

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

A regular meeting of the Buckhannon City Council was held on Thursday, January 16, 2020 at 7:00pm in City Hall. The following were in attendance:

Mayor	David McCauley	Present
City Recorder	Randy Sanders	Present
Council Member	Mary Albaugh	Present
Council Member	Pam Bucklew	Present
Council Member	CJ Rylands	Present
Council Member	Robbie Skinner	Present
Council Member	David Thomas	Present
Assistant Recorder & Director of Finance	Amberle Jenkins	Present
City Attorney	Tom O'Neill	Present
BPD	Lieutenant Doug Loudin	Present
Director of Public Works	Jerry Arnold	Present
Grants & Information Coordinator	Callie Cronin Sams	Present
SYCC Director	Debora Brockleman	Absent
The Record Delta Newspaper	Brad Strother	Present
Channel 3	Brian Demasters	Present
The Intermountain Newspaper	Amanda Hayes	Present
MyBuckhannon.com	Katie Kuba	Present
WDTV	Kaley Fedko	Present

Also, in attendance: Tammy Reger, BU Chamber of Commerce; Laura Meadows, UCCVB; Elissa Linger Mills; Denise Weaver; Mikayla Dahlager; Larry W. Dean; Mark Hays; Asad Khan; Mike Cozad, ACP; Allen Nash, Evelyn Syski; Vito Syski; Steve Beer; Shauna Jones; Jack Reger; Robin Keough.

***City Council of Buckhannon - 7:00 pm in Council Chambers
Meeting Agenda for Thursday, January 16, 2020***

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 Recognition of January BEST Award Winner-Allen Nash
- B.2 Laura Meadows-Executive Director-UCCVB- Fall Quarterly Report

C. Department & Board Reports

- C.1 Information Coordinator/Grant Researcher- Callie Cronin Sams
- C.2 SYCC Director-Debora Brockleman
- C.3 Public Works Director- Jerry Arnold
- C.4 Finance Director- Amberle Jenkins
- C.5 Police Chief-Matthew Gregory
- C.6 City Attorney- Tom O'Neill

D. Correspondence & Information

- D.1 State Auditor's 2020 Budget Preparation Regional Workshops
- D.2 FOIA Request-SmartProcure for PO/Vendor Information
- D.3 COB FOIA Request to Hodgesville P.S.D & Tennerton P.S.D (Supplemental)
- D.4 Thank you letter to Tim Critchfield/High Point Construction-SYCC Capital Campaign Gift
- D.5 Thank you letter to Weyerhaesuer Trus Joist-SYCC Gift Supporting
- D.6 Letter from Suddenlink Altice USA RE: Changes to Video Rates
- D.7 Email from WVDOH RE: 33 West Traffic Study available in February
- D.8 City Attorney's Comments at the UCC Public Hearing Tennerton P.S.D. Expansion on 01/06/2020
- D.9 Saint-Gobain dba Corhart Refractories Notice of Planned Layoff

E. Consent Agenda

- E.1 Approval of Minutes-Regular meeting 01/02/2020
- 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 Approval Ordinance No. 440-City Recorder Salary Increase-2nd & Final Reading
- F.2 Approval Ordinance No. 441-Prohibiting the Award of Living Animals as Prizes-1st Reading
- F.3 Approval Ordinance No. 442-Amending Animal Care & Control Commission Membership-1st Reading
- F.4 Retirement of Municipal Public Safety Complex Fee

- F.5 Discussion/Possible Action Public Safety Maintenance Fee
- F.6 Discussion/Possible Action Stockert Youth & Community Center Maintenance Fee
- F.7 Select where Sales Tax Interest Checking will be opened

G. Comments and Announcements

- G.1 Mary Albaugh
- G.2 Pamela Bucklew
- G.3 C J Rylands
- G.4 Robbie Skinner
- G.5 David Thomas
- G.6 Randall Sanders

H. Mayor's Comments and Announcements

I. Adjournment

Posted 01/13/2020 Next Regular Scheduled City Council Meeting Thursday, February 6, 2020

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**

The Mayor called the meeting to order mentioning the recent passing of former BFD Chief, Larry Mackey. The Mayor reminded us all that he not only served the Buckhannon Fire Department for decades, but Mr. Mackey was also a decorated Vietnam war veteran. As we observed a Moment of Silence, Mayor McCauley ask that we keep his family in our thoughts and prayers. This was followed by the Pledge to the Flag of the United States of America led by Allen Nash.

B. Recognized Guests

B.1 Recognition of January BEST Award Winner-Allen Nash – The Mayor recognized Allen Nash and ask that he come forward to receive the January BEST Award. The Mayor read the following Proclamation.

MAYOR'S PROCLAMATION

WHEREAS, the Council of the City of Buckhannon resolved during its regular meeting of October 18, 2018, to honor residents of our Buckhannon-Upshur community who perform extraordinary service while embracing the kind & giving spirit of volunteerism; and,

WHEREAS, Buckhannon has long championed community service & has recognized persons who have given selflessly for the benefit of our City's Fire Department, Stockert Youth & Community Center, & Police Department, but had not until recently- formally recognized others who generally perform many other acts of service & kindness; and,

WHEREAS, with the 2018 establishment of our Buckhannon Volunteer Center, the City deemed it to be reasonable & appropriate to recognize our community's most giving volunteers with previous honorees of the Buckhannon Exemplary Service Testimonial (**BEST**) Award being Amanda Hayes, Zachary Mutchler, Robin Keough, Shirley Tinney, Bill Nicholson, Dr. Joseph Reed, Dr. Paul Richter, April Keating, Brad & Kim Lincecome, Dr. Kathy Gregg, Stan Rexroad, Rich Clemens, Buckhannon Elks Lodge #1736, Miles Paugh, & Create Buckhannon.

NOW, THEREFORE, I, DAVID W. McCAULEY, as **MAYOR OF THE CITY OF BUCKHANNON**, pursuant to the power & authority duly vested in me, do hereby proclaim as our City's 16th recipient of our Buckhannon Exemplary Service Testimonial (**BEST**) Award for January of 2020 to be **ALLEN NASH**. **MR. NASH** moved to Buckhannon in 1996, & served as a youth basketball & soccer coach & referee. He then served as a high school soccer & lacrosse referee for nine years. Retiring in 2015 from his job as a federal employee after 32 years, **ALLEN NASH** became a volunteer for the American Red Cross. More recently **MR. NASH** began volunteering for the Upshur County public library. He is a regular contributor to the maintenance of our Buckhannon Nature Park & Learning Trail. **ALLEN NASH** leads the league in hours volunteered in our B-U community according to our Buckhannon Volunteer Center data. Simply stated, **ALLEN NASH** has helped us all in our B-U community to be better & happier in many ways. His service has heightened our quality of life. I direct that a permanent placard be placed upon our City's **BEST** bench in Jawbone Park to forever honor & recognize **ALLEN NASH** & all past & future honorees of our City's **BEST** award.

I further urge all residents to join our City's most honored guest, **ALLEN NASH**, his family, friends, admirers including me, along with all members of our City government family during our public ceremony to be conducted at 7:00 p.m. on Thursday, January 16, 2020 as we honor our City's 16th recipient of our **BEST** award. We all wish **MR. NASH** the very best as he continues to work hard for our B-U community. May every resident be mindful of the importance of community service & giving of one's self & be inspired to give selflessly for the benefit of others as we pay tribute to the many substantial contributions of our exceptional volunteers including the 16th recipient of our City's **BEST** Award, **MR. ALLEN NASH**.

Given under my hand & official seal of The City of Buckhannon
this 16th day of January, 2020.

David W. McCauley, Mayor

B.2 Laura Meadows-Executive Director-UCCVB- Fall Quarterly Report - Laura Meadows, of the Upshur County Convention & Visitors Bureau, presented the Bureau’s Quarterly Report. She gave an overview to the council members, covering all elements of the report while entertaining questions. She explained how the Bureau reaches people, particularly those outside of the North-Central West Virginia area; gave an overview of the Networking & Involvement aspects of the Bureau; Reach & Impact; and, an overview of both the last quarters and year-to-date (2019) Event Center activities- \$17,239 total quarterly revenue & 37 Events year to date. She also introduced new viewfinders that will be used to help promote the beauty of the area.

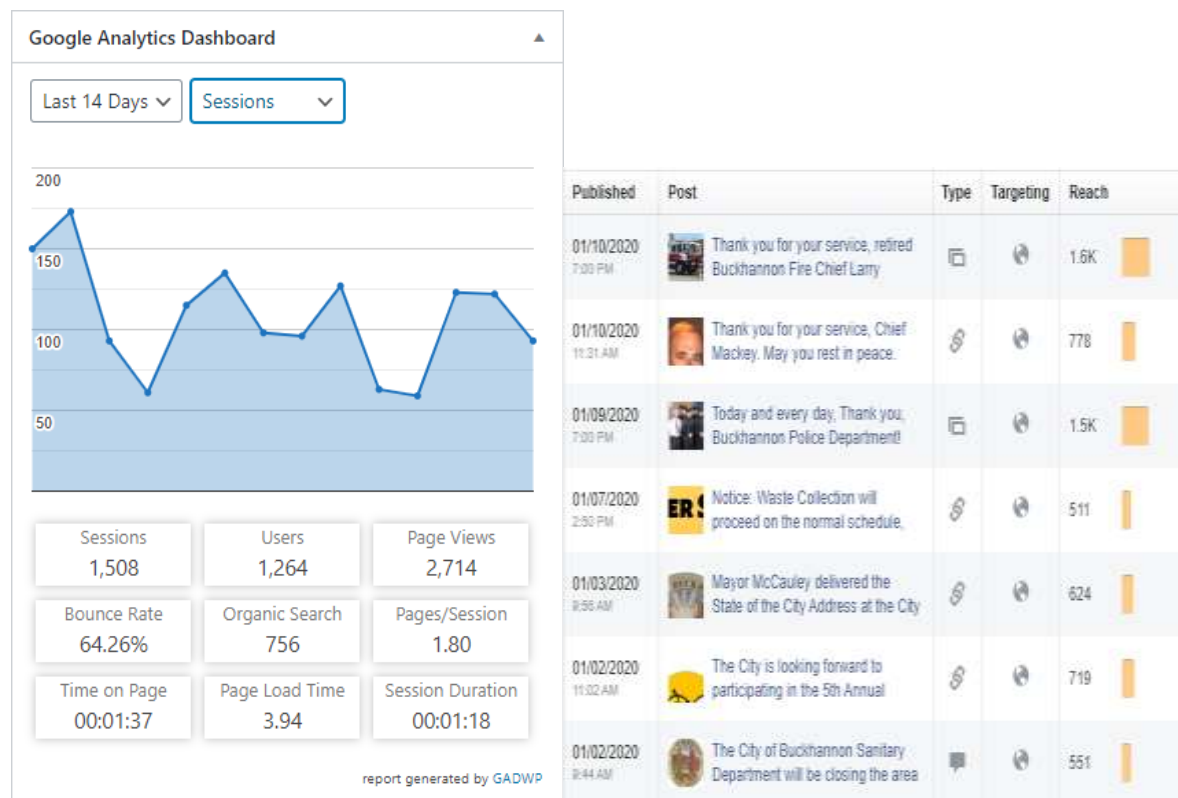
Larry Dean was recognized concerning a Sewer issue. The Mayor updated him on the discussion that took place at the earlier Sanitary Board meeting regarding his concern. He further explained to Mr. Dean that since it was not on the agenda for the meeting, no action could take place but the matter will be placed on the next Sanitary Board agenda so that the Board will be able to take action.

C. Department & Board Reports

C.1 Information Coordinator/Grant Researcher- Callie Cronin Sams- Callie submitted the following report to Council:

Information Coordinator & Grant Researcher Report – Callie Cronin Sams – January 16, 2020– City Council Meeting

News & Announcements on the Website and Social Media



Presented at Buckhannon Rotary on Tuesday, 1/14

Grants: Attended Opportunity Zone Summit in Bridgeport on Monday, 1/13

Active:

Buckhannon Volunteer Center – New Hours; planning for MLK Jr. Day of Service; one-on-one visits to assist with website/recruit nonprofits and volunteers; Meeting with Shauna Jones/BUHS for January site visits; Working with SYCC to implement electronic volunteer hours tracking

Buckhannon Physical Activity Transportation Hub (PATH) Project; Submitted with Create Buckhannon Safe Routes to Parks application.

Buckhannon River Watershed Association Partnership for EPA Environmental Education

REAP Recycling – Bid approved for Hooklift Truck

Reporting/work on FLC, SYCC Community Afterschool Survey for 21st CCLC

Researching:

Afterschool Alliance for SYCC, Appalachian Regional Commission, COPS Hiring and Junior VIPS, CSX

Awaiting word on: AML Pilot, Safe Routes to Parks

Upcoming Events:

1/20 Martin Luther King, Jr. Day – Participate in a service activity in honor of MLK, Jr. with the Buckhannon Volunteer Center!

1/24 Community Spelling Bee Supporting the Upshur Arts Alliance

2/2 Groundhog Day & Celebration at the WV Wildlife Center

LED:



C. 2 SYCC Director-Debra Brockleman- Ms. Brockleman was not in attendance so the Mayor gave the following report, on her behalf:

**SYCC Staff Report - Jan 16, 2020
Debra Brockleman**

Programing update:

Basketball games started last Saturday. We are playing in two different locations due to gym time. 2nd/3rd graders are at SYCC and 4th/5th, Little Buddies, Middle and High School leagues at the High School.

After School and Tutoring is going very well. Appx 58 in daily attendance and we are accepting applications for tutoring as we have recruited volunteers for the program

The building continues to be busy. We have birthday parties every weekend and meetings several evening each week. The PALS program is getting bigger on a weekly basis as well.

Building Repairs

We have had several repairs done on our furnaces in the past month. It was found that two of the four units had not been working therefore half of the building was cold.

Also, we have been having issues with the fire alarm going off randomly. We are having it looked at by Crites Electric in the next few days and will decide if it's repairable or obsolete. The system was installed in 2003.

Youth Involvement hours Dec 2019 – 9,745 hours

C.3 Public Works Director- Jerry Arnold- Mr. Arnold gave the following report.

**Public Works Director Report - January 16, 2020
Jerry Arnold**

Director:

- Nothing new to report.

Water Department:

- Working on abandoning a line on Short Alley.

Sewer Department:

- Crew 1- Continue working on the CJ Martin line extension.
- Crew 2- Installing sanitary sewer line inside the theatre.
- Maintenance Crew- Routine maintenance
- Plant Crew- Routine maintenance

Street Department:

- Continue working in the theatre.
- Working on sidewalk construction as weather permits.

Engineering:

- Nothing new to report

No follow-up questions.

C.4 Finance Director- Amberle Jenkins – Amby submitted the following report to Council:

Amby Council report 1-16-2020

Balances December 31, 2020

Enterprise Funds

Water Board – checkings \$264,820	ACP Funds	\$10,812
Water CD's/savings \$958,800		
Waste Collection Board – checkings \$709,125	CD \$57,546	
Sanitary Board- checkings \$671,836	CD's \$314,100	

General fund (Street, Police, Fire, SYCC) department heads have been sent information to draft their requests for the 2020-21 budgets. They are to turn in their requests by Jan 30th. We will start setting up working sessions with City Council beginning February 25. The General Fund and Coal Tax budgets must be completed and submitted to the State Auditor's office for approval by March 27th. The Budget must also be published as a Class II legal advertisement. Council is also required to meet between March 7 & 28. The last regular session in March is the 19th. So ideally we hope to have the budget approved on March 19th, sent for publication, then approved by the State Auditor Office and the Council will lay the levy, by Code, the 3rd Tuesday in April (21st).

The Zachary Post Wagon rides in December received \$890.00 in donations. Those proceeds were split 50/50 and were sent to Upshur Cooperative Parish House Inc (\$445) and the Salvation Army (\$445) in Buckhannon.

Candidate filing for the municipal election started Monday. The following persons have filed so far.

Office of Mayor- David McCauley and Mike Bodnar

Office of Recorder- Randy Sanders

Offices of Council- C J Rylands, Pamela Cuppari Bucklew, Shelia Sines, Matt Kerner, Shauna Jones, Jack L Reger and Steve Oldaker

Filing in person will continue until Noon on Saturday January 25th or by mail postmarked by January 25, 2020.

A committee was tasked at last Council meeting to research and come back with a recommendation for future Council salaries. I have talked separately with Council Albaugh and Council Thomas and we believe this task should be under taken later, and perhaps in a different form. Council may want to discuss a system in which citizens are part of the process or an automated type process.

Amby also referred to the committee assignment that was made at the last Council Meeting in which Council Members Dave Thomas, Mary Albaugh and herself were appointed to explore pay raises for the Mayor and Council Members. Collectively, they all agreed that this was not the way we should approach the subject and decided to table it for now. Both Council Members Albaugh and Thomas reiterated the fact they felt there should be a better way to explore this matter including having input from the community. It was therefore tabled for a future time.

C.5 Police Chief - Matthew Gregory – Lieutenant Loudin appeared on behalf of the Chief and provided the following report:



City Council Report

1/16/20

1. VIPS is currently planning a recruitment drive to bolster their ranks throughout the winter leading into spring.
2. Our corporals and sergeants will be undergoing supervisory training in Harrison County at the end of January.
3. Colin Cope will be finishing his field training on January 25. This was a 12-week training program. He will now be assigned to a shift where he can work on his own.

POLICE ACTIVITIES

MONTH: December

YEAR: 2019

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:

MONTHLY ACTIVITY REPORT
December 2019

	301	302	303	304	305	306	307	308	309	310	311	312	TOTAL
Calls Answered	5	63	24		22	36	49	51	35	17	42		344
Community Policing		3		105			5	1			2	2	118
Road Patrol	1	44	43		10	95	54	107	38	117	83	12	602
Traffic Hours		11	32		3	8	26	5				7	92
Criminal Inv.	5	42	6		71	45	61	26	12	32	35		325
Court Hours		3				2							5
Report Writing	15	55	3	23	31	16	36	16	41	28	41		304
Other Hours	117	13	5	56	12	9	26	27	84		27	8	384
Miles													5,576
Accidents - Prop.		5	1			1			3	1	1		12
Injury									1	1			2
Fatally													
Parking Tickets		1										1	2
Criminal Reports		7	1		3	10	3	1	12	7	21		65
Reports Cleared		3	1		1	4	1	0	6	5	7		28
Clearance Rate		43%	100%		33%	40%	33%	0%	50%	71%	33%		43%

TRAFFIC CITATIONS - December 2019

	Gregory	Lovdin	Posey	Stewart	Crivins	Maxam	O'Connor	Wilson	McCasley	Kraemer	Cope	Collins	TOTAL
DRIVING REVOK/SUSP							1		1	1			3
EXPIRED MVI STICKER						1					1		2
EXPIRED REGISTRATION							1						1
FAILURE TO MAINTAIN CONTROL			1										1
FAILURE TO OBEY TRAFFIC CONTROL											1		1
FAILURE YIELD RIGHT OF WAY			1										1
NO INSURANCE											1		1
NO INSURANCE CARRIED						1	1	1		1	2		6
NO SEATBELT					2			1					3
RUNNING RED LIGHT							1						1
RUNNING STOP SIGN							1			1			2
SPEEDING						1	3	5	2	3			14
TOTAL TRAFFIC CITATIONS	0	2	0	0	2	3	8	7	3	6	5	0	36

2019 WARNINGS

WARNINGS ISSUED	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	TOTAL	
ATV ON CITY STREET													0	
CELL PHONE		2	5	2		3	3	6	5	2		3	1	32
CHILD SAFETY								1	2					4
EQUIPMENT, DEFECTIVE		9	11	38	37	33	39	41	32	39	17	29	21	346
EQUIPMENT, W/O REQUIRED									2	2	2			6
EXHAUST, NO								3						3
FAILURE TO DIM HIGHBEAMS		1												1
FAILURE TO MAINTAIN CONTROL				1	1						1			3
FAILURE TO OBEY TRAFFIC CONTROL DEVICE						1	2	1	1					5
FAILURE TO YIELD			1	2	8	1	2	2	3				1	20
FOLLOWING TO CLOSE												1	1	2
HEADLIGHTS, VIOLATION		1	6	9	4	5	5	4	3	3	3	6	3	52
ILLEGAL LEFT TURN									2					2
IMPEDING TRAFFIC							1	1					1	3
IMPROPER BACKING														0
INSURANCE, NO PROOF				1		8	5	2	5	10	3	2	2	38
LANE VIOLATION			1					3	2	1	1		4	12
LEFT OF CENTER			1		3	6	2	3	5	1	3	2	2	28
LICENSE PLATE, NO														0
LITTERING				1	1	1								3
LOUD EXHAUST														0
MORE THAN 4 LAMPS ON FRONT								1						1
MVI, EXPIRED			1	2	4	1	7	3	6	4	1	4	5	38
MVI, FALSE						5								5
MVI, MODIFIED			1											1
MVI, NO			1	2		5	2	3	1	1	1		3	19
NO HELMET										1				1
OBSTRUCTED VIEW								1		1				2
ONE WAY VOIATION						1	1	1	1	1				5
OPEN CONTAINER														0
OPERATORS WV, FAILURE TO OBTAIN														0
OPERATORS, ADDRESS CHG				1		1								2
OPERATORS, EXPIRED				1		1				1		1	1	5
OPERATORS, LEARNER PERMIT VIOLATION														0

2019 WARNINGS

WARNINGS ISSUED	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	TOTAL
OPERATORS, NO			1										1
OPERATORS, NO PROOF							2		1				3
PASSING, IMPROPER								1					1
RECKLESS DRIVING			1	2	2	2		1			1		9
RED LIGHT VIOLATION	1	1	5		2	3	2	4	2		1	4	25
REGISTRATION, ADDRESS CHG													0
REGISTRATION, EXPIRED	5	6	18	13	41	20	16	19	9	5	5	19	176
REGISTRATION, IMPROPER	1	1	1	3	2								8
REGISTRATION, IMPROPER DISPLAY		2	11	4	7	13	8	9	4	2	3	4	67
REGISTRATION, NO				1			1		2				4
REGISTRATION, NO PROOF				1	1	2	2	3	3				12
REGISTRATION, UNSIGNED						2				1			3
ROAD CONDITIONS, TOO FAST FOR													0
SEATBELT		5	5	1	3	4	5	3	5				31
SPEED VIOLATION WARNING	5	2	20	20	5	6	2	13	5	3	5	5	91
STOP SIGN	3	3	4	1	7	41	8	8	12	2	13	5	107
TURN LANE, IMPROPER USE		3				1	2	6			1	1	14
TURN, IMPROPER								3		1			4
WINDOW TINT				4	7	2	6	2	1			1	23
WRONG WAY						1		1			3		5
TOTAL	28	51	125	108	146	166	128	147	112	47	81	84	1223

December 2019 Accidents

Report #	Date Of Crash	Time Of Day	Day Of Week	Street	Intersecting Street	Other Location	Manner Of Collision	Officer Name
1	12/4/2019 0:00	2010	Wednesday	WEST MAIN	N/A		Rear End	CPL DK HISSAM
2	12/5/2019 0:00	1335	Thursday	NORTH LOCUST	N/A	IN FRONT OF PREMIER BA	Angle (Front to Side) Same Direc	MCCAULEY
3	12/10/2019 0:00	926	Tuesday	MAIN STREET	N. KANAWHA ST.	IN FRONT OF FIRST COMM	Rear End	LT. DOUGLAS N. LOUDIN
4	12/11/2019 0:00	2105	Wednesday	RT 33	WBUC RD		Right Angle	THOMAS POSEY
5	12/12/2019 0:00	* 1514	Thursday	RT. 33			Sideswipe, Same Direction	MCCAULEY
6	12/13/2019 0:00	804	Friday	ON OVERPASS OF RT. 20			Single Vehicle Crash	LT. DOUGLAS N. LOUDIN
7	12/13/2019 0:00	* 640	Friday	MORTON AVE		ROUTE 33 WESTBOUND	Single Vehicle Crash	D.S. KRAEMER
8	12/13/2019 0:00	641	Friday	MORTON AVE			Angle (Front to Side) Same Direc	D.S. KRAEMER
9	12/19/2019 0:00	712	Thursday	CAMDEN AVENUE	OHIO STREET		Angle (Front to Side) Opposite D	LT. DOUGLAS N. LOUDIN
10	12/16/2019 0:00	1637	Monday	WEST MAIN STREET	N/A	OFF RAMP	Rear End	MCCAULEY
11	12/20/2019 0:00	1613	Friday	BUCKHANNON CROSS	N/A		Right Angle	MCCAULEY
12	12/22/2019 0:00	1440	Sunday			STEVEN JERAN DENTAL OF	Single Vehicle Crash	C. COPE
13	12/27/2019 0:00	1400	Friday	ROUTE 20/SOUTH KAI	PRESTON STREET	ACROSS FROM HILLSIDE A	Angle (Front to Side) Opposite O	LT. DOUGLAS N. LOUDIN
14	12/30/2019 0:00	* 1451	Monday	RT. 33	BRUSHY FORK ROAD	IN FRONT OF THE DOH EQ	Right Angle	LT. DOUGLAS N. LOUDIN

* = Injury
= Alcohol / Drug Related
- = Fatality

C.5 City Attorney- Tom O’Neill – While the City Attorney deferred to the strategic area of the agenda, he did provide to Council an update regarding a lawsuit that had been brought by a

citizen against the City of Charleston in respect to their municipal sales tax, challenging the constitutionality of their Home Rule under which the sales tax was established. Earlier today, Judge King, of the Circuit Court of Kanawha County, ruled in favor of the City of Charleston who had filed to have the suit dismissed. This is good news to the municipalities who have used Home Rule to establish the municipal sales tax as a revenue source.

D. Correspondence & Information – The Mayor reviewed the following with Council.

D.1 State Auditor's 2020 Budget Preparation Regional Workshop 2/26 & 3/3/2020

D.2 FOIA Request-SmartProcure for PO/ Vendor Information



D.3 COB FOIA Request to Hodgesville P.S.D & Tennerton P.S.D (Supplemental)

January 2, 2020

Mr. Terry Gould
Hodgesville Public Service District
c/o Jeffrey S. Zurbuch
P. O. Box 1819
High & Court Streets
Elkins, West Virginia 26201

Via Email to: jzurbuch@bztlaw.com

RE: Freedom of Information Act Request
Hodgesville Public Service District

Mr. Gould,

Pursuant to the West Virginia Freedom of Information Act (§§ 29B-1-1, *et seq.*), I request copies of the following public records:

1. A copy of any and all contracts or agreements between Hodgesville Public Service District and UBS, Inc.
2. A copy of the most recent lease agreement between Hodgesville PSD and UBS, Inc. for the real property located at 188 Fayette Street, Buckhannon, West Virginia.
3. Copies proofs of any payments (such as images of cancelled checks) from Hodgesville PSD to UBS, Inc.
4. A copy of the bid documents whereby Hodgesville PSD put the services for which it retains UBS, Inc. out to public bid.
5. A copy of the minutes of the Hodgesville PSD board at which UBS, Inc. was approved as a vendor.
6. Salary and benefits information paid to Terry Gould as compensation for discharge of his duties as manager of Hodgesville PSD.

Please forward these materials to my attention at 70 East Main Street, Buckhannon, West Virginia 26201. Please advise if the cost of complying with this request will exceed twenty-five dollars.

Sincerely,

Thomas J. O'Neill
City Attorney

Cc: File

January 2, 2020

Mr. Terry Gould
Tennerton Public Service District
c/o Jeffrey S. Zurbuch
P. O. Box 1819
High & Court Streets
Elkins, West Virginia 26201

Via Email to: jzurbuch@bztlaw.com

RE: Freedom of Information Act Request
Tennerton Public Service District

Mr. Gould,

Pursuant to the West Virginia Freedom of Information Act (§§ 29B-1-1, *et seq.*), I request copies of the following public records:

1. A copy of any and all contracts or agreements between Tennerton Public Service District and UBS, Inc.
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Sincerely,

Thomas J. O'Neill
City Attorney

Cc: File

D.4 Thank you letter to Tim Critchfield/High Point Construction-SYCC Capital Campaign Gift

January 6, 2020

Mr. Tim Critchfield
c/o High Point Construction
P.O. Box 577
Buckhannon, WV 26201

RE: Stockert Youth & Community Center – Capital Campaign gift

Dear Tim:

On behalf of everyone associated with our Stockert Youth & Community Center, thanks so much for your recent gift-back of the elimination dinner proceeds won during our November dinner. With this latest \$1,000 gift, you & your company have now contributed \$11,000 toward our project, making you our fourth largest SYCC benefactor to date! We have now realized \$333,000 in our capital campaign. We are waiting to hear on a substantial, combined state and federal grant that would allow us to break ground soon.

Your commitment and giving back to our community is very well established, and our residents genuinely appreciate your generosity and kind spirit. Our hope is to break ground later in 2020. I hope you may be present when we conduct our ceremonial ground-breaking. I will be in touch with you as we edge closer to our ceremony.

If I or anyone associated with Buckhannon may ever be of assistance to you or your company in any way, please don't hesitate to contact me at City Hall at 472-1651 or at home at 472-3028. Again, Tim, we appreciate you more than words can express.

Very truly yours,

David W. McCauley, Mayor

cc: Members of Buckhannon City Council
Members of Stockert Youth & Community Center Board
Jerry Arnold, Public Works Director
Amby Jenkins, City Director of Finance & Administration
Debora Brockleman, SYCC Director

D.5 Thank you letter to Weyerhaesuer Trus Joist-SYCC Gift Supporting

January 6, 2020

Weyerhaeuser Trus Joist
100 TJM Drive
Buckhannon, WV 26201
Attention: Mr. Lance Miller

RE: Stockert Youth & Community Center

Dear Mr. Miller:

On behalf of everyone associated with our Stockert Youth & Community Center & the City of Buckhannon, but especially the youth of our community, thank you for Weyerhaeuser's latest generous gift supporting the capital campaign to realize our new multi-use building at SYCC. If more folks and businesses would step up to the plate as your company has done, we could break ground very soon on this much needed and exciting project. Weyerhaeuser shall forever be a charter member of our Thousand Dollar Club, and one of our most substantial donors as a consequence of your gracious gifts now totaling \$15,000. Weyerhaeuser will be forever recognized upon our Giving Tree adorning our foyer at SYCC. I assure you- one way or another in the near future, our facility will come to fruition.

As we edge closer to a ground-breaking, I will be in touch with you as we most assuredly would like the presence of representatives from Weyerhaeuser at this celebratory event. With this latest gift, Weyerhaeuser is now our third largest benefactor to date! If I can ever be of service to you, please don't hesitate to call City Hall at (304) 472-1651. Again, on behalf of everyone associated with our City and our Stockert facility, thanks so very much!

Very truly yours,

David W. McCauley, Mayor & Chair of the Board

cc: Members of City Council
Members of Stockert Youth & Community Center Board
Amby Jenkins, City Finance & Administration Director
Jerry Arnold, City Public Works Director
Debora Brockleman, SYCC Director

D.6 Letter from Suddenlink Altice USA RE: Changes to Video Rates



December 26, 2019

Mayor
70 E. Main St
Buckhannon WV 26201

Re: Changes to Video Rates

Dear Mayor:

Altice USA, Inc. ("Altice USA" or "the Company") hereby notifies your office of the upcoming changes to certain video rates and surcharges, as noted below.

- **Changes to Non-Promotional Rates – Align Rates Across Residential Customer Base:** Effective February 1, 2020, video package and premium channel rates for some existing residential customers – who are currently paying less than the advertised price – will increase. This activity is being done to align rates across the Suddenlink footprint and reflect the rising cost of programming – including sports and broadcast channels. Suddenlink pricing is competitive when compared to other providers, and the Company continues to offer a wide array of products to meet various consumer needs. Included in this notice, for reference, is the list of residential rates for affected video products and services.
- **Sports Programming and Broadcast Station Surcharges – Align Surcharges Across All Customer Bases:**
 - **Residential:** The current price of the Sports Programming (not charged to Local Basic customers) and Broadcast Station surcharges for new residential video customers is \$6.65/month and \$15.00/month, respectively. Effective February 1, 2020, these fees will be made uniform across the residential customer base.
 - **Commercial:** The current price of the Broadcast Station surcharge for commercial video customers is \$16.72/month. Effective February 1, 2020, this surcharge will increase for some existing commercial customers who are currently paying less than the advertised price.
- **HD Digital Link:** Effective February 1, 2020, the monthly rate for the HD DigitalLink equipment will increase to \$5.00 for all commercial and residential customers.

To limit the increase to the bill, some customers who are impacted by multiple changes will see a special discount on their bill.

Customers are being notified at least 30 days in advance of the total increase to their bill through bill messages or inserts. In addition, current rate information is available on our website at www.Suddenlink.net. Additionally, for informational purposes only, Suddenlink.com/ourpromise has been updated to include the Company's many recent and upcoming service advancements and benefits available to customers.

Should you have any questions, please do not hesitate to contact me at 347-527-3424.

Sincerely,

Brad Ayers
Senior Director, Government Affairs

D.7 Email from WVD0H RE: 33 West Traffic Study available in February

From: Cooper, Brian K <Brian.K.Cooper@wv.gov>
Date: Fri, Jan 3, 2020 at 12:54 PM

Subject: RE: [External] 33 West Traffic Study
To: Jerry Arnold <jarnold.buckhannon@gmail.com>
Cc: David McCauley <mccauley@wwc.edu>

Jerry,

The study is underway. However, when I last checked with Traffic Engineering in Charleston, I was told that completed report would not be available until at least February. Once I receive the completed study, I could attend a City Counsel meeting to discuss. Until then, I really do not have any new information to share.

Thanks,
Brian

Brian K. Cooper
District Engineer
WVDOH District 7
Ph. 304-269-8901
Cell 304-642-0406
Brian.K.Cooper@wv.gov

D.8 City Attorney's Comments at the UCC Public Hearing Tennerton P.S.D. Expansion on 01/06/2020

Good evening. I appreciate the opportunity to address you this evening.

I am Tom O'Neill; I am a Tennerton PSD customer and City Attorney for the City of Buckhannon.

I am here this evening to encourage you to vote against expanding the service territory of the Tennerton PSD. As you know, we have been engaged in a month-long discussion of this topic and the City's objections are a clear part of the record. It is unnecessary to restate the details of the City's objection at this gathering.

I only wish to reiterate two points. First, it is inappropriate to place the financial burden of these very valuable property improvements on Tennerton's existing customers. A rate increase of at least 25% - and that is only what is admitted to at this stage - is inequitable and unfair when the commercial property owners who are the primary intended beneficiaries will realize significant and immediate increases in their property values. The PSC has noted that some of the presumptions on which Tennerton's plans are based is flawed - instead of a state IJDC loan at 1% for 40 years, it will be required to take a loan at 3% for 20 years. That will only mean an even greater increase in rates than the currently-admitted 25%.

Second, the City of Buckhannon is ready, willing, and able to extend sewer service to the commercial service area that desires service. Indeed, with respect to the north side of Corridor H along Old Weston Road, the City already possesses the necessary construction corridor. All that is left is to receive the appropriate permits, and that process is in progress. With respect to the south side of Corridor H, we are actively engaged in discussions to extend service either through an Alternative Main Line Service Agreement or through direct construction.

The key point here is that the City can - and will - extend service to these areas without increasing rates to its existing customers.

I would direct the Commission's attention to the Public Service Commission staff's informal guidance which was issued on December 19 and which states:

- "the PSC doesn't recognize county-commission defined boundaries of a public service district as the equivalent of exclusive service territories"
- "Even if the Upshur County Commission pursues the expansion of the District's boundaries it wouldn't be considered the exclusive service territory of the District"
- "the City is in a better position to extend sewer service to the proposed Route 33 South project area"
- "the City is in a better position to extend service to the limited scope Route 33 North project area"

We encourage the Commission to reject the application to extend Tennerton's boundaries so that this fanciful and nonviable project can be put to bed so that the City can move ahead with sewer line expansions that will not require radical increases to the sewer bills of Tennerton's existing customers. That is in your power tonight.

D.9 Saint-Gobain dba Corhart Refractories Notice of Planned Layoff

January 10, 2020

VIA OVERNIGHT DELIVERY

Mayor David McCauley
City Hall
70 East Main Street
Buckhannon, WV 26201

NOTICE OF MASS LAYOFF

Dear Mayor McCauley,

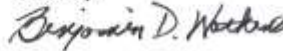
Saint-Gobain SEFPRO, dba Corhart Refractories, (the "Company"), wishes to advise you of planned layoffs to occur at the Company's facility at 87 Corhart Road, Buckhannon, WV. The layoffs are not expected to be permanent; however, the duration is indeterminate at this time. The information provided in this Notice is based on the best information presently available to the Company.

The layoffs will affect approximately 53 employees, with the earliest layoffs effective January 6th, 2020. The employees are represented by a union. The job titles affected by the layoffs and the names of the current holders of these job titles are set forth in Exhibit 1 attached hereto. Plant Seniority will prevail provided employees are qualified to perform the work required or have the seniority to hold them in a Step 12 job (excluding Finisher) or below.

This Notice is provided pursuant to Section 7 of the Worker Adjustment and Retraining Notification Act ("WARN"), codified at 29 U.S.C. § 2101, *et seq.* The matters in this Notice are subject to change due to unforeseen events.

The Company will maintain information, insofar as it is known, described in 20 C.F.R. § 639(e). This information will be made available to you at anytime during regular business hours, although we request that you call me at 304-473-1214 in advance to make an appointment so that a knowledgeable individual will be available to assist you. You may also call me at the same number should you have any other questions in connection with this Notice of Mass Layoff.

Sincerely,



Benjamin Watkins
Plant Manager

E. Consent Agenda

E.1 Approval of Minutes-Regular meeting 01/02/2020

E.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	Historic District
74686	Rico Properties 83 W Main St	Spotloe Construction	Change of Use, Inside Remodel, Re-Roof, Electrical	\$70,000.00	A	\$100.00	\$490.00	X	X	X			X
74687	Kristina Heitz 32 Hart Ave	Self	Inside Remodel	\$5,000.00			\$55.00						X
74688	Nathan Sams 40 Boggess St	Self	Damaged Shingle Roof Repair	\$999.00			\$10.00						
74689	Ernest Cunningham 45 Thurman Ave	Appalachian Roofing	Re-Roof Metal over Shingle	\$6,000.00			\$66.00						
74690	Jolanda Holmes 20 Central Ave	Self	Replace Front & Rear Doors	\$500.00			\$10.00						X
74691	Catherine Cuppari 66 E Main St	Self	Window Replacement	\$280.00			\$15.00						X
74692	Michael Miller 113 Pocahontas St	Self	Drywall Repair	\$500.00			\$10.00						
74693	Suzan Morgan Chestnut/Walnut St	Self	Art Display Panel 6'x20' Crocheted Nylon Cord Fencing				\$n/c	X					
TOTAL				\$83,279.00		\$100.00	\$656.00						

E.3 Approval of Payment of the Bills

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT	
MAYOR'S OFFICE	GATES SUPPLY	409-341-00	MAYOR'S SUPPLIES & M	COLOR PRINTHREAD	81.63	
	BRICK STREET MUTUAL	409-226-00	MAYOR'S INSURANCE &	WCB1005474 11-4-19 12-1-19	12.69	
	RICHARD TRENT CPA AC CORP	409-223-00	PROFESSIONAL SERVICE	PSC REPROTS WATER/SANT	4,590.00	
	WV MUNICIPAL LEAGUE	409-341-00	MAYOR'S SUPPLIES & M	ELECTION SEMINAR RS	35.00	
		409-341-00	MAYOR'S SUPPLIES & M	REGIST JAN2020 CONF DM,TO,	800.00	
		409-341-00	MAYOR'S SUPPLIES & M	REGIST JAN 2020 CONF RSKIN	300.00	
		409-341-00	MAYOR'S SUPPLIES & M	DEC 2019 CC FEES	1,114.17	
	COLLECTION ACCOUNT	409-341-00	MAYOR'S SUPPLIES & M	W2S,1099, ENVELOPES	120.73	
	BANXIK PRINTING SERVICE, INC	409-341-00	MAYOR'S SUPPLIES & M	WEB PAGE HOSTING QTR 2 FY2	18.75	
	WVNET	409-341-00	MAYOR'S F.I.C.A.	FICA WITHHELD AND MATCHED	72.21	
	INTERNAL REVENUE SERVICE	409-104-00	MAYOR'S F.I.C.A.	MEDICARE WITHHELD & MATCHE	16.89	
	AMAZON.COM	409-341-00	MAYOR'S SUPPLIES & M	PCRD-RUBBER BANDS;FOLDERS;	28.11	
	BYWATER CWI BENEFITS	409-105-00	MAYOR'S INSURANCE	JAN 2020 GF HEALTH PRM	2,553.10	
	POMPOON LIMITED	409-341-05	EVENT/FIREWORK EXPEN	PCRD-SUBSCRIPTION MKDIA PR	228.00	
	CHIEF LOGAN LODGE	409-341-00	MAYOR'S SUPPLIES & M	PCRD-HOLLEN RM CFB CONFERE	94.08	
	**PAYROLL EXPENSES			1/03/2020 - 1/16/2020	1,170.34	
				TOTAL:	11,335.70	
	COUNCIL	MON POWER	410-450-01	THEATRE BUILDING	110122154542 48 E. MAIN ST	83.86
		BRICK STREET MUTUAL	410-226-00	COUNCIL INSURANCE (P	WCB1005474 11-4-19 12-1-19	27.51
		SCOTT ELECTRIC CORP	410-450-02	THEATRE CAPITAL	Photo split and air thight	314.69
		410-450-02	THEATRE CAPITAL	Photo split and air thight	35.93	
UNITED RENTALS		410-450-02	THEATRE CAPITAL	Portable Heater	1,789.55	
M4 RENTALS LLC		410-450-02	THEATRE CAPITAL	19FTSCISSORLIPT RENTAL	900.00	
UPSHUR COUNTY COMMISSION		410-460-00	CAT CONTROL EXPENSE	DEC 2019 CATS	60.00	
TRAVELERS INSURANCE		410-226-00	COUNCIL INSURANCE (P	INS PREM AUTO LIAB	727.62	
				TOTAL:	3,919.16	
RECORDER		BRICK STREET MUTUAL	411-226-00	INSURANCE/COMPENSATI	WCB1005474 11-4-19 12-1-19	5.50
			TOTAL:	5.50		
TREASURER	BRICK STREET MUTUAL	413-226-00	TREASURER'S INSURANC	WCB1005474 11-4-19 12-1-19	7.96	
	INTERNAL REVENUE SERVICE	413-104-00	TREASURER'S F.I.C.A.	FICA WITHHELD AND MATCHED	19.27	
		413-104-00	TREASURER'S F.I.C.A.	MEDICARE WITHHELD & MATCHE	4.51	
	**PAYROLL EXPENSES			1/03/2020 - 1/16/2020	310.75	
			TOTAL:	342.49		
COURT	BRICK STREET MUTUAL	416-226-00	POLICE JUDGE INS BON	WCB1005474 11-4-19 12-1-19	0.73	
			TOTAL:	0.73		
CITY ATTORNEY	BRICK STREET MUTUAL	417-226-00	CITY ATTORNEY INS UN	WCB1005474 11-4-19 12-1-19	0.16	
	INTERNAL REVENUE SERVICE	417-104-00	CITY ATTORNEY FICA	FICA WITHHELD AND MATCHED	31.00	
		417-104-00	CITY ATTORNEY FICA	MEDICARE WITHHELD & MATCHE	7.25	
	BYWATER CWI BENEFITS	417-105-00	CITY ATTORNEY INSURA	JAN 2020 GF HEALTH PRM	283.68	

Cleveland Bros. Room 1.Rt 2190.00
 Trent - closing books \$4590.00
 Target Solutions - fire training library \$3000.00
 Airport \$7500.00
 Country Roads \$5000.00
 Health Dept = 2500.00
 Casey Earls \$2930.00 5ycc 88shirts

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
	**PAYROLL EXPENSES			1/03/2020 - 1/16/2020	499.97
				TOTAL:	822.06
CITY ENGINEER	BRICK STREET MUTUAL	420-226-00	CITY ENGINEER INS &	WCB1005474 11-4-19 12-1-19	0.00
				TOTAL:	0.00
ZONING	BRICK STREET MUTUAL	437-226-00	ZONING INSURANCE & B	WCB1005474 11-4-19 12-1-19	88.47
	VINCENT SMITH	437-214-00	TRAVEL EXPENSE	DEC 19 MILEAGE	118.45
	ST JOSEPH HOSPITAL OF BUCKHA	437-341-00	ZONING SUPPLIES	LAB VINCENT SMITH	50.00
	INTERNAL REVENUE SERVICE	437-104-00	ZONING F.I.C.A.	FICA WITHHELD AND MATCHED	87.18
		437-104-00	ZONING F.I.C.A.	MEDICARE WITHHELD & MATCHE	20.39
	BYWATER CWI BENEFITS	437-105-00	ZONING HEALTH INS	JAN 2020 GF HEALTH PRM	1,134.71
	**PAYROLL EXPENSES			1/03/2020 - 1/16/2020	1,406.15
				TOTAL:	2,905.35
DATA PROCESSING	RAVEN ROCK NETWORKS INC	439-230-00	DATA PROCESSING	SERVICE CONT P REMIUM	212.50
		439-230-00	DATA PROCESSING	STANDARD IT SERVICE CHARGE	201.87
	TYLER TECHNOLOGIES INC	439-230-00	DATA PROCESSING	ULTBILL NOTIFICATION OCTDE	1,334.37
		439-230-00	DATA PROCESSING	UTILITY BILLING NOTIFICATI	72.22
	SUDDENLINK	439-230-00	DATA PROCESSING	JAN 2020 INTERNET	31.86
				TOTAL:	1,852.82
CITY HALL	UNIFIRST CORP.	440-216-00	CITY HALL MAINTENANC	ALL DEPT OCT 2019 UNIFORMS	239.00
	RITZ-WAY HEATING & PLUMBING	440-216-00	CITY HALL MAINTENANC	CITYHALL RESTROOM	9.97
	BRICK STREET MUTUAL	440-226-00	CITY HALL INSURANCE	WCB1005474 11-4-19 12-1-19	56.22
	MOUNTAINEER GAS COMPANY	440-213-00	CITY HALL UTILITIES	269245-314199 1 S-FLORIDA	114.31
	LOWES BUSINESS ACCOUNTS	440-216-00	CITY HALL MAINTENANC	CITY HALL RESTROOM	8.04
	INTERNAL REVENUE SERVICE	440-104-00	CITY HALL FICA	FICA WITHHELD AND MATCHED	74.78
		440-104-00	CITY HALL FICA	MEDICARE WITHHELD & MATCHE	17.49
	COMFORTECH LLC	440-216-00	CITY HALL MAINTENANC	ANNUAL MAINT 2020	974.75
	**PAYROLL EXPENSES			1/03/2020 - 1/16/2020	1,220.87
				TOTAL:	2,715.45
	POLICE	AXON ENTERPRISE, INC.	700-341-00	POLICE DEPT. MAT & S	PCRD-TASER CARTS
		700-341-00	POLICE DEPT. MAT & S	PCRD-TASER BATTS	365.00
LYKINS OIL COMPANY		700-343-00	POLICE DEPT. AUTO BU	POLICE DEPT AUG FUEL BILL	1,435.31
UNIFIRST CORP.		700-341-00	POLICE DEPT. MAT & S	ALL DEPT OCT 2019 UNIFORMS	115.52
MUNICIPAL EMERGENCY SERVICES		700-345-00	POLICE DEPT. UNIFORM	TACTICAL PANTS	445.00
BRICK STREET MUTUAL		700-226-00	POLICE DEPT. INSURAN	WCB1005474 11-4-19 12-1-19	970.93
WV PUBLIC EMPLOYEES INSURANC		700-105-00	POLICE DEPT. GROUP 1	JAN 2020 RETIREE HLT PREM	1,136.00
GALLS LLC		700-345-00	POLICE DEPT. UNIFORM	NAMEPLATE AND SHIPPING	37.95
QUICK SLICK OIL CHANGE		700-343-00	POLICE DEPT. AUTO BU	OIL CHANGES	25.95
TOSHIBA FINANCIAL SERVICES		700-341-00	POLICE DEPT. MAT & S	POLICE COPIER LEASE 2-2-20	141.00
ENTERPRISE FM TRUST		700-459-00	POLICE DEPT. NEW EQU	22823 2017 INTERCEPTOR PY	591.08
		700-459-00	POLICE DEPT. NEW EQU	22824 2018 INTERCEPTOR PY	616.19
		700-459-00	POLICE DEPT. NEW EQU	22825 2019 INTERCEPTOR PY	693.66
		700-459-00	POLICE DEPT. NEW EQU	22826 2018 INTERCEPTOR PY	693.66
		700-459-00	POLICE DEPT. NEW EQU	22827 2019 INTERCEPTOR PY	687.33
RAVEN ROCK NETWORKS INC		700-341-00	POLICE DEPT. MAT & S	SET UP TRAINING MODULES	297.50
SPRINT		700-211-00	POLICE DEPT. TELEPHO	DEC 2019 GEO TARS	315.59
STERICYCLE INC		700-341-00	POLICE DEPT. MAT & S	DISPOSAL	70.86
PRESIDENTS VOLUNTEER SERVICE		700-341-00	POLICE DEPT. MAT & S	PCRD-VIPS PINS	83.78
ST JOSEPH HOSPITAL OF BUCKHA		700-341-00	POLICE DEPT. MAT & S	LAB TIM STEWART	50.00
EMAILREPORTS LLC		700-341-00	POLICE DEPT. MAT & S	PCRD-ONLINE CONTACT FORMS	9.95

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
		907-361-00	AFTER SCHOOL SUPPLIE	AFTER SCHOOL SNACKS	197.24
		907-341-00	MATERIALS & SUPPLIES	CLEANING SUPPLIES	7.59
	INTERNAL REVENUE SERVICE	907-104-00	FICA TAX	FICA WITHHELD AND MATCHED	219.15
		907-104-00	FICA TAX	MEDICARE WITHHELD & MATCHED	51.25
	APRIL E SMALL	907-368-01	ZUMBA	KICKBOXING INSTRUCTOR	28.00
	AMAZON.COM	907-356-00	YOUTH BASKETBALL	PCRD-BASKETBALLS	115.08
	BYWATER CWI BENEFITS	907-105-00	GROUP INSURANCE	JAN 2020 GF HEALTH PLAN	2,269.42
	DARREN SNYDER	907-356-00	YOUTH BASKETBALL	DARREN SNYDER REFUND 11-19	50.00
	IAN GARVIN	907-356-00	YOUTH BASKETBALL	IAN GARVIN OCT19 REFUND	50.00
	HALO - LOGO NATION	907-361-00	AFTER SCHOOL SUPPLIE	PCRD-AFT SCHOOL TSHIRT	21.75
	STINGO, KEVIN	907-363-00	KARATE CLASS INSTNOC	Karate Instructor	10.00
	TRAVELERS INSURANCE	907-226-00	INSURANCE & BONDS	INS PREM AUTO LIAB	608.70
	COMFORTECH LLC	907-459-00	CAPITAL OUTLAY	HEATER REPAIR	995.13
	**PAYROLL EXPENSES			1/03/2020 - 1/16/2020	3,534.60
				TOTAL:	12,277.00
CONVENTION CENTER	USDA, RURAL DEVELOPMENT	910-457-00	CONFERENCE CENTER PA	JAN 2020 CONF CENTER PAYME	3,351.00
				TOTAL:	3,351.00

COUNCIL REPORT GF UNPAID INVOICES

VENDOR	\$AMT	DESCRIPTION
AIRGAS	\$225.00	CYL LEASE
CENTRAL	\$795.03	ROAD CUTS SPRING ST
DODSON	\$166.00	MONTHLY PEST
MOUNTAIN STATE	\$68.00	STREET, SYC PEST
STINGO, KEVIN		
IAN, GARVIN	\$50.00	REFUND FOR SYC BB
DARREN, SNYDER	\$50.00	REFUND FOR SYC BB
MUNICIPAL EMER	\$449.00	TACTICAL PANTS
COLLIN, COPE	\$57.77	HEADLIGHT FOR CRUSER

Motion to approve the Consent Agenda (E.1 – E.3) made by Albaugh/Skinner. Motion carried.

F. Strategic Issues for Discussion and/or Vote

F.1 Approval Ordinance No. 440-City Recorder Salary Increase-2nd & Final Reading

Motion to approve F.1 Ordinance No. 440 City Recorder pay increase - 2nd & Final Reading made by Thomas/Albaugh. Motion Carried with City Recorder Sanders abstaining.

ORDINANCE NO. 440 OF THE CITY OF BUCKHANNON, AN ORDINANCE MODIFYING THE COMPENSATION PAID TO THE CITY RECORDER OR ACTING CITY RECORDER FOR PERFORMING THOSE DUTIES RELATED TO HIS OR HER OFFICE, AND SETTING AN EFFECTIVE DATE FOR SAID INCREASE

WHEREAS, West Virginia Code §8-5-12 empowers a municipality to “fix or cause to be fixed the salary or compensation of every municipal officer”, provided that “the salary of any officer shall not be increased or diminished during his term”; and,

WHEREAS, the City of Buckhannon last addressed the issue of the compensation paid to the City Recorder in Ordinance No. 310, which was adopted April 15, 2004; and,

WHEREAS, the Council of the City of Buckhannon recognizes that the salary paid to the City Recorder has not been changed for nearly sixteen years; and,

WHEREAS, the Council of the City of Buckhannon recognizes that the Charter and ordinances of the City of Buckhannon and resolutions of the City Council require the City Recorder to serve as *ex officio* member of virtually every board, committee, and commission of the City, several of which boards, committees, and commissions have been created over recent years, and which service includes duties requiring a significant amount of time in both attendance at meetings and preparation of the minutes thereof; and,

WHEREAS, the Council of the City of Buckhannon has determined that the current salary of the City Recorder of the City of Buckhannon is inadequate to compensate the City Recorder for the increased and myriad responsibilities of the office, and the time required to effectively discharge the responsibilities of the office; and,

WHEREAS, the Council of the City of Buckhannon has determined that an increase in the salary paid to the City Recorder, or to the individual exercising the duties of the City Recorder in the event a vacancy shall arise in that office, is reasonable, prudent, and appropriate, and timely; and,

WHEREAS, the Council of the City of Buckhannon recognizes that state law requires that there shall be an intervening election between the adoption of an ordinance approving a municipal officer's pay increase and the date upon which such increase shall take effect; and,

WHEREAS, the Council of the City of Buckhannon now desires to increase the salary paid to the City Recorder of the City of Buckhannon, effective following the next election for that office.

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

ARTICLE I – COMPENSATION TO BE PAID TO CITY RECORDER

(a) The City Recorder, or designated acting City Recorder in case of a vacancy in the office of City Recorder, shall be compensated as follows:

- (1) From the General Fund of the City, the sum of Five Hundred Dollars (\$500.00) per month,
- (2) From the Water Board of the City, the sum of Two Hundred Dollars (\$200.00) per month,
- (3) From the Sanitary Board of the City, the sum of Two Hundred Dollars (\$200.00) per month,
- (4) From the Waste Board of the City, the sum of Two Hundred Dollars (\$200.00) per month, and
- (5) From the Consolidated Public Works Board of the City, the sum of Two Hundred Dollars (\$200.00)

per month.

(b) The provisions of subsection (a) of this Article shall be effective upon the commencement of the unexpired term for the office of City Recorder to be filled at the Municipal Election held on May 12, 2020, to-wit: upon the certification of the results of said election, and thereafter.

ARTICLE II – 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., February 15, 2020.

FIRST READING: January 2, 2020
SECOND READING, PASSAGE AND ADOPTION: January 16, 2020



David W. McCauley, Mayor

CERTIFICATE OF ENACTMENT

I, Randall Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 440 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on January 16, 2020.



Randall Sanders, City Recorder

F.2 Approval Ordinance No. 441-Prohibiting the Award of Living Animals as Prizes-1st Reading

Motion to approve F.2 Ordinance No. 441 - Prohibiting the Award of Living Animals as Prizes 1st Reading made by Bucklew/Sanders. Motion Carried unanimously.

ORDINANCE NO. 441 OF THE CITY OF BUCKHANNON, AN ORDINANCE PROHIBITING THE OFFERING OR ACCEPTANCE OF LIVE ANIMALS AS PRIZES OR INDUCEMENTS IN CARNIVAL GAMES OPERATING WITHIN THE CORPORATE LIMITS OF THE CITY AND SETTING AN EFFECTIVE DATE

WHEREAS, West Virginia Code §8-12-5(13) empowers a municipality to “prevent injury or annoyance to the public or individuals from anything dangerous, offensive, or unwholesome”; and,

WHEREAS, West Virginia Code §8-12-5(26) empowers a municipality to “regulate or prohibit the keeping of animals or fowls”; and,

WHEREAS, West Virginia Code §8-12-5(44) empowers a municipality to “protect and promote the public morals, safety, health, welfare and good order”; and,

WHEREAS, the City’s Animal Care & Control Commission recommends to the City Council that a municipal ordinance prohibiting the use of animals as prizes or inducements to participate in carnival games or other commercial activities be ordained and enacted by the Council; and,

WHEREAS, the Council of the City of Buckhannon recognizes that the welfare of animals, and the prevention of their keeping within circumstances that threaten their wellbeing is a matter of interest to the people as represented by their municipal government; and,

WHEREAS, the Council of the City of Buckhannon recognizes that the practice of keeping small animals, including but not limited to fish, reptiles, other vertebrates, or small mammals for purposes of using said animals as prizes or inducements for members of the public to participate in games of skill or chance within the context of carnival or other amusement games exposes said animals to adverse circumstances, ill treatment, and substantially introduces the possibility of abusive treatment of said animals; and,

WHEREAS, the Council of the City of Buckhannon does not intend by this Ordinance to regulate, prohibit, or otherwise control the activities or programs of certified youth organizations teaching animal husbandry and related disciplines such as 4-H and the Future Farmers of America; and,

WHEREAS, the Council of the City of Buckhannon has determined that the provisions of this Ordinance are reasonably designed and intended to promote public and animal welfare within the enumerated powers of the municipality as set forth in the laws of the State of West Virginia; and,

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

ARTICLE I – PROHIBITED ACTS

No person may offer or accept any live animal, reptile, fowl, livestock or wildlife as a prize for or as an inducement to enter any contest, game or other competition; or as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer is for the purpose of attracting trade or is a promotion for any other commercial purpose.

ARTICLE II – CERTAIN YOUTH ORGANIZATIONS EXPRESSLY EXEMPTED

The prohibition contained in Article I of this Ordinance shall not apply to fish or to animals given as prizes at a rodeo contest or livestock show or as part of a Future Farmers of America program, a 4-H project or show, or other activity of a bona-fide youth organization whose purpose and practices are designed to teach or promote animal husbandry, agriculture, or other academic fields.

ARTICLE III – PENALTIES

Any person or organization violating the provisions of Article I of this Ordinance shall be fined not less than fifty dollars (\$50.00) for a first offense, not less than one hundred dollars (\$100.00) for a second offense, and not less than two hundred fifty dollars (\$250.00) for any third or subsequent offense.

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., March 7, 2020.

FIRST READING:	January 16, 2020
SECOND READING, PASSAGE AND ADOPTION:	February 6, 2020

David W. McCauley, Mayor

CERTIFICATE OF ENACTMENT

I, Randall Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 441 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on February 6, 2020.

Randall Sanders, City Recorder

F.3 Approval Ordinance No. 442-Amending Animal Care & Control Commission Membership-1st Reading.

Motion to approve F.3 Ordinance No. 442 - Amending Animal Care & Control Commission Membership-1st Reading made by Sanders/Skinner. Motion Carried.

ORDINANCE NO. 442 OF THE CITY OF BUCKHANNON, AMENDING MODIFYING AND RE-ENACTING ORDINANCE NOS. 300, 397, and 412 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 has deemed it to be reasonable and appropriate to adopt comprehensive regulations respecting animals kept, maintained or otherwise brought or coming into the corporate limits, adopting said regulations in Ordinance Nos. 300, 397, and 421 of the City of Buckhannon; and,

WHEREAS, the Council of the City of Buckhannon deems it to be reasonable and appropriate to make certain amendments and changes to the membership of the Animal Care and Control Board, as established in said Ordinances.

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

That the provisions of said Ordinance Nos. 300, 397, and 421 concerning the establishment of the Municipal Animal Care and Control Commission is deemed amended and reenacted as follows:

ARTICLE I – ESTABLISHMENT OF MUNICIPAL ANIMAL CARE AND CONTROL COMMISSION:

Section 1. For purposes of receiving input from the residents of the corporate limits and surrounding Upshur County respecting matters concerning the care and control of animals in general, and of the application and enforcement of the provisions of this ordinance in particular, and the policies and regulations of the City in general respecting the care and control of animals within the corporate limits, there is hereby created the Municipal Animal Care and Control Commission.

Section 2. The Commission shall for all purposes be deemed to be and shall serve as an administrative subdivision of the City of Buckhannon, and shall convene public meetings from time to time to permit local residents the opportunity to be heard upon matters involving or affecting animals within the corporate limits.

Section 3. The Commission shall not have rule-making authority, except insofar as establishing reasonable and necessary rules for the conducting of Commission meetings, but rather the Commission shall serve as a municipal agency of the City, to recommend amendments or additions to this ordinance and to the policies and regulations of the City respecting animal care and control.

Section 4. The Commission shall be convened at least annually, and shall consist of five (5) voting members constituted as follows: (1) the Mayor of the City of Buckhannon who shall serve as Chairperson; (2) a representative, named in writing, of the Lewis-Upshur Animal Control Facility; and (3) (4) and (5), three residents of Upshur County, West Virginia, duly appointed as "at large members" by the Council of the City of Buckhannon, at least one of which must be a resident of the City of Buckhannon. The terms of service for the five (5) members shall be, in the case of the mayor, for the term of his or her office, and for all other members for a term of up to one (1) year ending at the close of business each June 30, unless otherwise specified by the Council. Members may be reappointed by the Council for unlimited terms of service. The Council may fill unexpired terms for vacated seats upon such vacancies, for the term ended June 30 annually. Additionally, the Council may from time to time appoint other non-voting members, whose terms shall similarly expire each June 30, and who may or may not be residents of the corporate limits, as nominated by the Mayor. A quorum shall be deemed to be the presence of any three (3) voting members of the Commission.

Section 5. All recommendations which the Commission seeks the Council to formally consider, shall be submitted to the Council in written form, and shall be duly considered by the Council during a regularly convened council meeting with the Commission's report to be made a part of the minutes of the Council meeting during which the recommendations are considered.

Section 6. The City Recorder of Buckhannon shall serve as the ex officio secretary of the Animal Care and Control Commission, without vote, and shall take and maintain all minutes of all meetings together with appropriate correspondence received or generated by the Commission.

ARTICLE II – EFFECT UPON OTHER MUNICIPAL ORDINANCES: 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 which are 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., March 7, 2020.

FIRST READING:	January 16, 2020
SECOND READING, PASSAGE AND ADOPTION:	February 6, 2020

David W. McCauley, Mayor

CERTIFICATE OF ENACTMENT

I, Randall Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 442 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on February 6, 2020.

Randall Sanders, Recorder

Regarding the next Agenda items (F.4 through F.6) the Mayor explained the process in which the old Foodland Building was purchased and turned into the current Public Safety Complex. The bonds used for this project were being partly paid back with a \$3.00 per month Municipal Public Safety Complex Fee per resident for the past 15 years. As of March 31, 2020, we will pay off the bonds and the monthly fee is scheduled to be “Sunset” (to go away). The City has also been paying an additional \$40,000 to \$45,000 (from the general funds) to meet the entire yearly payments and maintenance of the complex. The Mayor is recommending to Council that we retire the Municipal Public Safety Complex Fee and look at creating a line item, in the next budget, using the \$40,000 to \$45,000 mentioned above, to the maintenance of both the Public Safety Complex and Stockert Youth and Community Center. We will address each item individually.

F.4 Retirement of Municipal Public Safety Complex Fee

Motion to retire the Municipal Public Safety Complex Fee on March 31, 2020 made by Rylands/Skinner. Motion Carried.

F.5 Discussion/Possible Action Public Safety Maintenance Fee

Motion to not established a Public Safety Maintenance Fee made by Thomas/Sanders. Motion Carried.

F.6 Discussion/Possible Action Stockert Youth & Community Center Maintenance Fee

Motion to not established a Stockert Youth & Community Center Maintenance Fee made by Thomas/Skinner. Motion Carried.

F.7 Select where Sales Tax Interest Checking will be opened

Amby Jenkins reported that she has checked with all the banks within the City limits to find the rates for a Sales Tax Interest Checking Account. The bank that is offering the best rate is Premier Bank at .40%.

Motion to establish a Sales Tax Interest Checking Account at Premier Bank made by Albaugh/Rylands. Motion Carried.

G. Comments and Announcements

- **Council Member Albaugh** – She expressed that it was great to be feeling well! There has been lots of illness among the community. She wishes that all those affected get healthy soon.
- **Council Member Bucklew** – She was glad that Council agreed on prohibiting the awarding of live animals as prizes. She feared that it could have escalated in a negative manner had we not made this move.
- **Council Member Rylands** – Nothing further.
- **Council Member Skinner** – He spoke about the upcoming election and welcomed all those who are running. He requested that everyone involved be cordial and keep all the campaigning positive. He explained that we are all running in a non-partisan election and that we are all running at large. Mr. Skinner also recommended that if you hear something that you are concerned with, ask the candidate directly.
- **Council Member Thomas** – Reminded us about the upcoming Spelling Bee at the Event Center and that there was still time to register.
- **City Recorder Sanders** – He commented that it is an exciting time with the upcoming elections. He was happy to see a great turnout for the meeting this evening and he looks forward to seeing the candidates on the trail. He also spoke about the different meetings for the City Boards and Commissions that he attends in his role as the Recorder. He recommends that all the candidates attend those same meetings to learn even more about all the good that is accomplished.

H. Mayor’s Comments and Announcements – The Mayor spoke about our collective profound disappointment in the actions of the Upshur County Commission at the recent public meeting. We are confident that as this matter now goes before the WV Public Service Commission, we will receive vindication on our position as the provider of these services in the areas discussed. He also reported that earlier today the Sanitary Board voted to suspend and revoke the most recent Memorandum of Understanding for the Rt. 33 South Side project, until the developers come back to the table with a serious approach to the situation. The Sanitary Board is expediting the process to begin construction of the Rt. 33 North Side projects.

I. Adjournment

Motion to adjourn made by Albaugh/Rylands at 8:10 PM. Motion carried.

Mayor David McCauley

City Recorder Randall H. Sanders
