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

A meeting of the Buckhannon Housing Enforcement Board was held January 25, 2017 at 3:00 pm in City Hall. The following persons were present:

Mayor	David McCauley	Present
Assistant Recorder	Amberle Jenkins	Present
Building Code Enforcement Officer	Vincent Smith	Present
Member	David Thomas	Present
Member	Stephen Smith	Present
City Engineer	Jay Hollen	Present
Fire Chief	Jim Townsend	Present

Meeting Agenda Posted 01-18-17

City of Buckhannon Housing Enforcement Board – 3:00 pm in Council Chambers Meeting Agenda for Wednesday January 25, 2017

A. Call to Order
- **A.1 Moment of Silence**
- **A.2 Pledge to the Flag of the United States of America**

B. Recognized Guests
- **B.1 None**

C. Department Report
- **C.1 Concerns**
  - **11 Madison Street**
  - **161 Wood Street (Crampton)**
  - **85 Wood Street (Wentz)**
  - **86 Randolph Street (Cornette)**
  - **Vehicles on City ROW, Sidewalks (41 West Lincoln)**

D. Correspondence
- **D.1 Todd McCoy email re: digital billboard**
- **D.2 Vacant Building Ordinance Registration (22)**
- **D.3 Review of letters by City Attorney for storage buildings in floodplain**

E. Consent Agenda
- **E.1 Approval of Minutes – November 2, 2016**

F. Strategic Issues for Review
- **F.1 Send Letters for Storage Buildings in the Floodplain not Anchored**
- **F.2 Condemnation Letters**

G. Board Members Comments and Announcements

H. Mayor's Comments and Announcements

I. Adjournment

POSTED 01-18-17

The meeting was called to order by Mayor McCauley followed by a pledge to the US Flag led by Dr. Smith.

Housing Enforcement Officer led the discussions regarding the following properties:

- **11 Madison Street- The Latham House-** The back portion of the building has been removed and the building has been secured to prevent entry. It is believed that the property may be placed on the market to sell in the near future.

- **161 Wood Street-** Titled to Susanne Halterman. This house on this property has been destroyed by fire. Mrs. Halterman contacted the City several months ago indicated she would title the property to the City free of charge, as she cannot afford to remediate it. An asbestos inspection was conducted and 9 samples tested positive for asbestos. A quote to remove the asbestos was submitted in the amount of $2,500.00. Board members discussed

the matter and suggested that City Council accept the property. Once it is acquired then remediate the property and dispose of it through auction or other means to re-coop the cost incurred to clean up the property. Mr. Smith indicated that the Senior Living organization may be interested in it for senior housing.

Motion Thomas/Smith to recommend that City Council direct the City Attorney to prepare a deed of dedication to accept the property at 161 Wood Street. Motion carried.

Fire Chief Townsend commented later in the meeting that there was a suspect in this fire, but was never identified.

- **85 Wood Street-Wentz- & 86 Randolph Street-Cornette-** The condition of these properties has not been corrected by the owners. The Board members asked Mr. Smith to contact the owners to begin work to clean up the property within 30 days. Mayor McCauley suggested a written notice be given to the owners. If the owners fail to comply then a Notice of Violation needs to be issued to them. An update will be given at the next HEB meeting in April.

- **41 W Lincoln Street-Vehicles parking in City Right of Ways-** Mr. Smith explained he has been receiving complaints. The alley is very narrow. The offender was given permission to place a split rail fence to keep vehicles from driving into the yard. Mr. Smith wanted the Board to know that the offenders have already been warned about parking in the right of way by the police department and will be issued tickets.

Correspondence:

- **Digital Billboard-Todd McCoy:**

Mr. Smith informed the Board that Todd McCoy-Logan Outdoor, who has applied for a digital sign to be placed along Route 20 across from Sheetz, will be given a letter that will be drafted by the City Attorney, explaining that the digital billboard ordinance has been adopted by the City. The letter is needed by Mr. McCoy to submit to the State to apply for a permit from them. Mr. Smith would like the letter to spell out what benefits the City will have with the billboard.

- **Vacant Properties status:**

Mr. Smith reported that 22 properties remain an issue. He has not received anything in writing from the College regarding their vacant properties. Mayor McCauley explained that a change in administration is the reason for some of the delay. Mayor McCauley knows that several properties are targeted to be demoed within the next three years. Over the past several years the College has mitigated several properties and improved several areas. A letter will be drafted to confirm the properties that the College plans to raze.

- **Storage Buildings in the Floodplain:**

Storage buildings that have been placed in floodplain areas, unanchored and not vented:
Mr. Smith explained that about 150 buildings have been identified as having been placed in flood plain areas throughout Buckhannon. Mr. Hollen explained that technically an elevation certificate should have been obtained by the property owners prior to placing the building, however, he has discussed the matter with FEMA and explained that the certificate is costly (about $600). FEMA agrees that as long as the building is anchored and vented and contents are not hazardous it will be acceptable. The following letter was drafted to send to property owners.

Date

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

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

To All Property Owners,

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

As defined in Ordinance No. 353 (*The Floodplain Ordinance*), an Appurtenant Structure is "A structure on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. This does not include a gas or liquid storage tank." However, for the purpose of this letter, an Appurtenant Structure shall refer to a detached garage, storage shed, gazebos, picnic pavilions, boathouses, small pole barns and/or other similar-type building.

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

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

A.c. Openings - For all new construction, relocation, substantial improvements, and repair of substantial damage, those fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Registered Professional Engineer or meet or exceed the following minimum criteria:

a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
b) The bottom of all openings shall be no higher than one foot above grade.
c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C.2.a. Structures shall be no more than 600 square feet in size and shall be valued at less than $10,000.00.
C.2.b. Floors shall be at or above grade on at least one side.
C.2.c. Structures shall be located, oriented and constructed to minimize flood damage.
C.2.d. Structures shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
C.2.f. Machinery, electric devices or appliances, and all utilities shall be located at least 18 inches above the Base Flood Elevation.
C.2.g. The venting requirements contained in Section 6.1 (A) are applicable and shall be strictly adhered to.

C.3. In addition, a Non-conversion Agreement shall be signed by the applicant stating that the use of the appurtenant structure or detached or attached garage shall not be changed from the use permitted, acknowledging that the structure may be subject to greater flood risk and that higher flood insurance premiums may be possible, and that a change in use may require full compliance with this ordinance. The applicant agrees to notify prospective buyers of the existence of this agreement. It shall be the responsibility of the applicant to transfer the agreement at closing to the new owner via notarized signature, a copy of all new agreements shall be provided to the Permit Officer. Failure to transfer the agreement and provide a signed copy to the Permit Officer shall subject the violator to the penalties set forth in Section 8.3 of this ordinance.

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

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

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

Sincerely,

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

Vincent R. Smith
Zoning Officer
Building Code Enforcement

c: David W. McCauley – Mayor

Attachments: Non-Conversion Agreement

Mayor McCauley suggested sending a cover letter, to the specific property owners that would briefly explain to the property owner that they must come into compliance within a set time, perhaps also explain that the anchor and venting can be purchased at local hardware stores.

Board Member Thomas suggested reporting this at the next Council meeting so that the public and Council will be aware that the letters are going out and explain how to anchor and vent the buildings.

- **Notice of Violation & Demolition Order:**
  Mr. Smith stated after discussion and review by the City Attorney, Tom O'Neill, the letters of order were accepted as submitted.

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

Notice of Violation

Date: _____
To:

Location:
Buckhannon WV 26201
Tax Map:
Parcel:

In response to a complaint, the property at the location specified above was inspected on ___date___. On that date, the following conditions were observed:

1)_____2)_____
_____

Such conditions are in violation of: 2012 International Property Maintenance Code, Section(s)
_____
(See attached material)

Pursuant to Section 107 of the International Property Maintenance Code, you are hereby directed to correct the violation(s) listed above with 30 days of receipt of this notice. Failure to comply with this notice will result in notice of condemnation and order to vacate the dwelling unit. Also, the cost of any measures taken by the jurisdiction to abate the violation(s) listed above will be charged against the real estate upon which the violation(s) occurred and will be a lien on said real estate.

Please be advised that this notice is subject to appeal in accordance with Section 111 (copy attached). Transfer of ownership of any property under a compliance order is prohibited except as permitted under Section 107.6.

Please contact the City of Buckhannon if any information contained herein is incorrect or if I can be of assistance otherwise. You may also contact me directly at 304-472-1651. Your cooperation is appreciated.

Respectfully,

Vincent Smith
Building Code Enforcement Officer
City of Buckhannon

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

Demolition Order

Subject Structure

Date
To:

Location:
Tax Map:
Parcel:

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

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

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

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

Respectfully,

Vincent Smith
Building Code Enforcement Officer
City of Buckhannon

Consent Agenda:

- **Approval of Minutes-November 2, 2016**

Motion Hollen/Thomas to approve the minutes of the meeting held November 2, 2016. Motion carried.

Strategic Issues for Review:

- **7 Randolph Street- Vehicles on Right of Way**:

Mr. Smith stated that the vehicles are not licensed. Mrs. Jenkins reminded the Board that the recently adopted ordinance addresses abandon vehicles on private and public property. Board suggested following the policy of the ordinance.

- **5 Monongalia; 209 Camden; 217 Randolph** – parking issues as well as need of cleanup.

Board Members feel the ordinances should be enforced. Mr. Smith is informing the Board as they will hear the complaints that follow with the enforcement. Mr. Smith reported that flags were placed at 217 Randolph to stop the owner from driving through the grass dragging mud onto the street.

HEB 01-25-17

5 MONONGALIA ST

7 RANDOLPH ST

209 CAMDEN AVE

161 WOOD ST

184 TAYLOR ST

217 RANDOLPH ST

Board Member Comments:

- Dr. Smith asked if identified properties were due to any particular criteria. Mr. Smith explained most of these properties are generate by complaints and general cleanup.

- Mr. Thomas inquired to status of 108 E Main Street- Rusmisell Estate house. Mr. Smith will contact the attorney for the estate (Mr. Fluharty).

- Mr. Thomas commented that the Opportunity House had obtained a contractor that did not finish work they had hired him for. Mr. Smith explained that he had contacted the Director, who plans to finish the project once they complete another project they are working on. It should be in near future.

- Mr. Thomas expressed concerns about the conditions at the Triangle Service Station. He hopes those issues will be addressed at the Consolidated Public Works Board tomorrow.

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

Motion Thomas/ Hollen to adjourn at 3:59 pm

Mayor David McCauley _____

Assistant Recorder Amberle Jenkins _____