

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

A regular meeting of the Buckhannon City Council was held September 1, 2016 at 7:00 pm at City Hall with the following in attendance:

Mayor	David McCauley	Present
Assistant City Recorder	Amberle Jenkins	Present
Council Member	David Thomas	Present
Council Member	CJ Rylands	Present
Council Member	Mary Albaugh	Present
Council Member	Pamela Cuppari	Present
Council Member	Robbie Skinner	Absent
City Attorney	Scott McClure of McClure and Goad, PLLC	Present
Street/Waste Superintendent	Jerry Arnold	Present
City Engineer	Jay Hollen	Present
Fire Chief	James Townsend	Present
Office Clerks	Barbara Hinkle & Shayla Gowers	Present
WVWC Intern/Student Body President	Chad Wall	Present
Record Delta Newspaper		Present
Inter-Mountain Newspaper		Present
Channel 3		Present

The following guests were also 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
Jerry S. Kinch	90 Little Sand Run Road, Buckhannon	Y (N)
Timothy Reese	42 College Ave	Y (N)
Heidi Bray	115 Chestnut St	Y (N)
Kohitaroh Kusunoki		Y N
William Baker		Y (N)
Emily Kroll		Y (N)
Ron Pashy		(Y N) ?
Joe Shaw		Y N
Rachel Pinto		Y (N)

Meeting Agenda Posted 08-29-16

**City Council of Buckhannon – 7:00 pm in Council Chambers
Meeting Agenda for Thursday September 1, 2016**

- A. Call to Order
 - A.1 Moment of Silence & Pledge to the Flag of the United States of America
 - A.2 Mayor's Greetings
- B. Recognized Guests
 - B.1 Proclamation
- C. Department and Board Report
 - C.1 Jay Hollen – City Engineer
 - C.2 Jerry Arnold – Street Commissioner & Waste Superintendent
 - C.3 James Townsend- Fire Chief
 - C.4 Amberle Jenkins- Report
 - C.5 Scott McClure– City Attorney
- D. Correspondence
 - D.1 BiCentennial Celebration Notes
 - D.2 Proclamation – Mike Feola/First Community Bank/Stump Lane
 - D.3 Proclamation – Bob Wallace Day – Bridge Dedication
 - D.4 Bicentennial Logo
 - D.5 1816 Flag Art and Story – Spring Street/Willard Way
 - D.6 Email regarding UCDA Power Grant Award
 - D.7 Email regarding comic strip in local newspaper
 - D.8 Notice 7Eleven closing business
 - D.9 Notice Lay-off Deep Well
 - D.10 Community Calendar of Events
 - D.11 Letter from John Gyax
 - D.12 Notice to Advertise for City Attorney
 - D.13 Notice to Advertise for Parking Enforcement (2-part time)
 - D.14 FOIA Request for Water Department Lawsuit documents
 - D.15 88 Restaurant Extension of floor plan for September

E. Consent Agenda

- E.1 Approval of Minutes – Regular meeting August 18
- E.2 Approval of Building and Wiring Permits
- E.3 Approval of Payment of the Bills

F. Strategic Issues for Discussion and Vote

- F.1 Downtown Parking Ordinance 2016-008 – second reading (third reading & public hearing on Sept 15)
- F.2 Accept Resignation of Recorder-Richard Edwards
- F.3 Discussion and process to replace Recorder position
- F.4 Sign Committee possible appointment
- F.5 Recommendation from Buckhannon Housing Authority – to appoint two members – Margaret Kelley resignation letter and Roy Law previously resigned.
- F.6 Set date for Trick or Treat – Monday October 31st 6 pm to 7:30 pm – Moose Lodge activities to follow Jawbone
- F.7 Refer Outdoor Digital Billboard for Off-Sight advertising and PA to Planning Commission for review
- F.8 Appoint an Audit Procurement Committee (Mayor- Amby – two more appointments)
- F.9 Consideration of Line Item for Sponsorships

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

H. Mayor's Comments and Announcements

I. Adjournment

Posted 8/29/16

Mayor McCauley called the meeting to order following by a moment of silence and pledge to the US Flag. Mayor McCauley recognized the passing of former employee Jerry Bauer, who was employed with the City of Buckhannon for 19 years, Dr. Myron B. Hymes who served on City Council and on the utility boards and the folks that are retooling in the result of the layoffs.

Proclamation moved to the September 15th meeting and recognition of the 2016 (10-12 year old) State Soccer Champs.

Department and Board Reports:

- **Jay Hollen- City Engineer** reported on the following:

**City Council Update
September 1, 2016**

Water Treatment Plant Improvement Project

- Construction activities continue on the Settlement Basin and in the Pipe Gallery.
- The Contractor has completed installation of the cementitious coating on the interior walls of Train A of the Settlement Basin.
- Train A of the Settlement Basin has been filled with water to determine if any leaks have reappeared.
 - If so, cementitious coating “patches” will be applied to both the interior and exterior walls of Train A.
- The Contractor has begun assembly of the treatment process equipment that will be installed in Train A once the approval of the cementitious coating system is given.
- The Contractor continues with electrical component installation in both the Pipe Gallery and on the Settlement Basin.

North Buckhannon City Park Improvement Project

- Nothing new to report.
- *Awaiting FEMA's review and approval of the permeable concrete mix design to be used at the NBCP due to restrictions on FEMA-purchased mitigation / buyout property.*
 - *Due to the June 26, 2016 flooding event, the review process has been suspended because FEMA / WVOHSEM is currently dealing with flood-related issues.*
- *The exterior (outside) phases of the Project that involve ADA-compliant permeable concrete cannot start until the City receives the approval letter from FEMA.*

Raw Water Intake Emergency Generator Project

- Nothing new to report.
- *The WVDHSEM grant application for the purchase & installation of a backup generator for the Raw Water Intake was submitted to the WV Division of Homeland Security and Emergency Management (WVOHSEM) on June 10, 2016.*
 - *Due to the June 26, 2016 flooding event, the review process has been suspended because FEMA / WVOHSEM is currently dealing with flood-related issues.*
- *Anticipated cost of the project is \$225,000.00.*

- *If approved, FEMA would provide \$180,000.00 and the Water Board would provide \$45,000.00 (an 80/20 split).*
- *There is the possibility that the WVDHSEM would provide the \$45,000.00 (as a local match) but the Water Board needs to budget the money in case the WVDHSEM cannot provide the money.*

Note: "XYZ" denotes talking points / updates from previous updates.

USACE Local Flood Control Project

- Civil and Environmental Consultants, Inc. (CEC) has completed the field survey portion of the *Virginia Spiraea* botanical survey.
- No *Virginia Spiraea* was found within the Project Area.
- Once the Report of Findings is received, reviewed and approved, the Report will be forwarded to the USACE for their review and recommendations.
 - The USACE will more than likely instruct us to begin cleanup of the river banks only at this time, or
 - The USACE will instruct us to conduct the freshwater mussel survey as early as possible next year so that cleanup on both the river banks and the river can proceed at one time.

SCADA System

- The Water Distribution System SCADA installation is 100% complete.
- Punchlist items were completed on August 30, 2016.
- Additional SCADA-related work will be installed at a future date.
 - Although separate from the SCADA work itself, the Water Board decided to proceed with the installation of the additional SCADA-related work as the work was budgeted for a 2016-17 installation using Water Board monies.

McDonalds / Route 20 Lane Widening

- I recently submitted a waterline relocation design and the associated costs for both the intersection of Rt. 20 & East Victoria Street and along Rt. 20 to the WVDHSEM for review and approval.
 - The proposed storm sewer installation at the Rt. 20 & East Victoria Street intersection conflicted with existing waterline utilities in the area and required that (4) affected waterlines in the intersection be relocated.
 - The proposed waterline relocation along Rt. 20 would move the existing waterline from the middle of the proposed turning lane to the middle of the new south-bound lane (approximately 10' south).
 - This would allow for the maintaining of (2) lanes of traffic without interruption in case repairs to the waterline would be required in the future.
 - Awaiting comments back from the WVDHSEM.
- Based upon the August 15, 2015 Final Office Review meeting with the WVDHSEM, anticipated project dates are as follows.
 - Anticipated advertising date of the project is October 28, 2016.
 - Anticipated awarding date of the project is November 28, 2016.
 - Anticipating beginning of construction activities is December 28, 2016.
 - Anticipating completion of construction in July 28, 2017.

Old Weston Road Waterline Replacement Project

- Waterline design is 100% complete.
 - Approximately 241 LF of 8"Ø PVC waterline and 104 LF of 16"Ø steel casing pipe, and all necessary appurtenances, will be required for this project.
 - Estimated materials and Bore & Jack of steel casing pipe is \$30,250.00.
 - Estimated Total Project Cost (including City Labor & Equipment) is \$46,950.00
- CSX is requiring an approval letter / permit from the WVDHSEM before they will begin their own review process.
- Submitted the design to the WVDHSEM for review and approval.
 - The entire waterline installation project will be entirely within WVDHSEM R/W.
- Once the WVDHSEM approval paperwork is received, the information will then be forwarded to CSX for review and approval.
- Awaiting review and comments from CSX prior to submitting the permit application to repair the broken waterline that is located underneath the railroad tracks at the Corridor H Overpass on the Old Weston Road.
- *The waterline break occurred on Friday, May 13, 2016.*

City Hall Renovations

- Nothing new to report.
- *Improvements / renovations to both the exterior and interior of City Hall may be taking place in the near future, which shall include:*
 - *Installation of (3) new exterior hollow metal doors and frames.*
 - *Removal and replacement of damaged drywall in Women's restroom.*
 - *Painting of the Women's restroom*

- *Repairs to the subfloors in the Women's and Men's restrooms and to the rear hallway next to the City Council Chambers.*
- *Installation of new floor tile and cove base moulding in the Women's and Men's restrooms and to the rear hallway next to the City Council Chambers.*
- *Repairs to damaged exterior concrete masonry units (blocks).*
- *Repair of damaged concrete sidewalks going to the basement.*
- *Removal and replacement of damaged stucco along north and west walls.*
- *Estimated cost of materials required for the Project is \$9,954.00.*
- *Street Department will provide the necessary labor for the Project.*
- *The costs of the materials shall be equally divided among the Water, Waste and Sanitary Departments as well as General Funds, (each department shall contribute approximately \$2,500.00).*

The North Buckhannon River Front Park Improvement project waiting on concrete approval. Council Thomas asked how long waiting; Mr. Hollen stated since March 2016.

Mr. Hollen stated the cost to the DOH for relocating the (4) affected waterlines in the intersection would cost \$33,000.00.

- **Jerry Arnold – Street Commissioner & Waste Superintendent** reported on the following:

**City Council Report
September 1, 2016
Jerry Arnold**

CPWB Board from 8/25/16

1. Caiden Cowgar: The Board approved the BUHS Homecoming Parade for Wednesday, September 14th
2. Ed McDaniels: The Board approved the God Belongs in our Country Prayer Walk.
3. The Board discussed the installation of Lurch/Ted Cassidy Bench.

Waste Collection Board 9/1/16

1. Burl Smith: The Board approved the renewal of a cooperative agreement between the City of Buckhannon and the Upshur county Solid Waste Authority.
2. The Board received a letter from Arnold and Brandi Tomey expressing concerns about the Pecks Run Property
3. The Board discussed the sale of the Pecks Run Property.
4. Transfer Station- 2444 Transactions- 1396.25 Tons- \$115328.00 Total
5. Recycling- 84.33 Tons Received

Street Department Report

1. The Street Crew have completed the College Avenue sidewalk. They are working on the curb at the intersection of College and Railroad Avenues.

Council Rylands asked Mr. Arnold if there were any state permits needed for the BUHS Homecoming parade and the God Belongs in our Country Prayer Walk for using State Highway. Mr. Arnold recommended that Caiden Cowger, representing the high school, to get in touch with Laura Meadows with the UCCVB and that the prayer walk would be on city sidewalks.

Council Thomas asked Mr. Arnold to elaborate on the Pecks Run Property. Mr. Arnold stated that the board recommended exploring possibility of selling the property.

- **James Townsend – Fire Chief** reported on the following:

Fire Department Report 9/1/2016

As we reported last month we did have a comprehensive drill August 18th which among other objectives, had an employee evacuation component.

All aspects of this drill went very well. Lessons learned by all participants.

For an activity with many employees in several buildings, the accountability portion of this exercise went very well.

The Fire Dept would like to emphasize that every business and household would be wise to create and practice exit drills. Go to nfpa.org

Unfortunately did not get approval for AFG grants for radio communication eqpt and for self contained breathing apparatus. We will reapply this year. We are pursuing grants through other agencies as well. Every effort will continue to ease the budget however possible. SCBA, personal protective equipment, and radio systems are the most critical for firefighter safety. Newest regulations for breathing apparatus mandate a 33% increase in remaining available air to a firefighter for retreat or entrapment survival.

In the past 2 weeks we have had 2 great courses at the Training/Community room at the Public Safety Complex.

4 of our members took the 40 hour Nationally recognized Pumper/Operator course and passed the written and manipulative exams.

6 of our members participated in 24 hour Core Rescue training. All passed.

This course is prerequisite for swiftwater rescue, low and high angle rescue, trench and confined-space rescue courses.

Special thanks to Brian Grieco of Bridgeport FD, Assistant Chief George Stump of BFD and Lt. Steve Hymes of Elkins FD for their time in providing instruction.

Again we thank the council for supporting the FD with the budget dollars to accomplish our needed training. And as with just about every aspect of the fire department, we need to all show our gratitude to the volunteer association for support funds as well.

Mayor commented on next month being National Fire Prevention month.

- **Amberle Jenkins – Assistant Recorder** reported on the following:

City Council Report 9-1-16

Notice to hire City Attorney timeline. Resumes must be submitted by September 17, 2016, Council will have a special meeting on Sept 20 at 4:15 to review them and a special meeting on Sept 27th to conduct interviews. Announcement will be made Sept 29th at 4:15 pm.

Notice to hire Parking Enforcement. We have advertised for two part time persons that would work 20 hours or less per week. No benefits. Consolidated Public Works pays for this position.

Received FOIA request for information regarding the Water Department lawsuit documents. The City has not received any finalized documents relating to this lawsuit and the request has been answered with that. For your information, I must post all FOIA requests on the WV Secretary of States website.

After agenda was posted I received a FOIA for purchase orders and a FOIA for underground storage tank information. That will be with your next meeting packet.

Received packet of information to begin procedure to solicit CPA firms to audit the City of Buckhannon financial records. An audit procurement committee needs to be appointed by City Council tonight At least 3, no more than 5 persons should serve on this committee. One must be from governing body, one with knowledge of the city's accounting system. The others should be familiar with auditing and accounting and preferably from the community. These members will help review RFP's from CPA firms and score to specific criteria such as; experience, cost and responsiveness. The members would also oversee and address corrective action associated with audit concerns. In the past typically 3 have been appointed. Myself, the Mayor and one other person. The Mayor has suggested instead of himself to ask Council Thomas to represent Council and two other's from the community. He suggested Nancy Shobe and Rich Clemens. I have asked all three of them and all three plus myself are willing to serve on the audit committee. If Council is agreeable you will vote on that in strategic issues on your agenda.

Bank Balances
August 31, 2016

MM/checking	\$626,790.13
CD	\$82,214.66

SYC Capital Campaign	\$149,694.80
Municipal Stabilization Fund	\$550,483.32

Revenues for the month of August were \$350,528.31 Expenditures were \$239,601.66 for a total of \$110,926.65 – revenues over expenditures. Revenues were slightly more than projected in August.

You will also notice a piece of additional information included with building permits issued. We have added a line that shows the total amount of improvements applied for and a total for permit fees. Improvements of \$134,271 was permitted since the last Council meeting.

I have not received the retirement packet regarding Municipal Police and Fire Retirement System yet. As soon as I have information I will report it to City Council.

I have been reviewing some payroll history regarding gross pay, overtime and number of employees.

I have submitted four years of information in your packets. I will use this information to help me determine the impact of potential future pay increase for employees. I feel this is good information for Council as well to assist you in decision making.

Last FY 2015-16- Gross payroll for all departments in the City was \$3,836,117.95 of which \$343,185.75 was overtime paid. 193 different individuals were paid in all departments during that time. Most of these were part time employees that may have only worked a few days. The City averaged 91 full time employees. The total gross included board and council members and part-time employees.

General Fund	\$1,454,281.91	of this overtime was	\$231,567.82
Consolidated	\$92,654.86		\$644.78
Water	\$690,196.83		\$13,898.21
Sanitary	\$683,062.26		\$6,988.39
Waste	\$915,922.19		\$90,086.55

Some employees and all Council members pay is divided among different departments.

Approximate 29 waste; 22 sanitary; 27 water; 10 consolidated; 105 general fund individuals paid FY.

I have been asked if I could provide monthly reports on gross pay as well.

August 2016 Gross payroll for all departments was \$300,037.53 of which \$25,042.01 was overtime.

General Fund	\$114,136.38	of this overtime was	\$15,296.66
Consolidated	\$9,136.05		\$157.50
Water	\$53,272.98		\$1,625.84
Sanitary	\$50,596.57		\$438.84
Waste	\$72,895.55		\$7,523.17

Approximately 28 waste; 21 Sanitary; 26 water; 8 consolidated; 66 General Fund (149)

- **Scott McClure – City Attorney**

- Personnel Matters
- Franchise Agreement-Pending, still working on it
- Upshur County Development Authority Deed-Pending, still working on it
- Property Transfer Agreement with UCDA-Pending, still working on it
- Mayor request reversionary language in the deed

Correspondence:

- **Bicentennial Celebration Notes**

**Bicentennial Planning Committee
Aug. 15, 2016**

The Bicentennial Planning Committee met Monday, Aug. 15 at the Public Safety Complex.

Mayor David McCauley shared the time capsule that was purchased. It is an 18-inch square container that will allow more items to be put in.

Suggestions so far:

Key to the City pin

Postcard from Upshur County Historical Society

A DVD with some promotional videos about Buckhannon that the CVB had made.

Time capsule to be opened in 50 years.

*Amanda will check to see if there were any other time capsules placed around town we don't know about.

The banner is up on Main Street! Thanks to the chamber for coordinating this. We are creating a buzz around town.

Fireworks still being discussed but need major sponsorship.

T-shirts? Could be a fundraiser if we sell them for \$10 or \$15.

Tammy Reger discussed the suncatcher/ornament that Ron Hinkle Glass made, was to start making them in bulk over the weekend. Will be sold for \$10 and have a little tag that says it is for the 200th bicentennial.

Jack Reger working with schools on essay contest, music, etc. It was decided to let the schools form a committee for the essay contest to set parameters.

The boulder that will be placed over the time capsule could be painted by students as another way to involve youth.

Maria Bray spoke to Laura Meadows and CVB will coordinate historical window decorating contest.

Parade - It was decided to line up on College Avenue, come down East Main Street, turn by City Hall onto Florida Street and finish at Jawbone - may need to have groups continue onto Madison Street to prevent bottleneck.

Mary Albaugh wants to coordinate having veterans involved in parade.

Nancy Shobe still working on trying to contact Delaware Tribe to have them in town for event.

Should carnival be moved back downtown to create a more festive atmosphere that last week of September?

Mayor talked about lasting legacy of this and wants to make sure that things which are dedicated will note it was during Buckhannon's bicentennial meeting.

Next meeting: Monday, Aug. 22 at the Public Safe Complex.

**Bicentennial Planning Committee
Aug. 22, 2016**

The Bicentennial Planning Committee met Aug. 22 at the Public Safety Complex.

--Time Capsule - Whatever we put in the time capsule also needs to be put in Tupperware type containers as extra barriers against moisture

--Jerry Arnold has secured a "ginormous" boulder that will be "Bicentennial Rock" and there will be a plaque on it. This should prevent anyone from breaking in before the 50-year mark.

--Looking at separate ceremony for following Sunday, Oct. 7 at 2 p.m. at Jawbone Park to officially bury time capsule.

--We know of no other free-standing time capsules buried in Upshur County for any other anniversaries or celebrations so this is believed to be the first.

--Fireworks are moving closer to reality...waiting on some businesses to finance

--Charliena will check on T-shirts -discussed using same logo designed by The Sign Guy. Charliena getting T-shirts prices from them. Although would be nice to have sponsors, we haven't gotten any finalized and need to go ahead and have T-shirts made

---Maria working on timeline of activities

--CVB will help promote window decorating contest; Maria and Amanda finding judges.

--Need certificates for various winners of contests. The mayor will coordinate that with city hall staff and have his signature on the certificates

--Parade - Charliena and Debra have applications done. They are now available at city hall and will be mailed out ...we discussed inviting elected officials from the state level.

Dave McCauley said Wesleyan's Marching Band is growing and would be neat to have them in the parade and possibly perform after with B-U groups

--Dennis Cortes said Channel 3 will videotape parade and celebration and want exclusive rights to sell copies of it.

--Discussion about moving fall carnival back downtown. Gambill is willing to do that and would like to be downtown in the fall. It was agreed that Gambill owner/management and city need to work out plan.

---one concern was to have food vendors not set up in front of Fox's Pizza like during festival.

---another concern was how to control noise to have celebration on Sept. 30 at Jawbone.

Discussion about closing South Florida Street from Main to Madison and reserving public safety complex (reserving front for fire department and police department)

--maybe use surrounding parking lots to avoid having downtown streets closed too much

---will hopefully have more details at the next meeting

--Maria agreed to take loose plan of activities to consolidated public works board meeting for discussion there

---The person who had agreed to work on the beard growing contest had some family matters come up and is no longer able to help. Amanda agreed to work on and find help.

Coordination should be pretty easy. Start first week of October and run til after Thanksgiving .

Maybe have Mountaineer in Christmas parade and then judge contest afterwards?

Amanda said camera club was meeting Thursday, Aug. 25 and would formally vote to proceed with the photography contest.

The next bicentennial meeting will be Monday, Aug. 29 at 6 p.m.

Bi-Centennial Celebration: Upshur County Schools

From: Jack Reger <jreger@k12.wv.us>
Date: Tue, Aug 30, 2016 at 4:41 PM
Subject: Bi-Centennial Celebration: Upshur County Schools
To: "amby.jenkins@buckhannonwv.org" <amby.jenkins@buckhannonwv.org>

Hello Mayor

A meeting was held Tuesday evening after school to discuss and plan for the Bi-Centennial Celebration. The teachers took to the task and did a tremendous job planning for the big event. Specifically,

Art:

- Each art teacher (7) within the county will provide 10-15 pieces to display at Artistry on Main and/or throughout the city.
- Virginia Hicks will coordinate with Ms. Bray.

Music:

- Elementary, Middle, and High School Choirs will each perform 2-3 songs relevant to the occasion.
- Middle School Band cannot perform.
- High School band can play at the celebration but probably cannot march the parade (Checking on that).

English/Language Arts Teachers:

- Instead of a writing contest, the teachers decided to do a video of students interviewing elderly folks around the area and how they remember Buckhannon in the past.
- Each school will provide 3-4 minutes of a video that can be played before or during the program.

Questions from the group:

1. What are the specific times of all the activities?
2. Has a program been outlined, i.e., will music be spread throughout the event or will it have its own section?

The schools are excited about the projects and events and want to participate.

I will have specifics for you and the group on Monday.

Respectfully
Jack Reger

Jack L. Reger
Assistant Superintendent
Upshur County Schools
Phone: [304-472-5480](tel:304-472-5480) ex. 1011
Fax: [304-472-0258](tel:304-472-0258)
Email: jreger@k12.wv.us

August 31, 2016

Mrs. Ann Ours, Site Manager
First Community Bank
Two West Main Street
Buckhannon, WV 26201

RE: FCB sponsorship of Buckhannon Bicentennial celebration

Dear Ann:

Thank you for chatting with me last week about the Bank's possible sponsorship of our much anticipated bicentennial celebration culminating with fireworks in Jawbone Park on Friday evening, September 30. The total expense for our celebration will approach \$7,000 of which sum \$5,500 will be for fireworks alone. Other contributions have permitted us to acquire a banner for Main Street to tout our events, and a time capsule for interment in Jawbone Park on Sunday, October 9. We are having a talent show, a pageant, a parade, Gambill Amusements will return their carnival to downtown the week leading into September 30, a beard growing contest, planting of sycamore trees, a photo contest, and a downtown storefront contest featuring historical materials.

We would love to have FCB be a sponsor for our celebration. Please advance this prospective participation with appropriate Bank officials. If I may provide any further information about the plans for our celebration, please contact me at City Hall at 472-1651 or at home at 472-3028. I look forward to yet

another excellent partnering with First Community Bank. This letter is hand delivered to you at First Community Bank.

Very truly yours,

David W. McCauley, Mayor

cc: Members of City Council
Members of the Buckhannon Bicentennial Planning Committee
Amby Jenkins, Director of Finance & Administration
Jerry Arnold, Director of Public Works

- **Proclamation – Mike Feola/First Community Bank / Stump Lane**

MAYOR'S PROCLAMATION

Whereas, FIRST COMMUNITY BANK is one of our City's most long-standing businesses located at Two West Main Street in beautiful downtown Buckhannon; and,

Whereas, FIRST COMMUNITY BANK has long been an excellent partner with the City of Buckhannon serving as one of our City's primary depositories & financing institutions; and,

Whereas, FIRST COMMUNITY BANK's exterior facade of its main Buckhannon facility is one of the most distinctive & attractive buildings in all of downtown Buckhannon; and,

Whereas, FIRST COMMUNITY BANK beginning in 2008 undertook the razing & removal of several dilapidated buildings fronting on Kanawha Street & situated to the immediate south of and adjacent to **FCB's** main facility & then further collaborated with the City to realize the widening of Stump Lane while improving access for governmental vehicles to the Upshur County Courthouse, & further realizing much needed **Bank** customer parking that eased public parking concerns for the City; and,

Whereas, these various **Bank** improvements to the Buckhannon streetscape were largely undertaken under the vision, direction, & supervision of Buckhannon native **STEPHEN MICHAEL "MIKE" FEOLA**, who for many years served as the President of **FCB's** northern region; and,

Whereas, MIKE FEOLA retired as President of **FCB's** northern region on December 31, 2015, after 41 years of service, but continues to serve on **FCB's** Board of Directors; and,

Whereas, our City is very proud to partner with one of our community's oldest & most upstanding businesses and now desires to recognize both **FIRST COMMUNITY BANK** & their former Northern Region President **MIKE FEOLA** for their many outstanding contributions to our community & particularly as our community celebrates the public dedication of **STUMP LANE**.

NOW, THEREFORE, I, DAVID W. McCAULEY, MAYOR OF THE CITY OF BUCKHANNON, pursuant to the power & authority duly vested in me, do hereby proclaim Friday, August 26, 2016 to be "**FIRST COMMUNITY BANK & MIKE FEOLA DAY**" throughout our City of Buckhannon.

I further urge all of our residents to thank & commend our City's most honored business, **FIRST COMMUNITY BANK** & their former Northern Region President, **MIKE FEOLA**, along with the **Bank's** employees, customers, friends, & all members of our City government family during their most special day.

Given under my hand & the official seal of
The City of Buckhannon, this 26th day of August, 2016

David W. McCauley, Mayor

- **Proclamation – Bob Wallace Day – Bridge Dedication**

MAYOR'S PROCLAMATION

WHEREAS, ROBERT J. "BOB" WALLACE served our City of Buckhannon as City Attorney for decades beginning in 1958 & whose commitment to our community resulted in tremendous improvements to our high quality of life enjoyed here; and,

WHEREAS, during Bob Wallace's tenure, our community experienced tremendous growth that in no small part was attributed to his progressive & dynamic leadership & superior legal skills that resulted in among many other things, the City's expansion & improvement of utility services & business opportunities throughout our Buckhannon-Upshur community; and,

WHEREAS, BOB WALLACE in his other capacity as a longtime professor & academic leader at West Virginia Wesleyan College served as a primary liaison, that is a "bridge" between our College & City, fostering many cooperative initiatives while working in his dual roles for our College & City; and,

WHEREAS, our City further will formally recognize & honor our former City Attorney & community leader, **BOB WALLACE** during the dedication of the **BOB WALLACE BRIDGE** located along our City's Poundstone River

Walk Trail on Saturday, August 27, 2016, while celebrating **MR. WALLACE's** many years of focused labor, outstanding leadership, & dedicated service to our B-U community.

NOW, THEREFORE, I, DAVID W. McCAULEY, MAYOR OF THE CITY OF BUCKHANNON, pursuant to the power & authority duly vested in me, do hereby proclaim Saturday, August 27, 2016, to be **BOB WALLACE DAY** throughout Buckhannon, West Virginia.

I further direct that a permanent sign be erected upon the pedestrian bridge located immediately beyond the West Virginia Wesleyan College baseball field forever designating the bridge to be the "**BOB WALLACE BRIDGE.**" I urge all citizens of our Buckhannon-Upshur community to pause & reflect upon, while appreciating the long-standing service & leadership of **BOB WALLACE**, & to join the members of his family, friends, & our City family & community members & me during the dedication of our bridge to be held at 11:00 a.m. at the City's Poundstone River Walk Trail on the campus of West Virginia Wesleyan College on Saturday, August 27, 2016.

Given under my hand & official seal of
The City of Buckhannon, this 27th day of August, 2016

David W. McCauley, Mayor

BOB WALLACE DAY – August 27, 2016

On behalf of the entire City of Buckhannon family, greetings, and welcome to Bob Wallace Day. Today, we are honoring one of Buckhannon's Mt. Rushmore figures, our long-time City Attorney, Wesleyan professor, & community leader, the great- Bob Wallace. Our recognition of this guy who has done so much for us all & our town, is long overdue. Before we start our program, I'd ask that Bob Skinner, Wesleyan's VP for Advancement, offer our invocation. Bob- invocation

We have so many Bob Wallace friends & admirers here today. I especially want to recognize- Augie & Carol Mazzei from Pittsburgh, Gene Suder, others.

As we gather here today to honor Bob, I'm not sure exactly how this is going to go. I think the next hour could feature some tearful tributes but also some most excellent, good natured roasting and ribbing. I'm going to try to gravitate toward the latter in a bit, because if there ever has been a fun-loving, comedic guy- it's Bob Wallace! Some of the Wallace stories are simply put- legendary, & I'm sure a few of those will be shared this morning.

The first person to address us, is Bob's longtime conspirator, a guy who really needs no introduction, Don Nestor-

Thanks Don; next, and I'd observe that at least one of Bob's proteges actually turned out pretty successfully- our terrific judge, "Judge Jake" himself, the honorable Jacob Reger who I understand comes bearing hardware! Judge-

Thanks your honor- another facet of Bob's presence in our community was his role at Wesleyan. Our tribute here today could not be complete without our College's presence, and bringing greetings on behalf of our Wesleyan administration is Bob Skinner, VP for Advancement- Bob-

As the "Dean" of City Attorneys, one guy who was long counseled by Bob Wallace, is former long-time Council member & Mayor- Tony Gum- Tony-

Thanks, Tony. Another substantial part of Bob's time, energy, & passion featured his many roles for First Community Bank. On behalf of the Bank, the guy who was just honored yesterday by our City, Mike Feola-

Thanks, Mike.

Before I read our City's proclamation formally honoring Bob, and before we hear from Julie, Chris, and Bob- I get to rant for a few minutes. At the outset, I'd like to recognize & remember some folks who couldn't be with us here today, people who are with us in spirit, & either are smiling upon Bob from afar, or are happy for him from above. We know Sarah Wallace has faced her health challenges in recent years, & we all wish Sarah the very best. But there are a number of Bob's closest friends, colleagues, & admirers who are no longer with us, who could tell way better stories about Bob if they were still here- & I'd be remiss if I didn't mention Bill Short & Dorothy Short, Tom Dunn, Don Clark, Tom Clawson, Carl Martin, J.D. Hinkle, Jr., Binky Poundstone, & so many others.

So- some Bob Wallace stories: (1) the J.D. Hinkle dump story; (2) George Triplett, Judge in Randolph County, are you trying to show your contempt for this court? No, your honor, I'm trying to conceal it! "Alright then, let's proceed-" (3) Post-tailgate story en route back to Buckhannon, the hosing down at Fairmont; (4) my hiring= "My wife's about to divorce me, so I need a guy to get up early in the morning & teach my classes at Wesleyan, & to stay out late at night for the City of Buckhannon. Are you that guy?" pushing 34 years later, I guess I'm still that guy Bob!

This community owes Bob so much. Virtually everything that has happened positively in our town since the 1950s, has Bob Wallace's handprint on it. He counseled J.D. Hinkle, Jr., Gene Suder, Binky Poundstone, Bill Short, Tony Gum- & made their successes possible. Our infrastructure was developed under Bob's watch as city attorney- the water plant, the sewer plant, waste collections, our streets were paved, sidewalks & storm drains were realized, parks were established, the quality of life here improved exponentially while Bob worked behind the scenes.

And Bob, my own personal testimonial- I owe you so much. Aside from my parents, no one has had a bigger, a more profound impact upon my life, than you. You introduced me to our City organization, & you escorted me to Wesleyan. So many lives would be very different, not nearly so rich or as fulfilling, except for you, my life included. I think that the positive difference that you've made in so many lives has to be your greatest legacy. For that- we all thank you, we owe you, we respect you, we honor you, & we love you- You will always be part of Buckhannon, & Buckhannon a part of you-

Now, I'd ask that our honoree come forward, & let's do this proclamation & see what we're going to unveil- Bob?...

****The Bridge Builder****

An old man going a lone highway,
Came at the evening, cold and gray,
To a chasm, vast, and deep and wide,
Through which was flowing a sullen tide.

The old man crossed in the twilight dim;
The sullen stream had no fear for him;
But he turned, when safe on the other side,
And built a bridge to span the tide.

"Old man," said a fellow pilgrim, near,
"You are wasting strength with building here;
Your journey will end with the ending day;
You never again will pass this way;
You've crossed the chasm, deep and wide-
Why build you this bridge at the evening tide?"

The builder lifted his old gray head:
"Good friend, in the path I have come," he said,
"There followeth after me today,
A youth, whose feet must pass this way.

This chasm, that has been naught to me,
To that fair-haired youth may a pitfall be.
He, too, must cross in the twilight dim;
Good friend, I am building this bridge for him."

-Will Allen Dromgoole, 1900-

SPECIAL THANKS-

1. Jerry Arnold, City's Director of Public Works & our City Streets & Parks Department Crew
2. Eric Fluke & Sunset Graphics
3. C.J. Rylands & C.J. Maggie's Restaurant

THE CITY OF BUCKHANNON
& WEST VIRGINIA WESLEYAN COLLEGE DEDICATE
THE BOB WALLACE BRIDGE

OUR COMMUNITY CELEBRATES
& HONORS FORMER CITY ATTORNEY, WVWC PROFESSOR, & COMMUNITY LEADER,
ROBERT J. "BOB" WALLACE

11:00 A.M. SATURDAY, AUGUST 27, 2016
POUNDSTONE RIVER WALK TRAIL

FUN FACTS ABOUT OUR HONOREE BOB WALLACE

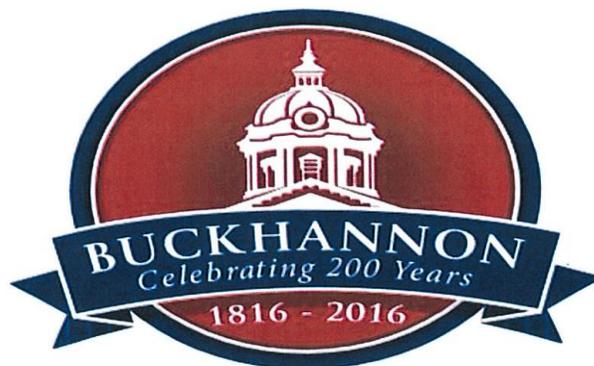
- *PROUD WVU ALUM, BACHELOR'S AND J.D. DEGREES
- *ALL-CONFERENCE SECOND BASEMAN, WVU BASEBALL TEAM, TEAMMATE OF SAM HUFF
- *WIFE SARA, DAUGHTER JULIE (& BEN), SON CHRIS (& DEBBIE), GRANDSONS TRUMAN WALLACE & BRODY CARR
- *FORMER MILITARY/JAG COUNSEL, STATIONED OVERSEAS
- *PAST PRESIDENT OF WV STATE BAR 1978-79
- *ORGANIZER/INCORPORATOR OF WV BAR FOUNDATION
- *ORGANIZER/INCORPORATOR OF UPSHUR COUNTY DEVELOPMENT AUTHORITY
- *OFFICER OF UNION DRILLING
- *LONGTIME COUNSEL & MEMBER OF BOARD OF FIRST COMMUNITY BANK

- *LONGTIME PROFESSOR OF BUSINESS LAW AT WVWC
- *FORMER UPS. CO. EMT SQUAD MEMBER
- *LONGTIME COACH, ORGANIZER, SUPPORTER OF YOUTH SPORTS & ACTIVITIES ESPECIALLY BABE RUTH BASEBALL
- *ORGANIZED DEVELOPMENT OF WVWC-OWNED PROPERTY ALONG RIVER, AREA NOW RIVER TRAIL & COLLEGE ATHLETIC FIELDS
- *PAST PRESIDENT BUCKHANNON LIONS CLUB
- *THE "DEAN" OF CITY ATTORNEYS IN THE STATE OF WV!

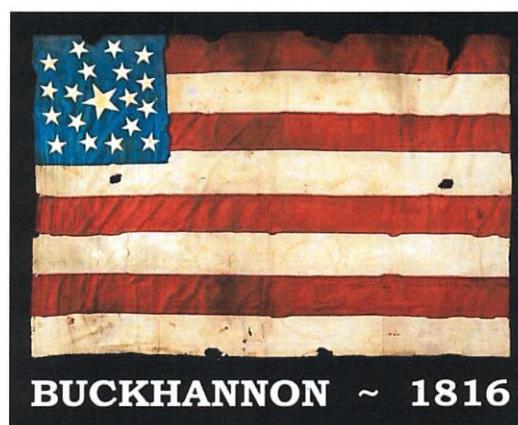
OUR PROGRAM

INVOCATION – BOB SKINNER, WVWC
 GREETINGS & WELCOME, DAVID McCAULEY
 REMARKS – DON NESTOR, LONGTIME UPSHUR COUNTY DEVELOPMENT AUTHORITY MEMBER, CITY CONSOLIDATED PUBLIC WORKS BOARD, IOGA, BETTER SCHOOLS FOUNDATION
 REMARKS & PRESENTATION – HONORABLE JACOB REGER, JUDGE OF THE CIRCUIT COURT OF UPSHUR COUNTY, WV
 GREETINGS FROM WVWC – BOB SKINNER, VP FOR ADVANCEMENT
 REMARKS – TONY GUM, FORMER MAYOR OF BUCKHANNON
 REMARKS – MIKE FEOLA, FIRST COMMUNITY BANK
 REMARKS – DAVID McCAULEY, MAYOR + READING OF PROCLAMATION
 FORMAL DEDICATION OF BOB WALLACE BRIDGE & UNVEILING OF BRIDGE SIGNS
 REMARKS – JULIE WALLACE-CARR & CHRIS WALLACE
 REMARKS – OUR HONOREE, BOB WALLACE!

- **Buckhannon Bicentennial Logo**



- **1816 Flag Art and Story – Spring Street/Willard Way**



PLEASE TAKE THE TIME TO CHECK THIS PROOF CAREFULLY FOR MISTAKES IN SUBSTRATE (MATERIALS) SPELLING, COMPOSITION, DIMENSIONS AND FINISHING. ANY ERRORS CONTAINED ON THIS PROOF WILL BE IN THE FINAL PRODUCT. PLEASE CHECK YOUR PROOF CAREFULLY BEFORE YOU TAKE RESPONSIBILITY FOR IT. ANY MISTAKES MADE ON YOUR PART WILL BE CORRECTED WITHOUT CHARGE. RETURNS OR CHANGES MAY INCUR ADDITIONAL CHARGES. BY SUCCESSFULLY APPROVING THIS PROOF "Approved" YOU ASSUME ALL RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS. WE WILL NOT BE HELD LIABLE FOR ERRORS OR OMISSIONS AFTER THE JOB IS APPROVED AND PRINTED.

Date:
08/02/2016 15:04

Job name:
AC17099-1

Quantity:
1

Size:
104" x 84"

Material:
13 oz vinyl banner printed at 360 dpi (UV Inks)

Finishing:
raw edges, no hem, no grommets. Add 4" material all around (to be pinched in a

Shipping Address:
VANNOSTRAND ARCHITECTS PLLC
Bryson VanNostrand 29 East Main Street,

Proof #:
2

Notes:



570: RARE 19 STAR AMERICAN FLAG 19th Century

SOLD FOR \$2,150

Jan 30, 2005 1:00 PM Eastern

[See More Details](#)

LOT 0570 DETAILS

RARE 1816 19 STAR AMERICAN FLAG (INDIANA STATEHOOD)

Unusual star alignment and only 8 stripes, linen, hand stitched & pieced, stars are appliquéd on both sides. Stitches range around 8 per inch. There is an ink signature "Mitchell" along the edge of one of the white stripe. Indiana was admitted to the union on December 11, 1816 and is represented by the 19th star. This flag is most likely was made in the 19th century. It is felt that this flag was made for a reunion or special state celebration. The material appears to be cotton and not linen as first stated. This flag is hand sewn and if you look at the stitches very carefully it appears to be of two different hands. Remember it was not until 1912 that the proportions of the flag and the arrangement of the stars were set out in an executive order by President Taft. The stitching has been examined under black light. I can find no area that may have any repair or suspected change in thread. If I looked at the material thread and the age of the flag in the same light as I look at a quilt then I would say that the flag was more than likely post 1840 because of the color of the red and the use of cotton. The hem is hand turned. The stars are pieced and are stitched back to back, there is no cut out. The staff edge has a deep turned edge in the blue canton and there is an similar hole pattern on the edge of each stripe that could be from something tied to the flag at those spots. The outer edge is hemmed. There is staining and tattering that shows well in the photos. Considered to be a great piece of folk art as it is the makers interpretation of the flag and it's design that make this flag stand out. This flag measures 5' x 8'

Family history: In 1959 this flag was found in a box at the Mitchell residence in Brownsville, Penn, when the family were unpacking and cleaning out the family home after the death of a family member. The Mitchell family had resided in the home since 1863 and the house was believed to be over 200 years old at that time. It has remained in the Mitchell family until now.

- **Email regarding UCDA Power Grant Award**

Fact Sheet: Administration Announces New Economic and Workforce Development Resources for Coal Communities through POWER Initiative

\$2,285,049 EDA grant to Upshur County Development Authority in Buckhannon, WV, for the *Upshur County Knowledge and Innovation Business Center*. This project consists of the construction of the new Business Center on property donated by the City of Buckhannon, which will host a small business development center to be managed by the Upshur County Development Authority. Small business development support services will be targeted to IT and other technology-based business interests. The Center will also provide flex-office and incubator space. Broadband access will be available at the facility as a result of a privately-funded initiative to address the current lack of broadband access in Upshur County. One technology company has already committed to locating in this facility.

The project will create and retain 78 jobs and leverage \$8,500,000 in additional investment.

For all of the details go to:

www.whitehouse.gov/the-press-office/2016/08/24/fact-sheet-administration-announces-new-economic-and-workforce

Thanks to ALL who assisted to help this to happen.

Melodie Stemple
Asst. Director

Upshur County Development Authority
PO Box 2377 - 30 E Main St
Buckhannon WV 26201
[304-472-1757](tel:304-472-1757) - [304-472-4998](tel:304-472-4998) Fax
www.upshurda.com

- **Email Regarding comic strip in local newspaper**

fyi, please share with Council- thanks, Dave

----- Forwarded message -----

From: **McCauley, David** <mccauley@wwc.edu>

Date: Wed, Aug 24, 2016 at 1:34 PM

Subject: Hi Brian-

To: Brian Bergstrom <brian@recorrdeltaonline.com>, Katie Kuba <katie@recorrdeltaonline.com>, Amanda Hayes <amanda@recorrdeltaonline.com>

I want to be certain I get the intended humor in today's Delta comic strip. It's your thinking that the end of June decision by the Consolidated Public Works Board to keep Main Street open is what precipitated the two-year downward trend (about 30% loss) in hotel/motel occupancy here? And- the recent layoffs by Weatherford and Dinsmore are connected, are a result of this decision, too? In other words, there's a nexus, there's a connection, there is cause and effect? If the answer to any or all of those questions is "yes" then all I can say is "Wow." I want to think that most of our residents, and more of your subscribers than not are smarter than that. Thanks- Dave

- **Notice 7-Eleven closing business**

GRAY ROBINSON
ATTORNEYS AT LAW

Lisa McAllister, Licensing Specialist
813-273-5190
LISAMcALLISTER@GRAY-ROBINSON.COM

August 19, 2016

SUITE 2700
401 E. JACKSON STREET (33602) BOCA RATON
POST OFFICE BOX 3324 FORT LAUDERDALE
TAMPA, FL 33601-3324 JACKSONVILLE
TEL 813-273-5000 KEY WEST
FAX 813-273-5145 LAKELAND
gray-robinson.com MELBOURNE
MIAMI
NAPLES
ORLANDO
TALLAHASSEE
TAMPA

VIA OVERNIGHT MAIL

City of Buckhannon
70 E. Main Street
Buckhannon, West Virginia 26201

Re: 7-Eleven #35947H, 21 Madison Street, Buckhannon, WV
Client-Matter No. 348102.1894

To Whom It May Concern:

Please consider this letter as official notification that the 7-Eleven at the address listed above will discontinue business on or about September 15, 2016.

Please contact us directly if there is a form required to discontinue the license at this location and, if so, please let us know if any fees are required.

The contact information is Lisa.McAllister@gray-robinson.com or (813) 273-5190, if you have any questions or need more information. Thank you.

Sincerely,

Lisa McAllister

Lisa McAllister
Licensing Specialist

- **Notice Lay-off Deep Well Energy Services**

6739 Hwy 184
Waynesboro, MS 39367
601-735-2855
www.dwservices.com

August 18, 2016 *DeepWell*

FAX: (304) 688-1136
West Virginia Dislocated Worker Unit
Attn: Martha Craig-Hinchman
112 California Avenue
Charleston, WV 25305

FAX 304-472-8884
Town of Buckhannon
Attn: Dave McCauley, Mayor
City Hall
70 E. Main Street
Buckhannon, WV 26201

Fax: 304-472-2389
Electronic Mail: tcutright@upshurcounty.org
Upshur County Commission
Attn: Terry B. Cutright, President
38 West Main Street
Buckhannon, WV 26201

RE: Worker Adjustment and Retraining Notification Act Notice

Dear Government Officials:

DeepWell Energy Services, LLC, ("DeepWell") provides the following information to you regarding a plant closing and/or mass layoff, as those terms are defined in the Worker Adjustment and Retraining Notification Act ("WARN Act").

We regret to inform you that DeepWell was verbally advised on Friday, August 12, 2016, that a principal client, Antero Resources, does not intend to renew its contract with DeepWell for traffic control services. As a result, we will be reducing our workforce. Although our Traffic Control Services employees are assigned to perform traffic control services at various locations where they are needed by a client, they generally report to and are assigned work out of our Buckhannon facility, which is located at 678 Old Weston Road, Buckhannon, West Virginia 26201. We anticipate that all of the aforementioned workforce reductions will occur on September 1, 2016, or within the 14-day period beginning on September 1, 2016.

We are providing advance notice of less than 60 days of this workforce reduction because of the unforeseeable business circumstances caused by the sudden and unexpected loss of the contract with a principal client, Antero Resources. We have been asked to continue our services with Antero Resources until the company that has won the contract has put its services into place, and we are still working on the details with Antero Resources regarding exactly when our services will end. Because we are aware those services will be ending soon – and possibly as soon as September 1, 2016 – we wanted to go ahead and let you know that we are not likely to have further work for these employees once our services for Antero Resources end, so government agencies can plan accordingly.

We have provided WARN Act notices to the employees who could be potentially terminated during this workforce reduction. The job titles of the affected employees, and the numbers within each job title, are detailed on the attached exhibit. No bumping rights will apply, and the terminations are expected to be permanent. The affected employees are not represented by a union.

The official to be contacted for further information is Adam Whipple, Director of Human Resources, who may be reached by phone at 601-736-4525. If you have any questions, please contact Mr. Whipple.

Sincerely,

DEEPWELL ENERGY SERVICES, LLC



Doug Blackwell

President

- **Community Calendar of Events for September 1 – November 2016**

COMMUNITY CALENDAR OF EVENTS FOR SEPT. 1 –NOVEMBER 2016

- 1) BICENTENNIAL PLANNING MEETINGS AT COMMUNITY ROOM, PUBLIC SAFETY COMPLEX – SEPT. 5, 12, 19, 26
 - 2) DEDICATION OF NEW COLLEGE AVENUE SIDEWALK PROJECT IN FRONT OF WVWC ADMINISTRATION BUILDING, “GOOD TO GREAT WAY,” FRIDAY, SEPTEMBER 9, 5:00 P.M.
 - 3) B-U HIGH SCHOOL HOMECOMING PARADE, WEDS., SEPT. 14 – 6 P.M.
 - 4) ANNUAL CHILDREN’S FESTIVAL + TRUCKFEST AT STOCKERT YOUTH CENTER/PUBLIC SAFETY COMPLEX/JAWBONE – FRIDAY & SATURDAY, SEPTEMBER 16 & 17
 - 5) GAMBILL AMUSEMENT/CARNIVAL RETURNS DOWNTOWN 9/24-30!
 - 6) BICENTENNIAL DAY CELEBRATION – PARADE, MUSIC, FIREWORKS, CARNIVAL, FRIDAY, SEPTEMBER 30, 6-10:00 P.M.
 - 7) WVWC HOMECOMING, FRIDAY, OCTOBER 7 – SUNDAY, OCTOBER 9
 - 8) DIVERSITY DAY – DEDICATION OF DIVERSITY ROCK + ACE MUMFORD HOME – SUNDAY, OCTOBER 9, 1:00 P.M. IN FRONT OF OLD CENTRAL SCHOOL ON BAXTER STREET
 - 9) TIME CAPSULE CEREMONY – SUNDAY, OCTOBER 9, 2:00 P.M. IN JAWBONE PARK AS PART OF CONTINUING BICENTENNIAL CELEBRAT.
 - 10) DEDICATION OF THE “LURCH” BENCH & TED CASSIDY DAY TO KICK OFF THE HALLOWEEN SEASON, DOWNTOWN, SPECIFIC SITE TO BE DETERMINED, FRIDAY, OCTOBER 28, 6:00 P.M.
 - 11) DEDICATION OF THE COMMUNITY & TRAINING ROOM AT THE PUBLIC SAFETY COMPLEX – CITY COUNCIL MEETING AT COMMUNITY & TRAINING ROOM ON THURSDAY, NOVEMBER 3 AT 7:00 P.M., RECOGNITION OF AMERICAN LEGION/VFW & SHERMAN BAXA
- REMINDERS – FESTIVAL FRIDAYS CONTINUE THRU FRIDAY, SEPT. 30!

- **Letter from John Gyax**

John E. Gygax
131 Barbour Street
Buckhannon, WV 26201
August 20, 2016

Mayor McCauley
City of Buckhannon
70 East Main Street
Buckhannon, WV 26201

Mayor McCauley:

I received a correspondence on August 13th, which was dated the 8th and sign by Mr. Arnold .

I have made several verbal and written suggestions over the past three years to several Buckhannon employees on how we could improve the appearance of the town. I am, by graduate school studies, what is considered today an environmental planner, therefore my input or constructive criticism should be considered professional not personal. I received input from son and daughter-in-law which are professional licenced (GIS) spatial analytical planners for major corporations.

I have strong family connections to Upshur, Lewis, Barbour Counties and the Buckhannon area. My Grandfather's great-grandfather was Jacob Bush who, with his brother, built Bush's Fort and fought with Samuel Pringle for this land. In Buckhannon I learned to swim, ride a bike, play baseball and my birth certificate address is Meade Street I have reason to believe I was christened at the First Methodist Church and plan to be buried by my parents and grandparents in Heavener Cemetery.

Most of these items or observations were from 2013/2014 and not new to most of the city council or the employees and are not designed or meant to be argumentative.

My daughter-in-law made comment how beautiful the flowers were covering the banners.

The rail fence repair and the "swamps" between the RR have received attention several times in the past three years and seemed to be an ongoing issue. Here is a new suggestion, could the rail plant help on the "swamp"?

My brother-in-law and sister came to visit last fall and the first thing he said was, "you cannot read the street signs." I know this item has been discussed several times and again could a readable vinyl overlay similar to the one at Kanawha and College be made for the artistic signs? The area at the end of Camden, near the athletic venues, has mixture of confusing stop signs, cross walk signs and parking information. All a person has to do is go to one of the river concerts to see what I mean. There should be cross walk signs similar to the ones on Spring Street by the post office and also at the three cross walks at the college. The generally accepted international signs for traffic control are either blue, red or yellow and brown or green for information. The college and the exit from the senior center parking have used a round do not enter signs, which was what I was suggesting for Barbour Street.

Turning from "Gate Way East? or Bobcat Way?" onto College is interesting for a large team bus or a 53' tractor trailer. One of the team buses (Fairmont) got stuck and required an end loader from the rail plant to pull them out. During the regional NCAA II softball play offs a large team bus, I believe from Winston- Salem, was seesawing back and forth trying to make the turn. Over the past couple of years I have attended council and consolidated public works meetings for a variety of reasons. Until May of this year I had never heard of Gateway East or West and Bobcat Way to Wesleyan University!

Wesleyan, during Graduation, the start the Fall Term and Home Coming has had cars parked on

Camden between Meade and the railroad with no major problems. What I was suggesting was (with proper signs) is to allow parking on inside of Camden for athletic events and other special activities. This would be similar to the continuation of the parking on Camden between Marion and Meade.

The trees around Buckhannon need major help and it is my hope we can start to change this situation. Mr. Barber, the Forester for Northern West Virginia and myself drove around the town surveying trees and shrubs condition. We know people from " hack & wack" Mon Power have greatly contributed to the situation. We were informed that since First Energy took over Mon Power any request for replacing trees has been rejected or ignored. However, the Forester was impressed with Mr. Barber's efforts and that Buckhannon had a person working the flowers and trees full time in the summer.

In one of my college environmental lessons, I had the students do a short paper on the expansion of the world's light pollution and suggest ways to curtail this growing issue. Thinking like a conservationist, I suggested removing every other light on East Main and use them on North Spring and Kanawha Streets. I had no idea these were paid for by some grant for Gateway East or Bobcat Way to West Virginia Wesleyan University. However, I would estimate the lumen's produced by each light to be 8,000 + Lumen's which is a lot for a narrow street. I would like to suggest that Mon Power price the cost of street lights being placed on each pole on Florida between Main and College and also on College between Kanawha and Meade. In Belle, WV, they had a deal where the cost of new and better lights was added to the electric bill for each house on the street. I think my father paid \$1.75 monthly.

Mayor, I believe Mr. Arnold and Mr. Holland are amazing and do a remarkable good job with the resources they have available. Supervising a potable water system and a waste and storm water systems is a full time job. With you adding to his duties as the licenced town's water and waste water supervisor, he will be extremely busy.

A full time licenced a GIS spatial analytical planner (which the town cannot afford) could develop plans for increase river use, work out a feasible plan if you closed Main Street there would be access the businesses on Main and etcetera. This could be a part time position similar to the zoning person, town attorney and could be .coupled with grant writing.

Ending on a personal note, not professional, I find your treatment of me and others, when we brought up items,rude. What if, as you rambled on at the Lincoln Day Dinner, somebody kept interrupting you? Then at the end of four minutes you were basically told to shut up and sit down. Who are you listening to? When the 4th July committee was trying to find additional money for extended fire works, I went to more than a half dozen business for financial help. Most of them painted a bleak future for this area and hope the bleeding would stop. What is your comprehensive plan for the area ? Don't you think it should be published. Since, under home rule, you have declared you have control of Main Street not the State, and the only time it will be closed is for Strawberry Festival. Have you told the fire department people they cannot have a Christmas parade? or the high school a homecoming parade?



John E. Gygax

cc Mary Allbaugh
Robert Skinner
Dave Thomas
Pam Cuppari
CJ Rylands
WVWC
Jerry Arnold
Bryson Van Nostrun

• Notice to Advertise for City Attorney

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

CITY OF BUCKHANNON –TIME TABLE FOR HIRING NEW CITY ATTORNEY – August 23, 2016

- (1) Deliver Notice of Position to Record Delta, InterMountain, & Weston newspapers – August 23, 2016
- (2) Advertise as Class II legal ad, on August 26 and September 2
- (3) Deadline for application materials is Saturday, September 17
- (4) Special Council meeting to review all applications on Tuesday, September 20 at 4:15 p.m. & determine applicants to be interviewed – executive session
- (5) Special Council meeting on Tuesday, September 27 at 6:00 p.m. to conduct interviews – executive session
- (6) Special Council meeting on Thursday, September 29 at 4:15 p.m. to select & announce new City Attorney – possible executive session before open session
- (7) Saturday, October 1 – new City Attorney begins service
- (8) Thursday, October 6 – first Council meeting for new City Attorney

NOTICE OF SPECIAL MEETINGS OF THE BUCKHANNON CITY COUNCIL

BUCKHANNON CITY COUNCIL HAS SCHEDULED THE FOLLOWING SPECIAL MEETINGS AT CITY HALL

- **Tuesday, September 20, 2016 at 4:15 p.m.**

The purpose of the meeting is to review all applications regarding the Notice of **Position of City Attorney** and to determine applicants to be interviewed. The meeting will be called to order and Council will Motion to adjourn into executive session per WV Code 6-9a-4

- **Tuesday, September 27, 2016 at 6:00 p.m.**

The purpose of the meeting is to interview candidates for the **position of City Attorney**. The meeting will be called to order and Council will Motion to adjourn into executive session per WV Code 6-9a-4

- **Thursday, September 29, 2016 at 4:15 p.m.**

The purpose of the meeting is to select and announce **the new City Attorney**.

The meeting will be called to order and Council will Motion to adjourn into executive session per WV Code 6-9a-4 before the open session.

POSTED 08-23-16

- **Notice to Advertise for Parking Enforcement Officer (2-part time)**

CITY OF BUCKHANNON
PARKING ENFORCEMENT OFFICER

The City of Buckhannon is currently accepting applications for two part-time, parking enforcement officer positions. The successful applicant(s) must be able to write and issue parking citations, respond to complaints and inquiries, lift 50 pounds, capable of standing or walking 6 to 8 hours per day and work outside in inclement weather, including heat and cold, and perform some office duties. Hourly rate starting at \$9.00 per hour. Applicant must be 18 or older with a high school diploma or GED equivalent. Applicants are subject to drug test and background check. Applications may be obtained at City Hall, 70 E Main St, Buckhannon WV, Mon-Fri 8:30 am to 4:30 pm, or call 304-472-1651 for information. The deadline for applications is September 15, 2016 at 4:30 pm. The City of Buckhannon is an equal opportunity employer.

**CITY OF BUCKHANNON
PARKING ENFORCEMENT OFFICER**

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- **FOIA Request for Water Department Lawsuit documents**

Aug. 29, 2016

Freedom of Information Act Officer
City of Buckhannon
70 E. Main St.
Buckhannon, WV 26201

RE: Freedom of Information Act Request

Dear Amberle Jenkins:

This is a request under the Freedom of Information Act. I request that a copy of the following documents be provided to me: the court documents detailing the settlement between the city of Buckhannon and Melissa and Scott Lampinen over the recent lawsuit the Lampinens filed against the city regarding slippage of a bank into their driveway.

In order to help to determine my status to assess fees, you should know that I am a representative of the news media affiliated with The Record Delta newspaper, and this request is made as part of news gathering and not for a commercial use.

Thank you for your consideration of this request.

Sincerely,

Katie Minsker

City of Buckhannon
70 East Main Street
Buckhannon, WV 26201



Phone: 304.472.1651
TDD# 304.472.9550
Fax# 304.472.0934

August 30, 2016

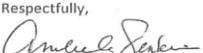
Katie Minsker
Record Delta Newspaper
PO Box 550
Buckhannon, WV 26201

Ms. Minsker:

This is in response to your Freedom of Information request dated August 29, 2016, in regard to details of settlement in a lawsuit.

At this time, the City of Buckhannon is not in possession of any final settlement documents regarding the lawsuit between the City of Buckhannon and Melissa and Scott Lampinen. Therefore I cannot provide any information.

If you have any questions, please feel free to contact me at your convenience.

Respectfully,

Amberle Jenkins Assistant Recorder
City of Buckhannon

- **88 Restaurant Extension of licensed floor plan for the month of September**

**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**

Thursday, September 08, 2016

To Whom It May Concern:

I am writing this on behalf of the Bicentennial Inn, 88 Restaurant and Lounge. The City of Buckhannon approves the temporary extension of the licensed floor plan of the above-mentioned Lounge for the month of September 2016 from 12:00 pm to 11:00 pm. The events are being held in conjunction with:

- The Summer Picnic Series & Live Music Showcase; dates of the event September 2,3,7,9,10,14,16,17,21,23,24,25,28 and September 30, 2016.
- The WWWC Family Weekend; date of the event September 25, 2016

The City of Buckhannon finds no violation of any local ordinance for this one time event.

Should you have questions or need additional information, please contact my office at 304-472-1651.

Thank you,

Amberle Jenkins, Assistant City Recorder

City of Buckhannon



City of Buckhannon
8/11/16

Ladies and Gentlemen:

This letter is a request for official written approval from the City of Buckhannon to grant The Bicentennial Inn and 88 Restaurant and Lounge permission to extend our licensed ABC floor plan in order to host a series of events for the month of September 2016. The requested time period for each event is 12:00 pm to 11:00 pm. These event dates include:

9/2,3,7,9,10,14,16,17,21,23,24,25,28 and 30/16: The Summer Picnic Series and Live Music Showcase
9/25/16 WWWC Family Weekend

Enclosed is a letter to the ABC Commissioner that details the events. Their approval to extend our floor plan is based first on the city's permission.

It is worthy to note that The Bicentennial Inn and 88 Restaurant and Lounge has hosted several events of this type for many years, all without incident. The business has the proper Liability Insurance. The owner and management team of The Bicentennial Inn and 88 Restaurant and Lounge will be present the entire day of this event and any further controls required will be provided by them.

Thank you for your time and consideration. We sure are looking forward to hosting these events!

Respectfully,


Kathleen Loughney
Owner

Consent Agenda:

- Approval of Minutes - Regular meeting August 18
- Approval of Building and Wiring Permits
- Approval of Payment of the Bills

**COUNCIL MEETING
Building, Electrical, Demolition Permits
September 1, 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						
73466	Community Care Xpress North Ridge Ste D	The Sign Guy	Signage 8'x43"	\$5,500.00		\$52.25	X			
73467	Robert Conley 168 Randolph St	Self	Re-Roof Metal, Siding, Flooring, Painting	\$3,000.00		\$33.00				
73468	Bob Rodgers 46 S Florida St	First Class Construction	Re-Roof Shingles	\$1,500.00		\$16.50	X			
73469	Michelle Bowen 5 Park St Apt A	Self	Repairing Porch Floor	\$400.00		\$10.00				
73470	Kathleen Clevenger 152 Pocahontas St	Self	Razing Garage	\$		\$20.00	X			
73471	Pamela Yeager 36 Ritchie St	Self	Siding, Insulation, Windows & Doors	\$7,952.00		\$87.47				
73472	Nancy Shobe 57 Fifth St	Rhodes Custom Kitchens	Install Cabinets, Countertop, Flooring & Electrical	\$4,296.00	A	\$40.81 \$100.00				
73473	Patricia Garton 49 Meade St	Powers Construction	Garage 18'x20' Living Room Addition 14'x15' Razing Cellar & Garage	\$70,460.00	B2	\$493.22 \$100.00	X	X		
73474	Daniel Tenney 126 Railroad Ave	Self	Front Porch 12'x38' Siding & Windows	\$2,500.00		\$27.50	X	X	X	
73475	Jeff Coffman 14-16 N Spring St	Self	Awning 20'x3'	\$600.00		\$10.00	X			
73476	Linda Ball 116 Camden Ave	Self	Metal Roof over existing Deck 19'x 16'	\$3,000.00		\$33.00	X			
73477	Ntelos Walk Trail Lane	Total Comm Systems	Upgrade Antennas on existing cell tower	\$6,000.00		\$57.00	X	X	X	
73478	Frankie Casto 13 Gum St	Crites Electric Inc	Generator on 31"x54" pad	\$5,883.00	B2	\$64.71 \$100.00	X			
73479	Patricia Heitman 148 Camden Ave	Self	Re-Roof Shingles	\$700.00		\$10.00	X			
73480	Marilyn Keith 21 Boggess St	Self	Deck 8'x10'	\$350.00		\$10.00	X			
73481	Ryan Cutright 12 Upper Dr	Crawl Space Solutions	Basement Dewatering System	\$6,860.90		\$75.46				
73482	Catherine Cuppari 5 Cooper St	Billy Gillium Handy Man	Window Replacement	\$1,600.00		\$15.00				
73483	Dale Woody 103 W Lincoln St	Neels Fence	Fence 5ft hgt -vinyl	\$6,000.00		\$66.00	X			
73484	Amber Tustin State Farm 29 N Locust St	Self	Inside Renovations	\$6,671.00		\$63.37				
73485	Steven Ward 15 Elias St	Self	Inside Remodel & Repair Steps	\$999.00		\$10.00				
TOTAL				\$134,271.90		\$1,495.29				

09-01-2016 08:49 AM

Disbursements 8-18-16 TO 8-31-16

PAGE: 1

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT	
MAYOR'S OFFICE	XEROX CORPORATION	409-341-00	MAYOR'S SUPPLIES & M	FREIGHT CHARGE ON TONER	2.15	
	PITNEY BOWES INC	409-218-00	MAYOR'S POSTAGE	PITNEY BOWES	757.49	
	J & S BUSINESS FORMS	409-341-00	MAYOR'S SUPPLIES & M	COPIER PAPER	648.28	
	SUNSET GRAPHICS LLC	409-341-00	MAYOR'S SUPPLIES & M	SIGNS	227.50	
	WV PUBLIC EMPLOYEES RETIREME	409-106-00	MAYOR'S RETIREMENT	WV RETIREMENT CONTRIBUTION	40.01	
	PAYROLL ACCOUNT (ALL DEPTS)	409-106-00	MAYOR'S RETIREMENT	WV RETIREMENT CONTRIBUTION	45.01	
	JOSH MULLINS	409-341-00	MAYOR'S SUPPLIES & M	AUG 2016 AA FEES	118.01	
	COMMUNITY CARE OF WV	409-341-00	MAYOR'S SUPPLIES & M	JULY 2016 AA FEES	118.63	
	ANDREA ANDREWS	409-341-00	MAYOR'S SUPPLIES & M	REF \$15 OVERPYM ON BLD PER	15.00	
	COLLECTION ACCOUNT	409-341-00	MAYOR'S SUPPLIES & M	REF \$20 OVERPYM PERMIT 734	20.00	
	INTERNAL REVENUE SERVICE	409-104-00	MAYOR'S SUPPLIES & M	REF \$58.30 BLD PERMIT 7346	58.30	
	CHAMPION INDUSTRIES	409-104-00	MAYOR'S F.I.C.A.	CC FEES JULY 2016	406.28	
	POLING ST CLAIR FUNERAL HOME	409-341-05	MAYOR'S F.I.C.A.	FICA WITHHELD AND MATCHED	38.66	
	AT&T MOBILITY	409-211-00	MAYOR'S F.I.C.A.	MEDICARE WITHHELD & MATCHE	9.05	
	FRONTIER	409-211-00	MAYOR'S SUPPLIES & M	LABELS STAPLES TIME BKS	120.15	
		409-211-00	EVENT/FIREWORK EXPEN	TIME CAPSULE CONTAINER	150.00	
		409-211-00	MAYOR'S TELEPHONE	MAYOR'S CELL PHONE 642-165	16.17	
		409-211-00	MAYOR'S TELEPHONE	HOLLEN PHONE 997-9091	12.95	
		409-211-00	MAYOR'S TELEPHONE	RECORDER'S PHONE 997-9187	5.16	
		409-211-00	MAYOR'S TELEPHONE	304-472-1651-101515-4	60.39	
		409-211-00	MAYOR'S TELEPHONE	304-003-2273-060600-4	21.02	
				TOTAL:	2,890.13	
	COUNCIL	WV PUBLIC EMPLOYEES RETIREME	410-106-00	COUNCIL'S RETIREMENT	WV RETIREMENT CONTRIBUTION	24.00
		INTERNAL REVENUE SERVICE	410-104-00	COUNCIL'S F.I.C.A.	FICA WITHHELD AND MATCHED	62.00
		MCCLURE GOAD PLLC	410-223-00	COUNCIL'S F.I.C.A.	MEDICARE WITHHELD & MATCHE	14.50
			PROFESSIONAL (LEGAL)	AUGUST 2016 LEGAL SERVICES	1,041.67	
			TOTAL:	1,142.17		
RECORDER	INTERNAL REVENUE SERVICE	411-104-00	RECORDER'S F.I.C.A.	FICA WITHHELD AND MATCHED	9.30	
		411-104-00	RECORDER'S F.I.C.A.	MEDICARE WITHHELD & MATCHE	2.18	
				TOTAL:	11.48	

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
TREASURER	WV PUBLIC EMPLOYEES RETIREME	413-106-00	TREASURER'S RETIREME	WV RETIREMENT CONTRIBUTION	26.25
		413-106-00	TREASURER'S RETIREME	WV RETIREMENT CONTRIBUTION	26.25
	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:		69.23
COURT	INTERNAL REVENUE SERVICE	416-104-00	POLICE JUDGE FICA	FICA WITHHELD AND MATCHED	38.75
		416-104-00	POLICE JUDGE FICA	MEDICARE WITHHELD & MATCHE	9.06
			TOTAL:		47.81
CITY ATTORNEY	INTERNAL REVENUE SERVICE	417-104-00	CITY ATTORNEY FICA	FICA WITHHELD AND MATCHED	7.75
		417-104-00	CITY ATTORNEY FICA	MEDICARE WITHHELD & MATCHE	1.81
			TOTAL:		9.56
ZONING	RECORD-DELTA NEWSPAPER	437-341-00	ZONING SUPPLIES	ZONING BOARD OF APPEALS AD	36.42
		437-341-00	ZONING SUPPLIES	ZONING BOARD OF APPEALS AD	20.03
	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:		132.95
DATA PROCESSING	HEWLETT PACKARD ENTERPRISE C	439-230-00	DATA PROCESSING	SERVICE AGREEMENT	522.00
	TYLER TECHNOLOGIES INC	439-230-00	DATA PROCESSING	UTILITY MAINT HANDHELD EPS	1,465.09
	SUDDENLINK	439-230-00	DATA PROCESSING	AUGUST 2016 INTERNET	31.23
			TOTAL:		2,018.32
CITY HALL	MON POWER	440-213-00	CITY HALL UTILITIES	110088782062 70 E MAIN ST	1,493.42
	MOUNTAINEER GAS COMPANY	440-213-00	CITY HALL UTILITIES	383925-483167 70 E MAIN ST	56.24
		440-213-00	CITY HALL UTILITIES	269245-314199 1 S-FLORIDA	82.06
	WV PUBLIC EMPLOYEES RETIREME	440-106-00	GROUP RETIREMENT	WV RETIREMENT CONTRIBUTION	119.81
		440-106-00	GROUP RETIREMENT	WV RETIREMENT CONTRIBUTION	119.81
	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:		1,946.59
ELECTRICIAN - CONTRACT A-1	ELECTRICAL INSPECTIONS	565-230-00	ELECTRICIAN - CONTRA	ELEC SPECS HARDMAN & WODZI	200.00
				TOTAL:	200.00
POLICE	MON POWER	700-213-00	POLICE DEPT UTILITIE	110088783078 22 S FLORIDA	954.94
	RECORD-DELTA NEWSPAPER	700-341-00	POLICE DEPT. MAT & S	LEGAL NOTICE PETITION FOR	264.20
	COMDOC LEASING	700-341-00	POLICE DEPT. MAT & S	XEROX COPIER USAGE	207.11
	MOUNTAINEER GAS COMPANY	700-213-00	POLICE DEPT UTILITIE	383931-483167 20 S FLORIDA	24.31
	QUICK SLICK OIL CHANGE	700-343-00	POLICE DEPT. AUTO SU	OIL CHANGES	26.95
		700-343-00	POLICE DEPT. AUTO SU	OIL CHANGES	37.45
	SUPER SPLASH LLC	700-343-00	POLICE DEPT. AUTO SU	CAR WASHES JULY 2016	85.00
	NMS LABS	700-233-00	POLICE DEPT. CRIMINA	RETURN SPECIMEN	50.00
	DODSON BROS EXTERMINATING	700-341-00	POLICE DEPT. MAT & S	SAFETY COMPLEX MONTHLY INS	45.00
	WV PUBLIC EMPLOYEES RETIREME	700-106-00	POLICE DEPT. RETIREM	WV RETIREMENT CONTRIBUTION	2,407.01
		700-106-00	POLICE DEPT. RETIREM	WV RETIREMENT CONTRIBUTION	2,165.13
		700-106-25	POLICE RET PRO	WV RETIREMENT CONTRIBUTION	185.68
	ST JOSEPH HOSPITAL OF BUCKHA	700-233-00	POLICE DEPT. CRIMINA	LAB JACOB JOHNSON	14.00
	WALMART STORES INC -BUCKHANN	700-343-00	POLICE DEPT. AUTO SU	WINDSHIELD WASHER FLUID	17.04
	INTERNAL REVENUE SERVICE	700-104-00	POLICE DEPT. FICA TA	FICA WITHHELD AND MATCHED	1,185.10
		700-104-00	POLICE DEPT. FICA TA	MEDICARE WITHHELD & MATCHE	277.18
	LEXIS NEXIS - MATTHEW BENDER	700-341-00	POLICE DEPT. MAT & S	WV CRIME & TRAF LW MNL	134.23

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
	AT&T MOBILITY	700-211-00	POLICE DEPT. TELEPHO	642-5723, 940-1797	104.20
	HECKLER & KOCH INC	700-459-00	POLICE DEPT. NEW EQU	045 ACP PISTOL W/3 MAGAZI	885.00
	FRONTIER	700-211-00	POLICE DEPT. TELEPHO	304-473-7911-073014-4 POL	64.40
		700-211-00	POLICE DEPT. TELEPHO	304-001-6194-111398-4	76.30
			TOTAL:		9,210.23
FIRE	MON POWER	706-213-00	FIRE DEPT. UTILITIES	110088783078 22 S FLORIDA	954.95
	BISER'S RADIO SERVICE	706-343-00	FIRE DEPT. AUTO SUPP	CABLE HI-BAND LADDER 11	125.00
	J.P. MORGAN EQUIPMENT FINAN	706-459-00	FIRE DEPT. CAPITAL O	SEPT 2016 FIRE TRK PYMT	3,678.20
	LOUDIN INSURANCE AGENCY INC	706-226-00	FIRE DEPT. INSURANCE	QUARTERLY PYMT VFD	2,691.72
	MOUNTAINEER GAS COMPANY	706-213-00	FIRE DEPT. UTILITIES	383931-483167 20 S FLORIDA	24.32
	NAPA-AMTOWER AUTO SUPPLY	706-343-00	FIRE DEPT. AUTO SUPP	CBC40HB CIRBRKR	3.49
	CHASE	706-461-00	NEW FIRE STATION PAY	SEPT 2016 NEW FIRE STATION	13,208.08
	WV PUBLIC EMPLOYEES RETIREME	706-106-00	FIRE DEPT. GROUP RET	WV RETIREMENT CONTRIBUTION	780.52
		706-106-00	FIRE DEPT. GROUP RET	WV RETIREMENT CONTRIBUTION	834.43
		706-106-00	FIRE DEPT. GROUP RET	WV RETIRE TIER2 CONTRIBUTI	829.77
	MOUNT NITTANY PHYSICIAN GROU	706-341-00	FIRE DEPT. MATERIAL	PHYSICAL FOR PATRICK TRAXL	70.00
	LION GROUP, INC.	706-341-00	FIRE DEPT. MATERIAL	PATCH HOLE/TEAR	21.00
	BOLYARD LLC; ROGER	706-216-00	FIRE DEPT. MAINTENAN	REMOVE & REPL SAFETY CABL	50.00
	ST JOSEPH HOSPITAL OF BUCKHA	706-341-00	FIRE DEPT. MATERIAL	LAB TEST AARON GOFF	50.00
		706-341-00	FIRE DEPT. MATERIAL	LAB TEST JAMES ELMORE	50.00
	WALMART STORES INC -BUCKHANN	706-216-00	FIRE DEPT. MAINTENAN	COAX CABLE (REPLACE)	14.97
		706-341-00	FIRE DEPT. MATERIAL	GLUCOSE METER ENT CERT FF	23.00
	INTERNAL REVENUE SERVICE	706-104-00	FIRE DEPT. FICA TAX	FICA WITHHELD AND MATCHED	859.75
		706-104-00	FIRE DEPT. FICA TAX	MEDICARE WITHHELD & MATCHE	201.06
	APPALACHIAN SIGNALS & PRODUC	706-216-00	FIRE DEPT. MAINTENAN	ANNUAL FIRE ALARM INSPEC	275.00
FRONTIER	706-211-00	FIRE DEPT. TELEPHONE	304-472-2868-101915-4	76.09	
			TOTAL:		25,650.94
FLOOD CONTROL	CIVIL & ENVIROMENTAL CONSULT	714-230-00	FLOOD CONTROL-RIVER	SURVEY WORK	688.52
				TOTAL:	688.52
STREET	MON POWER	750-213-00	STREET DEPT. UTILITI	110084762464 20 FACTORY ST	193.49
		750-213-00	STREET DEPT. UTILITI	110084762126 GARAGE	54.31
		750-213-00	STREET DEPT. UTILITI	110084761755 17 1/2 FACTOR	21.87
	KING ARCHITECTURAL METALS	750-341-00	STREET DEPT. MAT & S	Post Top's	386.39
	MOUNTAINEER GAS COMPANY	750-213-00	STREET DEPT. UTILITI	341416-404855 17 1/2 FACTO	41.04
		750-213-00	STREET DEPT. UTILITI	269255-492564 6 FACTORY ST	41.04
	J F ALLEN CO	750-341-00	STREET DEPT. MAT & S	Gravel	858.94
		750-461-00	STREET PAVING	Blacktop	551.85
	CONTINENTAL COFFEE SERVICE	750-341-00	STREET DEPT. MAT & S	Coffee & Creamer	34.95
	NAPA-AMTOWER AUTO SUPPLY	750-341-00	STREET DEPT. MAT & S	Paint for sign post	498.69
	LOWES BUSINESS ACCOUNTS	750-341-00	STREET DEPT. MAT & S	Fourming & Sign Supplies	30.51
		750-341-00	STREET DEPT. MAT & S	Fourming & Sign Supplies	47.04
		750-341-00	STREET DEPT. MAT & S	20'x100' Tarp	73.89
	SHERWIN WILLIAMS-ELKINS	750-341-00	STREET DEPT. MAT & S	Curb Paint	100.00
	CENTRAL SUPPLY CO	750-341-00	STREET DEPT. MAT & S	Concrete & fourm Shield	90.19
		750-341-00	STREET DEPT. MAT & S	Concrete & fourm Shield	1,518.43
		750-341-00	STREET DEPT. MAT & S	Concrete & Form Shield	1,518.43
		750-341-00	STREET DEPT. MAT & S	Concrete & Form Shield	970.43
		750-341-00	STREET DEPT. MAT & S	Concrete & Form Shield	90.19
		750-341-00	STREET DEPT. MAT & S	Concrete	1,518.43
	750-341-00	STREET DEPT. MAT & S	Concrete	1,381.43	

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
		750-341-00	STREET DEPT. MAT & S	Concrete	1,518.43
		750-341-00	STREET DEPT. MAT & S	Concrete	1,518.43
		750-341-00	STREET DEPT. MAT & S	Concrete	1,244.43
	SEALCOAT CONCEPTS LLC	750-341-00	STREET DEPT. MAT & S	Painting Crosswalks	635.00
	WV PUBLIC EMPLOYEES RETIREME	750-106-00	STREET DEPT. GROUP R	WV RETIREMENT CONTRIBUTION	1,375.64
		750-106-00	STREET DEPT. GROUP R	WV RETIREMENT CONTRIBUTION	1,349.42
	PROGRESSIVE BANK	750-459-00	STREET DEPT. CAPITAL	SEPT. STREET SWEEPER PYMT	1,854.10
		750-459-00	STREET DEPT. CAPITAL	SEPT 2016 SKID STEER PYMT	664.11
	INTERNAL REVENUE SERVICE	750-104-00	STREET DEPT. FICA TA	FICA WITHHELD AND MATCHED	808.37
		750-104-00	STREET DEPT. FICA TA	MEDICARE WITHHELD & MATCHED	189.08
	AT&T MOBILITY	750-211-00	STREET DEPT. TELEPHO	642-1601-940-2024	91.84
	FRONTIER	750-211-00	STREET DEPT. TELEPHO	304-472-5755-101615-4	76.09
				TOTAL:	21,346.48
STREET LIGHTS	MON POWER	751-213-00	STREET LIGHTS	110088782484 E. MAIN ST	74.92
				TOTAL:	74.92
TRAFFIC SIGNALS & SIGN	MON POWER	752-213-00	TRAFFIC SIGNALS POWE	110 088 985 459 RT. 119	27.50
		752-213-00	TRAFFIC SIGNALS POWE	110088985624 RT. 20 BKN C	61.37
		752-213-00	TRAFFIC SIGNALS POWE	110087174485 S. KANAWHA ST	20.98
		752-213-00	TRAFFIC SIGNALS POWE	110088235830 REGER ST RT 2	24.34
				TOTAL:	134.19
STOCKERT YOUTH CENTER	MON POWER	907-213-00	UTILITIES	110084592119 SYC	1,257.36
		907-213-00	UTILITIES	110084767208 79 E MAIN ST	7.24
	LEAF	907-341-00	MATERIALS & SUPPLIES	COPY MACHINE LEASE	119.64
	NAPA-AMTOWER AUTO SUPPLY	907-216-00	MAINTENANCE	BELT FOR BUS	33.30
	WV PUBLIC EMPLOYEES RETIREME	907-106-00	GROUP RETIREMENT	WV RETIREMENT CONTRIBUTION	286.31
		907-106-00	GROUP RETIREMENT	WV RETIREMENT CONTRIBUTION	286.31
	KIMBERLY KARICKHOFF	907-354-00	DRILL TEAM	REF BATON REGISTRATION	35.00
	WASTE COLLECTION BOARD	907-343-00	SYC AUTO SUPPLIES	SERVICE ON BUS	842.73
		907-343-00	TRAFFIC SIGNALS POWE	OIL CHANGE WHITE BUS	108.13
	ST JOSEPH HOSPITAL OF BUCKHA	907-341-00	MATERIALS & SUPPLIES	LAB TEST RHONDA SUPER	50.00
		907-341-00	MATERIALS & SUPPLIES	LAB TEST KEVIN CAMPBELL	50.00
		907-341-00	MATERIALS & SUPPLIES	KATIE WAMSLEY LAB TEST	50.00
	WALMART STORES INC -BUCKHANN	907-341-00	MATERIALS & SUPPLIES	OFFICE SUPPLIES	11.68
		907-360-00	CAMP BUCANNEER SUPPL	CAMP BUC SUPPLIES	91.96
		907-360-00	CAMP BUCANNEER SUPPL	CAMP BUC SUPPLIES	4.32
		907-341-00	MATERIALS & SUPPLIES	OFFICE SUPPLIES	17.88
		907-361-00	AFTER SCHOOL SUPPLIE	AFTER SCHOOL SNACKS	88.09
		907-360-00	CAMP BUCANNEER SUPPL	CAMP BUC SUPPLIES	41.19
		907-361-00	AFTER SCHOOL SUPPLIE	AFTER SCHOOL SNACKS	120.93
	SAM'S PIZZA	907-360-00	CAMP BUCANNEER SUPPL	CAMP LUNCH	25.00
	INTERNAL REVENUE SERVICE	907-104-00	FICA TAX	FICA WITHHELD AND MATCHED	246.51
		907-104-00	FICA TAX	MEDICARE WITHHELD & MATCHED	57.67
	FRONTIER	907-211-00	TELEPHONES	304-473-0145-042701-4	176.09
				TOTAL:	4,007.34

Motion Albaugh/Rylands to Approve Consent Agenda. Motion Carried

Strategic issues:

- **Downtown Parking Ordinance 2016-008 – second reading (third reading & public hearing on Sept 15)** City Attorney -Scott McClure read the caption.

Motion Albaugh/Cuppari to Approve second reading Downtown Parking Ordinance 2016-008. Motion Carried.

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 parking on streets or highways. | 361.08 Parking for certain purposes prohibited |
| | 361.09 Parking prohibited during certain hours in downtown district |
| 361.02 Police may remove illegally stopped vehicles. | 361.10 Truck loading zones. |
| | 361.11 Bus stops and taxicabs stands. |
| 361.03 Prohibited stopping, standing or parking places. | 361.12 Parking in alleys and narrow streets; exceptions |
| | 361.13 Registered owner prima-facie liable for unlawful parking. |
| 361.04 Vehicles parked | 361.14 Monthly permit fees for parking |

on private property.	vehicles in various off-street
361.05 Manner of angle and	parking facilities.
parallel parking.	361.15 Regulations.
361.06 Accessible parking.	361.16 Severability.
361.07 Abandoned/junk motor vehicles	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

361.01 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

(a) Upon any street or highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the street or highway when it is practicable to stop, park or so leave such vehicle off such part of the street or highway, but in every event an unobstructed width of the street or highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of 200 feet in each direction upon such highway or street.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a street or highway in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. (WVaC 17-C-13-1)

361.02 POLICE MAY REMOVE ILLEGALLY STOPPED VEHICLES.

(a) Whenever any police officer finds a vehicle standing upon a street or highway in violation of Section 361.01, such officer is hereby authorized to move such vehicle or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such street or highway.

(b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.
 (WVaC 17C-13-2)

361.03 PROHIBITED STOPPING, STANDING OR PARKING PLACES.

(a) No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet of a fire hydrant;
- (5) In a properly designated fire lane;
- (6) On a crosswalk;
- (7) Within twenty feet of a crosswalk at an intersection;
- (8) Within thirty feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;

- (9) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (10) Within fifty feet of the nearest rail or a railroad crossing;
- (11) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite of a street to any fire station within seventy-five feet of such entrance (when properly signposted);
- (12) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (13) On the roadway side of a vehicle stopped or parked at the edge or curb of a street;
- (14) Upon any bridge or other elevated structure upon a street or highway or within a street or highway tunnel;
- (15) At any place where signs prohibit stopping, standing or parking or where the curbing or street is painted yellow or red, or at any place in excess of the maximum time limited by signs;
- (16) Within twenty feet of any mail receptacle served regularly by a carrier using a motor vehicle for daily deliveries if such parking interferes with or causes delay in the carrier's schedule;
- (17) Upon any controlled-access highway;
- (18) At any place on any street or highway where the safety and convenience of the traveling public is thereby endangered;
- (19) Over or across any lines or marks established by the Municipality to indicate parking spaces;
- (20) In front of a wheelchair accessible ramp or curb cut which is part of a sidewalk designed for use by the general public when the ramp or curb cut is properly marked with blue paint.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(WVaC 17C-13-3)

(c) No person shall back a vehicle into a metered space. (\$5.00)

361.04 VEHICLES PARKED ON PRIVATE PROPERTY.

No driver of a vehicle shall stop, park or leave standing unattended any vehicle on a private road or driveway or on a private property without having express or implied permission from the owner, tenant or lessee of such land. The owner, tenant or lessee of such private road or driveway or private property may move, or have moved, any vehicle stopped, parked or left standing unattended on his or her private road, driveway or private road, driveway or private property as above prohibited without any liability for the cost of moving any vehicle, nor shall he or she be liable to the owner of the vehicle for any damage done to such vehicle in moving it, unless the owner, tenant or lessee of such private road or driveway or private property was negligent in removing or authorizing the removal of the vehicle. The owner of such vehicle shall be responsible to the persons removing such vehicle for paying all removal costs. Any person who removes any vehicle under the provisions of this section shall notify the State Police of C-such action, and, in addition notify the Police Department. (WVaC 17C-14-13)

361.05 MANNER OF ANGLE AND PARALLEL PARKING.

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the curb-side wheels of such vehicle parallel with and not more than eighteen inches from the curb, unless it is impossible to approach so close to the curb; in such case the stop shall be as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.

(b) The subsection does not apply to streets or parts thereof where angle parking is lawfully permitted. However, no angle parking shall be permitted on a State or Federal-aid route unless approved by the State Commissioner of Highways.

(c) Upon streets where angle parking is permitted, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway as is indicated by appropriate signs or marks.

(d) No vehicle shall be stopped or parked on a road or street with the vehicle facing in the direction other than the direction of travel on that side of the road or street.

361.06 ACCESSIBLE PARKING.

(a) As used in this section, the following terms have the meanings ascribed to them in this subsection:

(1) A person or applicant with a "mobility impairment" means a person who is a citizen of West Virginia and as determined by a physician, allopath or osteopath chiropractor, advanced nurse practitioner or physician's assistant licensed to practice in West Virginia:

- A. Cannot walk two hundred feet without stopping to rest;
- B. Cannot walk without the use of or assistance from a brace, cane, crutch, prosthetic device, wheelchair, other assistive device or another person;
- C. Is restricted by lung disease to such an extent that the person's force (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- D. Uses portable oxygen;
- E. Has a cardiac condition to such an extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards established by the American heart association; or
- F. Is severity limited in his or her ability to walk because of an arthritic, neurological, or other orthopedic physical condition.

(2) "Special registration plate" means a registration plate that displays the international symbol of access, as adopted by the Rehabilitation International Organization in nineteen hundred sixty-nine at its Eleventh World Congress on Rehabilitation of the Disabled, in a color that contrasts with the background, in letters and numbers the same size as those on the plate, and which may be used in lieu of regular registration plate;

(3) "Removable windshield placard" (permanent or temporary) means a two-sided hanger style placard measuring three inches by nine and one half inches, with all of the following on each side:

- A. The international symbol of access, measuring at least three inches in height, centered on the placard, in white on a blue background for permanent designations and in white on a red background for temporary designations;
- B. An identification number measuring one inch in height;
- C. An expiration date in numbers measuring one inch in height; and
- D. The seal or other identifying symbol of the issuing authority.

(4) "Public entity" means state or local government or any other department, agency, special purpose district or other instrumentality of a state or local government.

(5) "Public facility" means all or any part of any buildings, structures, sites, complexes, roads, parking lots or other real or personal property, including the site where the facility is located.

(6) "Place(s) of public accommodation" means a facility or facilities operated by a private entity whose operations affect commerce and fall within at least one of the following categories:

- A. Inns, hotels, motels and other places of lodging;
- B. Restaurants, bars or other establishments serving food or drink;
- C. Motion pictures houses, theaters, concert halls, stadiums or other places of exhibition or entertainment;
- D. Auditoriums, convention centers, lecture halls or other places of public gatherings;
- E. Bakeries, grocery stores, clothing stores, hardware stores, shopping centers or other sales or rental establishments;
- F. Laundromats, dry cleaners, banks, barber and beauty shops, travel agencies, shoe repair shops, funeral parlors, gas or service stations, offices of accountants and attorneys, pharmacies, insurance offices, offices of professional health care providers, hospitals or other services establishments;
- G. Terminals, depots or other stations used for public transportation;
- H. Museums, libraries, galleries or other places of public display of collection;
- I. Parks, zoos, amusement parks or other places of recreation;
- J. Public or private nursery, elementary, secondary, undergraduate or post-graduate schools or other places of learning and day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies or other social service establishments; and

K. Gymnasiums, health spas, bowling alleys, golf courses or other places of exercise or recreation.

(7) “Commercial facility” means a facility whose operations affect commerce and which are intended for nonresidential use by a private entity.

(8) “Accessible parking” formally known as “handicap parking” is the present phase consistent with language within American with Disabilities Act (ADA).

(9) “Parking enforcement personnel” includes any law enforcement officer as defined by West Virginia Code 30-29-1, and private security guards, parking personnel and other personnel authorized by a city, county or the state issue parking citations.

(b) An accessible parking space should comply with the provisions of the Americans with Disabilities Act accessibility guidelines, contained in the 28 C.F.R. 36, Appendix A, Section 4.6. In particular, the parking space should be a minimum of eight feet wide with an adjacent eight-foot access aisle for vans having side mounted hydraulic lifts or ramps of a five-foot access aisle for standard vehicles. Access aisles should be marked using diagonal two-to four-inch-wide-stripes spaced every twelve or twenty-four inches apart along with the words “no parking” in painted letters which are at least twelve inches in height. All accessible parking spaces should have a signpost in front or adjacent to the accessible parking space displaying the international symbol of access sign mounted at a minimum of eight feet above the pavement of sidewalk and the top of the sign. Lines or markings on the pavement or curbs for parking spaces and access aisles may be in any color, although blue is the generally accepted color for accessible parking.

(c) A vehicle from any other state, United States territory or foreign country displaying an officially issued special registration plate, placard or decal bearing the international symbol of access shall be recognized and accepted as meeting the requirements of this section, regardless of where the plate, placard or decal is mounted or displayed on the vehicle.

(d) Stopping, standing or parking places marked with the international symbol of access shall be designated in close proximity to all public entities including state, county and municipal buildings and facilities, places of public accommodation and commercial facilities. These parking places shall be reserved solely for persons with a mobility impairment at all times.

(e) Any person whose vehicle properly displays a valid, unexpired special registration plate or removable windshield placard may park the vehicle for unlimited periods of time in parking zones unrestricted as to length of parking time permitted; Provided, that this privilege does not mean that the vehicle may park in any zone where stopping, standing or parking is prohibited or which created parking zones for special types of vehicles or which prohibits parking during heavy traffic periods during specified rush hours or where parking would clearly present a traffic hazard. To the extent any provision of any ordinance of any political subdivision of this State is contrary to the provisions of this section, the provisions of this section take precedence and apply.

The parking privileges provide for in this subsection apply only during those times when the vehicle is being used for the loading or unloading of a person with a mobility impairment. Any person who knowingly exercises, or attempts to exercise these privileges at a time when the vehicle is not being used for the loading or unloading of a person with mobility impairment, upon first conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined two hundred dollars (\$200.00); upon second conviction thereof, in addition to any other penalty, he or she may otherwise incur, shall be fined three hundred dollars (\$300.00); and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined five hundred dollars (\$500.00).

(f) Any person whose vehicle does not display a valid, special registration plate or removable windshield placard may not stop, stand or park a motor vehicle in an area designated, zoned or marked for accessible parking with signs or instructions displaying the international symbol of access, either by itself or with explanatory text. The signs may be mounted on a post or a wall in front of the accessible parking space and instructions may appear on the ground or pavement, but use of both methods is preferred. Accessible parking spaces for vans having an eight-foot adjacent access aisle should be designated as “van accessible” but may be used by any vehicle displaying a valid special registration plate or removable windshield placard.

Any person who violates the provisions of this subsection shall be fined two hundred dollars (\$200.00); upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined three hundred dollars (\$300.00); and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined five hundred dollars (\$500.00).

(g) All signs that designate areas as “accessible parking” or that displays the international symbol of access shall also include the words “Up to \$500.00 fine”.

(h) No person may stop, stand or park a motor vehicle in an area designated or marked off as an accessible aisle to a van-accessible parking space or regular accessible parking space. Any person, including driver of a vehicle displaying a valid removable windshield placard or special registration plate, who violates the provisions of this subsection shall be fined two hundred dollars (\$200.00); upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined three hundred dollars (\$300.00); and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined five hundred dollars (\$500.00).

(i) Parking enforcement personnel who otherwise enforce parking violations may issue citations for violations of this section and shall reference the number on the vehicle's license plate, since the driver normally will not be present.

(j) Law-enforcement agencies may establish a program to use trained volunteers to collection information necessary to issue citations to persons who illegally park in designated accessible parking spaces. Any law-enforcement agency choosing to establish a program shall provide for workers' compensation and liability coverage. The volunteers shall photograph the illegally parked vehicle and complete a form, to be developed by supervising law-enforcement agencies, that includes the vehicle's license plate number, date, time and location of the illegally parked vehicle. The photographs must show the vehicle in the accessible space and a readable view of the license plate. Within the discretion of the supervising law-enforcement agency, the volunteers may issue citations or the volunteers may submit the photographs of the illegally parked vehicles and the form to the supervising law-enforcement agency, who may issue a citation, which includes the photographs and the form, to the owner of the illegally parked vehicle. Volunteers shall be trained on the requirements for citations for vehicles parked in marked, zoned or designated accessible parking areas by the supervising law-enforcement agency.

(k) The Municipality in enforcing this section shall retain all fines and associated late fees. These revenues shall be used first to fund the provisions of subsection (j) of this section, if adopted by the Municipality or otherwise shall go into the Municipality's General Revenue Fund. (WVaC 17C-13-6)

361.07 ABANDONED/JUNK MOTOR VEHICLES

(a) Findings of Council. Council hereby makes the following findings:

(1) The statutory provisions of Chapter 8, Article 12, Section 5, Paragraph (10) of the West Virginia Code specifically authorize municipalities by ordinance or resolution, as the case may require, and by appropriate action based thereon, to prohibit the accumulation and require the disposal of garbage, refuse, debris, wastes, ashes, trash and other similar accumulations whether on private or public property;

(2) The statutory provisions of Chapter 8, Article 12, Section 5, Paragraph (13) of the West Virginia Code specially authorize municipalities by ordinance or resolution, as the case may require, and by appropriate action based thereon, to prevent injury of annoyance to the public individuals from anything dangerous, offensive or unwholesome;

(3) The statutory provisions of Chapter 8, Article 12, Section 5, Paragraph (23) of the West Virginia Code specifically authorize municipalities by ordinance or resolution, as the case may require, and by appropriate action based thereon, to provide for the elimination of hazards to public health and safety and to abate or cause to be abated anything which in the opinion of a majority of the governing body is a public nuisance;

(4) The statutory provisions of Chapter 8, Article 12, Section 5, Paragraph (44) of the West Virginia Code specifically authorize municipalities by ordinance or resolution, as the case may require, and by appropriate action based thereon, to protect and promote the public morals, safety, health, welfare and good order;

(5) The statutory provisions of Chapter 8, Article 12, Section 5, Paragraph (58) of the West Virginia Code specifically authorize municipalities by ordinance or resolution, as the case may require, and by appropriate action based thereon, to provide penalties for offenses and violation of law mentioned in Chapter 8, Article 12, Section 5 of the West Virginia Code, as amended;

(6) The statutory provisions of Chapter 17, Article 24A, Section 1, et seq. of the West Virginia Code specifically address abandoned and junked motor vehicles, including the opportunity of municipal enforcement agencies such as the city of Buckhannon's Police Department to take certain actions to take custody and possession of such vehicles;

(7) Council deems the parking or storage of any motor vehicle that has been abandoned, or which otherwise is in a wrecked, junked, partially dismantled, inoperative or abandoned condition upon any public property situated within the corporate limits of the city of Buckhannon for any period of time, and upon any private property situated within the corporate limits of the City of Buckhannon for a period exceeding thirty (30) days, to constitute violations of all of the foregoing Paragraphs (10), (13), (23) and (44) of Chapter 8, Article 12, Section 5 of the West Virginia Code, as amended, unless such vehicle is stored completely within an enclosed building located upon private property only, or further unless such vehicle is so stored or parked on a private property only in connection with a duly licensed business or commercial enterprise operated and conducted pursuant to law when such parking or storage of vehicles is necessary to the operation of the business or commercial enterprise;

(8) Council further finds that the keeping of abandoned or junked motor vehicles reflects negatively upon the appearance and image of our community, impairing property values and damaging neighborhood harmony; and,

(9) Council further deems it to be reasonable and appropriate to establish specific warning notice provisions for those violating the provisions of this section by storing abandoned or junked motor vehicles upon private property, prior to the issuance of any citation that could result in the imposition of penalties that include possible fines and imposition of fees, costs and expenses incurred by the City against persons convicted of violating the provisions of this section.

(b) Definitions.

(1) "Abandoned motor vehicle" means any motor vehicle, or substantial part thereof, that is functionally or legally inoperative and that has been left unattended, discarded or deserted, on either public or private property, other than such vehicle that is kept or maintained within a fully enclosed building or within a licensed salvage yard, vehicle auction establishment, or licensed and appropriately zoned vehicle repair establishment; to avoid any possible misunderstanding, a functionally inoperative vehicle is one that cannot be driven from its stored location; and a legally inoperative motor vehicle specifically includes any vehicle that is not currently licensed, inspected, or registered, and in either case, is not kept or maintained within a fully enclosed building, licensed salvage yard, vehicle auction establishment, or licensed and appropriately zoned vehicle repair establishment or the actual possession of the demolisher or repair enterprise.

(2) "Citation" means any written order issued by any City police officer, required the cited person to appear before the City Municipal court at a later date.

(3) "Enclosed building" means a structure surrounded by connected and intersecting walls or one continuous wall, and having a roof enclosing the entire structure and includes a permanent appendage thereto.

(4) "Junked motor vehicle" means any motor vehicle, or part thereof, other than an on-premises farm utility vehicle, that is discarded, wrecked, ruined, scrapped or dismantled, and cannot pass the State inspection required by Chapter 17C, Article 16, Section 1, et seq. of the West Virginia Code, as amended.

(5) "Motor vehicle" means any motor vehicle that is or was self-propelled, including but not limited to any automobile, truck, bus, motorcycle, or all-terrain vehicle (ATV).

(6) "Municipal court" means the Municipal Court of the City of Buckhannon, West Virginia, or the judge thereof.

(7) "Person" means any natural person, corporation, firm, partnership, association or society and the plural as well as the singular.

(8) "Private property" means any public street, ally, sidewalk or other real property owned or occupied by any person whomsoever.

(9) "Public property" means any public street, sidewalk or other real property not privately owned.

(10) "Warning notice" means the thirty (30) day notice described and set forth pursuant to the statutory provisions of Chapter 17, Article 24A, Section 3 of the West Virginia State Code that requires the enforcement agency to give both the private property owner and the owner of the subject abandoned or junked motor vehicle, if ascertainable, a thirty-day, written notice by registered or certified mail that the action will be taken unless the motor vehicle is restored to a functional use and legally operative condition, or further pursuant to this section, the subject motor vehicle is otherwise brought into compliance by proper removal or being moved within an enclosed building.

(11) "Zoning and Housing Enforcement Officer" means the duly appointed zoning and housing enforcement officer of the City of Buckhannon.

(c) Warning Notice to Remove Motor Vehicle.

(1) Prior to any removal of any abandoned or junked motor vehicle from private property only, by the enforcement agency as permitted pursuant to Chapter 17, Article 24A, Section 1, et seq., of the West Virginia Code, as amended, and further prior to the issuance of any citation authorized to be issued pursuant to the provisions of this section, there shall first be given to the private property owner or other possessor of the private property who is not the owner, e.g., lessee, and the owner of the motor vehicle, if ascertainable, a thirty-day written warning notice either sent by registered mail, or served personally by any member of the City of Buckhannon Police Department, said notice providing that the removal action will be taken, and a citation issued unless the motor vehicle is otherwise brought into compliance by proper removal or being moved within an enclosed building or otherwise being brought into compliance. All thirty-day warning notices shall be prepared by the City's Zoning and Housing Enforcement Officer, and the form warning notice shall be filed with and approved by the City Council. The thirty-day warning notice period shall be deemed to commence with either the receipt date or service date of the warning notice.

(2) The foregoing provisions of subsection (c)(1) hereof shall not be deemed to apply to any abandoned or junked motor vehicle located upon public property. To avoid any possible misunderstanding, the enforcement agency, i.e., the Buckhannon Police Department, may immediately take custody and possession of any abandoned or junked motor vehicle that is kept or maintained upon public property.

(3) The officers of the City's enforcement agency, i.e., the Buckhannon Police Department, are specifically authorized hereby to undertake all measures permitted to be taken by an enforcement agency pursuant to the statutory provisions of Chapter 17, Article 24A, Section 1, et seq., of the West Virginia Code, as amended, as though those measures were set forth fully herein, without limitation, and additionally, said officers are empowered to issue citations for violations of this section pursuant to subsection (d) hereof.

(d) Criminal Actions.

(1) It shall be unlawful for any person to park, store, keep or maintain any abandoned or junked motor vehicle upon any public or private property situation within the corporate limits of Buckhannon.

(2) It shall be unlawful for any person owning or otherwise possessing private property, to permit any parking, storing, keeping or maintaining of abandoned or junked motor vehicle upon any of their private property situation within the corporate limits of Buckhannon.

(3) For purposes of administering this section, a separate citation may be issued for each abandoned or junked motor vehicle.

(4) Further for purposes of administering this section, each ensuing seven-day period following the date of issuance of any citation hereunder shall be deemed to constitute a new and separate offense under this section for which additional citations may thereafter be issued.

(e) Jurisdiction of Municipal Court; Penalties for Violations.

(1) The City of Buckhannon's Municipal Court shall have exclusive jurisdiction to hear and decide all matters pertaining to violations of this section.

(2) Any person convicted of any first offense under this section shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) in this discretion of the Judge of the Municipal Court, plus any applicable fees, costs and expenses incurred by the Police Department or City of Buckhannon in the removal, storage or disposal of any vehicle pursuant to this section.

(3) Any person convicted of any second of subsequent offense under this section shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) in the discretion of the Judge of the Municipal Court, plus an applicable fees, costs and expenses incurred by the Police Department or City of Buckhannon in the removal, storage or (Ord. 357. Passed 5-17-11.)

361.08 PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park any vehicle upon any street within the Municipality for the principal purpose of:

- (a) Displaying such vehicle for sale.
- (b) Displaying advertising.
- (c) Washing, greasing or repairing such vehicle, except repairs made necessary by an emergency.
- (d) Relieving the crowded condition of any parking lot, used car lot, automobile sale lot, repair garage, automobile sales agency or used car sales agency.

361.09 PARKING PROHIBITED DURING CERTAIN HOURS IN THE DOWNTOWN DISTRICT.

No person shall park any vehicle upon any street within the Downtown District where clearly identified by signage posted between the hours of 3:00 a.m. and 6:00 a.m. o'clock. For purposes of this section, "Downtown District," is that portion of the "C-1, Downtown Commercial District," established pursuant to the provisions of the City's Zoning Ordinance, i.e., Ordinance No. 244 and the amendatory ordinances thereto, and which "Downtown District" is more particularly depicted upon the attached map. The City's Consolidated Public Works Board as was established pursuant to Ordinance No. 263 shall have plenary authority to expand or contract the "Downtown District" from time to time, but provided that any such expansion or contraction shall be confined to real estate located within the C-1 Zone.

361.10 TRUCK LOADING ZONES.

No person shall stop, stand or park a vehicles for the purposes or length of time other than for the expeditious unloading and delivering or pickup and loading of materials in any place marked as a truck loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty minutes.

361.11 BUS STOPS AND TAXICAB STANDS.

(a) No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately posted, except that he driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone, and then only for a period not to exceed three minutes, if such stopping is not prohibited therein by posted signs.

(b) The operator of a bus shall not stop, stand or park such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated and posted as such, except in case of an emergency.

(c) The operator of a bus shall enter a bus stop on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(d) The operator of a taxicab shall not stand or park such vehicle upon any street at any other place other than in a taxicab stand so designated and posted as such. The provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking provisions at any place for the purpose of a while actually engaged in the expeditious loading or unloading of passengers.

**361.12 PARKING IN ALLEYS AND NARROW STREET;
EXCEPTIONS.**

No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when directed to by a police or traffic control signal.

Except as otherwise provided by law, no person shall stop, stand or park a vehicle within an alley except while actually loading and unloading, and then only for a period not to exceed thirty minutes.

361.13 REGISTERED OWNER PRIMA-FACIE LIABLE FOR UNLAWFUL PARKING.

In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Traffic Code, and further testimony that the records of the Department of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima-facie evidence that the vehicle which was unlawfully parked was so parked by the defendant. A certified copy of registration from the Department of Motor Vehicles shall be proof of such ownership.

361.14 MONTHLY PERMIT FEES FOR PARKING VEHICLES IN VARIOUS OFF-STREET PARKING FACILITIES.

(a) Unless otherwise established by the City's Consolidated Public Works Board and clearly identified by signage posted at the facility, no charge or permit shall be required for parking any vehicle in any city-owned and/or operated off-street parking facility during the hours from 6:00 a.m. to 3:00 a.m. o'clock. Permits shall be required when parking any vehicle in these facilities from 3:00 a.m. to 6:00 a.m. o'clock.

(b) Notwithstanding any provision of this Article to the contrary, no person shall park any vehicle in the City's "Lot 2," i.e., the lot located across the street and to the immediate east of the Buckhannon Post Office on South Spring Street, at any time for any period exceeding two hours.

(c) A permit fee of \$25.00 per month shall be charged for parking any vehicle in any off-street parking facility clearly identified by signage posted at the facility from 3:00 a.m. to 6:00 a.m. o'clock.

(d) A removable windshield placard, or other city-approved means of displaying a valid permit, shall be properly placed in all vehicles parked in these facilities from 3:00 a.m. to 6:00 a.m. o'clock.

361.15. RULES AND REGULATIONS

Notwithstanding the immediately foregoing provisions, this Ordinance shall not prohibit the Consolidated Public Works Board of the City of Buckhannon from establishing, applying, and/or amending from time to time, the Board's own rules and regulations which may be promulgated to further facilitate the administration and operation of this Ordinance.

361.16. SEVERABILITY.

In the event that any provision(s) of this Ordinance is determined to be unconstitutional or invalid by a court exercising competent jurisdiction, such determination shall not affect the validity of this Ordinance as a whole or the provisions thereof which are not specifically held to be unconstitutional or invalid other than that provision(s) which is specifically determined to be unconstitutional or invalid.

361.17. EFFECTIVE DATE.

This Ordinance shall be effective on January 1, 2017.

361.99 PENALTY

(a) Violation of 361.03(a)(15), 361.09, or 361.14. An owner of a vehicle who violates the provisions of 361.03(a)(15), 361.09, or 361.14 of this Article on a first occasion shall receive a warning citation; whoever violates the provisions of 361.03(a)(15), 361.09, or 361.14 of this Article on a second occasion shall be sent a warning letter by certified mail, return receipt requested; and whoever violates the provisions of 361.03(a)(15), 361.09, or 361, 14 of this Article and being found guilty thereof shall be

fined Fifty Dollars (\$50.00) for that offense and any subsequent offenses arising within the twenty-four (24) month period following the date of citation issuance.

(b) General Article Penalty. Whoever violates any provision of this article for which no other penalty is provided shall be fined not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars (\$200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars (\$500.00).

(c) Abandoned of Junk Vehicles. Whoever violates Section 361.07 shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both.

.....
FIRST READING: August 18, 2016

SECOND READING: September 1, 2016

THIRD READING, PASSAGE AND ADOPTION: September 15, 2016

David McCauley, Mayor

CERTIFICATE OF ENACTMENT

I, Amberle Jenkins, Assistant City Recorder, do hereby certify that the foregoing Ordinance No. 2016-008 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on 15th day of September, 2016.

Amberle Jenkins-Assistant City Recorder

• **City Recorder Resignation**

Motion Albaugh/Cuppari to Accept Resignation of Recorder-Richard Edwards. Motion Carried.

Mayor, August 25, 2016
City Council,
City Employees,
Citizens,

Upon considerable thought, discussion, and reflection, I hereby submit my resignation as your Buckhannon City Recorder effective August 30, 2016.

Serving as your City Recorder I have fulfilled my obligation and oath to record, maintain, improve processes, and provide better efficiency of the office. It has been an honor and privilege to work with all the people on the various Boards, Commissions, Authorities, and our city employees. Serving as Recorder was everything I expected and wholeheartedly enjoy about public service. I can honestly say that I will miss serving our citizens and employees in that capacity.

The honor of serving as Mayor for an interim period was indeed an eye opening and fascinating experience. I truly enjoyed helping and facilitating some much needed concerns and improvements. My only regret is registering to run as Mayor in our last elections. Besides that, I would not change a thing. That election was saddening and a heavily negative experience for my family and our great city. I do not wish to have that continue in the new administration.

In so much as it pains me to concede, I do so with the faith and strength that this decision is in the best interests of my family and our great city. It has been an amazing and awesome experience which I will take with me in my newest employment position and future experiences. Serving in public office for our great employees, citizens, and community is something every citizens should consider.

With warmest regards, blessings to all, and with deepest sincerity
Richard W. Edwards

- **Discussion and Process to Replace Recorder Position**

Motion Thomas/Albaugh to Approve Time Table for City Recorder. Motion Carried

CITY OF BUCKHANNON –PROPOSED TIME TABLE FOR APPOINTMENT OF NEW CITY RECORDER

August 31, 2016

- (1) Approval of time table by City Council – Thursday, September 1, 2016 Council meeting
- (2) Deliver Notice of Position to Record Delta & InterMountain newspapers – Friday, September 2
- (3) Advertise as Class II legal ad, on consecutive Wednesdays September 7 & 14
- (4) Deadline for letters of interest & other application materials is Saturday, September 24, delivered or postmarked by midnight
- (5) Special Council meeting to review all applications on Tuesday, September 27 at 4:15 p.m. & determine applicants to be interviewed – executive session
- (6) Special Council meeting on Tuesday, September 29 at 5:00 p.m. to conduct interviews – executive session
- (7) Motion, announcement of appointment, & swearing in of new City Recorder on Thursday, October 6, possible executive session before open session

Thursday, October 6 – new City Recorder begins

**NOTICE OF OFFICE AND POSITION OF CITY RECORDER -
CITY OF BUCKHANNON, WEST VIRGINIA**

The City of Buckhannon will accept letters of interest that may include resumes, references, and recommendation letters from candidates interested in the office and position of City Recorder.

Pursuant to municipal charter or state statute, candidates must be: (1) residents of the State of West Virginia for at least one year, and of the City of Buckhannon for at least 60 days; (2) at least eighteen (18) years old; (3) legally entitled to vote in the city election for member of the common council; (4) not delinquent for payment of any city tax; and bondable in the amount of \$50,000.00.

The successful candidate shall serve as an appointed and voting member of Buckhannon's City Council through the date of certification of the May 2018 municipal election, and may file at the appropriate time for the four-year elected office and position of City Recorder which will be determined during the May 2018 City election. Ideally, the successful candidate will possess demonstrated leadership skills and be an effective oral and written communicator. Additionally, the successful applicant will possess qualities necessary in working positively with the public, other municipal officials, and other governmental officials and agencies throughout the community, State, and region.

Specific duties of the City Recorder include but are not limited to: (1) the keeping of all records and the taking and maintenance of all minutes respecting all proceedings and meetings of the City Council, the Utility Boards of the City, and all other boards, commissions and authorities established by the City of Buckhannon, specifically requiring the attendance of all such City meetings; (2) certain financial matters not undertaken by the City Treasurer as are set forth pursuant to Section 41 of the City's Charter or otherwise by state statute; (3) service as the Mayor of the City of Buckhannon in any event of the Mayor's absence, sickness, or vacancy in office of the Mayor for whatever reason; (4) the charge of all bond issues, assessments and printing; (5) purchasing agent for the City subject to the direction of the Council; (6) preparation, execution, and service of all notices required to be given to any person; (7) maintenance of all correspondence carried on by the City and any department or board thereof; (8) custodian of all of the City's books and records; (9) custodian and affixer of the City's corporate seal; (10) compliance with the West Virginia Freedom of Information Act; (11) primary conductor and overseer of City elections; (12) preparation and publication of the City's annual financial statement; and (13) such other duties as are currently or may hereafter be prescribed by municipal ordinance, state statute, or the directive of the City Council.

Candidates are subject to being thoroughly investigated, including the verification of references and the conducting of a national Criminal Identification Bureau (C.I.B.) screening.

The annual compensation for the office and position of City Recorder is \$9,000. The only fringe benefit available for this position is state retirement.

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 Recorder.

Letters of interest and supporting materials shall be submitted by mail, and postmarked by no later than Saturday, September 24, 2016, addressed to: Mayor of The City of Buckhannon, 70 East Main Street, Buckhannon, WV 26201. The City Council anticipates the appointment of the new City Recorder on or about October 6, 2016, with duties to commence immediately thereafter. Any requests for further information about this position should be directed to either Mayor David McCauley or Assistant City Recorder and Director of Finance and Administration, Amberle Jenkins via the mail or by phone at Buckhannon City Hall at (304) 472-1651, during regular business hours. Dated September 2, 2016.

David W. McCauley, Mayor

**NOTICE OF SPECIAL MEETINGS
OF THE BUCKHANNON CITY COUNCIL**

BUCKHANNON CITY COUNCIL HAS SCHEDULED THE FOLLOWING SPECIAL MEETINGS AT CITY HALL

- **Tuesday, September 27, 2016 at 4:15 p.m.**

The purpose of the meeting is to review all applications regarding the **Notice of Position of City Recorder** and to determine applicants to be interviewed. The meeting will be called to order and Council will Motion to adjourn into executive session per WV Code 6-9a-4

- **Thursday, September 29, 2016 at 5:00 p.m.**

The purpose of the meeting is to interview candidates for the **position of City Recorder**. The meeting will be called to order and Council will Motion to adjourn into executive session per WV Code 6-9a-4

REGULAR CITY COUNCIL MEETING OF THE BUCKHANNON CITY COUNCIL:

- **Thursday, October 6, 2016 at 7:00 p.m.**

At City Council Meeting; Motion, Announcement of Appointment and Swearing in of **the new City Recorder**. Possible executive session per WV Code 6-9a-4 before the open session.

POSTED 09-02-16

- **Sign Committee possible appointments**

Appointment list carried over until first meeting in October.

- **Recommendation from Buckhannon Housing Authority Appointments – to appoint two members – (Margaret Kelley Resignation and Roy Law previously Resigned)**

Appointment list on hold until the first meeting in October

- **Set Date for Trick or Treat Moose Lodge activities to follow at Jawbone Park**

Motion Cuppari/Albaugh to set Trick or Treat day and time for Monday, October 31, 2016 from 6:00 pm to 7:30 pm within the city limits. Motion Carried.

- **Refer Outdoor Digital Billboard for Off-Sight Advertising and Public Advertising**

By consensus referred to the Planning Commission.

- **Appoint an Audit Procurement Committee**

Motion Cuppari/Albaugh to Approve Audit Committee of Amberle Jenkins, Nancy Shobe, Rich Clemens, and Dave Thomas. Motion Carried; Thomas abstained.

- **Consideration of Line Item for Sponsorship**

Motion Albaugh/Cuppari to approve line item for Sponsorship. After discussion Motion Failed.

Council Comments:

- **Council Albaugh great meeting and good night.**

- **Council Cuppari** reminded everyone of the first Christmas Planning committee meeting on Monday, September 12, 2016 at 5:30pm and also requested at meeting to be set up with the Fire Department. Mayor requested to wait until there is a full City Council.
- **Council Rylands** reported that Consolidated Public Works Board enhancing pedestrian safety and advocated for yield to pedestrian signs to condition drivers to pedestrians.
- **Council Thomas** reminded the public of the Ornaments for sale for Bicentennial Celebration fundraiser for \$10.00. Reported he has received comments on how beautiful downtown looks and suggests to set up a town hall meeting for law enforcement.

Mayor's Comments and Announcements:

- North Buckhannon River Front Park Car Show on Labor Day
- Bicentennial Meeting Tuesday, September 6, 2016
- Truck Fest Friday, September 16th and Saturday September 17th
- Discussion with Gambill Amusement returning to City on September 30th
- October 7th WVWC Homecoming
- October 9th 2:00 pm will bury the time capsule
- Directors Meeting #2 August 30, 2016
- Mayor's Statement on City Employees September 1, 2016
- Lighting, Touch-up & Rededication of City Seal Mural (Nanners & Willett Building) Letter of Understanding/Agreement

DIRECTORS' MEETING #2 – AUGUST 30, 2016 **CITY OF BUCKHANNON, WEST VIRGINIA**

1) General things:

- (a) Searches are on for new City Recorder, City Attorney, part-time parking enforcemt. officers
- (b) We hope to have all of these positions filled by the first part of October
- (c) Bicentennial celebration – many events, big night on Friday, Sept. 30 at Jawbone Park!

2) Employee Salaries, Wages, & Benefits:

- (a) for Directors beginning September 17, 2016 – to be approved by Council
- (b) for Assistants to Directors = designations forthcoming
- (c) for all hourly employees .50 an hour effective October 1
- (d) additional merit pay raises to be determined during fall, to be effective January 1, 2017
- (e) Health of our employees – proposal for a Fitbit stipend – employees demonstrating of purchase for own Fitbit, the City will contribute a one-time stipend, proposed \$50 to encourage exercise/good health (Amby checking with the Ethics Committee)
- (f) continued commitment to sharing information with employees- need to revise the newsletter concept, share info pieces with all employees- all in our spirit of transparency
- (g) development of consistent, standardized evaluations to be administered by year's end

3) Director of Public Safety – model to be revisited soon

4) Finance:

- (a) Continued proposal to cut our expenditures by 10% across the board realizing a savings in General Fund alone of about \$330,000; similarly Utility Boards will look to cut expenses
- (b) With the General Fund savings, I'd propose reallocations to storm sewer of \$100,000; salary/wage increases with increased benefit costs \$100,000; additional projects for paving, sidewalk improvements, & park improvements of \$130,000

5) Short term projects to be completed or commenced through December 31, 2016:

- (a) College Avenue sidewalk project Good to Great Way – dedication September 9
- (b) Stump Lane – dedication August 26 – went well
- (c) Bob Wallace Bridge – dedication August 27 – super day
- (d) Trader's Alley/Milkman Lane – pour sidewalk, pave alley, stamp brick & perhaps paint a sample 20/30' area – probably starting week of Sept. 5
- (e) City seal mural – lighting project agreement reached with Nanners & Willett
- (f) Public Safety Complex – first exterior improvements – ramp to police dept. + other planning
- (g) Stockert Youth Center – Pave parking lot, install drop inlet, sidewalk improvements
- (h) Jawbone Park/Meade + Madison Streets – sidewalk project = November 2016
- (i) Truckfest + Children's Festival – support success Sept. 16 + 17 – Brad Hawkins' idea!
- (j) Bicentennial Boulder – to cover time capsule, need plate to be scripted for dedication on Sunday, October 9
- (k) WVWC crosswalk at Meade St. & College Avenue – test road paint/pressed brick model
- (l) the Lurch Bench to be dedicated on Friday, October 28 kicking off Halloween weekend
- (m) the Jimmy Pankow (of Chicago the Band) bench - ??? – to be determined
- (n) attention to arteries from Main Street in & around Jawbone Park, curbing, sidewalk repairs/upgrades – Kanawha, Locust, Spring, Florida Streets
- (o) North Buckhannon Park – paving & playground improvements
- (p) City Hall repairs/improvements – downstairs office areas + foundation repairs, etc.
- (q) Possible lighting upgrades at public safety complex – USDA grant, Brian Elmore idea
- (r) Sanitary Board loan is complete to acquire new backhoe & clarifier parts/blaster

- (s) Discussion about establishing city-owned operated concrete plant
- (t) First Community Bank partnering – parking lot(s) to be operated by City – continued discussions
- (u) New parking policy to be effectuated on January 1, signage, software being investigated
- (v) additional honorings with signs/proclamations – Ace Mumford, Jean Lee Latham, Tanner McGrew, 2016 10-12 year-old soccer champions, others
- (w) major work on water plant – final stages, electronic meter readers, etc.

8) HRM, vehicle, & equipment efficiencies:

- (a) a comprehensive plan to better share all resources among departments
- (b) planned attrition – reduction of staff with retirements, expansion of duties, + employee empowerment
- (c) internal assessment – department by department self-assessment
- (d) external assessment – consultant
- (e) development of Key Performance Indicators – e.g., hotel/motel tax \$, B & O collections, overtime expenses to be tracked monthly + building/wiring/zoning permits (value of improvements)

**CITY OF BUCKHANNON – MAYOR’S STATEMENT ON
CITY EMPLOYEES – September 1, 2016**

It’s been going on four months now since I was elected as your mayor, and it continues to be an honor to preside over this City Council and to help lead our City to our next level as we collectively try to advance the quality of life for all of the residents of our community.

I have been privileged to observe the excellent work of our City’s employees day-in and day-out. I’m admittedly a project oriented guy. Projects like the College Avenue sidewalk construction, improvements to the River Walk Trail, seeing the public safety complex parking lot fence come down, the Trader’s Alley sign go up, the platform here at City Hall come down, and our beautiful flowers- are all easily visible, noticeable things that we can all appreciate.

But many of our other tremendous successes being realized by our employees benefiting our citizens aren’t nearly as visible. Not everyone knows about our new electronic water meter reading system being installed by our employees, the vast improvements being completed at our water plant, the in-house work about to start on our sewer plant’s clarifiers, improvements to our storm water system, the constant training and response of our police and fire departments, improvements to our after-school programs at Stockert Youth Center, the reliable operations of our waste collection department while we prepare to launch the new toter system in the coming months. Our City Hall staff has been operating without a dedicated city administrator, more recently without a city recorder, and now going on two months without a parking enforcement officer. Despite our shortage in human power, we haven’t missed a step as our excellent, cross-trained employees have stepped up their talented efforts to assure that all of the necessary work is completed.

None of our City’s successes would be possible without our excellent and talented staff. They make it all possible. While our fulltime employees enjoy good benefits, most of them are underpaid. As we become more efficient and competent in discharging our essential functions, I remain committed to reinvesting a substantial portion of our dollars saved in our employees.

I request that at our September 15 meeting, that our Council authorize a .50 an hour across the board increase in compensation for all of our hourly employees. Without overtime which most of our employees do not earn, that is a \$1,040 a year increase in gross pay. The overwhelming majority of our employees gross less than \$37,650 annually, and thus are in the 15% tax bracket. That means that the net increase to our hourly employees with this proposed increase is \$884 a year. With 26 pay cycles a year, that equates to \$34 more per pay. We have hourly employees presently making \$9.00 per hour. Many of our fulltime employees earn well less than \$30,000 a year, and several of them have been employed by our City for many years.

We do offer good benefits, with 100% coverage of health insurance and state retirement. As good as those benefits are, many of our employees do not use these benefits, or will not stay in our employ to realize state retirement benefits. These benefits do not buy groceries, they do not pay utilities, they can’t be converted to making rent or mortgage or car payments.

In the months ahead, and only after we as an organization have developed a standardized employee evaluation method, and after we stabilize our finances- I will solicit our directors of finance & administration, and public works input for our Council and four Utility Boards to consider additional compensation for our employees based upon both merit and seniority. The seniority pay ordinance was tabled by a previous City Council about two years ago.

Additionally, the health of our employees is something we should attempt to enhance. I’d like for us to consider the ways by which we can improve the health of those who make our successes possible. To encourage our employees to be more fit and healthy, I’d like us to think outside the box, considering a city contribution to certain healthy choices that may be considered by our employees, such as partial reimbursement for purchase of a Fit-bit watch. If for example an employee purchases a \$150 health monitoring device like a Fit-bit, our City would upon proof of purchase and use receive a \$50 one-time payment. Perhaps there is opportunity to in some manner offer some reward to non-smokers. I believe it is very important that our employees recognize that we are committed to them and their well-being, and that their labor is appreciated. It is timely, that as we are but four days from celebrating Labor Day, that we honor those who labor for us, and make our City and community the wonderful place it is to work and play.

As you so often hear me say- it remains our greatest truth- we are all in this together- here’s to our excellent employees. Happy almost Labor Day everyone-

August 31, 2016

Mr. Steve Nanners & Mr. Dennis Willett
Nanners Willett Law Office, LC
45 West Main Street
Buckhannon, WV 26201

RE: Lighting, Touch-up, & Rededication of City Seal Mural

Dear Steve & Dennis:

Greetings from City Hall. Pursuant to my telephone discussion with Steve Nanners on August 30, this letter sets out the general terms of our understanding and agreement permitting the City to continue to feature the City seal mural on the side of your building situated at 45 West Main Street. It's hard to believe that it's now been more than 10 years since the summer 2006 completion of Buckhannon's first mural. Our community continues to appreciate the excellent partnership enjoyed with you respecting this wonderful project during the past decade. While several murals have been installed in recent years, the one that started the "buzz" is the one adorning your building.

As I indicated to Steve, the City will procure eight light fixtures and bulbs matching those recently installed above the Chuck Olson "Evening Star" mural that was dedicated on June 30 at the corner of East Main and Kanawha Streets. All installation and material expenses will be paid for by the City. If feasible, the City will pursue separate metering of the electricity, however, it's estimated that the cost to operate the dusk to dawn L.E.D. lights will be only about \$50 - \$60 a year. Steve kindly offered to absorb that cost if the separate metering is not easily accomplished. These light fixtures will be installed at the top of the mural with the light directed downward upon the mural itself.

I also understand that there may be some touch-up work needed concerning the mural. Any expense associated with the additional art work will be covered by the City.

When all of the above described work is completed, we'd like to have a rededication of the mural as part of the City's bicentennial celebration this autumn. I hope that we may invite artist Deborah Dorland of Richwood back as well as the members of the late Ross Straight's family, who as you know designed the City seal. Naturally, we hope that you both could participate in the rededication ceremony along with representatives of the original sponsoring agencies, i.e., the Chamber of Commerce, Development Authority, Arts Alliance, and West Virginia Wesleyan College.

If I may provide any further information about the plans for our work, please contact me at City Hall at 472-1651 or at home at 472-3028. I look forward to our community's continued partnering with you for many years to come respecting this most excellent project. If the provisions of this letter meet with your approval, please execute your signatures below on both duplicate originals of this letter, returning one to me at City Hall, and retaining the other for your file. This duplicate originals of this letter are hand delivered to you at your law offices at 45 West Main Street.

Very truly yours,

David W. McCauley, Mayor

cc: Members of City Council
Amby Jenkins, Director of Finance & Administration
Jerry Arnold, Director of Public Works
Buckhannon Chamber of Commerce
Upshur County Arts Alliance
Upshur County Development Authority
Art26201
Dr. Pamela Balch, President, West Virginia Wesleyan College

APPROVED: _____
Steve Nanners

DATED: September _____, 2016

Dennis Willett

DATED: September _____, 2016

There being no further business to be transacted, meeting adjourned at 8:45 p.m.

Mayor David McCauley _____

Assistant Recorder Amberle Jenkins _____