

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

A regular meeting of the Buckhannon City Council was held on Tuesday, May 15, 2018 at 7:00pm in City Hall with the following in attendance:

Mayor	David McCauley	Present
Recorder	Susan Aloï	Present
Council Member	Mary Albaugh	Present
Council Member	Pam Cuppari	Present
Council Member	CJ Rylands	Present
Council Member	Robbie Skinner	Present
Council Member	David Thomas	Absent
Assistant Recorder & Director of Finance	Amberle Jenkins	Present
Director of Public Works	Jerry Arnold	Absent
Police Chief	Matt Gregory	Present
City Attorney	Tom O'Neill	Present
Grants & Information Coordinator	Callie Sams	Present
Record Delta Newspaper	Katie Kuba	Present
InterMountain Newspaper	Sarah Goodrich	Present
Channel 3		Present

Also in attendance: BUHS Girls Basketball Team (Jeremy Maxwell, Brian Webb and Rob Kittle, coaches; Hanna McClung, Lauren Bennett, McKinley Gaudet, Ashton Maxwell, Alli Robinson, Leigh Ann Bennett, Audrey Gaudet, Brooklyn Maxwell, Cassidy Wilfong, Rachel Long, Morgan Parsons, Kennedy Samargo, Leah Moore, McKenzie Reynolds, Ciara Melton, Alayna Nesbitt, Brooklyn Bryant, and Laikelyn Leggett), Taylor Foster of Warehouse Gym, Kristy Stewart and Cortney Meriwether of Literacy Volunteers of Upshur County, Jeff Harvey, Tammy Reger, and Mike Cozad.

Meeting Agenda Posted 05/11/18

*City Council of Buckhannon - 7:00 pm in Council Chambers
Meeting Agenda for Tuesday, May 15, 2018*

- A. Call to Order
 - A.1 Moment of Silence
 - A.2 Pledge to the Flag of the United States of America
 - A.3 Mayor's Greetings
- B. Recognized Guests
 - B.1 BUHS Girls Basketball Team
 - B.2 Warehouse Gym, LLC- Rob Cress & Taylor Foster
 - B.3 Literacy Volunteers of Upshur County
 - B.4 Jeff Harvey-City & County Emergency Plan
- C. Department & Board Reports
 - C.1 Information Coordinator/Grant Researcher- Callie Cronin Sams
 - C.2 Public Works Director- Jerry Arnold
 - C.3 Finance Director- Amberle Jenkins
 - C.4 Police Chief- Matthew Gregory
 - C.5 City Attorney- Tom O'Neill
- D. Correspondence & Information
 - D.1 West Virginia Municipal League Annual Conference August 7-10, 2018
 - D.2 Proclamation National Hospital & Nurses' Week
 - D.3 Letter to Business Owners & Community Leaders: Requesting Support for the Fourth of July Celebration
 - D.4 Canvass of Votes May 8, 2018 Election
- E. Consent Agenda
 - E.1 Approval of Minutes-Regular meeting 05/03/18
 - E.2 Approval of Building and Wiring Permits
 - E.3 Approval of Payment of the Bills
- F. Strategic Issues for Discussion and/or Vote
 - F.1 Ordinance No. 424 Amendment-Animal Care & Control RE: Animal Cruelty & Tethering of Dogs-First Reading
 - F.2 Draft Ordinance No. 425 Property Exchange with St. Joseph's Hospital
 - F.3 Resolution 2018-08 Acceptance Deed of Dedication -John Moss Gate Street Property
 - F.4 List of Names to be Appointed to the Municipal Complete County Committee re: US Census Bureau
 - F.5 Request Proposal for Zoning Change of 52, 54 & 56 S. Kanawha St From R2 General Residential District to C1 Central Commercial Business District to Recommend to Planning Commission

- F.6 Appointment of Nathan Fetty to the Waste Collection Board
- F.7 Discussion/Possible Vote REAP FY2019 Litter Control Grant
- G. Comments and Announcements
 - G.1 Mary Albaugh
 - G.2 Pamela Cuppari
 - G.3 C J Rylands
 - G.4 Robbie Skinner
 - G.5 David Thomas
 - G.6 Susan Aloï
- H. Mayor's Comments and Announcements
 - H.1 2nd Annual Wilbert Grubb Day May 16, 2018 at 3pm at PSC
 - H.2 11th Annual Service to Youth Champion Award May 17, 2018 at 3pm at SYCC
 - H.3 12th Annual Friendly Way Day Celebration May 18, 2018 at 3pm at PSC
- I. Adjournment
 POSTED 05/11/18 **** Next City Council Meeting Date Thursday, June 7, 2018****

Call to Order: The Mayor called the meeting to order at 7:00pm with a moment of silence, followed by the pledge to the flag.

Recognized Guests:

1. BUHS Girls Basketball Team

MAYOR'S PROCLAMATION

Whereas, the 2017-18 BUCKHANNON-UPSHUR HIGH SCHOOL GIRLS' BASKETBALL TEAM recently completed their season going 26-2 amassing the most victories in school history, winning the Big 10 Conference Championship, while advancing to the State AAA tournament for the fourth consecutive year, & finishing as the State runner-up for the second consecutive time; and,

Whereas, the LADY BUCS in the process of realizing their amazing, record-breaking season recorded victories over traditional basketball powers University High; Fairmont Senior; Morgantown; Bridgeport; Wheeling Park; & a 71-12 lopsided win over arch-rival Elkins; and,

Whereas, our entire Buckhannon-Upshur community is very proud of our BUHS LADY BUCS' BASKETBALL TEAM coached by JEREMY MAXWELL & ably assisted by BRIAN WEBB & ROB KITTLE, the State champion runner-up squad members being seniors Hanna McClung, Lauren Bennett, McKinley Gaudet, & Ashton Maxwell; juniors Alli Robinson, Leigh Ann Bennett, & Audrey Gaudet; sophomores, Brooklyn Maxwell, Cassidy Wilfong, Rachel Long, & Morgan Parsons; & freshmen Kennedy Samargo, Leah Moore, McKenzie Reynolds, Ciara Melton, Alayna Nesbitt, Brooklyn Bryant, & Laikelyn Leggett; and,

Whereas, four of this year's squad members were honored as All-State selections including first team selectee Hanna McClung who also was named Big 10 Conference player of the year, first team all-state captain of the AAA State squad, the Mary Ostrowski State co-player of the year, & the Gatorade, West Virginia, player of the year; Lauren Bennett, first team all-conference & first team all-state, Alli Robinson, second team all-conference & honorable mention all-state; & McKinley Gaudet, honorable mention all-state; and,

Whereas, our B-U community's basketball future is very bright as demonstrated by the tremendous success of the BUHS LADY BUCS during their 2017-18 season, their squad having amassed 50 victories during their past two seasons combined.

NOW, THEREFORE, I, DAVID W. McCAULEY, MAYOR OF THE CITY OF BUCKHANNON, pursuant to the power & authority duly vested in me, do hereby proclaim Tuesday, May 15, 2018 to be "LADY BUCS' BASKETBALL DAY" throughout our City of Buckhannon.

I further urge all of our residents to greet & congratulate all members of our most honored BUHS GIRLS' BASKETBALL TEAM, along with their families, friends, our entire City Council, & all members of our City government family during their most special day on Tuesday, May 15, 2018. I further direct the installation of a placard at the first entrance way into our B-U community recognizing the two-time, AAA State runner-up LADY BUC Squad.

Given under my hand & the official seal of The City of Buckhannon,
 this 15th day of May, 2018

David W. McCauley, Mayor

MAYOR'S PROCLAMATION

Whereas, Buckhannon-Upshur High School senior, HANNA McCLUNG, is a four-time ALL-State girls' AAA basketball honoree, including being a two-time, first team All-State honoree; &

Whereas, HANNA McCLUNG is the reigning, two-time Big 10 Conference Player of the Year leading the Lady Buccaneers to four consecutive West Virginia State AAA Tournament Championship appearances; &

Whereas, HANNA McCLUNG is the all-time leading scorer in the history of BUHS girls' & boys' basketball who amassed 1,691 points during her storied high school basketball career, who further was named in March as the co-winner of the Mary Ostrowski Award as the most outstanding girls' high school basketball player in West Virginia, & further as the singular winner of the Gatorade, West Virginia High School Girls' Basketball Player of the Year- the Gatorade Award recognizing athletic excellence, academic achievement- MS. McCLUNG amassed a 4.08 grade point average, & exemplary character- among other things having volunteered with Energy Express; &

Whereas, HANNA McCLUNG as the Gatorade Award winner won the honor of selecting a national or local, sports organization to receive \$1,000, & **MS. McCLUNG** Buckhannon's Stockert Youth & Community Center's Capital Campaign to assist in the realization of our much needed new auditorium/gymnasium at SYCC, where incidentally she started her basketball career at age eight; &

Whereas, our Buckhannon-Upshur community appreciates & values the efforts, energy, & dedication of one of our finest residents & wishes to honor & commend her in her continued, positive mission supporting the youth of our community while serving as an exceptional role model; &

Whereas, our City now desires to recognize **HANNA McCLUNG** by bestowing upon her our SYCC Wall of Fame & Tree of Giving honors.

NOW, THEREFORE, I, DAVID W. McCAULEY, MAYOR OF THE CITY OF BUCKHANNON, pursuant to the power & authority duly vested in me, do hereby proclaim Tuesday, May 15, 2018 to be "**HANNA McCLUNG DAY**" throughout our City of Buckhannon.

To further memorialize **HANNA McCLUNG'S** devotion to and affinity for our Buckhannon-Upshur community, I further now hereby recognize her as being a silver club contributor to the Stockert Youth & Community Center's capital campaign purposed at realizing the completion of our new gymnasium/auditorium & multi-use complex at SYCC, & **HANNA McCLUNG** shall forever therein be recognized upon both the SYCC Wall of Fame & further upon the "Tree of Giving" being established in the entrance of our Stockert Youth & Community Center.

I further urge all of our residents to greet our community's most honored citizen, **HANNA McCLUNG,** along with her family, friends, teammates, & all members of our City government family during her special day.

Given under my hand & the official seal of
The City of Buckhannon, this 15th day of March, 2018

David W. McCauley, Mayor

- 2. Warehouse Gym, LLC – Taylor Foster and co-owner Rob Cress started cross-fit gym in Traders Alley with a soft-opening a few weeks ago. This is not a conventional gym; there's no equipment, but it's a cross-fit classroom. Grand opening is tentatively set for mid-June.**
- 3. Literacy Volunteers of Upshur County – Interim director Cortney Meriwether and incoming new director Kristy Stewart shared information about Literacy Volunteers. Ms. Meriwether explained that they've been busy fundraising and are now looking for a new location. For 30 years, Literacy Volunteers has been located, rent-free, in a building owned by Holy Rosary Church; now they're looking for another affordable location.**

Dear Friends, Community Members, and Lovers of Literacy,

Once again, Literacy Volunteers of Upshur County turns to you to ask for your support.

In our more than 30 years of existence, we have been fortunate enough to utilize office space donated by the Holy Rosary Catholic Church. We cannot possibly express how grateful we are to the church for their unwavering support and fellowship over the past three decades. Without their generosity, we almost certainly wouldn't have remained open since 1984 and had the great honor of helping more than 400 Upshur County residents improve their literacy skills.

However, Holy Rosary Catholic Church has made the difficult decision that they are no longer able to donate space for our offices beyond August 31, 2018. As many of you know, the timing of this change comes during a period of inconsistent leadership and financial instability for LVUC. While we have been extremely successful in our 2018 fundraising efforts so far — already surpassing the entire amount fundraised in all of 2017 — our operations are far from secure. As a non-profit, we rely entirely on fundraising, grants, and community support to keep our doors open. Now, as we face the challenge of securing a new location for our offices, we are in desperate need of your help in order to continue offering free, confidential literacy tutoring to Upshur County and the surrounding communities.

So, how can you help save Literacy Volunteers?

- 1. Spread the word.** Since our current offices have always been donated, our budget for a new location is extremely small. We are looking for a new (ideally, long-term) partner who is able to provide free or low-cost office space for our workers and student/tutor teams to meet. Due to our non-profit status, donated space would be tax deductible.
- 2. Donate financially.** Every little bit helps — and we mean that sincerely. You can click the "Donate" button on our Facebook page to make a contribution to our PayPal account, or visit our website at <https://www.upshurliteracy.com/support-lvuc>.
- 3. Donate your time.** We have a lot of work ahead of us, and a big move to organize. We'll need all the help we can get.

We firmly and passionately believe in the necessity of the services we offer. In West Virginia, the illiteracy rate is estimated to be as high as 19 percent and illiteracy is tied to nearly every important social issue — from poverty, to unemployment, to healthcare costs. Improving literacy in our community is an important mission, and we are going to do everything we can to continue our work. We are immensely grateful for any help you can offer that allows us to do so.

Literacy Volunteers of Upshur County
(304) 472-2343
Upshurliteracy.com
Literacy.volunteers.upshur.co@gmail.com

4. **Jeff Harvey- City & County Emergency Plan** – Mr. Harvey provided an update on emergency preparedness and the activities of several agencies. However, he explained that these individual efforts have not yet been coordinated into a strategic plan for emergency management and preparedness. He recommends a three-staged process to take place over about an 18-month process. The process starts with identifying partners and setting a common vision, the second phase is writing an action plan to support the strategic vision, and the third stage will include various training exercises. Mr. Harvey expects an open forum will be set after consulting with County Commission and City officials.

Department Reports:

- **Information & Grants Coordinator – Callie Sams**
5_15_2018

City Council Meeting – Information Coordinator & Grant Researcher Report – Callie Cronin Sams

Information Coordination

Website & Social Media:

Website: 7 News & Announcements posts, 10 agenda/minutes postings

Facebook: 9 posts since 5/3; Strawberry Info/Welcome/Downtown Business Photo's all doing very well

Outreach: WV Rivers, Autumn Crowe, Upshur Parks & Rec – River Fest

Press Releases:

5/4/18 – Bill Hamilton Ambassador Award Proclamation

5/7/18 – Campbell selected for Buckhannon Volunteer Center role

5/7/18 – Downtown parking during Strawberry Festival + Map

5/9/18 – Strawberry Welcome

5/9/18 – National Hospital & Nurses Week Proclamation & photo

5/9/18 – 2018 Strawberry Festival Schedule of Events

5/11/18 – Parade chairs during Strawberry Festival

Grants:

Buckhannon Volunteer Center: Sarah Campbell is doing great! Web volunteer mgt demo's, marketing plan, outreach—more to come!

REAP Litter Control Grant for Good Neighbor Program

Upcoming: Try This grant, REAP Recycling, USDA Community Facilities

Upcoming Events:

STRAWBERRY FESTIVAL! 😊

May 16 – Webb Grubb Day

May 17 – Service to Youth Champion Day

May 18 – Volunteer WV Panel; Bike to Work Day; Friendly Way Celebration

May 19 – Grand Feature Parade

May 22 – Mike Huff DEP "Environment Matters" video shoot

May 28 – Memorial Day

Motion Rylands/Skinner to pull the REAP litter control grant proposal from Strategic Issues to this point in the agenda; motion passed. Ms. Sams explained that this is a small grant of \$5,000 and requires a match. **Motion Albaugh/Cuppari to approve the REAP litter control grant proposal for 2018-19; motion passed.**

LITTER CONTROL
GRANT PROGRAM GUIDELINES
FY2019 Grant Cycle
*Applying for a Matching Grant for a Local Litter Control Program
(July 1, 2018 thru June 30, 2019)*



West Virginia
Department of Environmental Protection
Rehabilitation Environmental Action Plan
Grant Program

Grant forms may be downloaded and completed online at:

<https://dep.wv.gov/environmental-advocate/reap/grantprograms>

CLEANUP Buckhannon Budget

Total Grant Request:	\$5,000
Anti-Litter Education	\$1,000.00
Nuisance property cleanup	\$4,000.00
	\$5,000.00

Match

Information Coordinator \$21.04/hour for 40 hours	\$ 842
(graphic design, promotion on web & social media)	
Buckhannon Volunteer Center In-Kind Labor & Use of volunteer management system (\$12.70 per hour 40 hours + Partner cost for Volunteer Center \$100, +\$8.75/hour for volunteer labor for litter & property cleanup, 10 hours per month)	\$ 1,658
Streets & Sanitary Sewer Dept. In-kind Labor - \$20/hour x 40 hours	\$ 800
Zoning Officer In-kind Labor	\$ 800
Equipment –Tractor (FEMA Eq# 8401)	
\$33.73/hour for 40 hours	\$ 1,349
Dumpster Fees Waived ((\$60 dumpster fee + \$20 pull fee) * 12)	\$ 960
	\$ 6,409
 Total Project Funding	 \$11,408.80

• **Public Works Director- Jerry Arnold**

Buckhannon City Council
Public Works Director Report Jerry Arnold
May 15, 2018

Director:

- Our Project Team will meet tomorrow to complete the final review of the UCDA Idea Center Project.
- Jay and I continue to work on the SYCC project design.

Water Department:

- Completing concrete repairs at WVSR.

Sewer Department:

- Swisher Street culvert has been installed. The remainder of the concrete work to install the headwalls will be preformed over the next week.

Waste Department:

- The Board is soliciting bids for the Pecks Run Property timber sale until June 7th.

Street Department:

- Continue to work on blacktop repairs.
- The crews finished the concrete work at the NBRP and the first section of curb on N. Florida St. last Tuesday.
- This week the crews time is completely consumed with festival related issues.

Engineering:

- CSX Railroad Waterline Replacement – The refund request letter for the permit fees was sent to CSX on May 14, 2018.
- Water Department Early Warning Monitoring System Phase 1 - Waiting for time extension paperwork which will extend the project deadline to June 30, 2018. Completed work on a 5-year O&M budget showing initial monies to be expended as well as the next four year's operating costs. The O&M costs to operate EWMS No. 1 will be between \$5,200 and \$8,980 per year.
- Water Department Early Warning Monitoring System Phase 2 – Received fully executed contract documents and associated paperwork for the grant application for the second EWMS on April 23, 2018.
- ACP Water System Improvements Project – Notice of Award for Contract No. 1 (Route 20 North and Liggett Addition Road and the Old Weston Road) was sent to Hull's Contracting, Inc. on April 24, 2018. Notice to Proceed will be issued was issued on May 14, 2018. Contract No. 2 (Brushy Fork Road) is currently out to bid with an opening date of

May 15, 2018. A meeting with Dominion to discuss the bid opening results and other project-related items was held on April 20, 2018 to discuss the bid opening results, Contract No. 2 and other project-related items.

- Gateway West Engineering and Surveying - Currently working on revisions to the plans for the upcoming Final Field Review drawing submission as work schedule permits. PFR Site meeting is scheduled for May 16, 2018 at 10:00A.
- WVDOH Brushy Fork Waterline Replacement Project – Waiting on official bid drawings and contract agreement from the WVDOH related to this project. WVDOH indicated that they were going to permit Water Department personnel to observe the construction activities related to the waterline relocation phase of the Project to ensure that the meet Water Department standards. WVDOH also indicated that the Water Department would be compensated for their construction observation effort.

- **Director of Finance-Amberle Jenkins -**

Amby 05/15/18

April 2018 MM/Checking Balances in Enterprises Funds (Not part of General Fund)

Water Board	\$308,996.89
Sanitary Board	\$348,173.81
Waste Collection Board	\$678,821.88
Consolidated Public Works Board	\$ 90,359.77

- **Police Chief – Matthew Gregory –**

City Council Report

5/15/18

1. The Mountain Lakes Drug and Violent Crime Unit is now fully operational. We have begun to hold monthly board of directors meetings and I have been elected to serve as the chairman of this board.
2. The physical agility test for the vacant patrol officer position will be given on May 23 at WVWC at 4:30 p.m. We will be giving this test to 17 applicants. The written test for those who advance past the physical agility test will be on June 9. The next available Academy date is on August 27, with the paperwork being due by July 13.
3. The full scale active shooter drill at the Buckhannon Academy Elementary School is scheduled for June 2 at 10:30 a.m. We will collaborate with all of our public safety partners and Upshur County school personnel during this event and will start meeting at the Public Safety Complex at approximately 9:00 a.m. on June 2.
4. The second annual Wilbur Grubb day will be held at the Public Safety Complex this Wednesday, May 16. The event will begin at 3:00 p.m.
5. The first CALEA policy review committee meeting was held on Monday, May 14. An overview of the CALEA process as well as an examination of the standards was discussed. A timeline was established in a written plan for 2018 that will address all of the required time-sensitive standards.

Buckhannon Police Department

CALEA Accreditation – Written Plan

2018



The process for accreditation for the Buckhannon Police Department began on April 13, 2018 and will conclude with the on-site assessment just prior to April 13, 2021. To achieve Advanced Law Enforcement accreditation, the Buckhannon Police Department must comply with 460 standards as set forth in the CALEA Law Enforcement Standards Manual version 6.4. This particular standards manual consists of 37 chapters that breaks down multiple categories of law enforcement operations and management.

Some of the categories, such as Court Security, Holding Facilities, and Campus Security will not apply to the Buckhannon Police Department by function and can therefore be marked as not applicable from the outset. Furthermore, other categories will not apply because they are not required by CALEA due to the size of the agency. Additionally, there are 61 standards that are marked as "Other than Mandatory" by CALEA meaning that the police department may pick and choose which of these standards are the most applicable to the agency at this time so long as the police department complies with at least 80% (or approximately 49 of the 61 "Other than Mandatory" standards). Those "Other than Mandatory" standards that the police department chooses to not implement at this time will be designated as "Elected 20%."

As the police department develops policies to comply with the applicable mandatory and other than mandatory CALEA standards, it will upload these documents into a software application known as PowerDMS (which CALEA utilizes exclusively for its assessments). For many of these policies, the police department already has directives in place, while others will need to either be modified or created outright in order to ensure compliance for accreditation. In either case, the police department is partnering with Buckhannon City Council to form a CALEA Policy Review Committee. The purpose of this committee is to review and accept each policy that will be utilized to comply with each respective CALEA standard. As the policies are reviewed and accepted by this committee, they will then be uploaded to PowerDMS as described above.

Beyond the not applicable standards, the best and most logical place to start for the committee will be all of the CALEA standards that are designated as "Time Sensitive," because of the additional requirements that they carry in terms of

compliance within a certain time period. The focus of this committee's work for the duration of 2018, therefore, will be on these Time Sensitive standards. Please see the chart below for a breakdown on the timeline needed in order to have all of the Time Sensitive standards completed, accepted and uploaded to PowerDMS by the end of 2018. The rest of the standards will be addressed in a future plan in 2019.

Time Sensitive Standard	Time to Complete
Property and Evidence Control (84.1.6)	June 2018
Use of Force (4.2 – 4.3)	June 2018
Pursuits (41.2.2) & Roadblocks (41.2.3)	July 2018
Mental Health Issues (41.2.7)	August 2018
Fiscal Management (17.4)	August 2018
Biased Policing Review (1.2.9)	August 2018
Ethics training (1.1.2)	August 2018
Prisoner Escape Procedures (70.1.7)	September 2018
Temporary Detention Facility (71.2 – 71.4)	September 2018
In-service training – Legal Updates (33.5.1)	September 2018
Central Records (82.1.6)	September 2018
Grievance Procedures (22.4.3)	October 2018
Internal Affairs (26.2.5)	October 2018
Performance Evaluation (35.1)	October 2018
Juvenile Program Review (44.1.3)	October 2018
Criminal Intelligence Review (40.2.3)	November 2018
Victim Assistance Review (55.1.2)	November 2018
Traffic Enforcement Review (61.1.1)	November 2018
Job Description Maintenance (21.2.2)	November 2018
Communications (81.3)	December 2018
Annual Updating Goals & Objectives (15.2.1)	December 2018
Recruitment Plan Annual Analysis (31.2.2)	December 2018
Crime Prevention (45.1 – 45.2)	December 2018
Critical Incidents – All-Hazard Plan (46.1)	December 2018

POLICE ACTIVITIES

MONTHLY ACTIVITY REPORT
April 2018

MONTH: April

YEAR: 2018

ACTIVITIES:

Parking Tickets Issued:

By Parking Enforcement Officer:

By Officers:

TOTAL ISSUED:

Citations Issued:

Misdemeanor Arrests:

Felony Arrests:

Calls Answered:

Complaint Reports:

Accidents Investigated:

Community Policing Hours:

Patrol Mileage:

	301	302	303	304	305	306	307	308	309	310	311	TOTAL
Calls Answered	16	35	100			46	55	23		32	34	341
Community Policing	3	8		130			9				33	183
Road Patrol	4	42	87	7		92	68	74		94	33	506
Traffic Hours	3	8	61			8	19	9			15	124
Criminal Inv.	23	25	17		78	85	44	20		5		297
Court Hours	1	2	3			15	12					33
Report Writing	18	73	10	17	9	17	22	22		35		223
Other Hours	120	18		32	87	8	22	44		36		367
Miles	598	1,108	927	118	214	1,051	1,068	1,036	1,094	519	123	7,884
Accidents - Prop			2				3			2		7
Injury			2					2				4
Fatality												
Parking Tickets												
Criminal Reports	1	7	11	1		6	9	2		5	3	45
Reports Cleared	0	0	7	0		2	7	2		5	2	25
Clearance Rate	0%	0%	63%	0%		33%	77%	100%		100%	66%	55%

- **City Attorney – Tom O’Neill** - Mr. O’Neill indicated that all items under his report will be dealt with later in the agenda.

Correspondence and Information:

- **West Virginia Municipal League Annual Conference, August 7-10, 2018**
- **Proclamation: National Hospital & Nurses' Week**

**Proclamation
National Hospital and Nurses' Week**

Whereas, The City of Buckhannon is pleased to salute **St. Joseph's Hospital** as it celebrates **National Hospital Week** and **National Nurses' Week**.

Whereas, National Hospital Week and National Nurses' Week is May 6th to the 12th of 2018. The theme of National Hospital Week is "**Caring is our Calling**" and the theme of National Nurses' Week is "**Nursing-It's in our Nature to Care**" and will be celebrated across the country.

Whereas, **St. Joseph's Hospital** is staffed by professionals with caring hearts and giving spirits who are inspired by the love of Christ to provide our community with quality health care in ways which respect the God-given dignity of each person and the sacredness of human life.

Whereas, The hard-working staff of **St. Joseph's Hospital** deserves universal regard and appreciation for keeping our community healthy.

Be it known that on this 7th day of May, 2018, I, David McCauley, Mayor of Buckhannon do hereby declare May 6th to the 12th of 2018, to be **Hospital Week and Nurses' Week in Buckhannon, West Virginia**, and urge residents to express their appreciation for **St. Joseph's Hospital** and its staff who make trustworthy, quality healthcare possible in our community.

David McCauley, Mayor
City of Buckhannon

- **Letter to Business Owners & Community Leaders: Requesting Support for the Fourth of July Celebration**

May 4, 2018

City of Buckhannon
70 East Main St.
Buckhannon, WV

Dear Fellow Business Owners and Community Leaders,

This will be the fourth year the City of Buckhannon has hosted a celebration downtown for Independence Day. Proceeds from the event benefit the Stockert Youth and Community Center, which provides many opportunities for youth and adults.

Prior to bringing this event downtown, Buckhannon and Upshur County had not had a Fourth of July celebration for several years. A committee headed by council woman Pam Cuppari has worked hard to bring this event back and make it successful.

We need sponsorships to make this possible. Fireworks are expensive and we want to be able to have as much money as possible go back to Stockert Youth and Community Center. We are also considering alternatives to fireworks, such as a laser light show or fire dance troupe.

This year the event will be held Friday, July 6, in conjunction with Create Buckhannon's Festival Fridays. This partnership means that Festival Fridays supplies the main entertainment. This year, the Hillbilly Gypsies, a regional bluegrass group, will be headlining the evening. We will have concessions, games, and activities for all ages.

We hope to end the night with fireworks, and/or a laser show or fire dance troupe.

We need your support to make this happen. Please consider becoming a main or supporting sponsor of this family friendly event. Please make checks payable to the City of Buckhannon with Fourth of July identified in the memo line.

Sincerely,
Downtown Seasonal Committee

- **Canvass of Votes - May 8, 2018 election; New City Recorder, Colin Reger, will be sworn in at 1pm on Friday, May 18, 2018**

Ballots will be certified Friday, May 18, 2018

Unofficial Results

ARY REPORT UNOFFICIAL

UPSHUR COUNTY, WV
PRIMARY ELECTION
MAY 8, 2018

ELECTION NIGHT

LN DATE: 05/08/18 10:21 PM

REPCRT-EL45

PAGE 008

VOTES PERCENT

RECORDER BUCKHANNON

(Vote For Not More Than) 1			
ERIC WAGGONER		378	45.16
COLIN REGER		458	54.72
WRITE-IN		1	.12
Total		837	
Over Votes		0	
Under Votes		195	

CITY COUNCIL BUCKHANNON

(Vote For Not More Than) 2			
J. DAVID THOMAS		519	30.78
BRENT HYRE		263	15.60
ROBERT L. OSBURN		285	16.90
MIKE BOCHAR		89	5.28
MARY L. ALBAUGH		527	31.26
WRITE-IN		3	.18
Total		1,686	
Over Votes		0	
Under Votes		378	

Consent Agenda:

1. Approval of Minutes - Regular meeting 05/03/18
2. Approval of Building and Wiring Permits

Permit Number	Submitted By and Location	Contractor	Description of Work to be Performed	Building Value	Electrical Code	Total Electrical Fees Paid	Total Building Fees Paid	Zoning	Asbestos	Flood Zone	Elev. Certificate	Non Conversion Use
74061	Warehouse Gym LLC 6 Traders Alley	Self	Façade: Painting, Front Door & Lighting	\$7,950.00		\$75.53						
74062	Donald Grogg 31 College Ave	Self	Replace Porch Flooring & Railing	\$999.00		\$10.00						
74063	Community Bank 3 S Locust St	Shamrock Building Services	Refacing Existing Signage	\$17,910.00		\$152.24		X				
74063	Community Bank 3 S Locust St	Shamrock Building Services	Removal of Signage on State's ROW & Replacement on Bank's Property	\$3,900.00		\$37.05		X				
74064	Earl T Rhodes 28 Ritchie St	Self	Siding & Windows	\$3,000.00		\$33.00						
74065	Virginia Russell 183 Camden Ave	Self	12'x24' Storage Building	\$1,000.00		\$11.00		X				
74066	UC Senior Center 28 N Kanawha St	Cooper Asphalt	Patch, Seal, Paint Existing Parking Lot	\$10,700.00		\$90.95						
74067	Corner Spring & Main Edward Hardman		Existing Service-Inspection			\$n/c						
74068	7 W Lincoln St	Self	Replacement Garage Door	\$700.00		\$10.00						
74069	Oil States 106 Island Ave	Foamcoat Roofing	Re-Roof Wood over Metal, Foam Roofing & Coating	\$23,584.00		\$200.47						
74070	Arden Quick 165 Randolph St	Self	Replacement Private Sidewalk	\$1,500.00		\$16.50						
74071	John Moss Market Square	Self	Vinyl Siding	\$500.00		\$15.00						
74072	Allstate Ins 106 S Kanawha St	Trust Built Contracting LLC	Inside Remodel, Flooring, Drylock Basement	\$5,000.00		\$47.50						
74073	Francisco Figueroa 21 Madison St	Self	Inside Remodel & Stone Façade on Building	\$10,000.00		\$85.00						
74074	Mary Snelson 12 Gate St	Woody Home Improvement	Siding on front of house	\$1,650.00		\$18.15						
TOTAL				\$88,393.00		\$0.00	\$802.39					

3. Approval of Payment of the Bills

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT	
MAYOR'S OFFICE	XEROX CORPORATION	409-341-00	MAYOR'S SUPPLIES & M	METER USAGE 3-21 TO 4-20-1	0.00	
	GATE SUPPLY	409-341-00	MAYOR'S SUPPLIES & M	PHOTO BLACK CARF	18.45	
	SUNSET GRAPHICS LLC	409-341-00	MAYOR'S SUPPLIES & M	BILL HAMILTON SIGN	5.00	
	PAYROLL ACCOUNT (ALL DEPTS)	409-341-00	MAYOR'S SUPPLIES & M	MAY 2018 AA FEES	0.00	
	COLLECTION ACCOUNT	409-341-00	MAYOR'S SUPPLIES & M	CC FEES APRIL 2018	0.00	
	BCN TELECOM INC	409-211-00	MAYOR'S TELEPHONE	472-8149 & 1651	12.10	
	**PAYROLL EXPENSES			5/03/2018 - 5/15/2018	728.29	
				TOTAL:	774.04	
	COUNCIL	BUCKHAMMON UTIL BOARDS	410-450-01	THEATRE BUILDING	MISC WASTE THEATRE	75.86
		NON POWER	410-450-01	THEATRE BUILDING	110122154542 40 E. MAIN ST	35.62
VALLEY STEEL SERVICE		410-450-02	THEATRE CAPITAL	4'x10'x22ga Stainless	258.37	
HARE'S GLASS AND AMHING, LLC		410-450-02	THEATRE CAPITAL	STAINLESS STEEL U CH	300.00	
HARPER LUMBER & BUILDING SUP		410-450-02	THEATRE CAPITAL	RUBBER ROOFING	808.16	
LOWES BUSINESS ACCOUNTS		410-450-02	THEATRE CAPITAL	Rivets, bits and Screws	66.81	
		410-450-02	THEATRE CAPITAL	Rivets, bits and Screws	14.19	
UPSHUR COUNTY COMMISSION		410-460-00	CAT CONTROL EXPENSE	CATS CAUGHT APRIL 2018	40.00	
**PAYROLL EXPENSES				5/03/2018 - 5/15/2018	218.78	
				TOTAL:	1,817.79	
ZONING	VINCENT SMITH	437-214-00	TRAVEL EXPENSE	CODE EHP. MILEAGE APRIL 20	135.71	
	**PAYROLL EXPENSES			5/03/2018 - 5/15/2018	1,346.15	
			TOTAL:	1,481.86		
DATA PROCESSING	RAVEN ROCK NETWORKS INC	439-230-00	DATA PROCESSING	SERVICE CONTRACT	212.50	
		439-230-00	DATA PROCESSING	BIT DEFENDER	449.35	
		439-230-00	DATA PROCESSING	PREMIUM SERVICE CONTRACT	212.50	
		439-230-00	DATA PROCESSING	TECH SUPPORT T/S MAT SAN S	53.12	
		439-459-00	DATA PROCESSING CAPI	LAPTOP FOR VOL COORDINATO	988.21	
	BUDDENLINK	439-230-00	DATA PROCESSING	MAY 2018 INTERNET	31.23	
				TOTAL:	1,946.91	
	CITY HALL	UNIFIRST CORP.	440-216-00	CITY HALL MAINTENANC	ALL DEPT APR UNIFORMS	235.48
		MOUNTAINEER GAS COMPANY	440-213-00	CITY HALL UTILITIES	269245-314199 1 S-FLORIDA	218.53
		LOWES BUSINESS ACCOUNTS	440-216-00	CITY HALL MAINTENANC	BIBBLE CARPET CLEAN RENT	45.59
DODSON BROS EXTERMINATING CO		440-216-00	CITY HALL MAINTENANC	CITY HALL MONTHLY PEST INS	29.00	
DOLLAR GENERAL CORPORATION		440-341-00	CITY HALL SUPPLIES	SUPPLIES	36.56	
**PAYROLL EXPENSES				5/03/2018 - 5/15/2018	1,251.21	
				TOTAL:	1,816.57	
POLICE		LYKING OIL COMPANY	700-343-00	POLICE DEPT. AUTO SUPP	POLICE DEPT APR 18 FUEL BI	1,759.51
	COMDDC LEASING	700-341-00	POLICE DEPT. MAT & S	POLICE DEPT COPIER JUNE 20	219.42	
	MARSHALL U'CONNOR	700-221-00	POLICE DEPT. TRAINING	REIMB HEALTH WHILE @ TRAINI	124.30	
	TOSHIBA FINANCIAL SERVICES	700-341-00	POLICE DEPT. MAT & S	POLICE DEPT COPIER LEASE	141.00	
	ENTERPRISE FM TRUST	700-459-00	POLICE DEPT. NEW EQU	MAY 2018 POLICE CRUISER PY	1,195.27	
	SPRINT	700-211-00	POLICE DEPT. TELEPHO	APRIL 2018 GED TABS	309.10	
	NCW MEDIA	700-341-00	POLICE DEPT. MAT & S	ADVERTISEMENT	408.90	
	BCN TELECOM INC	700-211-00	POLICE DEPT. TELEPHO	472-5723	6.05	
	STAPLES BUSINESS ADVANTAGE	700-341-00	POLICE DEPT. MAT & S	BLACK INK CART	70.53	
	FROTTIER	700-211-00	POLICE DEPT. TELEPHO	304-473-7911-073014-4 POL	68.19	

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT	
	**PAYROLL EXPENSES			5/03/2018 - 5/15/2018	20,331.23	
				TOTAL:	24,633.50	
FIRE	LYKING OIL COMPANY	706-343-00	FIRE DEPT. AUTO SUPP	FIRE DEPT APR 18 FUEL BTL	741.06	
	J T MARTIN COMPANY INC	706-216-00	FIRE DEPT. MAINTENANC	ENGINE 1 EXTINGUISHERS	165.42	
	MICHAEL S BALL	706-343-00	FIRE DEPT. AUTO SUPP	E11 ANNUAL MAINTENANCE	744.08	
	SPONDO DROPS LLC	706-341-00	FIRE DEPT. MATERIAL	MAPS	200.00	
	SUTPHEN CORPORATION	706-343-00	FIRE DEPT. AUTO SUPP	RADIATOR OVERFLOW CAP	19.54	
	BUCKHAMMON VOLUNTEER FIRE DE	706-221-00	FIRE DEPT. TRAINING	BOOKS	175.70	
		706-214-00	FIRE DEPT. TRAVEL EX	ACCREDITATION CLASS EXP.	520.45	
		706-221-00	FIRE DEPT. TRAINING	REIMBURSEMENT FOR CLASS	650.00	
	BCN TELECOM INC	706-211-00	FIRE DEPT. TELEPHONE	2868	12.10	
	ST JOSEPH HOSPITAL OF BUCKHA	706-341-00	FIRE DEPT. MATERIAL	FIRSTAID SUPPLIES ENG.1	29.00	
	**PAYROLL EXPENSES			5/03/2018 - 5/15/2018	50.00	
				TOTAL:	12,934.08	
				TOTAL:	16,441.63	
	STREET	BUCKHAMMON UTIL BOARDS	750-341-00	STREET DEPT. MAT & S	MISC WASTE STREET DEPT	38.29
		NON POWER	750-213-00	STREET DEPT. UTILITI	110123905108 25 W LOCUST S	9.18
		LYKING OIL COMPANY	750-343-00	STREET DEPT. AUTO SUPP	STREET DEPT APR 18 FUEL BI	1,161.22
		UNIFIRST CORP.	750-345-00	STREET DEPT. UNIFORM	ALL DEPT APR UNIFORMS	317.84
		WV PAGING	750-213-00	STREET DEPT. UTILITI	STREET DEPT MAY 2018 PAGER	23.00
		RITE-WAY HEATING & PLUMBING	750-341-00	STREET DEPT. MAT & S	PLUMBING SUPPLIES	121.56
			750-341-00	STREET DEPT. MAT & S	PLUMBING SUPPLIES	28.53
MOUNTAINEER GAS COMPANY		750-213-00	STREET DEPT. UTILITI	341416-404855 17 1/2 FACTO	95.12	
		750-213-00	STREET DEPT. UTILITI	269254-314209 4 FACTORY ST	376.50	
		750-213-00	STREET DEPT. UTILITI	269255-492564 6 FACTORY ST	249.37	
GRANT COUNTY MULCH INC		750-458-07	LMCP/ NORTH BUCK. PA	FINISHED KIDDIS MAT	2,070.00	
LOWES BUSINESS ACCOUNTS		750-341-00	STREET DEPT. MAT & S	WATER AND SWING CHAI	151.64	
		750-341-00	STREET DEPT. MAT & S	YARD HYDRANT	52.08	
		750-341-00	STREET DEPT. MAT & S	RUBBER ROOFING GLUE	95.00	
STATE EQUIPMENT INC.		750-343-00	STREET DEPT. AUTO SU	SCRAPERS FOR ROLLERS	502.07	
CRITES ELECTRICAL SUPPLY INC		750-458-07	LMCP/ NORTH BUCK. PA	CONDUIT FOR WATER FE	20.50	
BCN TELECOM INC		750-211-00	STREET DEPT. TELEPHO	472-5755 & 1038	12.10	
ST JOSEPH HOSPITAL OF BUCKHA		750-341-00	STREET DEPT. MAT & S	ANDREW LOUDIN LAD TRGT	50.00	
WALMART STORES INC -BUCKHAM		750-341-00	STREET DEPT. MAT & S	OFFICE SUPPLIES	169.49	
**PAYROLL EXPENSES				5/03/2018 - 5/15/2018	12,980.80	
			TOTAL:	18,602.43		
STREET LIGHTS	NON POWER	751-213-00	STREET LIGHTS	110 087 818 008 MAIN ST	5,607.12	
				TOTAL:	5,607.12	
TRAFFIC SIGNALS & SIGN	NON POWER	752-213-00	TRAFFIC SIGNALS POWE	110 088 985 459 RT. 119	10.39	
		752-213-00	TRAFFIC SIGNALS POWE	110088985624 RT. 20 BUN C	52.54	
		752-213-00	TRAFFIC SIGNALS POWE	110081822063 W. MAIN ST	5.31	
		752-213-00	TRAFFIC SIGNALS POWE	110088820243 MAIN ST	35.73	
				TOTAL:	101.87	
STOCKERT YOUTH CENTER	UNIFIRST CORP.	907-216-00	MAINTENANCE	ALL DEPT APR UNIFORMS	97.74	
	LEAF	907-343-01	OPERATING EXPENSES	COPY MACHINE LEASE	171.30	
	CARTER, LARRY	907-363-08	KARATE CLASS INSTRUC	KARATE INSTRUCTOR	288.00	
	MOUNTAINEER GAS COMPANY	907-213-00	UTILITIES	383925 483167 70 E MAIN ST	0.00	
	RAVEN ROCK NETWORKS INC	907-341-00	MATERIALS & SUPPLIES	TECH SUPPORT T/S MAT SAN S	531.25	
		907-459-00	CAPITAL OUTLAY	TECH SUPPORT T/S MAT SAN S	665.25	

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
		907-459-00	CAPITAL OUTLAY	WIRING FOR SYNC PHONE	1,485.00
	SHERAY EPAN	907-368-02	YOGA FITNESS CLASS	YOGA INSTRUCTOR	132.00
	LANY WIJAYANI	907-368-01	ZUMBA	ZUMBA INSTRUCTOR	72.00
	STINGO, KEVIN	907-363-00	KARATE CLASS INSTRUC	KARATE INSTRUCTOR	96.00
	**PAYROLL EXPENSES			5/03/2018 - 5/15/2018	5,540.61
				TOTAL:	9,079.17
CONVENTION CENTER	USDA, RURAL DEVELOPMENT	910-457-00	CONFERENCE CENTER PA	CONF CENTER MAY 2018	3,351.00
				TOTAL:	3,351.00
SAFETY COMPLEX POLICE	UNIFIRST CORP.	976-216-00	SAFETY COMPLEX MAINT	POLICE DEPT APR 2018 RUGS	111.00
	MOUNTAINEER GAS COMPANY	976-213-00	SAFETY COMPLEX UTILI	383931-483167 20 S FLORIDA	0.00
	DODSON BROS EXTERMINATING CO	976-216-00	SAFETY COMPLEX MAINT	POLICE DEPT MONTHLY PEST I	45.00
				TOTAL:	156.00

Motion Skinner/Albaugh to approve the consent agenda as submitted. Motion passed.

Strategic Issues for Discussion and/or Vote:

- 1. Ordinance No. 424 Amendment: Animal Care & Control RE: Animal Cruelty & Tethering of Dogs – First Reading** – City Attorney Tom O’Neill shared highlights of the amendment. The ordinance is unchanged from the draft reviewed at the last Council meeting. The amendments clarify what is considered “cruelty” related to tethering of dogs. **Motion Albaugh/Skinner to approve on the first of two readings of Ordinance No. 424; motion passed.**

**ORDINANCE NO. 424 OF THE CITY OF BUCKHANNON, AMENDING
MODIFYING AND RE-ENACTING ORDINANCE NOS. 300, 397, and 420 OF THE CITY OF BUCKHANNON,
KNOWN, CITED AND REFERRED TO AS THE
“BUCKHANNON ANIMAL CARE AND CONTROL ORDINANCE”**

WHEREAS, pursuant to Chapter 8, Article 12, Section 5 (26) of the West Virginia Code, as amended, municipalities are granted plenary power and authority to regulate or prohibit the keeping of animals or fowls and to provide for impounding, sale or destruction of animals or fowls kept contrary to law or found running at large within the corporate limits; and,

WHEREAS, the Council of the City of Buckhannon, through Ordinance Nos. 300, 397, and 420 has adopted comprehensive regulations respecting animals kept, maintained or otherwise brought or coming into the corporate limits; and,

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

ARTICLE I -- The provisions of said Ordinance Nos. 300 and 397 are deemed amended and reenacted as follows:

505.16. ANIMAL CRUELTY AND TETHERING OF DOGS PROHIBITED; EXCEPTIONS:

.Section 1. CRUELTY TO ANIMALS

(a) No person shall cruelly mistreat, abandon or withhold proper sustenance, including food, water, shelter that protects from the elements, exercise or medical treatment, necessary to sustain normal health and fitness or to end suffering or abandon any domesticated animal to die, or intentionally, knowingly or recklessly leave an animal unattended and confined in a motor vehicle when physical injury to or death of the animal is likely to result, or ride an animal when it is physically unfit, or injure any animal for the purpose of making it perform for a person's amusement, or cruelly chain, tether or confine outside any animal or use, train or possess any domesticated animal for the purpose of seizing, detaining or mistreating any other domesticated animal.

(b) Exceptions. Nothing in subsection (a) of this subsection shall be deemed to prohibit;

- (1) Any action by licensed veterinarian done in accordance with accepted standards of veterinary care;
- (2) Any action by a law enforcement officer pursuant to the interest of public health and safety;
- (3) Any act done in self-defense or done to defend another person or animal.

Section 2. TETHERING OF DOGS

(a) Tethering: It shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause a dog to be fastened, chained, tied or restrained to houses, trees, fences, garages or other stationary or highly immobile objects by means of a rope, chain, strap or other physical restraint for the purpose of confinement, except in circumstances where all of the following requirements are met:

- (1) The tethering shall be no longer than necessary for the dog's caretaker or owner to complete a temporary task that requires the dog to be physically restrained for a reasonable period of time;
- (2) Notwithstanding the requirements of Article 505.16, Section 2(a) (1) above, and subject to the requirements of Section 2(b)(1) below, no dog shall be tethered for any period of time in excess of ten (10) hours in any twenty-four (24) hour period.
- (3) The dog must be properly fitted with and wearing a non-choke harness or collar made of leather, nylon, or similar material. Choke or prong collars shall not be used;
- (4) The tether must be attached to the dog's harness or collar and not directly to the dog's neck;
- (5) The tether must be a reasonable length and weight according to the dog's weight and the size of the property.
- (6) The dog is tethered so as to prevent injury, strangulation, or entanglement;
- (7) The dog is not tethered outside during extreme weather, subject to the requirements of Section 2(b)(1), below;
- (8) The dog is six (6) months of age or older;
- (9) The dog is not a nursing mother or sick or injured;

(10) If there are multiple dogs, each dog is tethered separately;

(11) The dog (s) must be tethered at sufficient distance from any other objects to prohibit the tangling of the cable, from extending over an object or an edge that could result in injury or strangulation of the animal.

(12) A running line or trolley system, if utilized, must be at least fifteen (15) feet in length and at least four (4) feet and no more than seven (7) feet above ground;

(b) Tethering a dog under conditions which present a reasonable likelihood of serious injury or death to the dog is prohibited.

(1) The following weather conditions present a reasonable likelihood of serious injury or death to a domesticated animal which is so tethered or confined:

a) an outdoor temperature below thirty-two degrees Fahrenheit or above eighty-eight degrees Fahrenheit;

b) weather conditions which are characterized by immediate or imminent flooding within the space in which the domesticated animal is confined; or,

c) times during which the United States National Weather Service has issued a severe thunderstorm warning, a tornado warning, or a winter storm warning for the City of Buckhannon.

Section 3. FOOD, WATER, AND SHELTER

(a) Food. Animals must be provided with food of sufficient quantity and quality to allow for normal growth or the maintenance of body weight.

(b) Water. Animals must be provided with potable water in sufficient quantity to satisfy the animal's needs. Snow or ice is not an adequate water source.

(c) Shelter. Animals must be provided with adequate shelter to provide for their health and welfare. A shelter that protects the animal from inclement weather, wind, and direct rays of the sun, shelter shall be provided and accessible to each dog. Examples of inadequate shelters include, but are not limited to, lean-tos, metal drums, standard unmodified plastic drums, cardboard or other disposable boxes, vehicles, or the area on or beneath exposed porches or exposed decks.

(d) Confinement Areas. A confinement area must provide sufficient space to allow each animal to turn about freely and to easily stand, sit and lie in a normal position. If an animal is maintained in an outdoor confinement area, that space should contain a shelter that complies with the following sections.

(1) General. A person in charge or control of any dog which is kept outdoors or kept in an unheated enclosure shall provide the dog with shelter and bedding as prescribed in this section as a minimum.

(2) Building specifications. The shelter shall include a moisture proof and windproof structure size to accommodate the dog and allow retention of body heat. It should be made of durable material with a solid, moisture-proof floor or a floor raised at least two inches from the ground. The structure shall be provided with a sufficient quantity of suitable bedding material during inclement weather to provide insulation and protection against cold and dampness and promote retention of body heat.

(3) Shade. Shade from the direct rays of sun shall be provided.

(4) Outdoor areas. Outdoor areas shall be maintained as follows:

A. Outdoor Pens. If an animal is confined in an outdoor pen, it must be of adequate and reasonable size and in no event less than a 10' x 10' (100 square feet) area per dog.

B. Extreme Weather - Dogs shall not be penned outside during extreme weather unless the pen is equipped to provide adequate protection.

(5) Surface area. The interior surfaces of all indoor confinement areas must be constructed and maintained so that they are substantially impervious to moisture, provided for adequate drainage may be readily cleaned, kept in good repair, and protect the animal from injury. Confinement areas should be ventilated sufficiently to allow for the free movement of air in and around the confinement area. All outdoor confinement area flooring should be impermeable material or well drained aggregate.

(6) Waste. A suitable method must be used to eliminate excess fluids from confinement areas. All feces should be removed and disposed of properly.

ARTICLE II – EFFECT UPON OTHER MUNICIPAL ORDINANCES:

Section 1. Any and all other ordinances of the City of Buckhannon not amended hereby, shall remain in full force and legal effect except for those provisions expressly amended pursuant to the provisions hereof.

ARTICLE III – SEVERABILITY: In the event that any section(s) or provision(s) of this Ordinance is determined to be in violation of state or federal statute or court ruling, unconstitutional, invalid or otherwise unenforceable by a Court of competent jurisdiction, such determination shall not affect the validity of this Ordinance as a whole or the sections and provisions thereof which are not specifically held to be in violation of state or federal statute or court ruling, unconstitutional, invalid or otherwise unenforceable.

ARTICLE IV – EFFECTIVE DATE: This Ordinance shall be deemed effective thirty (30) days following the second (2nd) reading, passage and adoption by the Council of the City of Buckhannon, i.e., July 7, 2018.

FIRST READING:

May 15, 2018

SECOND READING, PASSAGE AND ADOPTION:

June 7, 2018

David W. McCauley, Mayor

CERTIFICATE OF ENACTMENT

I, _____, City Recorder, do hereby certify that the foregoing Ordinance No. 424 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on June 7, 2018.

, City Recorder

- 2. **Draft Ordinance No. 425: Property Exchange with St. Joseph’s Hospital** – Mr. O’Neill explained that this will be discussed at the next Consolidated Board of Public Works meeting, first, and then brought to City Council.
- 3. **Resolution 2018-08: Acceptance Deed of Dedication- John Moss Gate Street property** – City Attorney Tom O’Neill explained that this resolution is to accept the deed of property from the Moss family.

**RESOLUTION NO. 2018-08 OF THE COUNCIL OF THE CITY OF BUCKHANNON
AUTHORIZING THE CITY’S ACCEPTANCE OF THE SPECIAL WARRANTY DEED OF DEDICATION FROM
MOSS FAMILY, LLC, RESPECTING A LOT, TRACT, OR PARCEL OF LAND CONTAINING 1.18 ACRES, MORE
OR LESS, ALL OF WHICH REAL ESTATE IS SITUATED ALONG THE BUCKHANNON RIVER, IN
CORPORATION DISTRICT, UPSHUR COUNTY, WEST VIRGINIA**

WHEREAS, a Special Warranty Deed of Dedication dated May 14, 2018, was presented to the Council of the City of Buckhannon during its regularly scheduled meeting of May 15, 2018, which said deed had been fully and properly executed and acknowledged by the Grantor thereto, i.e., MOSS FAMILY, LLC, a West Virginia limited liability company, and further which deed was tendered for acceptance by the City Council respecting that certain lot, tract or parcel of land containing approximately 1.18 acres, more or less, and further which real estate is generally situated along the banks of the Buckhannon River, Corporation District, Upshur County, West Virginia; and,

WHEREAS, the Council of the City of Buckhannon has agreed following full and formal consideration of the proposed dedication and conveyance of real estate during the May 15, 2018, meeting to accept the aforesaid Special Warranty Deed of Dedication from MOSS FAMILY, LLC, Grantor.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BUCKHANNON, AS FOLLOWS:

(1) That the Deed of Dedication dated May 14, 2018, from MOSS FAMILY, LLC, a West Virginia limited liability company, to the City of Buckhannon, a West Virginia municipal corporation, respecting the real estate which is more particularly described in the aforesaid deed is hereby and in all respects accepted by the Council of the City of Buckhannon; and,

(2) That the Deed of Dedication is specifically accepted by the Council of the City of Buckhannon in accordance with, and subject to the various terms and provisions of the aforesaid deed as the same are more particularly set forth therein; and,

(3) That this Resolution, or a copy thereof, shall be appended to, and made a part of the aforesaid Deed of Dedication, and that the Deed of Dedication, together with this Resolution then shall be recorded in the Office of the Clerk of the County Commission of Upshur County, West Virginia, to evidence the dedication and conveyance of the subject real estate to the City of Buckhannon, and to further evidence the formal acceptance by the Council of the City of Buckhannon of the same.

VOTE ON RESOLUTION

IN FAVOR

OPPOSED

(1) _____
David W. McCauley, Mayor

(2) _____
Susan Aloï, Recorder

- (3) _____
Pamela M. Cuppari, Council Member
- (4) _____
Mary Albaugh, Council Member
- (5) _____
Robbie Skinner, III, Council Member
- (6) _____
J. David Thomas, Council Member
- (7) _____
Clifford J. Rylands, Council Member

CERTIFICATE OF PASSAGE AND ENACTMENT

I, Susan Aloi, City Recorder of the City of Buckhannon, a West Virginia, municipal corporation, do hereby certify that the foregoing Resolution 2018-08 was lawfully passed and enacted by the Council of the City of Buckhannon during a regular meeting of the City Council convened at City Hall in Buckhannon, Upshur County, West Virginia, on May 15, 2018.

Susan Aloi, City Recorder

Motion Rylands/Cuppari to approve Resolution 2018-08 that will be attached to the deed; motion passed on roll call vote:

Susan Aloi - yes
Pam Cuppari - yes
Mary Albaugh - yes
Robbie Skinner - yes
C.J. Rylands - yes
Mayor McCauley - yes
Dave Thomas-absent

4. **List of Names to be Appointed to the Municipal Complete County Committee re: US Census Bureau** – The Mayor asked Council members to think of representatives who might be appropriate for this committee. This item will be discussed at the June 7, 2018 City Council meeting.
5. **Request Proposal for Zoning Change of 52, 54, and 56 S. Kanawha Street from R2 General Residential District to C1 Central Commercial Business District to Recommend to Planning Commission** – The Mayor explained that this matter was initiated by petitions from the property owners, and will be referred to the Planning Commission. Once the Planning Commission has acted on the matter, it will be referred back to City Council. **Motion Albaugh/Skinner to refer petition for rezoning of properties 52, 54, 56 S. Kanawha Street to the Planning Commission; motion passed.**
6. **Appointment of Nathan Fetty to the Waste Collection Board. Motion Rylands/Cuppari to appoint Nathan Fetty to the Waste Collection Board; motion passed.**

Comments and Announcements:

- **Mary Albaugh** – Thanked Susan Aloi for her service as City Recorder. Ms. Albaugh also thanked the voters who re-elected her to City Council.
- **Pam Cuppari** - Working on the Fourth of July Celebration; soliciting donations from local businesses and hopefully, larger, corporate sponsors. Also looking for volunteers.
- **CJ Rylands** – Asked Council members to think about Jeff Harvey’s proposed three-phase emergency plan. There are fiscal requirements, estimate of \$10,000 for phase one. This topic has been around for a decade, and we’re proving that, as a community and following the community’s best interest, we can accomplish great things.
- **Robbie Skinner**- Enjoy the Strawberry Festival, 77 years strong. Also thanked the community for the support he received from citizens regarding the statement he shared about the needle-exchange program proposed by the Health Dept.
- **David Thomas**- Absent
- **Susan Aloi**- Thanked Council for having confidence in her when making the appointment as City Recorder, and thanked Amby Jenkins, Teresa Summers, and Barb Hinkle for helping her

do her job. Dr. Aloï also expressed admiration and appreciation to all City employees for their dedication and hard work.

Mayor's Comments and Announcements:

- **Mayor David McCauley's Statement of Gratitude to Dr. Susan Aloï**



May 15, 2018

As Dr. Susan Aloï concludes her nearly 20 months of service as our City Recorder this Friday afternoon when we'll swear in Colin Reger as our new City Recorder, I'd like to reflect a bit about her & her service to our City. In September of 2016, I sought Susan out to serve as our Recorder. She was already a very busy person, but we all know that old saying about if you want a job done well, seek out an already busy person to do it. I may've fibbed a bit to her about the quantity of work required. It's easy to deduce that there are but six meetings a month to worry about at City Hall, i.e., two Council meetings & the four Utility Boards that meet but monthly. Soon after starting, she came to learn about the Planning Commission, the Zoning Board of Appeals, the Stockert Youth & Community Center Board, the Police Civil Service Commission, the Fire Service Commission, the Housing Enforcement Board, the Historic Landmarks Commission, and then there are the "special" meetings of Council & the various Utility Boards, & the many committee meetings including the Assessment Committee & the Sustainability Committee, both of which she chaired.

I suppose the first question that might be posed was "Why seek out Susan Aloï for the job?" In September of 2016, I was going on 34 years with our City, only four months then as mayor, but more than 32 years as City Attorney. I knew very well how important the position was. I had served with Binky Poundstone, Nancy Shobe, & Rich Clemens for decades, all excellent folks who served as our City Recorder collectively for half a century. We needed a person whose ethical perspective was beyond reproach, whose work ethic was excellent, whose time management skills were off the charts fantastic, whose honesty & integrity was impeccable, who was a skilled writer & a nifty public speaker, who was well organized, & a natural leader. This person pursuant to our municipal charter would be a heartbeat away from serving as mayor. The City Recorder had in fact been called upon to act as Buckhannon's mayor on two occasions during the previous 16 years alone.

I've known Susan Aloï for nearly 38 years. Her husband, Mike, & I started law school together way back in August of 1980. Susan & Mike went to Wesleyan together where they met way back in 1976, & then headed north together to Morgantown after graduating here. When she & Mike & their four kids, Joey, Alexander, Hannah, & Iris moved back to Buckhannon in 1998, we became colleagues at the College. What a terrific matriarch she has been for her family. Going back to that checklist above, all of the items were quickly checked after my lightbulb came on to consider her appointment as City Recorder. Simply stated- Susan is the constant voice of reason. She always takes the ethical & moral high ground. She's inclusive, transparent, & demands that organizations she associates herself with behave competently, but- are able to prove their competence through being properly & fully evaluated & assessed. She's highly analytical, but also very highly compassionate, always looking out for the little guy... or gal, & in fact- she is consistently persistent about inclusivity- making sure that women, minorities, those who've historically been marginalized & often excluded from having a voice, a place at the table- are adequately represented when it comes to making any decision. She's kind to animals. She already was a great ambassador for our community. Asking Susan Aloï to serve as our City Recorder was a total no-brainer.

Her efficiency in taking our minutes is unparalleled in our City's history. I can't tell you how many times I've left a meeting, walk the five minutes home, only to find in my e-mail inbox the draft minutes from that meeting that had just concluded. It was always a great moment for me when I could point out the smallest error in her minutes- an experience which only rarely occurred. She always kept me on our agenda, sometimes by reaching over & pointing out where I had slipped up, or also sometimes with a bit of that left elbow which can be painfully sharp! Our ole place, this organization "our City of Buckhannon" is better for her having been a part of it. Dr. Susan Aloï is responsible for this place, our City- being better, kinder, more competent, inclusive, transparent, & efficient. Susan- we owe you a debt of gratitude. Thank you for being here- you will be missed!

- **Mayor's Proclamation-Dr. Susan Aloï**

MAYOR'S PROCLAMATION

Whereas, DR. SUSAN ALOI has served as Buckhannon's City Recorder since October 6, 2016 during which 20 months **DR. ALOI** has contributed her experience, education, & training in the areas of assessment & leadership as well as her affinity for environmental sustainability to her office, improving our community's awareness & adoption of practices in all of those areas; &

Whereas, our City has improved its operations in a number of ways during **DR. ALOI's** tenure as our City Recorder; &

Whereas, SUSAN ALOI has supported many positive initiatives undertaken by our City government during the past 20 months including the hiring of a dedicated information coordinator & grant writer; the establishment of our City's Volunteer Center & the hiring of a coordinator for that office; the pursuit of formal, professional accreditation for both the Buckhannon Police & Fire Departments; the hiring of a new Fire Chief; & efforts to curb the drug epidemic ravaging our State; &

Whereas, our Buckhannon-Upshur community appreciates & values the efforts, energy, & dedication of one of our finest public servants & wishes to honor & commend **SUSAN ALOI** in her continued, positive mission supporting our entire B-U community & for her service; &

Whereas, our City now desires to recognize our City Recorder, **DR. SUSAN ALOI** by bestowing upon her our City's highest honor with the Ambassador's Award.

NOW, THEREFORE, I, DAVID W. McCAULEY, MAYOR OF THE CITY OF BUCKHANNON, pursuant to the power & authority duly vested in me, do hereby proclaim Wednesday, May 16, 2018 to be "**SUSAN ALOI DAY**" throughout our City of Buckhannon.

To further memorialize **SUSAN ALOI'S** devotion to and affinity for our Buckhannon-Upshur community, I further now hereby bestow upon her, the Buckhannon Ambassador Award, becoming one of the few recipients & honorees of this most prestigious award. Appropriately, I direct the installation of a permanent placard upon the "Ambassador's Bench" on East Main Street in front of our City's Stockert Youth Center to permanently honor **DR. SUSAN ALOI**, bearing the inscription-

-- "**THE AMBASSADORS' BENCH - HONORING THOSE WHO SELFLESSLY DEDICATED THEIR LIVES TO THE SERVICE, PROMOTION, & ADVANCEMENT OF BUCKHANNON**" --

I further urge all of our residents to greet our community's most honored citizen, our City Recorder, **DR. SUSAN ALOI**, along with her family, friends, & all members of our City government family during her most special day.

Given under my hand & the official seal of The City of Buckhannon, this 15th day of May, 2018

David W. McCauley, Mayor

- **Friday, May 18, 1pm, swearing in of Colin Reger as new City Recorder**
- **Congratulations to Mary Albaugh and Dave Thomas for taking first and second places in the City Council election**
- **2nd Annual Wilbert Grubb Day – May 16, 2018 at 3pm at PSC**
- **11th Annual Service to Youth Champion Award – May 17, 2018 at 3pm at SYCC**
- **12th Annual Friendly Way Day Celebration – May 18, 2018 at 3pm at PSC**

Motion Albaugh/Skinner to adjourn; motion passed. The meeting adjourned at 9:45pm. The next meeting is scheduled for Thursday, June 7, 2018 at 7pm.

Mayor David McCauley

Recorder Susan Aloi
