

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

A scheduled meeting of the Buckhannon City Planning Commission was held in Council Chambers at City Hall, 70 East Main on Monday, July 20, 2020 at 7:00 pm with the following in attendance:

Susan Aloï	President (Chair)	Present - by phone
Jack Reger	Vice-President (Vice-Chair)	Present
Randy Sanders	City Recorder	Present
CJ Rylands	Member/Council Rep	Present – by phone
Vincent Smith	Member/Building Code Enforcement	Present
Richard Clemens	Member	Present- by phone
Catherine Cuppari	Member	Absent
Dean Everett	Member	Absent
Matt Kerner	Member	Absent
Curtis Wilderson	Member	Present
Amby Jenkins	Director of Finance	Absent
Callie Cronin Sams	Grants & Information Coordinator	Present – by phone

Guests: Jerry Arnold, Director of Public Works

**Meeting Agenda & Notice**

*City of Buckhannon Planning Commission -  
Meeting Agenda for Monday, July 20, 2020 at 7:00pm at City Hall in Council Chambers*

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- A. **Call to Order**
  - A.1 **Moment of Silence**
  - A.2 **Pledge to the Flag of the United States of America**
- B. **Recognized Guest**
  - B.1 **Public Works Director Jerry Arnold**
- C. **Consent Agenda**
  - C.1 **Approval of Minutes - Regular Meeting 01/21/20 & Special Meeting 03/04/20**
- D. **Correspondence & Information**
  - D.1 **Ordinance No. 444 Rezoning 937 Brushy Fork Rd from M District to C2 District**
  - D.2 **Ordinance No. 445 Rezoning 1013 Brushy Fork Rd from M District to I District**
- E. **Strategic Issues for Discussion and/or Vote**
  - E.1 **Department's Planning Goals related to the Comprehensive Plan**
  - E.2 **Elect President & Vice President of the Planning Commission FY 2020-2021**
  - E.3 **Request Date to Address City Council RE: Role of Commission, Overview & Solicit Input on how to use the Comprehensive Plan**
- F. **Comments and Announcements**
- G. **Adjournment**

Posted 07/02/2020      Next Meeting is Monday, October 19, 2020

June 18, 2020

Record Delta Newspaper  
P.O. Box 550  
Buckhannon, WV 26201

Dear Sirs:

Please publish the attached notice as a Class II legal advertisement on the following dates:

**Tuesday, June 23, 2020**  
**Tuesday, July 7, 2020**

Following the publication of the attached legal advertisement, please forward your Publisher's Certificate and Affidavit along with your Publisher's statement to my office at City Hall.

Should you have any questions regarding this notice, please contact my office at City Hall: (304-472-1651) or <amby.jenkins@buckhannonwv.org> Thank you for your assistance in this matter. This letter and attached legal advertisements have been sent to you by US Mail and by email.

Thank you,  
Amberle Jenkins  
Director of Finance & Administration

Enclosure:

A regular meeting of **the Buckhannon City Planning Commission** will be held on **July 20, 2020 at 7:00 p.m.** The meeting will be held in the City Council Chambers at City Hall, 70 East Main Street, Buckhannon WV. This is an open meeting (per WV code § 6-9A-3) and all interested parties are welcome to attend.

**A. Call to Order** - The meeting was called to order by the Chair, President of the Planning Commission, Susan Aloï.

**A.1 Moment of Silence** - The Chair ask for all to join in a Moment of Silence.

**A.2 Pledge to the Flag of the United States of America** - The Pledge was led by Randy Sanders.

**B. Recognized Guest**

**B.1 Public Works Director Jerry Arnold** - The Chair had previously asked the Director of Public Works to review the Comprehensive Plan with his Department Supervisors and develop an approach to the implementation of the recommendations of the Plan. The Chair then recognized the Director to provide an update. Mr. Arnold reported that while the plan had been distributed to all departments, COVID-19 has disrupted the ability of the Directors to spend the necessary time to review all the areas pertinent to their departments. He did review certain projects that are in the cue and some already in progress that are a part of the Plan.

Grants & Information Coordinator, Callie Cronin-Sams, presented an idea where we develop an app, or program, where a Director could identify a project that is part of the Comprehensive Plan and allow the Commission, the City, and members of the community, track the progress of the projects. A discussion took place regarding the value of such an app. Callie followed up with Jerry as to how the departments track the progress of projects now. Jerry confirmed they are using an Excel spreadsheet format. Commission Board Member Clemens described a successful program he had seen presented by another municipality that used a color-coding system to keep all informed on the progress of the projects. The Commission Members, along with Mr. Arnold, felt that we should develop and implement an app, or program, that will work well within the City's departments.

Chairperson Aloï recommended that the Department Supervisors review the plan and identify the areas that affect them so that we can review it all together and begin a dialogue as to the projects. Mr. Arnold reported that the Supervisors do meet every Wednesday, at 9:00 AM, and he will ask each for an update at their next meeting. He also invited Susan to join in their meeting. Susan appreciated the invitation but felt it would be best to wait until the departments had the chance to review the Plan and then it might be appropriate for her to join them.

**C. Consent Agenda**

**C.1 Approval of Minutes - Regular Meeting 01/21/20 & Special Meeting 03/04/20**

**Motion to approve the Regular Meeting Minutes of 01/21/20 & Special Meeting Minutes of 03/04/20 was made by Clemens/Rylands. Motion Carried.**

**D. Correspondence & Information** - A brief discussion took place over these ordinances and the fact that Council had accepted the recommendations of the Buckhannon City Planning Commission regarding these ordinances. Both passed Council unanimously.

**D.1 Ordinance No. 444 Rezoning 937 Brushy Fork Rd from M District to C2 District**

ORDINANCE NO. 444 OF THE CITY OF BUCKHANNON, AN ORDINANCE AMENDING ZONING ORDINANCE NO. 244 AND ORDINANCE NO. 384 OF THE CITY OF BUCKHANNON, BY REZONING

THAT PROPERTY WITH A COMMONLY KNOWN ADDRESS OF 937 BRUSHY FORK ROAD,  
IDENTIFIED AS CORPORATION DISTRICT, MAP 33, PARCEL 1.1, AND CURRENTLY TITLED IN THE  
NAME OF A&T ENTERPRISES, LLC, FROM "MIL - MILITARY DISTRICT" TO "C-2 - HIGHWAY  
COMMERCIAL DISTRICT"

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WHEREAS, the City of Buckhannon first adopted comprehensive zoning in 1973 pursuant to Ordinance No. 166; and,

WHEREAS, by Ordinance No. 244, the City of Buckhannon established the zoning structure for the City of Buckhannon which is in operation as of the date of this Ordinance; and,

WHEREAS, by Ordinance No. 384, the City of Buckhannon designated certain lands, including the lands re-zoned by this Ordinance, as being part of the "MIL" Military District; and,

WHEREAS, the land subject to this Ordinance has a commonly known address of 937 Brushy Fork Road, and appears on the assessment records of Upshur County, West Virginia, as Corporation District, Map 33, Parcel 1.1 (the "Subject Property"); and,

WHEREAS, the owner of the Subject Property has requested a rezoning of a part thereof in order to facilitate its use in commercial activities which are not permitted within the MIL – Military District but are permitted in the C-2 Highway Commercial District; and,

WHEREAS, the Planning Commission of the City of Buckhannon specifically recommended to the City Council during its meeting on March 4, 2020 that the aforesaid Subject Property be rezoned accordingly; and,

WHEREAS, the Council believes it is reasonable and appropriate, and consistent with the City's Comprehensive Plan, to permit the rezoning of the Subject Property; and,

WHEREAS, the Council of the City of Buckhannon now deems it to be reasonable and appropriate to adopt the foregoing recommendation of the Planning Commission emanating from the aforesaid March 4, 2020 meeting; and,

WHEREAS, the statutory provisions of West Virginia Code section 8-11-3(8) require that actions of the municipality in the case of planning and zoning be by adoption of an ordinance; and,

WHEREAS, the Council of the City of Buckhannon desires in all respects to comply with the statutes of the State of West Virginia insofar as the amendments to the City's comprehensive zoning ordinance, being Ordinance No. 244, are concerned.

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

ARTICLE I – REZONING OF THAT PROPERTY LOCATED AT 937 BRUSHY FORK ROAD:

(1) The Council of the City of Buckhannon does hereby adopt the recommendation of the Planning Commission as emanating from their meeting of March 4, 2020, does find that such recommendation is consistent with the City's Comprehensive Plan, and in so doing does specifically hereby amend Ordinance No. 244 and Ordinance No. 384, to incorporate the following:

(a) That tract identified as Corporation District, Map 33, Parcel 1.1, with an address of 937 Brushy Fork Road, is rezoned to be included in the "C-2" Highway Commercial District.

(2) That all of the real estate affected by this rezoning is more particularly shown and set forth upon that certain map which is attached hereto and which is expressly made a part hereof.

(3) That all other provisions of Ordinance Nos. 244 and 384 shall remain in full force and legal effect, except for those provisions which are expressly amended pursuant to the provisions hereof.

ARTICLE II – SEVERABILITY: In the event that any provision of this Ordinance is determined to be unconstitutional or otherwise invalid by a court exercising competent jurisdiction, such determination shall not affect the validity of this Ordinance either as a whole or the provisions thereof which are not specifically determined to be unconstitutional or invalid.

ARTICLE III - EFFECTIVE DATE: This Ordinance shall be deemed effective thirty (30) days following the third (3rd) reading, public hearing, passage and adoption by the Council of the City of Buckhannon, i.e., May 16, 2020.

FIRST READING: March 19, 2020  
SECOND READING April 2, 2020  
THIRD READING, PUBLIC HEARING,  
PASSAGE AND ADOPTION: April 16, 2020



David W. McCauley, Mayor

CERTIFICATE OF ENACTMENT

I, Randall Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 444 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on April 16, 2020.

  
Randall Sanders, City Recorder

**D.2 Ordinance No. 445 Rezoning 1013 Brushy Fork Rd from M District to I District**

ORDINANCE NO. 445 OF THE CITY OF BUCKHANNON, AN ORDINANCE AMENDING ZONING ORDINANCE NO. 244 AND ORDINANCE NO. 384 OF THE CITY OF BUCKHANNON, BY REZONING THAT PROPERTY IDENTIFIED AS CORPORATION DISTRICT, MAP 33, PARCEL 1 AND TITLED IN THE NAME OF UPSHUR COUNTY DEVELOPMENT AUTHORITY, FROM "M - MILITARY DISTRICT" to "I - INDUSTRIAL DISTRICT"

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WHEREAS, the City of Buckhannon first adopted comprehensive zoning in 1973 pursuant to Ordinance No. 166; and,

WHEREAS, by Ordinance No. 244, the City of Buckhannon established the zoning structure for the City of Buckhannon which is in operation as of the date of this Ordinance; and,

WHEREAS, by Ordinance No. 384, the City of Buckhannon designated certain lands, including the lands re-zoned by this Ordinance, as being part of the "MIL" Military District; and,

WHEREAS, the land subject to this Ordinance has a commonly known address of 1013 Brushy Fork Road, and appears on the assessment records of Upshur County, West Virginia, as Corporation District, Map 33, Parcel 1 (the "Subject Property"); and,

WHEREAS, the owner of the Subject Property has requested a rezoning of a part thereof in order to facilitate its use in commercial activities which are not permitted within the MIL - Military District but are permitted in the I - Industrial District; and,

WHEREAS, the Planning Commission of the City of Buckhannon specifically recommended to the City Council during its meeting on March 4, 2020 that the aforesaid Subject Property be rezoned accordingly; and,

WHEREAS, the Council believes it is reasonable and appropriate, and consistent with the City's Comprehensive Plan, to permit the rezoning of the Subject Property; and,

WHEREAS, the Council of the City of Buckhannon now deems it to be reasonable and appropriate to adopt the foregoing recommendation of the Planning Commission emanating from the aforesaid March 4, 2020 meeting; and,

WHEREAS, the statutory provisions of West Virginia Code section 8-11-3(8) require that actions of the municipality in the case of planning and zoning be by adoption of an ordinance; and,

WHEREAS, the Council of the City of Buckhannon desires in all respects to comply with the statutes of the State of West Virginia insofar as the amendments to the City's comprehensive zoning ordinance, being Ordinance No. 244, are concerned.

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

ARTICLE I – REZONING OF THAT PROPERTY LOCATED AT 1013 BRUSHY FORK ROAD:

(1) The Council of the City of Buckhannon does hereby adopt the recommendation of the Planning Commission as emanating from their meeting of March 4, 2020, does find that such recommendation is consistent with the City's Comprehensive Plan, and in so doing does specifically hereby amend Ordinance No. 244 and Ordinance No. 384, to incorporate the following:

(a) That tract identified as Corporation District, Map 33, Parcel 1, with an address of 1013 Brushy Fork Road, is rezoned to be included in the "I" Industrial District.

(2) That all of the real estate affected by this rezoning is more particularly shown and set forth upon that certain map which is attached hereto and which is expressly made a part hereof.

(3) That all other provisions of Ordinance Nos. 244 and 384 shall remain in full force and legal effect, except for those provisions which are expressly amended pursuant to the provisions hereof.

ARTICLE II – SEVERABILITY: In the event that any provision of this Ordinance is determined to be unconstitutional or otherwise invalid by a court exercising competent jurisdiction, such determination shall not affect the validity of this Ordinance either as a whole or the provisions thereof which are not specifically determined to be unconstitutional or invalid.

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THIRD READING, PUBLIC HEARING, PASSAGE AND ADOPTION:	April 16, 2020



David W. McCauley, Mayor

CERTIFICATE OF ENACTMENT

I, Randall Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 445 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on April 16, 2020.

  
Randall Sanders, City Recorder

**E. Strategic Issues for Discussion and/or Vote**

**E.1 Department's Planning Goals related to the Comprehensive Plan** – A discussion took place and it was determined that we wait until the Chair had a chance to have a discussion with Mayor Skinner and then determine the proper course of action this Commission should take in assisting with the implementation of the Comprehensive Plan.

**E.2 Elect President & Vice President of the Planning Commission FY 2020-2021** – The Chair opened the floor for nominations for President and Vice-President of the Planning Commission FY 2020-2021.

**Motion to nominate Susan Aloï as the President was made by Reger/Rylands. Mr. Reger said that he felt strongly about his nomination based on her familiarity with the Comprehensive Plan and her ability to help move it forward. Motion Carried.**

**Motion to nominate Richard Clemens as the Vice-President was made by Wilkeson/Rylands. Motion carried.**

**E.3 Request Date to Address City Council RE: Role of Commission, Overview & Solicit Input on how to use the Comprehensive Plan** – As discussed earlier, all felt it was best to wait until the Chair had a chance to have a discussion with Mayor Skinner, as well as hear from the Department Supervisors before pursuing any further action regarding the role of the Commission with the implementation of the Comprehensive Plan.

**F. Comments and Announcements**

**Reger** - Commission Member Jack Reger thanked his fellow Commission Members expressing that he has enjoyed working with them. As a new Buckhannon City Council member, Jack will be leaving his position as a community member of this Commission. All thanked Jack for his service.

**G. Adjournment**

**There being no further business to conduct, a motion to adjourn at 7:40pm was made by Clemens/Rylands. Motion Carried.**

**Commission President Susan Aloï**

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**City Recorder Randall H. Sanders**

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