONAL INDUSTRIES	700-341-00			POLICE DEPT. MAT & S	CITATION BOOKS	341.26		
COMFORT INN	700-214-00			POLICE DEPT. TRAVEL	PCRD-OCONNORTRAINING	89.00		
STAPLES BUSINESS ADVANTAGE	700-341-00			POLICE DEPT. MAT & S	CHAIR MAT, CHAIR MAT CHAR	456.63		
	700-341-00			POLICE DEPT. MAT & S	DRY ERASE MARKERS	3.29		
					TOTAL:	11,995.82		
FIRE	LYKINS OIL COMPANY			706-343-00	FIRE DEPT. AUTO SUPP	SYC POLICE WATER SAN FIRE	216.86	
				FISHER AUTO PARTS INC	706-345-00	FIRE DEPT. AUTO SUPP	FIRE DEPT. JULY FUEL BILL	208.71
				BRICK STREET MUTUAL	706-226-00	FIRE DEPT. UNIFORMS	HVAC BLOWER MOTOR	151.10
				LOWES BUSINESS ACCOUNTS	706-341-00	FIRE DEPT. INSURANCE	WC 7-5-16 TO 8-1-2016	1,298.75
					706-341-00	FIRE DEPT. MATERIAL	6 OUTLET TAP & SURGE	25.53
					706-341-00	FIRE DEPT. MATERIAL	GORILLA GLUE	4.95
				DODSON BROS EXTERMINATING	706-216-00	FIRE DEPT. MAINTENAN	MONTHLY PEST INSPECTION	40.00
				BCN TELECOM INC	706-211-00	FIRE DEPT. TELEPHONE	2868	13.59
				WALMART STORES INC -BUCKHANN	706-341-00	FIRE DEPT. MATERIAL	PENS FILE FOLDERS	24.99
					706-341-00	FIRE DEPT. MATERIAL	DRY ERASE	35.92
				INTERNAL REVENUE SERVICE	706-104-00	FIRE DEPT. FICA TAX	FICA WITHHELD AND MATCHED	831.98
			706-104-00	FIRE DEPT. FICA TAX	MEDICARE WITHHELD & MATCHE	194.58		

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
	MES, INC	706-345-00	FIRE DEPT. UNIFORMS	COMPANY PANTS TWILL SHIRT	169.50
				TOTAL:	3,216.46
STREET	LYKINS OIL COMPANY	750-343-00	STREET DEPT. AUTO SU	SYC POLICE WATER SAN FIRE	0.00
		750-343-00	STREET DEPT. AUTO SU	STREET DEPT JULY FUEL BILL	1,965.79
	FISHER AUTO PARTS INC	750-341-00	STREET DEPT. MAT & S	Paint & Primer	176.00
		750-341-00	STREET DEPT. MAT & S	Paint & Primer	47.31
		750-343-00	STREET DEPT. AUTO SU	Battery For S-1	103.39
	UNIFIRST CORP.	750-345-00	STREET DEPT. UNIFORM	ALL DEPT UNIFORMS	353.24
	SOUTHERN STATES COOP INC	750-341-00	STREET DEPT. MAT & S	Grass Seed	119.98
		750-341-00	STREET DEPT. MAT & S	Boots for Mac	146.99
		750-341-00	STREET DEPT. MAT & S	Boots	148.79
		750-341-00	STREET DEPT. MAT & S	Boots	163.99
	WV PAGING	750-211-00	STREET DEPT. TELEPHO	ST DEPT PAGERS	23.00
	RITE-WAY HEATING & PLUMBING	750-341-00	STREET DEPT. MAT & S	Lag Bolts	10.80
	BRICK STREET MUTUAL	750-226-00	STREET DEPT. INSURAN	WC 7-5-16 TO 8-1-2016	1,736.32
	MOUNTAINEER GAS COMPANY	750-213-00	STREET DEPT. UTILITI	341416-404855 17 1/2 FACTO	48.63
		750-213-00	STREET DEPT. UTILITI	269254-314209 4 FACTORY ST	48.63
	NAPA-AMTOWER AUTO SUPPLY	750-341-00	STREET DEPT. MAT & S	2 Wrench Sets	200.00
		750-343-00	STREET DEPT. AUTO SU	Spark Plug & Carb Cleaner	17.52
	LOWES BUSINESS ACCOUNTS	750-341-00	STREET DEPT. MAT & S	Concrete fourming supply	73.35
		750-341-00	STREET DEPT. MAT & S	Concrete Fourming Supplie	58.30
		750-341-00	STREET DEPT. MAT & S	Brass0 Metal polish	7.55
		750-341-00	STREET DEPT. MAT & S	Cleaning Supplies	51.97
	CENTRAL SUPPLY CO	750-341-00	STREET DEPT. MAT & S	PCRD-SCREEN FOR DOOR	38.14
		750-341-00	STREET DEPT. MAT & S	Concrete cuts	1,244.43
		750-341-00	STREET DEPT. MAT & S	Concrete cuts	1,518.43
		750-341-00	STREET DEPT. MAT & S	30 yds Concrete	1,244.43
		750-341-00	STREET DEPT. MAT & S	Concrete	1,381.43
		750-341-00	STREET DEPT. MAT & S	30 yds Concrete	1,518.43
		750-341-00	STREET DEPT. MAT & S	Concrete	1,518.43
	BCN TELECOM INC	750-211-00	STREET DEPT. TELEPHO	472-5755 & 1038	13.59
	MOUNTAIN STATE PEST GUARD	750-341-00	STREET DEPT. MAT & S	Insect Control	30.00
	INTERNAL REVENUE SERVICE	750-104-00	STREET DEPT. FICA TA	FICA WITHHELD AND MATCHED	859.68
		750-104-00	STREET DEPT. FICA TA	MEDICARE WITHHELD & MATCHE	201.07
				TOTAL:	15,069.61
STREET LIGHTS	MON POWER	751-213-00	STREET LIGHTS	110 087 818 008 MAIN ST	5,674.84
				TOTAL:	5,674.84
TRAFFIC SIGNALS & SIGN	MON POWER	752-213-00	TRAFFIC SIGNALS POWE	110081822063 W. MAIN ST	5.21
		752-213-00	TRAFFIC SIGNALS POWE	110088820243 MAIN ST	39.01
				TOTAL:	44.22
PARK 40% TO CPWB	CONSOLIDATED PUBLIC WORKS BD	900-341-00	PARK-30% HOT/MOT PD	JJULY 2016 HOTEL-MOTEL TAX	3,175.35
				TOTAL:	3,175.35
CVB 60% TO CVB	UPSHUR COUNTY CVB	901-235-00	HOTEL/MOTEL 70% PAID	JULY 2016 HOTEL-MOTEL TAX	7,409.14
				TOTAL:	7,409.14
STOCKERT YOUTH CENTER	MPL CORPORATION	907-341-00	MATERIALS & SUPPLIES	NETWORKING TOWER ACCESS FE	233.75
	LYKINS OIL COMPANY	907-216-00	MAINTENANCE	SYC POLICE WATER SAN FIRE	167.02
	A F WENDLING INC	907-360-00	CAMP BUCANNEER SUPPL	CAMP BUC SUPPLIES	24.95
		907-360-00	CAMP BUCANNEER SUPPL	CAMP BUC SUPPLIES	24.16

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
	UNIFIRST CORP.	907-360-00	CAMP BUCANNEER SUPPL	CAMP BUC SUPPLIES	24.95
	LEAF	907-216-00	MAINTENANCE	ALL DEPT UNIFORMS	155.70
	BRICK STREET MUTUAL	907-341-01	OPERATING EXPENSES	COPIER LEASE	82.15
	CARTER: LARRY	907-226-00	INSURANCE & BONDS	WC 7-5-16 TO 8-1-2016	215.29
	WALMART STORES XXX	907-363-00	KARATE CLASS INSTRUC	KARATE INSTRUCTOR	129.00
	SUNSET GRAPHICS LLC	907-360-00	CAMP BUCANNEER SUPPL	PCRD-SHOCK FOR DUNK BTH	14.59
	STAPLES	907-341-00	MATERIALS & SUPPLIES	PCRD-BBALL DECALS	60.00
	WESTON FORD-MERCURY INC	907-356-00	MATERIALS & SUPPLIES	PCRD-OFFICE SUPPLIES	23.87
	WALMART STORES INC -BUCKHANN	907-356-00	YOUTH BASKETBALL	PCRD-RENTAL FOR FLAMTEAM	159.40
		907-360-00	CAMP BUCANNEER SUPPL	CAMP SUPPLIES	64.22
		907-360-00	CAMP BUCANNEER SUPPL	CAMP BUCCANEER SUPPLIES	73.70
		907-360-00	CAMP BUCANNEER SUPPL	CAMP SUPPLIES	68.22
		907-360-00	CAMP BUCANNEER SUPPL	CAMP BUC LUNCHES	64.00
		907-360-00	CAMP BUCANNEER SUPPL	CAMP BUC LUNCHES	116.00
		907-360-00	CAMP BUCANNEER SUPPL	CAMP BUC LUNCHES	20.68
		907-360-00	CAMP BUCANNEER SUPPL	CAMP BUC SUPPLIES	21.24
	MOUNTAIN STATE PEST GUARD	907-216-00	MAINTENANCE	SYC PEST INSPECTION	34.75
	INTERNAL REVENUE SERVICE	907-104-00	FICA TAX	FICA WITHHELD AND MATCHED	544.12
		907-104-00	FICA TAX	MEDICARE WITHHELD & MATCHE	127.24
	STINGO, KEVIN	907-360-00	CAMP BUCANNEER SUPPL	KARATE INSTRUCTOR	43.00
	SAMS CLUB	907-360-00	CAMP BUCANNEER SUPPL	PCRD-CAMP BUC SUPPLIES	229.83
	STEPHANIE LANE	907-368-01	ZUMBA	ZUMBA INSTRUCTOR	104.00
	ZIDES SPORT SHOP	907-356-00	YOUTH BASKETBALL	PCRD-TRVL TEAM EQUIP	187.32
				TOTAL:	3,013.15
CONVENTION CENTER	USDA, RURAL DEVLEOPMENT	910-457-00	CONFERENCE CENTER PA	CONFERENCE CENTER AUG 2016	3,351.00
				TOTAL:	3,351.00

Motion Albaugh/Rylands to Approve the Consent Agenda. Motion carried.

Strategic Issues for Discussion and/or Vote:

- **Property Transfer UCDA Ordinance 2016-007 – second and final reading:**

ORDINANCE NO. 2016-007, AN ORDINANCE OF COUNCIL AUTHORIZING THE MAYOR TO TRANSFER .3377 ACRES, MORE OR LESS, TO THE UPSHUR COUNTY DEVELOPMENT AUTHORITY FOR ECONOMIC DEVELOPMENT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUCKHANNON, UPSHUR COUNTY, WEST VIRGINIA, that the Council does hereby **AUTHORIZE** the Mayor to transfer .3377 acres, more or less, located in Buckhannon, Uphsur County, West Virginia which it acquired from John L. Moss and Debra A. Moss and is of record in Deed Book 459 at Page 631, to the Uphsur County Development Authority (UCDA). This transfer will allow UCDA to utilize its knowledge, expertise and abilities to encourage and create economic growth, stabilization of the tax base, job creation and development at the subject property.

The City of Buckhannon, pursuant to West Virginia Code Chapter 7, Article 12, Section 11, is authorized to transfer real property to the Upshur County Development Authority upon such terms and conditions as the parties may agree. Further, the Upshur County Development Authority, pursuant to West Virginia Code Chapter 7, Article 12, Section 7, is authorized to accept real property for the purposes of economic development within the corporate limits of the City of Buckhannon, Upshur County.

BE IT FURTHER ORDAINED, as follows;

1. The real property heretofore referenced will be transferred, by agreement of the parties and upon such terms as to be agreed upon between the Upshur County Development Authority and the City of Buckhannon.

2. The property will be transferred in accordance with applicable law but such transfer will be contingent upon approval of the POWER grant application currently pending before the Appalachian Regional Commission and the United States Economic Development Administration.

3. Further, it being the understanding of the City of Buckhannon and the Upshur County Development Authority, the property shall be returned to the City of Buckhannon if grant is not awarded.

4. Lastly, such terms shall be contained in a written Agreement between the parties and further, the deed transferring the property shall contain a “reversionary clause” evidencing this requirement.

BE IT FURTHER ORDAINED that all other sections of the Codified Ordinances of the City of Buckhannon, as revised, shall remain in full force and effect until further Ordinance of this Council.

BE IT FURTHER ORDAINED that this Ordinance of the City of Buckhannon, as amended, shall become effective thirty (30) days after passage.

APPROVED AS TO FORM BY: CITY ATTORNEY/SEM

FIRST READING: August 11, 2016

SECOND READING, PASSAGE & ADOPTION: August 18, 2016

David McCauley, Mayor

CERTIFICATE OF ENACTMENT

I, Amberle Jenkins, Assistant City Recorder, do hereby certify that the foregoing Ordinance No. 2016-007, was lawfully ENACTED and ORDAINED by the Council of the City of Buckhannon during a regular session of said Council assembled on the 18th day of August, 2016.

Amberle Jenkins, Assistant City Recorder

**Motion Skinner/ Thomas to Approve Second and Final reading of Ordinance 2016-007.
Motion Carried.**

- **TV Cable Board Franchise Ordinance 2016-006 – second reading (requires three readings)**

**ORDINANCE NO. 2016-006 OF THE CITY OF BUCKHANNON,
AN ORDINANCE GRANTING A RENEWAL FRANCHISE TO
CEQUEL III COMMUNICATIONS II, LLC, A DELAWARE LIMITED LIABILITY COMPANY DOING
BUSINESS AS SUDDENLINK COMMUNICATIONS, TO OPERATE AND MAINTAIN A CABLE
SYSTEM IN THE CITY OF BUCKHANNON, WEST VIRGINIA; AND SETTING FORTH CONDITIONS
ACCOMPANYING THE GRANT OF FRANCHISE; SUPERSEDING ALL PREVIOUS CITY OF
BUCKHANNON ORDINANCES
WITH RESPECT TO THIS FRANCHISE**

Motion Albaugh/Ryland to Approve the Second reading of Ordinance 2016-006. Motion Carried.

- **Director of Public Works Ordinance & Director of Finance Ordinance 2016-009 second & final reading:**

Motion Rylands/Thomas to Approve Ordinance 2016-009- A roll call vote was taken:

Albaugh	Yes
Skinner	No
Rylands	Yes
Thomas	Yes
McCauley	Yes

Motion carried.

ORDINANCE NO. 2016-09 OF THE CITY OF BUCKHANNON, AN ORDINANCE AMENDING MODIFYING AND RE-ENACTING ARTICLE 132 OF THE CODIFIED ORDINANCES OF THE CITY OF BUCKHANNON:

(1) FORMALLY ESTABLISHING THE POSITION OF DIRECTOR OF FINANCE AND ADMINISTRATION AND DESCRIBING THE DUTIES, AUTHORITY AND REQUIREMENTS ASSOCIATED WITH THE POSITION; AND (2) FORMALLY ESTABLISHING THE POSITION OF DIRECTOR OF PUBLIC WORKS AND DESCRIBING THE DUTIES, AUTHORITY AND REQUIREMENTS ASSOCIATED WITH THE POSITION.

WHEREAS, Section 26 of the Charter of the City of Buckhannon specifically provides that, "The council shall appoint ... such other officers as may be provided for by ordinance of the city council"; and,

WHEREAS, Section 39 of the City's Charter specifically provides that, "The council shall have the authority to provide by ordinance for the appointment of such officers as shall be necessary and proper to carry into full force and authority the power, capacity, jurisdiction and duties of said city, which are or shall be vested therein, or in the council, or in the mayor, recorder, or any other officer or body of officers thereof, and to grant to the officers so appointed the power necessary or proper for the purposes above mentioned. The council by ordinance shall define the duties of all officers so appointed"; and,

WHEREAS, the City Council has been presented with a management model that will initially include the creation of the position of Director of Finance and Administration and also the Position of Public Works Director and possibly the creation of a Director of Public Safety at some future date; and,

WHEREAS, the City Council now desires to specifically amend both its Codified Ordinances and the past practice of Buckhannon's City government and formally create and codify the positions of Director of Administration and Finance and the Director of Public Works and likewise define the duties of said positions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF BUCKHANNON, AS FOLLOWS:

.....

CHAPTER FIVE- ADMINISTRATIVE

Art. 132. Finance & Administration and Public Works Directorships

132.01. DUTIES AND AUTHORITY OF DIRECTOR OF FINANCE & ADMINISTRATION: Pursuant to the authority granted to the City of Buckhannon by virtue of state statutory law and the duly-enacted charter for the City of Buckhannon, there is hereby created the position of Director of Finance and Administration. Under the general direction and authority of the Mayor and City Council, the Finance & Administration Director shall exercise the following duties, responsibilities and authority on behalf of the City:

(1) Trained and experienced in both oral and written communications, the Director of Finance and Administration shall serve as the primary point of contact with the Council of the City of Buckhannon respecting all financial, budgetary, administrative, employee wage/salary/benefit administration, personnel policy development, employee manual administration, risk management, and such other functions as are specifically designated by the City Council.

(2) The Director shall function in all respects as the Treasurer and Human Resource Management officer for the City of Buckhannon and all four (4) Utility Boards. The Director shall develop capital improvements programs and short and long term financial plans for the city; monitor the city's financial condition by regularly evaluating revenue/expenditure trends and authorize specialized studies; recommend to the City Council and all Utility Boards changes in service levels, fees, utility rates, and tax rates as necessary to maintain a sound financial condition.

(3) The Director shall assure efficient and responsible City operations by providing managerial leadership and direction; design and maintain organizational structure; establish major operational objectives; monitor progress and undertake necessary and corrective actions; assign project and program responsibilities to supervisors and work with supervisors in developing administrative and departmental goals and objectives.

(4) The Director shall oversee the City's intergovernmental relations liaison function representing the City with federal, state, county and regional agencies; advocate the City's positions on proposed legislation.

(5) The Director shall act as the purchasing agent and manage the purchase of materials, supplies, equipment, and services for which funds are provided in the budget according to the directives and mandates of West Virginia State Code and City ordinances.

(6) The Director shall direct and oversee the creation and maintenance of comprehensive, effective human resource management programs, policies and systems consistent with the City Council's input; direct the improvement of management systems, processes, and measurement techniques to generally improve City operations and effectiveness.

(7) The Director shall function in all respects as the Office Manager of City Hall, and shall have direct supervisory power and authority over all City Hall employees, as well as the employees of the City's Stockert Youth Center, the employees of the Charles W. Gibson Memorial Library, and all other employees not subject to the direct supervisory power and authority of either the Director of Public Works or Public Safety.

(8) The Director shall work closely in collaboration with the City's Directors of Public Works and Public Safety.

(9) The Director shall establish and foster positive contacts and rapport with state and federal legislators and administrative agency officials to maximize awareness of grant and/or other funding opportunities to compliment local revenue streams supportive of all municipal activities and physical plant improvements.

(10) Consistent with (9), the Director along with the Directors of Public Works and Public Safety, shall be the City's primary coordinator of grant proposals as drafted by all supervisors and third parties whomsoever, whether governmentally or private foundation sponsored, subject to pre-submittal approval by the Buckhannon City Council.

(11) The Director collaborating with the Directors of Public Works and Public Safety and all appropriate supervisors shall be one of the primary public relations persons for all municipal functions, who shall be expected to regularly solicit opportunities to positively present the mission, vision, accomplishments and/or needs of the City before the memberships or officers of various civic, charitable, professional, educational, private, business and/or fraternal organizations, such as but certainly not limited to the Upshur County Commission, the Upshur County school system, West Virginia Wesleyan College, St. Joseph's Hospital, the Chamber of Commerce, the County Development Authority, the Rotary and Lions Clubs, local businesses, private foundations, and the Moose and Elks organizations. Additionally, the Director shall actively promote and seek to maximize public awareness of municipal activities and programs by keeping the local press and media aware of all of such activities and programs, including preparation and delivery of written announcements and press releases.

(12) The Director shall be prepared to travel from time-to-time to Charleston and other locales, to promote the City and the functions of oversight and foster positive outcomes respecting City requests for funding and/or grant applications.

(13) The Director shall work closely with other appropriate City officials to develop, refine from time-to-time, and realize the City's mission.

(14) The Director shall regularly attend and actively participate in all weekly Director, bi-monthly Buckhannon City Council, and the four Utility Boards' monthly meetings, and shall further periodically attend and report to other appropriate entities and organizations about the accomplishments and efforts, as well as the needs of the departments of oversight.

(15) The Director shall regularly attend workshops, seminars, and other programs to become aware of approaches to facilitate realization of the City's mission respecting the departments of oversight.

(16) The Director shall assist the Directors of Public Works and Public Safety and all supervisors in proposing an annual fiscal year budget to be submitted to the City's Director of Finance and Administration on or about February 1 of each year, and shall work closely with all appropriate persons to realize funding for programs and activities of the departments of oversight.

(17) The Director shall work closely with the Directors of Public Works and Public Safety and all supervisors to assure the development and promotion of activities and programs that are all-inclusive, without regard to any participant's gender, race, religion, handicap, orientation, or socio-economic status.

(18) The Director shall assist the Directors of Public Works and Public Safety in making the City Council aware of special physical plant improvements or equipment needs, and shall facilitate funding requests with the City to meet those needs.

(19) The Director shall assist where appropriate in the coordination and/or recruitment of interns and specially funded employees (e.g., Americorps, Vista, etc.) throughout the municipal organization.

(20) The Director shall be familiar with the general physical plant of the City, and shall immediately report to the other directors and City Council any and all needs for any scheduled or extraordinary repairs or maintenance to municipal buildings or other facilities or equipment.

(21) The Director shall facilitate and assist in conducting public forums, surveys, and other methods respecting current or proposed departments of oversight activities, programs, and facilities

(22) The Director shall, in collaboration with the Directors of Public Works and Public Safety, periodically conduct and prepare in written form for the City Council's consideration an assessment report identifying all municipal departmental needs and including individual activity and program review.

(23) The Director shall be technologically adept and trained, and shall work with the City's Technology Officer to identify respective departmental technology needs, and then assist in the development and implementation of a comprehensive and integrated technology plan.

(24) The Director shall be committed to promoting departments of oversight as a central information repository for any and all programs and activities occurring as part of the City of Buckhannon's municipal functions.

(25) The Director shall participate as requested in staff meetings of all other paid and/or volunteer staff members, while always remembering to apply a "team member" philosophy.

(26) The Director shall conduct Annual Evaluations of all personnel supervised by the Director, and shall make recommendations when appropriate for merit pay increases.

(27) The Director or the Director's designees, shall prepare and disseminate agendas for all City Council and Utility Board meetings.

(28) Perform all such other duties and responsibilities as may be required by the laws of the United States of America, the State of West Virginia, and/or city ordinances, or as otherwise directed by the Mayor or City Council.

133.02. EDUCATION, EXPERIENCE, RESIDENCY AND OTHER REQUIREMENTS FOR THE DIRECTOR OF FINANCE & ADMINISTRATION.

(1) The Director of Finance and Administration shall possess extensive experience in public management including responsibilities for operations, budgeting and finance, and human resource management and administration.

(2) The Director of Finance and Administration shall be bondable.

(3) The Director of Finance and Administration shall possess or be able to acquire and maintain at all times, a valid State of West Virginia driver's license.

(4) The Director of Finance and Administration either shall (1) be a resident of Upshur County, West Virginia, or (2) become a resident of Upshur County, West Virginia within 90 days of beginning employment as Director of Finance and Administration with the City of Buckhannon.

133.03. DUTIES AND RESPONSIBILITIES OF DIRECTOR OF PUBLIC WORKS. Pursuant to the authority granted to the City of Buckhannon by virtue of state statutory law and the duly-enacted charter for the City of Buckhannon, there is hereby created the position of Director of Public Works. Under the general direction and

authority of the Mayor and City Council, the Public Works Director shall exercise the following duties, responsibilities and authority on behalf of the City:

(1) Trained and experienced in both oral and written communications, the Director of Public Works shall serve as the primary point of contact with the Council of the City of Buckhannon respecting all identified functions involving all municipal utility functions, municipal buildings and other improvements, oversight of the City's streets, alleys, sidewalks, curbs, gutters, storm sewers, parks and river trail, cemetery, and such other functions and projects as are specifically designated by the City Council.

(2) The Director shall work closely in collaboration with the City's Directors of Finance & Administration and Public Safety, and all supervisors of the City's Utility Boards as well as the City's engineers and attorney. The Director oversees and manages the work of all Utility supervisors, while coordinating collaborative, inter-utility functions and projects.

(3) The Director shall establish and foster positive contacts and rapport with state and federal legislators and administrative agency officials to maximize awareness of grant and/or other funding opportunities to compliment local revenue streams supportive of all activities and physical plant improvements.

(4) Consistent with (3), the Director shall be the City's primary coordinator of grant proposals as originating with the Utility Boards, whether governmentally or private foundation sponsored, subject to pre-submittal approval by the Buckhannon City Council.

(5) The Director, collaborating with appropriate Utility Board supervisors, shall be one of the primary public relations persons for utility functions, who shall be expected to regularly solicit opportunities to positively present the mission, vision, accomplishments and/or needs of the City before the memberships or officers of various civic, charitable, professional, educational, private, business and/or fraternal organizations, such as but certainly not limited to the Upshur County Commission, the Upshur County school system, West Virginia Wesleyan College, St. Joseph's Hospital, the Chamber of Commerce, the County Development Authority, the Rotary and Lions Clubs, local businesses, private foundations, and the Moose and Elks organizations. Additionally, the Director shall actively promote and seek to maximize public awareness of all utility activities and programs by keeping the local press and media aware of all of such activities and programs, including preparation and delivery of written announcements and press releases.

(6) The Director shall be prepared to travel from time-to-time to Charleston and other locales, to promote the City and the functions of oversight and foster positive outcomes respecting City requests for funding and/or grant applications.

(7) The Director shall work closely with other appropriate City officials to develop, refine from time-to-time, and realize the City's mission.

(8) The Director shall regularly attend and actively participate in all weekly Director and bi-monthly Buckhannon City Council meetings as well as the monthly meetings of the City's four Utility Boards, and shall further periodically attend and report to other appropriate entities and organizations about the accomplishments and efforts, as well as the needs of the departments of oversight.

(9) The Director shall regularly attend workshops, seminars, and other programs to become aware of approaches to facilitate realization of the City's mission respecting the departments of oversight.

(10) The Director shall assist all utility supervisors in proposing an annual fiscal year budget to be submitted to the City's Director of Finance and Administration on or about February 1 of each year, and shall work closely with Director of Finance and Administration to realize funding for programs and activities of the departments of oversight.

(11) The Director shall serve as the primary point of contact with outside organizations and persons soliciting some use of the City's utility board facilities and/or equipment for purposes not conflicting with the City's mission, and shall request the approval of such outside uses not conflicting with municipal programs with the City Council.

(12) The Director shall review and when appropriate propose amendments and implement improvements to policies respecting the use and/or rental of municipal buildings and facilities.

(13) The Director shall work closely with all supervisors to assure the development and promotion of activities and programs that are all-inclusive, without regard to any participant's gender, race, religion, handicap, orientation, or socio-economic status.

(14) The Director shall make the other Directors and City Council aware of special physical plant improvements or equipment needs, and shall facilitate funding requests with the City to meet those needs.

(15) The Director shall be familiar with the physical plant all municipal buildings and other facilities and shall immediately report to the other directors and City Council any and all needs for any scheduled or extraordinary repairs or maintenance to municipal buildings, facilities, and/or equipment.

(16) The Director shall facilitate and assist in conducting public forums, surveys, and other methods respecting current or proposed departments of oversight activities, programs, and facilities

(17) The Director shall periodically conduct and prepare in written form for the City Council's consideration an assessment report identifying building, facility, and equipment needs, and respective departments' needs and including individual activity and program review.

(18) The Director shall be technologically adept and trained, and shall work with the City's Technology Officer to identify all departmental technology needs, and then work to develop and assist in the implementation of a comprehensive technology plan.

(19) The Director shall work closely with, and generally oversee the work of all paid fulltime, part-time, and seasonal staffers, while employing a team member philosophy.

(20) The Director shall be committed to promoting departments of oversight as a central information repository for any and all programs and activities occurring in Upshur County whether or not formally sponsored by, or occurring at the City buildings or facilities.

(21) The Director shall participate as requested in staff meetings of all other paid and/or volunteer staff members, while always remembering to apply a "team member" philosophy.

(22) The Director shall conduct Annual Evaluations of all Utility Board supervisors, city engineers, and other personnel assigned to the Director's oversight, and shall make recommendations when appropriate for merit pay increases.

(23) The Director shall assist the Director of Public Safety in the implementation of the City's widely disseminated municipal crisis/disaster plan.

(24) The Director shall assist the Director of Public Safety in reducing the City's current Insurance Services Organization's (ISO) rating of five.

(25) The Director shall be familiar with the City's comprehensive parking plan, and shall oversee all parking lots of the City of Buckhannon, although the oversight of the City's parking enforcement officer shall be the responsibility of the Director of Public Safety.

(26) The Director shall oversee the administration of street addressing, flood control management, and ADA compliance delegating functional responsibility for such municipal matters to city engineers and others as appropriate.

(27) Perform all such other duties and responsibilities as may be required by the laws of the United States of America, the State of West Virginia, and/or city ordinances, or as otherwise directed by the Mayor or City Council.

133.04. EDUCATION, EXPERIENCE, RESIDENCY AND OTHER REQUIREMENTS FOR THE DIRECTOR OF PUBLIC WORKS.

(1) The Director of Public Works shall possess extensive experience in construction methods, materials and equipment as applied to municipal public works. Director of Public Works must also demonstrate considerable knowledge of the modern principles and practices of municipal public works administration and possess working knowledge of finance, administration and budgeting.

(2) The Director of Public Works shall be bondable.

(3) The Director of Public Works shall possess or be able to acquire and maintain at all times, a valid State of West Virginia driver's license.

(4) The Director of Public Works either shall (1) be a resident of Upshur County, West Virginia, or (2) become a resident of Upshur County, West Virginia within 90 days of beginning employment as Director of Public Works with the City of Buckhannon.

133.05. EFFECTIVE DATE: This Ordinance shall be deemed effective thirty (30) days following the second (2nd) reading, passage and adoption by the Council of the City of Buckhannon, i.e., September 18, 2016.

FIRST READING: August 11, 2016

SECOND READING, PASSAGE & ADOPTION: August 18, 2016

David McCauley, Mayor

CERTIFICATE OF ENACTMENT

I, Amberle Jenkins, Assistant City Recorder, do hereby certify that the foregoing Ordinance 2016-009 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on August 18, 2016.

Amberle Jenkins, Assistant City Recorder

- **Downtown Parking Ordinance 2016-008 – first reading**

City Attorney-Scott McClure read the caption.

ORDINANCE NO. 2016-008 OF THE CITY OF BUCKHANNON, AN ORDINANCE AMENDING, MODIFYING AND RE-ENACTING ARTICLE 361 OF THE CODIFIED ORDINANCES OF THE CITY OF BUCKHANNON, UPSHUR COUNTY, WEST VIRGINIA REGARDING PARKING

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF BUCKHANNON, AS FOLLOWS:

.....

CHAPTER SEVEN – Parking

Art. 361. Parking Generally

ARTICLE 361

Parking Generally

- | | |
|---|---|
| 361.01 Prohibition against highways. district | 361.08 Parking for certain purposes parking on streets or prohibited |
| 361.02 Police may remove illegally stopped vehicles. | 361.09 Parking prohibited during certain hours in downtown |
| 361.03 Prohibited stopping, standing or parking places. | 361.10 Truck loading zones. |
| 361.04 Vehicles parked on private property. | 361.11 Bus stops and taxicabs stands. |
| 361.05 Manner of angle and parallel parking. | 361.12 Parking in alleys and narrow streets; exceptions |
| 361.06 Accessible parking. | 361.13 Registered owner prima-facie liable for unlawful parking. |
| 361.07 Abandoned/junk motor vehicles | 361.14 Monthly permit fees for parking vehicles in various off-street parking facilities. |
| | 361.15 Regulations. |
| | 361.16 Severability. |
| | 361.17. Effective Date. |
| | 361.99 Penalty. |

CROSS REFERENCES

See sectional histories for similar State law Authority to regulate the standing or parking of vehicles – see W. Va. Code 17C-2-8(a)(1)

Authority to regulate parallel and angle parking –

See W. Va. Code 17C-13-4

Impounding of abandoned vehicles - see TRAF. 303.07

Duty to stop engine, set brake on grade and remove

key – see TRAF. 349.01

Motion Albaugh/Skinner to Approve Downtown Parking Ordinance 2016-008 on first reading (with effective date of January 1, 2017). Motion Carried.

- **Accept Notice of Termination of Agreement McClure Goad PLLC (City Attorney)**

Motion Albaugh/Thomas to accept Notice of Termination of Agreement McClure Goad PLLC. Motion Carried.

----- Forwarded message -----
From: **Scott McClure** <scott@mccluregoadlaw.com>
Date: Mon, Aug 15, 2016 at 11:15 AM
Subject: Notice of Termination of Agreement
To: David McCauley <david.mccauley@buckhannonwv.org>, "McCauley, David" <mccauley@wvwc.edu>, CJ Rylands <cjmbuc@cebridge.net>, Mary Albaugh <mary.albaugh@buckhannonwv.org>, Robbie Skinner III <rskinner@dyerinsgroup.com>, Pam Cuppari <pam.cuppari@buckhannonwv.org>, Rick Edwards <rick.edwards@buckhannonwv.org>

Mayor, Recorder & Council Members,

Be advised that our firm has opted to terminate our contract with the City of Buckhannon effective September 30, 2016.

Respectfully,

Scott

City Council thanked Mr. McClure for his work during the past year.

- **Notice to Proceed to Accept Statement of Qualifications for City Attorney**

Council Thomas remarked on need for Charter change. In the spirit of what Mayor has mentioned in past. A way to benefit the City in a different way, yet more efficient. If Council has any recommendations please contact the Mayor or Mrs. Jenkins.

**City of Buckhannon
Notice of Position of City Attorney**

The City of Buckhannon will receive letters of interest and curriculum vitae from attorneys licensed to practice law in West Virginia to provide legal services and serve as the chief legal advisor and counselor to the City Council, the City's Utility Boards, and all appointed officers of the City.

Information to be provided shall include: (1) letter of interest highlighting education, experience, and professional qualifications and accomplishments; (2) professional resume; (3) proof of current West Virginia Bar membership including Bar number; (4) proof of current, malpractice insurance; and (5) list of professional references.

The City Attorney represents the City in all litigation and administrative proceedings in which the City, or any City officer or employee in their municipal capacity is a party. The City Attorney shall perform such legal duties incidental to the office as may be directed by the Mayor or City Council. The City Attorney shall serve the Council, officers, and Boards of the City as chief legal counsel. The City Attorney shall receive such regular compensation as agreed upon with the City Council. No person shall be eligible for appointment to the office of City Attorney who is not an attorney-at-law duly admitted to practice in the State of West Virginia, and shall be a licensed and active member currently in good standing with the West Virginia Bar Association.

Duties and Responsibilities of the City Attorney include, but are not limited to the following:

- Prosecute or defend all suits on behalf of or against the City
- Review or prepare all contracts, deeds, bonds, and other legal documents for the City
- Serve as prosecutor of the Municipal Court
- Attend all regular and special meetings of the City Council advising the mayor and council on legal questions arising, and further shall upon request attend Utility Board meetings
- Advise the City in the preparation of resolutions and ordinances and perform such other legal services as may be required by City Council

- Perform all other duties and functions associated with the office of City Attorney as prescribed by the WV Code, the City Charter, ordinances and resolutions, or as directed by the Mayor, City Council, and/or the Boards and Commissions of the City.

The City Attorney is appointed by the Mayor and City Council and serves at the will and pleasure of the City Council. This position is an at-will one without benefits. The City further may terminate the City Attorney for misfeasance, nonfeasance, and malfeasance at any time.

All interested attorneys shall submit the requested information hand delivered or postmarked by midnight on Saturday, September 17, 2016 to:

David W. McCauley, Mayor
City Hall
70 East Main Street
Buckhannon, WV 26201
Reference: Position of City Attorney

The City Council shall consider the above materials as submitted by applicants and then determine during a special meeting to be held on Tuesday, September 20 those attorneys who will be interviewed by the Council for the position on or about September 27. The City Council will meet specially on Thursday, September 29 to deliberate and announce the successful candidate who will commence their service as City Attorney on October 1.

Applicants are subject to a criminal identification bureau investigation, and agree to execute such release to permit such investigation.

The City shall consider all application materials without regard to any applicant's race, national origin, ethnicity, gender, religion, age, handicap, familial status, sexual orientation, or any other protected class status in the appointment of the City Attorney.

David W. McCauley, Mayor

Motion Albaugh/Thomas to Authorize an advertisement to accept applications and resumes from persons or firms to fill the position of City Attorney. Motion carried.

Mayor McCauley informed City Council that they should prepare to begin the process of replacing the position of City Recorder now held by Richard Edwards at the September 1st Council meeting. Mr. Edwards is to resign by August 31, 2016.

Council Comments:

- Council Albaugh reminded Council and the public that the Planning Commission will meet Monday at 6:30 pm to look at and update the 2020 Plan, if anyone has any recommendations please attend the meeting. It seems difficult to get people involved with it. There are vacancies on this Commission.
The French Creek Pioneer Descendants meet and have entertainment this weekend.
- Council Rylands commented that tasking people to meet weekly with duties.
- Council Skinner reported Cash Mobs were brought back by the Chamber of Commerce. He welcomed WVWC Students to Buckhannon. He enjoyed the WV Municipal League Conference.
- Council Thomas thanked everyone that attended the meeting this evening. He appreciates Mr. Smith's work. He has received several calls regarding comments on facebook. He wants the community to know that Council wants Buckhannon to be successful. Council has supported many projects and organizations. He was distressed by the remarks last week regarding the BBQ Bash. Council did support the group and gave in-kind funds to them as well.

Mayors Comments:

- Flags for Fallen will be installed in the cemetery for two weeks beginning August 27th. There have been 70 flags purchased to date.

- He reminded that approximately 1500 students will move to town to attend WVWC. He asked citizens to welcome them.

August 15, 2016

Dear WVWC Students:

On behalf of the City of Buckhannon and our 130 employees, I bring you warmest greetings from City Hall. To those of you returning to your Home Among the Hills, we are very glad to welcome you back. To our newest students comprising the Class of 2020, we are most pleased to welcome you to our community.

As the dad to five kids, four of whom are Bobcats, I can assure you that you've chosen well in deciding upon West Virginia Wesleyan College for your higher educational pursuits. Beginning my 34th year of instructing courses at WVWC, perhaps I'll come to know you as one of my students. Our entire City Council either has worked at WVWC, are alums, or are parents of alums. We all love our ole place, and I believe that there isn't a prettier campus anywhere.

There are so many fun things to do in our beautiful downtown. From sampling the many culinary wonders in our many fine restaurants and cafes to Festival Fridays in Jawbone Park through the end of September to checking out the many cool arts and flora to hitting our terrific River Trail- there truly is something for everyone.

You are invited to attend our City's Bicentennial celebration downtown on Friday evening, September 30. You'll come to find out that Buckhannon loves parades and fireworks! We're always looking for college student volunteers and work studies at our Stockert Youth Center to help with our many athletic and after-school programs. Please get involved in our community. You'll never regret it. Enjoy a most excellent 2016-17 school year!

Very truly yours,

David W. McCauley, Mayor

- Mayor McCauley read the following statement.

**CITY OF BUCKHANNON – MAYOR'S STATEMENT ON
PROGRESS DURING PAST 100 DAYS – August 18, 2016**

We ... and by "WE" I sure don't mean "me"... have now been working together as of today for exactly 100 days. I had assured our citizens that if elected I would hit the ground running, and promised to help spearhead projects, effect certain changes, recognize people in our community who make such a positive difference or who have accomplished great things, and support our excellent employees.

Together, we have done a lot of those things. There has been a speed bump or a pothole or two to navigate along the way- but I sincerely believe our City is moving in a forward direction. We are getting better as an organization, and improving as a community. We are making changes, while recognizing that change is difficult.

We have improved our transparency. In three months of council meetings we've held but one executive session regarding a personnel matter. Our four Utility Board agendas are now posted just like city council meetings, and Board meeting minutes are being made available online just like Council meeting minutes. Any practice of e-mail meetings by Council or Board members has ended. What we discuss as a body of government, we discuss almost always now before the people whom we serve. And as a reminder as to whom we serve, the once elevated platform in this very chamber is long gone, and we now all sit on the same level with those who elected us to sit here. When I receive a piece of information, whether it's good news or bad, I dispatch it to the members of our Council. Information received by me as mayor, doesn't belong to me, it belongs to this body and ultimately to the public whom we serve.

We have improved our efficiency. Consent agendas are now a part of all Board meetings, minimizing review of every single item of correspondence and informational matters that sometimes take a lot of time away from our focus on the most important issues at-hand during our public meetings. As a result of this Council's actions this evening, we will not be hiring a new city administrator, and will save \$75,000-\$80,000 annually while more effectively and collaboratively discharging our essential service functions. Soon we will engage in internal and external assessment of our functions, which will result in cost savings. We will better and more efficiently use all of our resources- human, mechanical, financial.

We have been inclusive. Nobody has been refused their voice before this body or any of our Boards. We learn, evolve and rethink our positions as they are vetted through public discussions. The smartest person in the world isn't one who listens only to their own voice.

We are improving our competency. Our personnel will be allowed to exhibit their best skills and talents for the success of our organization. Our projects are many and substantial. Our Water Department personnel are in the middle of millions of dollars of improvements. Our Sanitary Department similarly remains aggressive in adding decades of life to a plant that was built to endure for 30 or 40 years. By undertaking the upcoming clarifier project in-house versus contracting it out will result in about \$120,000 in cost savings with that one project alone. Our Waste Collection Department will soon launch a state-of-the-art tote collection system. Our Streets & Parks crews are nearly complete with an excellent new stretch of sidewalk on College Avenue, and next week will turn to Trader's Alley, the Stockert Youth Center parking lot, improvements to the exterior of our Public Safety Complex, repairs to City Hall, and new playground equipment installation and paving improvements at the North Buckhannon Park. Our Stockert Youth Center is assessing its after-school programs and implementing positive improvements to our policies and methods.

The Trader's Alley sign is up, the public safety complex fence is down. Most of our residents notice that we are moving as partners in a progressive direction. They enjoy the many events in Jawbone Park, Festival Fridays, fireworks, mural unveilings, music on the river, the newly refurbished basketball & volleyball courts at Stockert Youth Center. We are extending our River Trail. Soon we will start the Gateway West project.

Some may think given some of the negative headlines in the news of the past week or so, that our City is challenged or that we are a troubled lot. I want to reassure our citizens that this organization is very strong. Buckhannon is not defined by the acts or character of any one person. The success of our City's efforts and the magnitude of our readiness to collaborate to assure the success of our community's organizations and event sponsors is not defined by the malcontent of any one group.

It's certainly been a happening place these past 100 days. Many undertakings are challenging, yet exciting. In 43 days, we're going to enjoy a heckuva Bicentennial celebration. As you so often hear me say- it remains our greatest truth- we are all in this together.

Motion Rylands/Thomas to Adjourn into Executive Session per WV Code to discuss personnel at 9:46 pm. Motion carried.

Council took a brief recess before going into the executive session.

There being no further business to be transacted, meeting adjourned at 10:05 p.m.

Mayor David McCauley _____

Assistant Recorder Amberle Jenkins _____