

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

An emergency meeting of the Buckhannon City Council, pursuant to West Virginia Code 6-9A-3(h,) was held on Thursday, March 19, 2020 at 7:00pm in City Hall prior to City Council Regular Meeting in Council Chambers. 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
BFD	Chief JB Kimble	Present
BPD	Chief Matthew Gregory	Present
Director of Public Works	Jerry Arnold	Present
Grants & Information Coordinator	Callie Cronin Sams	Present
City Engineer	Jay Hollen	Absent
SYCC Director	Debora Brockleman	Absent
The Record Delta Newspaper	Elesia Saunders	Absent
Channel 3	Brian Demasters	Present
Channel 3	Rodney Irvin	Present
The Intermountain Newspaper	Amanda Hayes	Present
MyBuckhannon.com	Katie Kuba	Absent

Also, in attendance: Sarah Campbell, Upshur County Senior Center; Catherine Norko, Charles W. Gibson Library; Paul Norko; Pete Thackston, USI Insurance Services; Nancy Lucas, USI Insurance Services.

***Emergency Meeting of City Council of Buckhannon  
Pursuant to West Virginia Code 6-9A-3(h)  
Prior to City Council Regular Meeting in Council Chambers  
7:00 p.m. March 19, 2020***

---

**Pursuant to West Virginia Code 56-9A-3(h) the facts and circumstances of the emergency giving rise to the call for this Emergency Meeting are:**

- 1. The Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak issued March 13, 2020 by the President of the United States.**
- 2. Guidance on social distancing published by the United States Centers for Disease Control and Prevention applicable to the entirety of the United States of America, including the City of Buckhannon.**
- 3. The State of Emergency Declaration to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19, issued on March 16, 2020 by the Governor of the State of West Virginia**

- A. Call to Order**
  - A.1 Moment of Silence**
  - A.2 Pledge to the Flag of the United States of America**
- B. To Discuss and Approve the Operation Plans of the City of Buckhannon regarding the COVID-19 Pandemic**
- C. Adjournment into Regular Meeting**

**Posted 03/19/2020 2:01PM**

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

The Mayor called the meeting to order announcing that, pursuant to West Virginia Code 56-9A-3(h), this was an emergency meeting of the Buckhannon City Council.

**B. To Discuss and Approve the Operation Plans of the City of Buckhannon regarding the COVID-19 Pandemic**

Mayor McCauley read the following statement, which includes the proposed Operational Plans of the City of Buckhannon regarding the COVID-19 Pandemic:

***CITY OF BUCKHANNON – MAYOR’S STATEMENT– PANDEMIC, COVID-19 VIRUS  
March 19, 2020***

*Good evening. I again want to reassure the citizens of our B-U community that our City is working closely with county & state health department officials regarding the threat posed by the corona virus. I spoke with Sue McKisic, director of our county health department just this morning. We continue to have conversations with our school system, & I spoke with Wesleyan president, Joel Thierstein this morning. We’ve reached out to Sarah Campbell, director of our Senior Center inquiring as to how we can help our most vulnerable, that is, our elderly. Everyone in our City organization is here to minimize as much as possible the threat posed to our citizenry by Covid-19. We will be having twice per week teleconferences with health department, healthcare providers, & county representatives. We will continue to be fully collaborative & interactive as public officials as we collectively address this health crisis.*

*While there are centuries of quality service to our City represented in this room this evening, I can assure you that none of us ever signed on to tackle a world pandemic. It simply wasn’t on anyone’s checklist. I wish none of us ever had to learn new virus phraseology such as “social distancing,” “self-quarantine,” “global pandemic,” “Covid-19,” “shelter-in-place,” “flattening the curve,” or the one I detest the most- “the new normal.” We are all working under declared state & federal emergencies.*

*I am saddened by the difficult but very correct decisions to send our college students home for the rest of the semester, to close our public schools, & to cancel our Strawberry Festival. Our restaurants & pubs have gone silent except for take-out. Closures of our movie theatre, bowling alley, JesterLine, & virtually all things recreational- is terrible but necessary.*

*It is imperative that as an organization, that our City continue to offer our most essential services, delivery of utilities- water, sewage, waste collection; & first response from our police & fire departments. In order to assure continuity of all of those services, we need to protect the health of our employees first & foremost while they discharge these important tasks. Also, our citizenry will be better protected from this health threat if they’re not out & about tending to non-essential chores. To that end- & consistent with what many of our sister cities have invoked, I am proposing our Council approve the following emergency measures until our state & federal authorities have determined that the threat has passed.*

*(1) All City facilities effective immediately, or at least following the conclusion of this evening’s regular meeting, will be restricted to employees only. While our City facilities will continue to be staffed, & important work executed- the general public will not be permitted physical access to these facilities, with the exception of general deliveries to our facilities & further with exception to our solid waste transfer station that will continue to receive materials. City Hall, our public safety complex, our water & sewer plants, the streets’ garage, Stockert Youth & Community Center, the Colonial Theatre, & the Charles W. Gibson Memorial Library will all be closed to the general public until further notice.*

*(2) Subject to supervisor approval, certain employees may be authorized to work from home, though given the nature of what we do as an organization, those are very few in number. For employees required to be at their workstations, we will seek to maintain six feet social distancing to minimize virus exposure.*

*(3) All city departments shall engage in reasonable & appropriate cleaning & disinfection exercises to minimize exposure to the virus.*

*(4) Municipal Court will be suspended until further notice, & I think it's fair to say we're looking at 30 days or longer before court will resume. Please call 304-472-1651 for assistance with any matters related to a citation or Buckhannon Municipal Court issue.*

*(5) While we are not closing parks or our river trail, park restrooms will be locked due to recurrent theft & vandalism. Park users should maintain the minimal six feet social distancing, & groups of 10 or more is strictly prohibited & will be monitored by our Police Department. We will suspend park pavilion rentals until this state of emergency has been lifted.*

*(6) Gatherings of 10 or more people should not occur anywhere within our corporate limits, & meetings of 10 or more City employees shall not occur.*

*(7) Please call 304-472-1651 for assistance with paying your water utility bills. The City offers an online bill pay & pay by phone options. The City also has a payment drop box in the rear of City Hall.*

*(8) Our City will not terminate essential utility services of any customer during the pendency of this state of emergency, however, it is important to recognize that all customers shall ultimately be held fully accountable for the cost of utility services received.*

*(9) Our City will partner with downtown restaurants to establish curbside pickup through special parking space designations for takeout orders, all to minimize virus exposure while helping to keep our restaurants up & running until this health threat has passed.*

*(10) Our City strongly recommends self-quarantine measures by all of our citizens to the maximum extent possible until this health threat has passed. The more we isolate ourselves from others, the less likely we are to contract the virus.*

*I would be remiss if I failed to observe the stalwart service to this community of not only our excellent City staff, but the hospital & healthcare employees who are on the front line of battling this threat. Also, we appreciate the staffs at our grocery stores who are working overtime to stock shelves so that we may all continue to be fed. At some point in the future, we'll celebrate Walmart Day, as the efforts of their store's employees have been monumental during this crisis.*

*We are all in THIS together, & I know as we get through the coming weeks, that we'll remain strong as a community with minimal impact upon the health of our residents. Anyone having an emergency should contact 911 as you normally would. The best source of information about Covid-19 remains the Centers for Disease Control website.*

###

The Mayor ask the council to support the ten recommendations from the statement.

**Motion to approve the emergency measures (1) through (10) contained in the City of Buckhannon – Mayor's Statement – Pandemic, COVID-19 Virus, March 19, 2020, until our state & federal authorities have determined that the threat has passed was made by Skinner/Thomas. Motion carried.**

**Motion to adjourn the emergency meeting, at 7:09 PM, was made by Albaugh/Bucklew. Motion carried.**

---

---

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

A regular meeting of the Buckhannon City Council was held on Thursday, March 19, 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
BFD	Chief JB Kimble	Present
BPD	Chief Matthew Gregory	Present
Director of Public Works	Jerry Arnold	Present
Grants & Information Coordinator	Callie Cronin Sams	Present
City Engineer	Jay Hollen	Absent
SYCC Director	Debora Brockleman	Absent
The Record Delta Newspaper	Elesia Saunders	Absent
Channel 3	Brian Demasters	Present
Channel 3	Rodney Irvin	Present
The Intermountain Newspaper	Amanda Hayes	Present
MyBuckhannon.com	Katie Kuba	Absent

Also, in attendance: Sarah Campbell, Upshur County Senior Center; Catherine Norko, Charles W. Gibson Library; Paul Norko; Pete Thackston and Nancy Lucas, USI Insurance Services.

***City Council of Buckhannon – 7:00 pm in Council Chambers  
Meeting Agenda for Thursday, March 19, 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 February BEST Award Winner-Bob Post
- B.2 Catherine Norko-Charles W. Gibson Library
- B.3 Women's History Month Celebration-Honoring Mary Augusta Gibson
- B.4 Sarah Campbell-Upshur County Senior Center- March for Meals Campaign

**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 Mayor's Statement-Corona COVID-19 Virus-March 13, 2020
- D.2 CityPR: COVID-19 Preparedness Action-Encourages Social Distancing
- D.3 Notice PSC WV-All Utilities to Suspend Utility Service Terminations
- D.4 Executed Property Purchase Agreement-15 Madison Street
- D.5 Notice Lay the Levy on Tuesday, April 21, 2020 at 9:00am
- D.6 Notice of Proposed Adoption of Amendment to Municipal Zoning Ordinance
- D.7 Report of Cat & Dog Activity –Upshur County Commission-February 2020
- D.8 David L Howell-Certified Public Accountant- Engagement Letter-Audit Year Ending June 30, 2019
- D.9 Mayor's Proclamation-Youth Art Month-UC Schools Art Exhibition at Colonial Theatre's Gallery
- D.10 Mayor's Talking Points Citizens' Bank Property on Madison Street-March 16, 2020
- D.11 Mayor's Remarks at Black Balloon Day-March 6, 2020
- D.12 Mayor's Statement RE: Purchase of Citizens' Bank Property on Madison Street & Gift Acceptance for SYCC
- D.13 Fish Hawk Acres, LLC Zoning Form to ABCA

**E. Consent Agenda**

- E.1 Approval of Minutes-Regular meeting 03/05/2020; Special meetings 02/25/2020 & 03/13/2020
- 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 Mountaineer Trail Network Application Regional Commission (ARC) POWER Implementation Grant Letter of Support
- F.2 Approval Budget FY 2020-2021
- F.3 Approval Ordinance No. 443 Authorizing Purchase of Property 15 Madison Street-2<sup>nd</sup>/Final Reading
- F.4 Approval Ordinance No. 444 Zoning Change of Property Owner A&T Enterprises LLC- Property on Brushy Fork Road from Military District to C2 Highway Commercial District 1<sup>st</sup> Reading
- F.5 Approval Ordinance No. 445 Zoning Change of Property Owner UCDA-Property on Brushy Fork Road from Military District to Industrial District-1<sup>st</sup> Reading

- F.6 Discussion/Possible Action Employee Health Insurance
- F.7 Discussion/Possible Action Colonial Theatre Oversight-ART26201 Proposal

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 03/16/2020                      Next Regular Scheduled City Council Meeting Thursday, April 2, 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 passing of Terrence (Terry) Dobberstein, retiree from WVWC and a good friend to many in the Buckhannon community. Council member Dave Thomas provided a touching tribute to his friend Terry, who had called him just a week ago to say goodbye. Mr. Thomas also mentioned Jared Scott Harris, of French Creek, who recently passed away. The Mayor asked that we keep the families of both gentlemen, as well as our entire community in our thoughts and prayers. This was followed by the Pledge to the Flag of the United States of America led by Sarah Campbell.

B. **Recognized Guest**

**B.1 Recognition of February BEST Award Winner-Bob Post** - The Mayor then advised all that we would postpone the honoring of our February BEST Award Winner-Bob Post.

**B.2 Catherine Norko-Charles W. Gibson Library** – Ms. Norko was recognized, and she provided the following report of activities of the Charles W. Gibson Library:

Circulation Report

Total Number Visitors:	903 people	
Overall Circulation:	2,801 items	
Physical Circulation:	2,401 items	86%
Digital Circulation:	400 items	14%

Coronavirus Closing

*-The Library will be closing to the public from March 23 – April 13th. Staff will be reporting during this time. We will be working on several large projects (as long as possible), hiring and training the new library assistant, and developing a curbside pickup program on a limited availability. All fingers crossed, we will be able to roll out the curbside pickup or reopen by mid-April.*

Summer Reading Program (ON HOLD)

*-The Library has started developing a series of passive events to encourage children to continue to read all summer long. However, we can begin working with the Stockert Youth Center to improve both of our programs.*

Increased Publicly Accessible Number of Computers

*-Since the beginning of 2020, the Charles W. Gibson Library has received 3 replacement computers to increase our number of public access computers to 2. We are still creating space for the 3 computers. Hopefully, as a workstation just for children under 12.*

Improving Conditions Inside of the Building

*-Since October, the board and staff have been addressing issues inside the building such as overcrowding, general untidiness, and disorganization. We are also looking into some major repairs including window replacement, electrical rewiring, and re-plumbing the building. At 79 years, our buildings have many of the original systems that were installed in the building.*

**B.3 Women's History Month Celebration-Honoring Mary Augusta Gibson** - The Mayor brought to our attention the information in our packets regarding the impact that Mary Augusta Gibson had on our community and mentioned that she was honored earlier today.

**\*\* MARY AUGUSTA GIBSON\*\***

MRS. MARY AUGUSTA BAXTER GIBSON WAS BORN IN NEIGHBORING BRAXTON COUNTY, WEST VIRGINIA, ON JUNE 28, 1871, HER PARENTS BEING FELIX J. BAXTER & SARAH DUFFY BAXTER. MRS. BAXTER'S FATHER WAS A LAWYER, WHO BECAME SUTTON'S FIRST MAYOR, & ALSO WAS ELECTED AS STATE SENATOR. SHE LATER MARRIED CHARLES W. GIBSON OF BUCKHANNON, & THEY RESIDED JUST AROUND THE CORNER AT 39 MEADE STREET. MRS. GIBSON WAS A DEVOTED HOUSEWIFE.

MARY GIBSON LIVED IN HER HUSBAND'S SHADOW HERE IN BUCKHANNON FOR A GOOD PART OF HER LIFE. MR. GIBSON WAS A SUBSTANTIAL PROPERTY OWNER WHO DIED ON NOVEMBER 18, 1938. MRS. GIBSON DIED ON DECEMBER 31, 1939 AT AGE 68, BUT PRIOR TO HER DEATH, MRS. GIBSON RETAINED BUCKHANNON ATTORNEY JAMES H. COLEMAN, JR., THEN WITH THE LAW FIRM OF YOUNG & COLEMAN, TO DRAFT HER NEW WILL WHICH SHE EXECUTED ON MARCH 17, 1939. PURSUANT TO THE TERMS OF HER WILL, MRS. GIBSON PROVIDED THE FOLLOWING-

"I DO HEREBY DEVISE & BEQUEATH TO THE CITY OF BUCKHANNON, A MUNICIPAL CORPORATION, OF BUCKHANNON, WEST VIRGINIA, THE SUM OF \$10,000, FOR THE SPECIAL & SPECIFIC PURPOSE OF PURCHASING, ERECTING, OR CONSTRUCTING A MUNICIPAL OR CITY LIBRARY BUILDING, TO BE USED AS A LIBRARY FOR THE GENERAL USE & BENEFIT OF THE COMMUNITY AT LARGE, & TO BE NAMED THE 'CHARLES W. GIBSON LIBRARY,' & PROVIDING FOR THE CARE & SUPERVISION OF THE SAME, & FURTHER THAT THE THEN MAYOR OF SAID CITY, ON BEHALF OF SAID CITY, EXECUTE A PROPER INSTRUMENT, DULY ACKNOWLEDGED, WITH PROPER SEAL, AGREEING THAT UPON THE PAYMENT TO THE CITY OF THE SUM OF \$10,000, THAT THIS BEQUEST WILL BE CARRIED OUT FOR THE PURPOSES HEREIN STATED.... I DO [FURTHER] HEREBY DEVISE & BEQUEATH THE ENTIRE RESIDUE & REMAINDER OF MY ESTATE TO THE CITY OF BUCKHANNON, A MUNICIPAL CORPORATION, IN TRUST, THE ANNUAL INCOME FROM WHICH IS TO BE USED BY SAID CITY FOR MAINTAINING & EQUIPPING SAID LIBRARY & LIBRARY BUILDING. AND I HEREBY DIRECT THAT MY EXECUTOR PAY TO THE TRUSTEES HEREINAFTER APPOINTED FOR THIS PURPOSE, THE ENTIRE RESIDUE & REMAINDER OF MY ESTATE."

THE CITY OF BUCKHANNON THROUGH ITS LIBRARY BOARD OF DIRECTORS HAS LONG OPERATED THIS WONDERFUL FACILITY SINCE 1940. MRS. GIBSON CHOSE TO HONOR & RECOGNIZE HER LATE HUSBAND, FOREGOING ANY PERSONAL RECOGNITION. THE FACADE OF THIS BUILDING BEARS THE NAME OF "CHARLES W. GIBSON MEMORIAL LIBRARY," BUT IT WAS EXCLUSIVELY THROUGH THE GRACIOUS & GIVING SPIRIT OF MARY GIBSON THAT THIS FACILITY CAME TO BE.

MARY GIBSON IN HER QUIET WAY BECAME A TRUE HEROINE TO THE RESIDENTS OF OUR BUCKHANNON-UPSHUR COMMUNITY. SHE WAS A CHAMPION OF LITERACY & CULTURE, & GENERATIONS OF BUCKHANNON COMMUNITY MEMBERS HAVE BENEFITTED FROM & ENJOYED THE BOOKS & ARCHIVES HOUSED WITHIN OUR CITY LIBRARY. OUR B-U CITIZENRY WILL NOW & FOREVER KNOW ABOUT HER IMPACT & LASTING LEGACY.

THE MARY A. GIBSON PLAZA WAS DEDICATED BY THE CITY OF BUCKHANNON,

THE GIBSON LIBRARY BOARD OF DIRECTORS, & BUCKHANNON'S DIVERSITY APPRECIATION

COALITION DURING OUR CITY'S CELEBRATION OF WOMEN'S HISTORY MONTH ON MARCH 19, 2020

**B.4 Sarah Campbell-Upshur County Senior Center- March for Meals Campaign.** – Ms. Campbell was to provide an overview on the March for Meals Campaign that was scheduled for the upcoming weeks. She instead gave a report on what the Senior Center was doing to accommodate the many residents that the center serves amid the COVID-19 pandemic. The center does provide several services including meals, daily classes and activities, in-home care services, and Country Roads Transit. They are working within all CDC guidelines and managing to provide the necessary needs of our Senior community. A Q & A took place with Council. We found that they are facing many challenges with a small onsite staff and the necessary restrictions brought on by the coronavirus.

**Other Guests:**

The Mayor then invoked the Chairs prerogative to move agenda item **F.6 Discussion/Possible Action Employee Health Insurance** to the table and he then recognized both Pete Thackston and Nancy Lucas, of USI Insurance Services.

The Mayor gave the background on the current employee health insurance program, which is a self-funded model. The results have not been cost efficient to the City and the employees have expressed some disappointment in the program. Council received a presentation from Pete Thackston and Nancy Lucas on March 13, 2020, prior to the Budget meeting. The proposed plan is through PEIA and is like the plans currently in place with the Upshur County employees and Cabell County employees. It is estimated that by making the change, the City will save approximately \$500,000 a year. It was noted that we would be opting out of the self-insured plan as of June 30, 2020. We will still have some claims coming in beyond that period.

Mr. Thackston entertained several questions from Council members including the difference between the HRA plan and the HSA plan.

One of the most important differences between the two is that the employer owns the HRA and the employee owns the HSA. This means that the employee takes the HSA along when he or she changes jobs. If an employee with an HRA changes or loses his or her job, any remaining amount in an HRA defaults to the employer.

Another significant difference involves how the two types of accounts are funded. The money in an HRA is provided solely by the employer. HRAs are usually unfunded notional accounts, with no cash value. An HSA is a tax-advantaged account that can be used to pay for IRS-defined health care expenses, including long-term care and COBRA premiums. Anyone can contribute to an HSA, including the employer, the employee or a family member. However, there is an annual maximum contribution amount that is established by the U.S. Treasury.

The Council will refer to the Insurance Committee, the task of reviewing both the HRA and HSA and ask that they make a recommendation as to which plan will be best for the City. However, this does not keep Council from acting today as to whether to switch to the PEIA plan through USI Insurance Services. Council will receive the recommendation from the Insurance Committee at the next Council meeting of April 2, 2020, at which time Council will take action on the plan type.

**Motion to authorize the City of Buckhannon to notify its current health insurer of the intent to not renew coverage with them as of July 1, 2020 and entering into an agreement with USI Insurance Services to provide the City of Buckhannon coverage through the PEIA program beginning July 1, 2020 was made by Rylands/Bucklew. Motion carried unanimously.**

## **C. Department & Board Reports**

### **C.1 Information Coordinator/Grant Researcher- Callie Cronin Sams**

During the meeting, Callie has been monitoring her email and reported that no questions for Council had come in as of now. She went on to report the efforts to keep the Buckhannon community informed of the constant changes brought on by the pandemic by updating the City's website on a regular basis. To consolidate the information, Callie has created a page - COVID-19 – that is linked easily from the home page.

Here is a listing of the News and Announcements that have been posted on the City's Website and Social Media platforms:

#### **Charles W. Gibson Library to Close Temporarily During COVID-19 Outbreak**

*March 19, 2020*

March 20, 2020 UPDATE (to reflect measures taken by the City of Buckhannon to close City facilities to the public as of Friday, March 20): Beginning Friday, March 20, 2020, the Charles W. Gibson Public Library...

#### **City, Channel 3 partner to offer Live Stream of City Council meetings; Public is encouraged to Participate Remotely**

*March 18, 2020*

March 18, 2020 Updated at 5:02 p.m. to correct the web address for the live stream. BUCKHANNON, WV: To encourage social distancing while providing transparent access to City business, the City and Channel 3 will...

#### **City to provide temporary 10-Minute Parking Spaces for Take-Out Customers to assist Main Street Restaurants during COVID-19**

*March 18, 2020*

March 18, 2020 BUCKHANNON, WV: In an effort to assist our Main Street restaurants while aiding our citizenry, the City of Buckhannon is offering to identify parking spaces for 10-minute parking for take-out customers only....

### **City asks Residents, Businesses, to Utilize Remote Payment Options, Encourages Social Distancing**

*March 16, 2020*

March 16, 2020 BUCKHANNON, WV: The City of Buckhannon asks residents and businesses to utilize our various remote payment options as a COVID-19 preparedness action. You may pay your utility bill: Online at <http://buckhannonwv.org/pay-utility-bills/>, By calling 1-866-933-4026,

### **Mayor's Statement on COVID-19, Friday, March 13**

*March 13, 2020*

The following statement from Mayor David McCauley was delivered at Buckhannon City Hall this afternoon during the Special Budget Session of City Council, at 4:30 p.m. on Friday. March 13, 2020, I want to reassure...

### **Upshur Buckhannon Health Dept CoVid-19 Message, No Confirmed WV Cases**

*March 12, 2020*

### **Construction & Demo Rate at Transfer Station to Increase Tuesday Following Rate Hike at Landfill**

*February 27, 2020*

February 27, 2020 BUCKHANNON, WV: The Buckhannon Waste Department received verbal notification yesterday, confirmed in writing today, that the construction and demolition fees at the landfill that serves our Transfer Station will increase, effective on...

### **Celebrating Women's History Month: Joyce Stockert**

*February 27, 2020*

February 27, 2020 BUCKHANNON, WV: In celebration of Women's History Month, the City of Buckhannon will remember the contributions of Joyce Stockert to our community with a dedication at 6:30 p.m. Thursday, March 5, in...

### **Wesleyan to host 19th Amendment Centennial Celebration March 10**

*February 20, 2020*

### **Gibson Library hiring Library Assistant**

*February 19, 2020*


Library Assistant – Charles W. Gibson Library Interested applicants must submit a resume, cover letter, and 3 references to Library Board, 105 E. Main Street, Buckhannon, WV 26201. Applications will be accepted until March 6,...



Published	Post	Type	Targeting	Reach
03/19/2020 11:55 AM	 From our Charles W. Gibson Library Director: Beginning Monday, March			250 
03/18/2020 7:13 PM	 Join us on Facebook Live tomorrow through Channel 3 Buckhannon Live			473 
03/17/2020 9:58 PM	 We will miss the West Virginia Strawberry Festival this year, but			372 
03/17/2020 3:38 PM	 If you are concerned that you have symptoms similar to those of COVID-			384 
03/17/2020 10:49 AM	 This article provides a great explanation with simulations of how			162 
03/16/2020 1:19 PM	 City of Buckhannon			451 
03/16/2020 10:49 AM	 CITY OF BUCKHANNON » City asks Residents, Businesses, to Utilize			569 
03/14/2020 9:49 AM	 City of Buckhannon			214 
03/13/2020 4:54 PM	 Along with public schools, Stockert Youth and Community Center, will be			783 
03/12/2020 12:06 PM	 Sharing this important information provided by Upshur - Buckhannon			760 
02/19/2020 3:45 PM	 Library Assistant Position Opening at the Charles W. Gibson Library! Apply			2K 
02/19/2020 10:31 AM	 Street Closure: N.Spring Street from E. Main to Buckhannon Family			881 

Buckhannon Physical Activity Transportation Hub (PATH) Project; working with Streets & Parks and Create on routes

FEMA Assistance to Firefighters & SAFER – Working with JB Kimble and Lin Baxa on FEMA grants for equipment (AFG) and staffing (SAFER)



To limit spread of **COVID-19**,

Please pay utilities by:

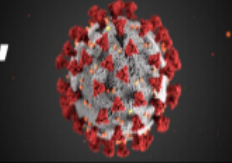
**1-866-933-4026**

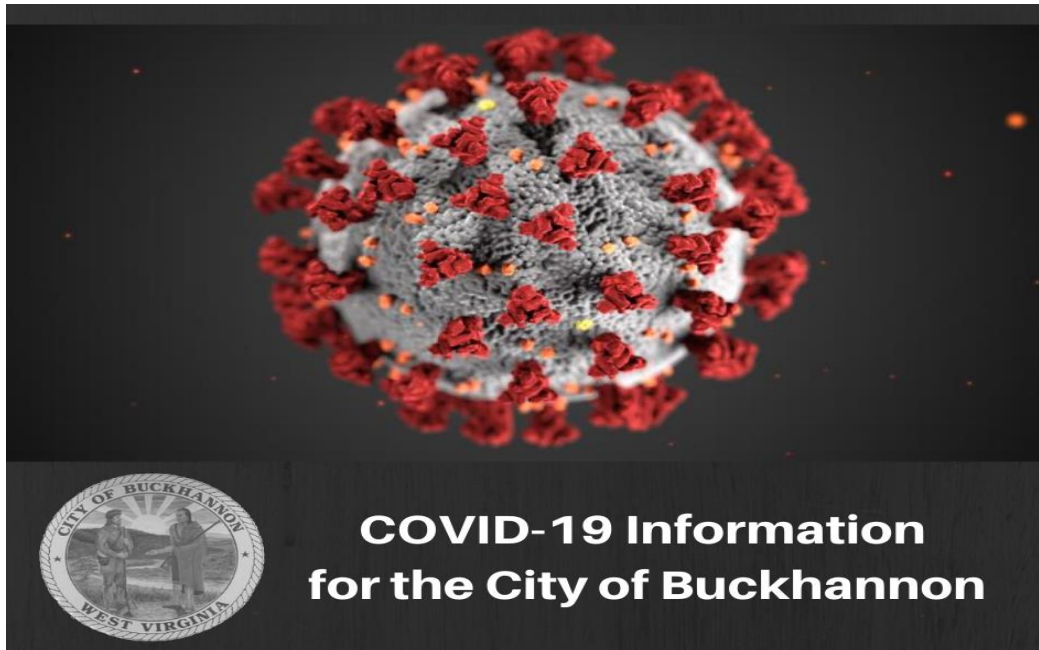
**buckhannonwv.org/pay-utility-bills/**

**Or, using the dropbox behind City Hall.**

City of Buckhannon COVID-19 Preparedness & Mitigation

[www.buckhannonwv.org](http://www.buckhannonwv.org)      Questions? (304) 472-1651





LED:



Callie also reported that Buckhannon and Upshur County, were now a part of Mountaineer Trail Regional Commission, which was recently approved by the recent WV Legislative session.

The Mayor invoked the Chairs prerogative to bring to the table **F.1 Mountaineer Trail Network Application Regional Commission (ARC) POWER Implementation.**

**Motion to approve, with the understanding that some non-material edits may have to be made, the Mountaineer Trail Network Application Regional Commission (ARC) POWER Implementation was made by Skinner/Albaugh. Motion carried.**

**C.2 Public Works Director- Jerry Arnold – Mr. Arnold provided the following:**

**Buckhannon City Council  
Public Works Director Report  
March 19, 2020  
Jerry Arnold**

**Director:**

- I have been working with the crew.
- I am taking an online class to renew my certified playground inspector license.

**Water Department:**

- Repaired 3- leaks.
- Installed a hydrant at Fike Lane.

- Installed Mission boxes for EWS.
- Removed hydrant on Brushy Fork that was on an old line.
- Installed valve at airport road.
- This week we are working on service at Stoney Run, performing maintenance on booster stations, and will be installing fire service this week or next at Fish Hawk Acres.

#### **Sewer Department:**

- 33 West Sewer Extension- We have all the permits, the project signs are installed, ROW has been cleared with a brush hog and we will begin construction activities as soon as the CJ Martin Project is completed.
- Crew 1- Back to working on the CJ Martin Extension on Brushy Fork; they need about a week of good weather to complete.
- Crew 2- Repaired Storm Sewer on College Avenue; installed a tap on Brushy Fork; repaired the sewer at Go Mart; and, are working on a storm sewer repair at 180 Camden Avenue.
- Maintenance Crew installed power to a pump station on Cleveland Avenue.
- Plant Crew- The lab passed their lab certification inspection.

#### **Street Department:**

- Continue working in the theatre on rainy days; gallery is completed, and we are working on the restrooms.
- Continue to work on sidewalks on Madison and Spring Streets. We will have installed 12-new ADA compliant ramps.

#### **Engineering:**

- City's Community Rating System (CRS) – Began work on the annual CRS update as required by FEMA. The annual CRS update is due on May 1, 2020. By continuing to participate in the CRS program, the City residents in the Special Flood Hazard Areas who have flood insurance receive a ten percent (10%) discount on their policies.
- US EPA Risk Assessment and Emergency Response Plan – As time permits, I have begun working on the US EPA-required Risk Assessment and Emergency Response Plans required as a result of the America's Water Infrastructure Act (AWIA). The Risk Assessment is due no later than June 30, 2021 and the Emergency Response Plan is due no later than six months after submission of the Risk Assessment. Both plans must be submitted electronically. The plans will be a coordinated effort between City Hall and Water Department personnel regarding data research and input.
- FEMA Generator Hazard Mitigation Grant No. 2 – While waiting for FEMA's decision on Grant 1 (see below), I began working on the specifications, drawings and design calculations. The second grant involves a new generator at the WTP, five new generators at various sanitary sewer lift stations and eleven new manual transfer switches at various sanitary sewer lift stations.
- FEMA Generator Hazard Mitigation Grant No. 1 – Grant No. 1's Bid Package is approximately 95% complete (still awaiting approval from FEMA to relocate the RWI Generator – once a decision is reached, then the Project will go out to bid; Waiting on Approval for Change of Scope Requests for both Grant No. 1 and Grant No. 2.
- Water Department Early Warning Monitoring System Maintenance Equipment Purchase – Bid openings for both the Boat & Trailer Package (Contract 1 for EWMS No. 1 & No. 2) and the Air Conditioner Unit (Contract 2 for EWMS No. 2) was held on March 12, 2020 at 4:00PM. The Apparent Low Bidder for Contract 1 is The Great Outdoors Marine (with a bid of \$13,451.14) and the Apparent Low Bidder for Contract 2 is Lowe's (with a bid of \$469.00).
- Gateway West Phase II Construction – The bid package for the purchase & delivery of the (29) LED Street Light Assemblies that will be required for the Phase II portion of the project is completed and the Project is currently out for bids. The bid opening will be on March 26, 2020 at 4:00P.

**C.3 Finance Director- Amberle Jenkins** – Ms. Jenkins began her remarks by thanking local TV station Channel 3 for live streaming the Council meeting. She then gave the following financial report:

#### **Balances 2-29-2020 in the enterprise accounts**

Waste Collection Board	Checking \$635,861	CD's 57,586.
Sanitary Board	Checking \$701,423	CD's \$314,172
Water Board	Checking \$270,136	CD's \$960,423
Consolidated Public Works	Checking \$126,026	Cemetery CD \$230,348

Council had approved opening an interest-bearing checking account with a local bank for our sales tax deposits, however, the market for interest rates have reduced drastically and that bank said this would be considered public funds and the rates were .01%. I'd like to look for a better rate from one of the local banks and set the account up for approval at the April 2<sup>nd</sup> meeting.

We have several methods of paying your bill other than in person. We can handle most of our business over the phone as well. Please call our office at 304-472-1651, or 304-472-1430 or 304-472-4620 and we will be happy to help you.

Invoices worth noting- Shreve Drywall \$3,520.00 drywall at theatre; Robert Bell \$13,000 for 2005 Freightliner boom truck for street department.

C.4 Police Chief- Matthew Gregory – The Chief gave the following report:

1. The Police Department is staying in regular contact with public safety agencies, both local and statewide, as well as the OEM in Upshur County regarding information concerning COVID-19.
2. Weekly briefings of all public safety, health, and other community stakeholders in Upshur County have begun to occur. These briefings are facilitated by the Upshur Health Dept. and the OEM. These briefings also involve our VIPS unit, who remain ready to assist in the community as needed.
3. The police department is maintaining regular service and patrols with 100% of our staff presently available. Our PRO officer has returned to the road to assist with calls.
4. In accordance with the action which took place at this evenings Emergency Meeting, the police department lobby will be closed; we are discontinuing fingerprinting services at this time. If someone needs a copy of a police report, it can be provided electronically. Request can be made by calling the BPD at 304-472-5723 or emailing either [mattgregory@buckhannonpolice.com](mailto:mattgregory@buckhannonpolice.com) or [timsmith@buckhannonpolice.com](mailto:timsmith@buckhannonpolice.com).
5. The police department has acquired masks and medical gloves from the Upshur Health Department and has rationed out a portion of this supply to each officer. We continue to keep our channels open with several venues for resupply.

Council member Albaugh asked if the contact information would be posted on the front door of the BPD lobby; Chief Gregory assured her that it would.

February 2020 Accidents

Report #	Date Of Crash	Time Of Day	Day Of Week	Street	Intersecting Street	Other Location	Manner Of Collision	Officer Name	
1	2/3/2020 0:00	* 1305	Monday	N. FLORIDA ST.	N/A	BESIDE CITY HALL	Rear End	M. GREGORY	
2	2/12/2020 0:00	1529	Wednesday	WEST MAIN STREET	LOCUST STREET	IN FRONT OF COMMUNIT	Rear End	LT. DOUGLAS N. LOUDIN	
3	2/13/2020 0:00	* 1707	Thursday	N. LOCUST ST.	MORTEN AVE	33 W. ON RAMP	Rear End	C. COPE	
4	2/18/2020 0:00	1452	Tuesday	S. KANAWHA	FRIENDLY WAY		Angle (Front to Side) Opposite D	C. COPE	
5	2/19/2020 0:00	1456	Wednesday	S. KANAWHA	TUCKER ST.		Sideswipe, Same Direction	C. COPE	
6	2/8/2020 0:00	# 0052	Saturday	SOUTH FLORIDA ST	COLLEGE AVE		Rear End	D.S KRAEMER	
7	2/22/2020 0:00	* 1634	Saturday	RT. 33	CHILDERS RUN CROSSING RD		Head-On	C. COPE	
8	2/26/2020 0:00	1646	Wednesday	S KANAWHA ST	REGER AVE		Rear End	THOMAS POSEY	
		* = Injury							
		# = Alcohol / Drug Related							
		~ = Fatality							

POLICE ACTIVITIES

MONTH: February

YEAR: 2020

ACTIVITIES:

Parking Tickets Issued:	
By Parking Enforcement Officer:	12
By Officers:	27
TOTAL ISSUED:	39
Citations Issued:	35
Misdemeanor Arrests:	34
Felony Arrests:	6
Calls Answered:	294
Complaint Reports:	50
Accidents Investigated:	8
Community Policing Hours:	162
Patrol Mileage:	6,165

MONTHLY ACTIVITY REPORT  
February 2020

	301	302	303	304	305	306	307	308	309	310	311	312	TOTAL
Calls Answered	23	26	35	3	41	48		20	45	15	38		294
Community Policing				159		2					1		162
Road Patrol	11	29	61		85	116		56	51	117	71		597
Traffic Hours	2	5	47		7	6		4		2	15		88
Criminal Inv.	16	35	8		31	44	131	10	29	18	32		354
Court Hours	6	1			2						2		11
Report Writing	19	37	5	20	16	5	32	4	38	35	49		260
Other Hours	106	3	23		5			18	59				214
Miles													6,165
Accidents - Prop.		1	1							1	2		5
Injury	1										2		3
Fatality													
Parking Tickets	1							25			1		27
Criminal Reports	4	6	6		5	2		1	10	3	13		50
Reports Cleared	2	3	4		2	0		1	5	3	9		29
Clearance Rate	50%	50%	66%		40%	0%		100%	50%	100%	69%		58%

C.5 City Attorney- Tom O’Neill – Mr. O’Neill reported that the City’s petition for motion to intervene with the Public Service Commission, relative to the Tennerton Public Service District, as to do with process, was granted.

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

D.1 Mayor’s Statement-Corona COVID-19 Virus-March 13, 2020

CITY OF BUCKHANNON – MAYOR’S STATEMENT- CORONA COVID-19 VIRUS

March 13, 2020

I want to reassure the citizens of our B-U community that our City is working closely with county health department officials regarding the threat posed by the corona virus. I have spoken with Sue McKisic,



director of our county health department, Schools' superintendent, Dr. Sara Stankus, & County Commissioner Sam Nolte regarding their measures to minimize as much as possible the threats posed by this virus. We will be fully collaborative & interactive as public officials as we collectively address this health issue.

I remind all citizens of the basics concerning this matter as offered by our County Health Department- (read memo).

In exercising an abundance of caution, we will close the Stockert Youth & Community Center effective immediately until our public schools reopen. Additionally, the Upshur Youth Arts Exhibition scheduled for tomorrow that was to continue through April 3 will be postponed until our public schools are again open. We apologize for all inconvenience, & especially to our children, but our concern for their health & the health of their families is paramount to all other things.

Our City is a provider of essential services- the core of our efforts is all about emergency services & utilities. We will not in any way nor at any time compromise our delivery of any of those services. City Hall will remain open next week barring any contrary directive from Governor Justice. We are all in THIS together, & I know as we get through the coming weeks, that we'll remain strong as a community with minimal impact upon the health of our residents. On the gamut of under-reacting versus overreacting, it is best to possibly be overreacting. Anyone having an emergency should contact 911 as you normally would. The best source of information about the virus remains the Centers for Disease Control website

## **D.2 CityPR: COVID-19 Preparedness Action-Encourages Social Distancing**

March 16, 2020

**BUCKHANNON, WV: The City of Buckhannon asks residents and businesses to utilize our various remote payment options as a COVID-19 preparedness action.**

You may **pay your utility bill**:

- **Online** at <http://buckhannonwv.org/pay-utility-bills/>,
- By calling **1-866-933-4026**,
- By dropping off your check payment in the **dropbox** at the rear of the building along East Main Street as you exit the parking lot at Buckhannon City Hall, or by
- **Bank Draft** – *(Please call 304. 472.1651 and we will mail or email a form to complete.)*

For other City business, such as inquiring about your utility service, scheduling a special waste collection, or informing the City about a concern, please call us at **(304) 472-1651, (304)472-1430, or (304)-472-4620** or use our [Citizen Engagement tool here](http://buckhannonwv.org/residents/citizen-engagement/) to report any concerns: <http://buckhannonwv.org/residents/citizen-engagement/>

While City Hall is not closed to the public at this point, we are strongly encouraging the public to stay home and only come to City Hall if you must.

As always if you have an emergency, please call the Emergency number 911 or the Comm Center at 304-472-9550.

Thank you for helping us, and the nation, practice social distancing, which has been identified as the most effective method of mitigating against catastrophic levels of disease transmission in our communities.

Please call our office at (304) 472-1651 and we will be glad to assist you.

## **D.3 Notice PSC WV-All Utilities to Suspend Utility Service Terminations**

Public Service Commission  
of West Virginia

201 Brooks Street, P.O. Box 812  
Charleston, West Virginia 25323



Phone: (304) 340-0300  
Fax: (304) 340-0325

March 13, 2020

**To all Public Utilities in the State of West Virginia:**

In consideration of the rapidly unfolding events surrounding the coronavirus, and

Aware that citizens of this state are facing a health threat and the prospect of economic disruption, and

Understanding that utility services are helpful in maintaining communications and safe, clean, and sanitary conditions,

The Public Service Commission of West Virginia, effective immediately and until further notice, is urging all utilities to suspend utility service terminations except where necessary as a matter of safety or where requested by the customer.

The Commission will provide additional information as warranted.

**Charlotte R. Lane, Chairman**  
Public Service Commission of West Virginia

- D.4 Executed Property Purchase Agreement-15 Madison Street-Indexed City A295**
- D.5 Notice Lay the Levy on Tuesday, April 21, 2020 at 9:00am**
- D.6 Notice of Proposed Adoption of Amendment to Municipal Zoning Ordinance**

NOTICE OF PROPOSED ADOPTION OF AMENDMENT TO MUNICIPAL  
ZONING ORDINANCE BY THE COUNCIL OF THE CITY OF BUCKHANNON

---

TO: All residents of the City of Buckhannon

Notice is hereby given to all residents of the City of Buckhannon that the Council of the City of Buckhannon proposes the third (3rd) reading and adoption of Ordinance No. 444 of the City of Buckhannon, the subject matter and general title, and abstract of which more particularly appear in said Ordinance as "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 IDENTIFIED AS CORPORATION DISTRICT, MAP 33, PARCEL 1.1, AND TITLED IN THE NAME OF A&T ENTERPRISES, LLC, FROM "M - MILITARY DISTRICT" to "C-2 - HIGHWAY COMMERCIAL DISTRICT".

The Council of the City of Buckhannon proposes the third (3rd) reading, passage and adoption of Ordinance No. 444 at the regularly scheduled City Council meeting to be held on Thursday, April 16, 2020, at 7:00 p.m. o'clock, at Buckhannon's City Hall located at 70 East Main Street in Buckhannon, Upshur County, West Virginia. A reasonable number of copies of the proposed Ordinance No. 444 are on file at City Hall. Ordinance No. 444 may be inspected by any member of the public during the regular business hours of City Hall.

All interested persons may appear at the April 16, 2020 meeting and be heard with respect to the City Council's proposed adoption of Ordinance No. 444.

A handwritten signature in black ink, appearing to read "Th. J. O'Neill".

---

Thomas J. O'Neill, City Attorney

NOTICE OF PROPOSED ADOPTION OF AMENDMENT TO MUNICIPAL  
ZONING ORDINANCE BY THE COUNCIL OF THE CITY OF BUCKHANNON

TO: All residents of the City of Buckhannon

Notice is hereby given to all residents of the City of Buckhannon that the Council of the City of Buckhannon proposes the third (3rd) reading and adoption of Ordinance No. 445 of the City of Buckhannon, the subject matter and general title, and abstract of which more particularly appear in said Ordinance as "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".

The Council of the City of Buckhannon proposes the third (3rd) reading, passage and adoption of Ordinance No. 445 at the regularly scheduled City Council meeting to be held on Thursday, April 16, 2020, at 7:00 p.m. o'clock, at Buckhannon's City Hall located at 70 East Main Street in Buckhannon, Upshur County, West Virginia. A reasonable number of copies of the proposed Ordinance No. 445 are on file at City Hall. Ordinance No. 445 may be inspected by any member of the public during the regular business hours of City Hall.

All interested persons may appear at the April 16, 2020 meeting and be heard with respect to the City Council's proposed adoption of Ordinance No. 445.



Thomas J. O'Neill, City Attorney

3/17, 3/24

D.7 Report of Cat & Dog Activity -Upshur County Commission-February 2020

LEWIS-UPSHUR ANIMAL CONTROL FACILITY REPORT  
ACCOUNT OF CATS  
JANELLA COCHRAN, SUPERVISOR OF ANIMAL SERVICES  
(February) 2020

DUSTIN HOLLEN, ANIMAL CONTROL / HUMANE OFFICER  
MONTHLY ANIMAL REPORT  
February 2020

TRANSACTION	UPSHUR	LEWIS	TOTAL
Cats brought in by City Trapper	5	0	5
Cats brought in by Animal Control Officer	0	2	2
Cats brought in by County Residents	9	1	10
Cats brought in by Law Enforcement	0	1	1
Cats in Drop Box	0	0	0
Cats Quarantined	0	0	0
Cat returned to owner	1	0	1
Cats Escaped	0	0	0
Adoptions:			
With Charge	9	2	11
Without Charge	0	0	0
Rescues:			
With Charge	0	0	0
Without Charge	1	0	1
Euthanasia:			
Owner Request	0	0	0
Other	3	0	3

TRANSACTION	#
Animals picked up by ACO:	2
Dogs	2
Other	0
Animals returned to Owner by ACO:	0
Dogs	0
Other	0
Animals Delivered to LUACF:	2
Dogs	2
Other	0
Animals Quarantined by ACO:	0
Dogs	0
Other	0
Animals Terminated:	0
Dogs	0
Other	0
Total Number of Hours Involved	40

Janelle L Cochran 3-3-2020  
Signature Date

Dustin L Hollen 2-7-20  
Signature Date



D.8 David L Howell-Certified Public Accountant- Engagement Letter-Audit Year Ending June 30, 2019

DH

David L. Howell

Certified Public Accountant

Member AICPA

WVSCPA

Post Office Box 598

Cabin Creek, WV 25035

(304) 595-5212

davidhowellcpa@suddenlink.net

Engagement Letter

February 24, 2020

To the Honorable Mayor, Recorder, Council and Clerk/Treasurer of the City of Buckhannon, West Virginia  
70 East Main Street  
Buckhannon, WV 26201

We are pleased to confirm our understanding of the services we are to provide City of Buckhannon (the "City") for the year ended June 30, 2019. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the City as of and for the year ended June 30, 2019. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- Public Employees Retirement System:
  - 2) Schedule of Proportionate Share of the Net Pension Liability
  - 3) Schedule of Pension Contributions
- Municipal Police Officers and Firefighters Retirement System:
  - 4) Schedule of Proportionate Share of the Net Pension Liability
  - 5) Schedule of Pension Contributions
- Other Post-Employment Benefits:
  - 6) Schedule of Proportionate Share of the Net OPEB Liability
  - 7) Schedule of OPEB Contributions
- 8) Notes to Required Supplementary Information

the relevant legal, regulatory, or contractual requirements.

Audit Procedures-General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures-Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from

We have also been engaged to report on supplementary information other than RSI that accompanies City's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a separate written report accompanying our auditor's report on the financial statements or in a report combined with our auditor's report on the financial statements:

- 1) Combining Balance Sheet – Nonmajor Governmental Funds
- 2) Combining Statement of Revenues, Expenditures and Changes in Fund Balance – Nonmajor Governmental Funds

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of the City and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of the City's financial statements. Our report will be addressed to the Mayor and Recorder of the City. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that the City is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy

illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures-Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Other Services

We will also assist in preparing the financial statements and related notes of [Name of Governmental Unit] in conformity with U.S. generally accepted accounting principles based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with U.S. generally accepted accounting principles, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional



information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts or grant agreements, or abuse that we report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

We expect to begin our audit on approximately February 24, 2020 and to issue our reports no later than May 15, 2020. David L. Howell, CPA is the engagement captain and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$6,160. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. In accordance with Section 1.16.4 *Due Dates for Payment of Fees and Billing Limitations of the Audit Procurement Manual*, our invoices for these fees will be rendered as work progresses and are payable on presentation.

Completion of Planning - 30%  
Completion of Fieldwork - 35%  
Completion of the Audit - 35%  
All nonaudit services will be at 100% upon completion of each nonaudit service

In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to the City and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

*David L. Howell, CPA*

David L. Howell, CPA

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

**Engagement Administration, Fees, and Other**

We may from time to time and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers. We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

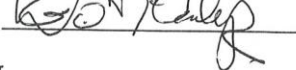
We will provide copies of our reports to the Mayor and Recorder; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of David L. Howell, CPA and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to West Virginia State Auditor, or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of David L. Howell, CPA personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the West Virginia State Auditor. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

**RESPONSE:**

This letter correctly sets forth the understanding of the City of Buckhannon.

Signature:   
Title: Mayor

Signature:   
Title: Recorder

**D.9 Mayor’s Proclamation-Youth Art Month-UC Schools Art Exhibition at Colonial Theatre’sGallery**

**MAYOR’S PROCLAMATION**

**Whereas**, the first, national celebration of youth art founded by the Crayon, Water Color, & Craft Institute, Inc. began in March of 1961 then known as Children’s Art Week, but changed in 1969 to National Youth Art Month- March of 2020 marking our 60<sup>th</sup> national celebration of youth art; &,

**Whereas**, the arts in all forms constitute a vital element of our society, & are especially an integral component of our American & West Virginia culture; &,

**Whereas**, our City has been rehabilitating the Colonial Theatre on East Main Street in downtown Buckhannon during the past three years, & is pleased to have very recently completed the Gallery portion of our historic theatre; &,

**Whereas**, our City’s Colonial Theatre rehabilitation project is largely about affording opportunities to our youth of our Buckhannon-Upshur community to develop an appreciation of all art forms while being educated about & trained in the arts, while experiencing the arts through participation & attendance of theatre, dance, music events & visual arts that include painting, drawing, printmaking, sculpture, ceramics, photography, video, filmmaking, design, crafts, & architecture; &,

**Whereas**, for the first time, all schools in our Upshur County school system will come together to feature the visual art creations of our students through an exhibition in our Colonial Theatre’s Gallery beginning at noon on Saturday, March 14, with a reception & special dedication of the Gallery later that afternoon with the exhibition continuing on weekends through April 3, 2020; &,

**Whereas**, our City now desires to formally recognize **NATIONAL YOUTH ART MONTH** & encourages our entire community to embrace the arts & participate in events during March of 2020 & especially the Youth Art Exhibition at our Colonial Theatre beginning on Saturday at noon, March 14.

**NOW, THEREFORE, I, DAVID W. McCAULEY, MAYOR OF THE CITY OF BUCKHANNON**, pursuant to the power & authority duly vested in me, do hereby proclaim the entire month of March 2020 to be “**YOUTH ART MONTH**” throughout our City of Buckhannon.

I further urge all of our residents to join me & all members of our City government family during all celebratory events of youth arts throughout March of 2020 but especially during our City’s formal dedication of the Colonial Theatre Gallery while featuring the art of our B-U students at our Gallery beginning on Saturday, March 14, 2020 at 12:00 p.m.

Given under my hand & the official seal of  
The City of Buckhannon, this 14th day of March, 2020

David W. McCauley, Mayor

**D.10 Mayor’s Talking Points Citizens’ Bank Property on Madison Street-March 16, 2020**

**TALKING POINTS CITIZENS’ BANK PROPERTY ON MADISON STREET**

**MARCH 16, 2020**

- 1) Property is highly desirable to City’s other operations either adjacent to or across the street from Citizens’ property, i.e., Chase lot, Jawbone Park, Public Safety Complex, Stockert Youth & Community Center totaling \_\_. \_\_ acres
- 2) Parking is at a premium in our downtown & with expanded events at Jawbone, the PSC, & Stockert, this property is highly strategic to the City’s future operations & sponsorship of events within a block or two of this location
- 3) The value of the property well exceeds the purchase price of \$200,000 even without the \$100,000 gift back to Stockert’s capital campaign.
- 4) The addition of the \$100,000 gift enhances the City’s AML grant application seeking \$3.8 million, i.e., it evidences our commitment to the project
- 5) The City has the means/funding available to smoothly acquire the property either through application of (a) rainy day fund, (b) combination of Council discretionary funds + rainy day, or (c) 100% financing with rates being at all-time, historic lows presently
- 6) Those that insist on a specific plan for the actual use of this property miss the point. The property is needed & time is sensitive as there are other suitors seeking to acquire the property. We will work out the details later as to the precise # & location of parking spaces, the uses & renovation of the existing building, added green space,

public art, lighting, sound equipment, seating, etc., after holding a special meeting to solicit public input on future development of this 1.03 acre parcel, probably in July.

7) We have established a due diligence committee to weigh in on proceeding with acquisition of the property

### **D.11 Mayor's Remarks at Black Balloon Day-March 6, 2020**

Mayor David McCauley remarks at Black Balloon Day

March 6, 2020 – Buckhannon City Hall

Welcome everyone to our City of Buckhannon's third, annual participation in "Black Balloon Day." Today, we remember all of the members of our community who we've lost to addiction, while continuing to express our most heartfelt hopes for those who carry on their battle every day, & while offering support to those who aid their recoveries. We need to continue our efforts to instill hope for those who battle addiction, and be mindful of our society's offering second, third, fourth, & fifth chances to those battling this dreadful disease. May all of those who still blindly doubt that addiction is a disease- somehow, some way- receive their own epiphanies so that they may join us in instilling hope. We need to end the stigmatization that disrupts recovery. Addicts need our support not judgment. The scriptures in Matthew 7:1-3 tell us- "Judge not, that ye be not judged."

Black Balloon Day has become a national & international event, bringing awareness to overdose deaths. As with many things with the opioid epidemic, Black Balloon Day began with a family's loss. Diane & Lauren Hurley began Black Balloon Day in remembrance of Greg Tremblay. Tremblay, a father of four, was the son-in-law of Diane & brother-in-law of Lauren who died of an overdose when he was 38 years old on March 6, 2015. This is the sixth, annual, international Black Balloon Day.

Drug overdose is the leading cause of accidental death in the United States, with 70,200 lethal drug overdoses in 2017 alone. Opioid addiction is driving this epidemic, with 47,700+ overdose deaths related to prescription opioids and illicit opioids (heroin and illicit fentanyl) during 2017.

I encourage all citizens to check out the website: <https://www.overdose-lifeline.org/black-balloon-day.html>. We truly are all in THIS... together. Matt Kerner, executive director of Opportunity House, has sent his remarks as he's attending an addiction conference in Washington, D.C., right now. Sue McKisic, director of our County Health Department & who also serves as our municipal health officer, is out of town today, & sends her regrets while remaining supportive of all of our community's many efforts in our continuing battle. Sue would tell you we need to support harm reduction programs!

Comments from Matt & others. Thanks for attending our City's third participation in Black Balloon Day. I assure that as long as I'm doing this job, we will work to instill hope & help for all of those in recovery or seeking to recover. Please learn more about the struggle of so many by visiting the website. Our City will soon partner with Opportunity House to sponsor the third HABA, Hope And Help Assembly, no laughing matter!

### **D.12 Mayor's Statement RE: Purchase of Citizens' Bank Property on Madison Street & Gift Acceptance for SYCC**

CITY OF BUCKHANNON – MAYOR'S STATEMENT RE: PURCHASE OF CITIZENS' BANK PROPERTY ON MADISON STREET & ACCEPTANCE OF GIFT FOR STOCKERT YOUTH & COMMUNITY CENTER

March 5, 2020

Good evening ladies & gentlemen. As you all know, we re-launched our Stockert capital campaign in December of 2017. At that time, our City had about \$149,000 toward building expansion here. Since jump-starting that campaign, we have amassed nearly \$340,000, or another \$190,000+. We are thankful for the gifts of the Jenkins family & Jenkins Ford (\$25,000) the Minsker family & Buckhannon Toyota (\$20,000), Weyerhaeuser (\$15,000), Tim Critchfield & High Point Construction (\$11,000), Mike Ross (\$10,000), and a host of other gracious donors including many people in this room. Council member Dave Thomas also has pledged \$12,000 toward our new building.

In April of 2018, the SYCC Board recommended & our Council adopted a donor model that would authorize naming rights of our new building- the fill-in-the-blank Arena at Stockert Youth & Community Center. Acquisition of naming rights required a gift of \$100,000. The largest gift ever received by our City has been the \$25,000 gift of the Jenkins family & Jenkins Ford made just last year toward our Stockert capital campaign. We've been courting several people & enterprises in hopes of selling our naming rights. I am pleased to report this evening, that subject to City Council's formal acceptance & as part of a larger transaction, i.e., the City's purchase of the Citizens' Bank's drive-thru property fronting on Madison Street- Citizens' Bank will gift our SYCC campaign with \$100,000 to take our capital campaign to nearly \$440,000. Citizens' CEO, Nathaniel Bonnell, & the Citizens' board of directors are friends of Buckhannon & support our SYCC programs & facilities.



As we await word nearly any day now on our Abandoned Mine Land (AML) grant application filed last summer seeking \$3.8 million for Stockert & river trail expansion, this gift will only help with that application as Buckhannon further establishes its strong ownership in & support for this facility. Needless to say, this is a monumental moment in the nearly 26 year history of the Stockert programs. I remind you that Mrs. Joyce Stockert died on March 16, 1994, and we can only imagine how very pleased she would be about the work going on within this facility, including our plans to grow this facility & our excellent Stockert programs. We are averaging 13,000+ youth hours monthly, and another 1,000 hours of volunteer service time monthly. This facility enjoys nearly universal support of our B-U community.

As for the property along Madison Street, this real estate, exceeding an acre, is situated immediately across Madison Street from our Jawbone Park. This property if acquired by our City would yield enormous benefits to Park attendees. Dozens of new parking spaces would be realized, additional landscaping, public art, & utilitarian space involving the building located in the middle of this property- would greatly enhance events at Jawbone, our public safety complex, & our Stockert facility. We are reminded that the City owns the large lot located immediately adjacent to & just to the west of this lot. I think Citizens' Arena at SYCC has a really cool ring to it.

I would first call upon Jerry Arnold & Jay Hollen to walk us through some of the particulars regarding the potential development of this exciting opportunity. Jerry & Jay-

Next, I'd call upon Amby Jenkins to discuss models for our City's payment of this property. Amby-

Finally, & before we hear from guests & ultimately from the members of our City Council- I'd ask City Attorney, Tom O'Neill, to help us understand the steps we need to take to be legally compliant with the Citizens' Bank matters. Tom-

Guests-

Council, I'd request a motion to consider the purchase of the Citizens' Bank property on Madison Street-

Council- motion to accept gift-

Council- motion to authorize execution of purchase agreement.

D.13 Fish Hawk Acres, LLC Zoning Form to ABCA

**ZONING FORM**  
(Original copy must be submitted to the WVABCA Licensing Division)

Note: If an establishment's location is not situated within a municipality, this office will need a letter from the County Commission stating that the establishment location is zoned properly. All applicants must complete the obverse (front) portion of this form.

To: Municipal Clerk or Recorder

Under the requirements set forth in 60-7-4a and/or 11-16-8(a)(5) of the W. Va. State Code, a person intending to apply for a license to operate an ABCA licensed Private Club, Private Wine Restaurant or Tavern at any location within a municipality must file a notice of such intention with the Clerk or Recorder of such municipality at least ten (10) days prior to filing an application for such license with the Alcohol Beverage Control Administration. Pursuant to this requirement, notice is herein given that the following intends to apply to the WV ABCA for a license to operate a Private Club, Private Wine Restaurant, Private Wine Bed and Breakfast, Private Wine Spa, or Tavern issued pursuant to the provisions of §§ Chapter 60, Article 7 and Article 8 and/or Chapter 11, Article 16 of the W. Va. State Code.

Entity Name: Fish hawk Acres LLC

DBA (Doing Business As): Fish Hawk Acres LLC

Address of Establishment: 5 1/2 West Main Street Buckhannon  
(Street/Route) (City) (State) (Zip Code)

Applicant's Name(s): Hawkins Dale Lee  
(Last) (First) (Middle)

Lipps Teresa Muri  
(Last) (First) (Middle)

General Description of Premises: Private Dining Areas

Food Services to be Offered: Plated Breakfast, lunch, and Dinner

Patron Capacity: 30

This Notice has been filed with the Clerk or Recorder of the City/Town of Upshur on this 3rd day of March, 2020.

Applicant's Signature(s): Dale L. Hawkins Date: 2/3/20  
Teresa M. Lipps Date: 2/3/20

(FOR USE BY MUNICIPAL AUTHORITIES ONLY)

1. Is the proposed location for the Private Club, Private Wine Restaurant, Private Wine Bed and Breakfast, Private Wine Spa, or Tavern described consistent with the zoning ordinances or your municipality as either a permitted use or a conditional use of such premises?  
Yes ☒ No ☐

1. (a) If the answer to the first question is "no," does your municipality provide within its business zones suitable alternative locations for Private Club, Private Wine Restaurant, Private Wine Bed and Breakfast, Private Wine Spa, or Tavern?  
Yes ☐ No ☐

2. Is the proposed location for the Private Club, Private Wine Restaurant, Private Wine Bed and Breakfast, Private Wine Spa, or Tavern herein described situated in an area designated for the use of community development block grant funds in the municipality?  
Yes ☐ No ☒

2. (a) If yes, is the planned use of the premises at the location herein described consistent with any plan adopted by the governing body of the municipality for revitalization of the area wherein the premises are situated?  
Yes ☐ No ☐

3. Does the municipality have any restrictions or regulations prohibiting Limited Video Lottery?  
Yes ☒ No ☐

4. Does the municipality have any restrictions or regulations prohibiting Exotic Dancing establishments?  
Yes ☒ No ☐

5. Additional comments to the Alcohol Beverage Control Administration:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Amberle R. Baker Assistant Recorder City of Buckhannon  
Approved by (Authorized Official Signature and Title):  
Buckhannon  
City/Town  
Date: 3-4-2020

Return Original To: WVABCA  
Licensing Department  
900 Pennsylvania Avenue, 4<sup>th</sup> Floor  
Charleston, WV 25302

E. Consent Agenda – The Mayor reviewed the following with Council:

E.1 Approval of Minutes-Regular meeting 03/05/2020; Special meetings 02/25/2020 & 03/13/2020

E.2 Approval of Building and Wiring Permits

COUNCIL MEETING Building, Electrical, Demolition Permits MARCH 19, 2020											
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
74720	Terry Mills 18 N Kanawha St	Self	Apartment Remodel	\$4,000.00	A	\$100.00	\$38.00	X			
74721	David Fisher 13 Park St	Self	Addition 14'x17'	\$14,000.00	B2	\$100.00	\$154.00	X			
74722	Victor Zara 93 Smithfield St	Carrier General Contracting	Replacement Fence 6ft Hgt	\$3,000.00			\$33.00	X			
74723	Walmart 100 Bkn Crossroads	Powerhouse Retail Services	Online Grocery Pickup Project & Signage	\$128,000.00	A	\$100.00	\$704.00	X			
74724	Colin Reger 55 Boggess St	Self	Rear Deck 350 sqft	\$1,650.00			\$18.15	X			
74725	COB BPD 24 S Florida St	Self	Storage Container 12'x20'	\$2,450.00			\$n/c	X	X		
74726	Avenue Real Estate 120 Buckhannon Cross Roads Ste 208	E Solutions	Electrical Upgrade	\$2,500.00	A	\$100.00					
74727	Lois Loudin 14 Gate St	Self	Existing Deck Floor Repair & Railing Private Sidewalk	\$3,000.00			\$33.00				
74728	WVWC 78 Randolph St	Self	Razing House				\$20.00		X		
74729	WVWC 76 Randolph St	Self	Razing House				\$20.00		X		
TOTAL				\$158,600.00		\$400.00	\$1,020.15				

E.3 Approval of Payment of the Bills

03-19-2020 09:58 AM		disbursements 03-01-2020 TO 03-18-2020			PAGE: 1
FUND: GENERAL FUND					
DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
MAYOR'S OFFICE	BRICK STREET MUTUAL	409-226-00	MAYOR'S INSURANCE &	WCB1005474 11-4-19 12-1-19	12.69
	COLLECTION ACCOUNT	409-341-00	MAYOR'S SUPPLIES & M	CARD FEES FEB 2020	946.58
	INTERNAL REVENUE SERVICE	409-104-00	MAYOR'S F.I.C.A.	FICA WITHHELD AND MATCHED	70.37
		409-104-00	MAYOR'S F.I.C.A.	MEDICARE WITHHELD & MATCHE	16.46
	BYWATER CWI BENEFITS	409-105-00	MAYOR'S INSURANCE	GF APRIL 2020 HEALTH INS	2,553.10
	IWORQ	409-341-00	MAYOR'S SUPPLIES & M	APR 2020-MAR2021 CITIZENS	636.00
	ROSSMAN & CO/PCB CORP	409-341-00	MAYOR'S SUPPLIES & M	035565-1 13120	3.30
	**PAYROLL EXPENSES			3/01/2020 - 3/18/2020	1,140.70
				TOTAL:	5,379.20
COUNCIL	MON POWER	410-450-01	THEATRE BUILDING	110122154542 48 E. MAIN ST	80.58
	RITE-WAY HEATING & PLUMBING	410-450-02	THEATRE CAPITAL	Plumbing supplies	85.00
		410-450-02	THEATRE CAPITAL	Plumbing supplies	311.31
		410-450-02	THEATRE CAPITAL	Plumbing supplies	214.27
		410-450-02	THEATRE CAPITAL	Plumbing supplies	334.20
	BRICK STREET MUTUAL	410-226-00	COUNCIL INSURANCE (P	WCB1005474 11-4-19 12-1-19	27.51
	HARPER LUMBER & BUILDING SUP	410-450-02	THEATRE CAPITAL	DRYWALL MUD - THEATRE	286.75
		410-450-02	THEATRE CAPITAL	DRYWALL MUD - THEATRE	24.30
		410-450-02	THEATRE CAPITAL	DRYWALL MUD - THEATRE	25.50
	SCOTT ELECTRIC CORP	410-450-02	THEATRE CAPITAL	Electrical supplies	257.27
		410-450-02	THEATRE CAPITAL	Electrical supplies	48.90
		410-450-02	THEATRE CAPITAL	Pilot lite hoder	13.73
	LOWES BUSINESS ACCOUNTS	410-450-02	THEATRE CAPITAL	5-GAL LOWES BUCKET-THEATR	87.22
		410-450-02	THEATRE CAPITAL	Pipe fitting	132.20
		410-450-02	THEATRE CAPITAL	Cutting oil for Theater	39.72
		410-450-02	THEATRE CAPITAL	Plumbing supplies	63.60
		410-450-02	THEATRE CAPITAL	Plumbing supplies	361.50
	UPSHUR COUNTY COMMISSION	410-460-00	CAT CONTROL EXPENSE	5 CATS CAUGHT IN FEB 2020	50.00
	INTERNAL REVENUE SERVICE	410-104-00	COUNCIL'S F.I.C.A.	FICA WITHHELD AND MATCHED	10.02
		410-104-00	COUNCIL'S F.I.C.A.	MEDICARE WITHHELD & MATCHE	2.34
	SHREVE DRYWALL	410-450-02	THEATRE CAPITAL	DRYWALL THEATRE GALLERY	3,520.00
	SUNBELT RENTALS	410-450-02	THEATRE CAPITAL	Sissor lift rental	48.00
		410-450-02	THEATRE CAPITAL	Sissor lift rental	676.34
	**PAYROLL EXPENSES			3/01/2020 - 3/18/2020	160.00
				TOTAL:	6,860.26
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
	DAVID L HOWELL CPA	413-224-00	AUDIT	PORTION OF AUDIT	462.00
	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

Shreve Drywall \$3,520.00 Drywall Theatre Gallery  
Robert Bell \$13,000.00 2005 Freightliner 60' Boom Truck - Street Dept.



FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
	**PAYROLL EXPENSES			3/01/2020 - 3/18/2020	310.75
				TOTAL:	804.49
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	GF APRIL 2020 HEALTH INS	283.68
	**PAYROLL EXPENSES			3/01/2020 - 3/18/2020	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
	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	GF APRIL 2020 HEALTH INS	1,134.71
	**PAYROLL EXPENSES			3/01/2020 - 3/18/2020	1,406.15
				TOTAL:	2,736.90
DATA PROCESSING	SUDDENLINK	439-230-00	DATA PROCESSING	INTERNET 3-6-20 - 4-5-20	31.86
				TOTAL:	31.86
CITY HALL	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	124.54
	DODSON BROS EXTERMINATING CO	440-216-00	CITY HALL MAINTENANC	CITY HALL MNTHLY PEST INSP	31.00
		440-216-00	CITY HALL MAINTENANC	RENEWAL FEE TERMITES209512	200.00
	DOLLAR GENERAL CORPORATION	440-216-00	CITY HALL MAINTENANC	SUPPLIES	12.22
	WALMART STORES INC -BUCKHANN	440-216-00	CITY HALL MAINTENANC	SUPPLIES	34.84
	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
	**PAYROLL EXPENSES			3/01/2020 - 3/18/2020	1,220.87
				TOTAL:	1,771.96
POLICE	LYKINS OIL COMPANY	700-343-00	POLICE DEPT. AUTO SU	POLICE DEPT FEB 2020 FUEL	1,390.46
	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 I	GF MARCH 2020 RETIREE'S IN	1,136.00
	GALLS LLC	700-341-00	POLICE DEPT. MAT & S	FLASHLIGHT	132.86
		700-345-00	POLICE DEPT. UNIFORM	BOOTS	329.55
	JENKINS FORD INC	700-343-00	POLICE DEPT. AUTO SU	SATETY INSPECTION	61.53
	STATE TREASURER CVR LET RJ	700-341-04	CVR-LET-RJ FEES EXPE	FEB 2020 CVC LET RJ CCA	1,848.00
	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	22HZS3 2017 INTERCEPTOR PY	633.08
		700-459-00	POLICE DEPT. NEW EQU	22HZSX 2017 INTERCEPTOR PY	616.19
		700-459-00	POLICE DEPT. NEW EQU	22SF24 2018 INTERCEPTOR PY	693.66
		700-459-00	POLICE DEPT. NEW EQU	22SF27 2018 INTERCEPTOR PY	693.66
		700-459-00	POLICE DEPT. NEW EQU	22SCZ2 2018 INTERCEPTOR PY	687.33
	INTERNAL REVENUE SERVICE	700-104-00	POLICE DEPT. FICA TA	FICA WITHHELD AND MATCHED	1,448.97
		700-104-00	POLICE DEPT. FICA TA	MEDICARE WITHHELD & MATCHE	338.86
	BYWATER CWI BENEFITS	700-105-00	POLICE DEPT. GROUP I	GF APRIL 2020 HEALTH INS	13,616.52

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
	**PAYROLL EXPENSES			3/01/2020 - 3/18/2020	23,641.30
				TOTAL:	48,379.90
FIRE	LYKINS OIL COMPANY	706-343-00	FIRE DEPT. AUTO SUPP	FIRE DEPT FEB 2020 FUEL BI	592.49
	MUNICIPAL EMERGENCY SERVICES	706-345-00	FIRE DEPT. UNIFORMS	KIMBLE	272.88
		706-345-00	FIRE DEPT. UNIFORMS	BRIAN ELMORE	446.81
	LOUDIN INSURANCE AGENCY INC	706-226-00	FIRE DEPT. INSURANCE	2ND QTR INSTALLMENT VFD IN	1,803.95
	BRICK STREET MUTUAL	706-226-00	FIRE DEPT. INSURANCE	WCB1005474 11-4-19 12-1-19	649.20
		706-226-00	FIRE DEPT. INSURANCE	WCB1005474 11-4-19 12-1-19	0.00
	WV PUBLIC EMPLOYEES INSURANC	706-105-00	FIRE DEPT. GROUP INS	GF MARCH 2020 RETIREE'S IN	1,603.00
	AUTO ZONE	706-343-00	FIRE DEPT. AUTO SUPP	OIL	78.55
		706-343-00	FIRE DEPT. AUTO SUPP	TERMINAL	6.88
	JENKINS FORD INC	706-343-00	FIRE DEPT. AUTO SUPP	1150 VEC	440.39
	CRITES ELECTRICAL SUPPLY INC	706-341-00	FIRE DEPT. MATERIAL	GEAR WASHER	313.14
	ST JOSEPH HOSPITAL OF BUCKHA	706-341-00	FIRE DEPT. MATERIAL	SURGICAL MASKS	76.48
	INTERNAL REVENUE SERVICE	706-104-00	FIRE DEPT. FICA TAX	FICA WITHHELD AND MATCHED	938.77
		706-104-00	FIRE DEPT. FICA TAX	MEDICARE WITHHELD & MATCHE	219.55
	BYWATER CWI BENEFITS	706-105-00	FIRE DEPT. GROUP INS	GF APRIL 2020 HEALTH INS	7,942.97
	**PAYROLL EXPENSES			3/01/2020 - 3/18/2020	15,201.03
				TOTAL:	30,586.09
STREET	MON POWER	750-213-00	STREET DEPT. UTILITI	110123905108 25 N LOCUST S	9.76
	LYKINS OIL COMPANY	750-343-00	STREET DEPT. AUTO SU	STREET DEPT FEB 2020 FUEL	1,294.68
	FISHER AUTO PARTS INC	750-343-00	STREET DEPT. AUTO SU	Water Pump for S-16	102.59
	COLE TRUCK PARTS INC	750-343-00	STREET DEPT. AUTO SU	COAX FOR S2	10.98
	BRICK STREET MUTUAL	750-226-00	STREET DEPT. INSURAN	WCB1005474 11-4-19 12-1-19	1,438.90
	WV PUBLIC EMPLOYEES INSURANC	750-105-00	STREET DEPT. GROUP I	GF MARCH 2020 RETIREE'S IN	735.00
	MOUNTAINEER GAS COMPANY	750-213-00	STREET DEPT. UTILITI	341416-404855 17 1/2 FACTO	116.96
		750-213-00	STREET DEPT. UTILITI	269254-314209 4 FACTORY ST	487.90
		750-213-00	STREET DEPT. UTILITI	269255-492564 6 FACTORY ST	374.35
	AUTO ZONE	750-343-00	STREET DEPT. AUTO SU	Wire and connectors	120.23
		750-343-00	STREET DEPT. AUTO SU	Fuses for S-5	9.24
	NAPA-AMTOWER AUTO SUPPLY	750-343-00	STREET DEPT. AUTO SU	Disconnect switch	123.51
	LOWES BUSINESS ACCOUNTS	750-341-00	STREET DEPT. MAT & S	Pad lock and socket set	43.67
	ENTERPRISE FM TRUST	750-459-00	STREET DEPT. CAPITAL	22WCNZ 2019 RAM 1500	635.79
		750-459-00	STREET DEPT. CAPITAL	22WGHW 5500 CHASSIS DUMP T	961.06
	CRITES ELECTRICAL SUPPLY INC	750-458-05	STREET DEPT PROJECTS	Conduit for Spring St.	95.82
	INTERNAL REVENUE SERVICE	750-104-00	STREET DEPT. FICA TA	FICA WITHHELD AND MATCHED	804.57
		750-104-00	STREET DEPT. FICA TA	MEDICARE WITHHELD & MATCHE	188.16
	BYWATER CWI BENEFITS	750-105-00	STREET DEPT. GROUP I	GF APRIL 2020 HEALTH INS	8,952.68
	H-D MEDIA COMPANY LLC	750-458-08	GATEWAY WEST GRANT E	AD FOR GATEWAY WEST	200.93
	ROBERT BELL	750-459-00	STREET DEPT. CAPITAL	2005 FREIGHTLINER 60' BOOM	13,000.00
	**PAYROLL EXPENSES			3/01/2020 - 3/18/2020	13,039.62
				TOTAL:	42,746.40
STREET LIGHTS	MON POWER	751-213-00	STREET LIGHTS	110 087 818 008 MAIN ST	5,267.80
				TOTAL:	5,267.80
TRAFFIC SIGNALS & SIGN	MON POWER	752-213-00	TRAFFIC SIGNALS POWE	110 088 985 459 RT. 119	46.54
		752-213-00	TRAFFIC SIGNALS POWE	110088985624 RT. 20 BKN C	60.49
		752-213-00	TRAFFIC SIGNALS POWE	110081822063 W. MAIN ST	5.21
		752-213-00	TRAFFIC SIGNALS POWE	110088820243 MAIN ST	36.42
		752-213-00	TRAFFIC SIGNALS POWE	110080768291 E. MAIN ST	24.94
				TOTAL:	173.60

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
PARK 40% TO CPWB	CONSOLIDATED PUBLIC WORKS BD	900-341-00	PARK-30% HOT/MOT PD	FEB 2020 HOTEL-MOTEL TAX	2,205.57
				TOTAL:	2,205.57
CVB 60% TO CVB	UPSHUR COUNTY CVB	901-235-00	HOTEL/MOTEL 70% PAID	FEB 2020 HOTEL-MOTEL TX	5,146.30
				TOTAL:	5,146.30
STOCKERT YOUTH CENTER	LYKINS OIL COMPANY	907-216-00	MAINTENANCE	SYC FEB 2020 FUEL BILL	117.47
	LEAF	907-341-01	OPERATING EXPENSES	COPIER LEASE	167.20
	RITE-WAY HEATING & PLUMBING	907-216-00	MAINTENANCE	AIR FILTERS, LIGHT BULBS	111.80
	BRICK STREET MUTUAL	907-226-00	INSURANCE & BONDS	WCB1005474 11-4-19 12-1-19	87.71
	CARTER: LARRY	907-363-00	KARATE CLASS INSTRUC	KARATE	144.00
	BUCKHANNON UPSHUR HIGH SCHOO	907-356-00	YOUTH BASKETBALL	BASKETBALL USE	132.60
	CRITES ELECTRICAL INC	907-341-00	MATERIALS & SUPPLIES	GYM LIGHT	16.45
		907-341-00	MATERIALS & SUPPLIES	REPLACEMENT,REPAIR	53.41
		907-341-00	MATERIALS & SUPPLIES	REPLACEMENT,REPAIR	39.73
	WALMART STORES INC -BUCKHANN	907-356-00	YOUTH BASKETBALL	CONCESSION BASKETBALL	79.80
		907-341-00	MATERIALS & SUPPLIES	CLEANING SUPPLIES	49.64
	INTERNAL REVENUE SERVICE	907-104-00	FICA TAX	FICA WITHHELD AND MATCHED	400.29
		907-104-00	FICA TAX	MEDICARE WITHHELD & MATCHE	93.61
	APRIL E SMALL	907-368-01	ZUMBA	KICK BOXING	72.00
	BYWATER CWI BENEFITS	907-105-00	GROUP INSURANCE	GF APRIL 2020 HEALTH INS	2,269.42
	STINGO,KEVIN	907-363-00	KARATE CLASS INSTRUC	FEB KARATE	48.00
	**PAYROLL EXPENSES			3/01/2020 - 3/18/2020	6,459.69
				TOTAL:	10,342.82
CONVENTION CENTER	USDA, RURAL DEVLEOPMENT	910-457-00	CONFERENCE CENTER PA	CONF CENTER MARCH 2020	3,351.00
				TOTAL:	3,351.00
SAFETY COMPLEX POLICE	DODSON BROS EXTERMINATING CO	976-216-00	SAFETY COMPLEX MAINT	POLICE DEP MNTHLY PEST INS	45.00
				TOTAL:	45.00

**Motion to approve the Consent Agenda made by Skinner/Albaugh. Motion carried.**

## **F. Strategic Issues for Discussion and/or Vote**

**F.1 Mountaineer Trail Network Application Regional Commission (ARC) POWER Implementation Grant Letter of Support – Action taken earlier.**

**F.2 Approval Budget FY 2020-2021 – Amby Jenkins went over the following highlights of the proposed budget which will total \$5,154,466.**

### **Revenues - Overview:**

Lowered estimated revenues B&O slightly due to reduction that was required for implementing sales tax.

Lowered estimated Hotel Motel as that has been decreasing.

Public Safety Complex Fee was removed and will not be collected as of April 1<sup>st</sup>. The Public Safety Complex property has been paid off.

Part of the Gateway West Project Grant will flow into the 2020-21 budget.

The Police Prevention Resource Officer grant funding is also eliminated in this budget.

We estimated sales tax revenue will be \$954,440

### **Expenditures - Overview:**

Contributions to made to UCDA \$30,000; Buckhannon Health Department \$5,000; Country Roads transit \$10,000.

Events we will fund are Festival Friday; Strawberry Festival; and, Fireworks - \$16,000

Facade Program \$10,000

Housing Enforcement, more added to help clean up distressed properties - \$35,000

City Hall repairs to foundation, doors, electrical panel. This cost shared with utilities.

Police Department asked to increase police officer wages to compete with other local law enforcement departments. This budget includes funding for a K9 unit, in car and body cameras, taser replacement and three new cruisers. (Note that 3 old cruisers will be traded in.)

Fire Department asked for funding for medical equipment, turn-out gear, reporting software, a thermal imaging drone, lockers, LED Lights in the building, and a Fire Truck. The fire truck is about \$500,000 and will be financed. We have some funds to go toward this from sale of an old truck and the BVFD will contribute toward the purchase as well.



Street Department asked for 2 additional full-time employees. Additional funds will be contributed toward park improvements. The expense side of the Gateway West project is in this budget. They also asked to purchase a loader, side by side, and a concrete truck. This truck can be used for the city utility departments too. The concrete truck would be financed at about \$150,000. Projects in this budget include sidewalks and lighting and paving of N Kanawha St from Main St to the train depot; Paving South Kanawha from Main to Wendy's and other paving projects was funded for \$135,000.

Storm water projects was funded with \$150,000. An additional \$50,000 will be added to this budget in 2021 when the Sanitary Department begins some of those projects.

SYCC asked for one full time staff person, software to track the various programs and participation and repairs to doors. I placed the possibility of a payment to complete the SYCC Gym in the budget, although we are still awaiting word of possible funding from the Abandon Mine Land grant.

Expenses total \$5,154,466.

We addressed items that were discussed during the Sales Tax Presentation. Commitments toward Parks, Police, Fire, Street, Storm Water and SYCC were funded as I explained in the summary.

**FISCAL YEAR JULY 1, 2020 - JUNE 30, 2021**  
**LEVY ESTIMATE - BUDGET DOCUMENT**

STATE OF WEST VIRGINIA  
MUNICIPALITY OF BUCKHANNON, WEST VIRGINIA

In accordance with Code § 11-8-14, as amended, the Council proceeded to make an estimate of the amounts necessary to be raised by levy of taxes for the current fiscal year, and does determine and estimate the several amounts to be as follows:

The amount due and the amount that will become due and collectible from every source during the fiscal year INCLUDING THE LEVY OF TAXES, is as follows:

<u>REVENUE SOURCE</u>	
Nonspendable Fund Balance	\$ 700,000
Property Taxes - Current Expense	887,802
Prior Year Taxes	25,000
Gas & Oil Severance Tax	10,000
Excise Tax on Utilities	240,000
Business and Occupation Tax	1,283,000
Wine & Liquor Tax	75,000
Animal Control Tax	1,100
Hotel Occupancy Tax	135,600
Fines, Fees & Court Costs	31,600
Licenses	17,000
Building Permit Fees	35,000
Franchise Fees	69,000
IRP Fees (Interstate Registration Plan)	40,000
Parks & Recreation	4,600
Rents, Royalties, and Concessions	30,000
Police Protection Fees	75,000
Fire Protection Fees	152,000
Charges to Other Entities	132,300
State Government Grants	198,774
Contributions from other Funds	962,440
Charges to Other Funds	200
Gaming Income	11,200
Interest Earned on Investments	400
Reimbursements (Explain type of funds & amounts being transfe	4,000
Refunds	3,500
Video Lottery (LVL)	17,000
Miscellaneous Revenues	<u>12,950</u>

TOTAL ESTIMATED REVENUE (GENERAL FUND)	\$	<u>5,154,466</u>	
<u>COAL SEVERANCE TAX FUND</u>			
<u>REVENUE SOURCE</u>			
Assigned Fund Balance	\$	1,000	
Coal Severance Tax		<u>14,000</u>	
TOTAL ESTIMATED REVENUE (COAL SEVERANCE FUND)	\$	<u>15,000</u>	
	General	Coal Severance	
	Fund	Fund	
<u>ESTIMATED CURRENT EXPENDITURES</u>			
Economic Development	\$	30,000	\$ -
Mayor's Office		167,700	-
City Council		31,840	-
Recorder's Office		8,710	-
Treasurer's Office		14,075	-
Police Judge's Office		8,475	-
City Attorney		20,440	-
Engineering		6,500	-
Regional Development Authority		6,485	-
Building Inspection		35,000	-
Planning & Zoning		63,407	-
Elections		-	-
Data Processing		33,000	-
City Hall		77,116	-
Contingencies		7,128	-
Police Department		1,329,644	-
Fire Department		793,200	-
Dog Warden/Humane Society		1,100	-
Streets and Highways		1,588,677	15,000
Street Lights		70,000	-
Signs and Signals		19,500	-
Snow Removal		20,000	-
Airports		15,000	-
Public Transit		10,000	-
Local Health Department		5,000	-
Storm Sewer		150,000	-
Parks & Recreation		40,680	-
Visitors Bureau		94,920	-
Arts & Humanities		20,000	-
Youth Program		406,619	-
Civic Center - Municipal Auditorium		40,250	-
Capital Projects - Public Safety		40,000	-
TOTAL ESTIMATED EXPENDITURES	\$	<u>5,154,466</u>	\$ <u>15,000</u>

MUNICIPALITY OF BUCKHANNON, WEST VIRGINIA  
Regular Current Expense Levy  
FISCAL YEAR JULY 1, 2020 - JUNE 30, 2021

	Certificate of Valuation		
	Assessed Value	Levy	Taxes
	for Tax Purposes	Rate/\$100	Levied
<u>CLASS I</u>			
Personal Property	\$ 0	12.50	\$ 0
Public Utility	0		0
Total Class I	\$ 0		\$ 0
<u>CLASS II</u>			
Real Estate	\$ 74,429,270	25.00	\$ 186,073
Personal Property	268,118		670
Total Class II	\$ 74,697,388		\$ 186,743
<u>CLASS IV</u>			
Real Estate	\$ 83,612,470	50.00	\$ 418,062
Personal Property	46,514,507		232,573
Public Utility	20,231,112		101,156
Total Class IV	\$ 150,358,089		\$ 751,791
<b>Total Value &amp; Projected Revenue</b>	<b>\$ 225,055,477</b>		<b>\$ 938,534</b>
Less Delinquencies, Exonerations & Uncollectable Taxes		2.50%	23,463
Less Tax Discounts (use Total Projected Revenue to calculate)		1.00%	9,151
Less Allowance for Tax Increment Financing (if Applicable)			0
<b>Total Projected Property Tax Collection</b>			<b>\$ 905,920</b>
Less Assessor Valuation Fund		2.00%	18,118
(Subtracted from regular current expense taxes levied only)			
<b>Net Amount to be Raised by Levy of Property Taxes</b>			<b>\$ 887,802</b>

MUNICIPALITY OF BUCKHANNON, WEST VIRGINIA  
Charles W Gibson Library Levy  
FISCAL YEAR JULY 1, 2020 - JUNE 30, 2021

	Certificate of Valuation		
	Assessed Value	Levy	Taxes
	for Tax Purposes	Rate/\$100	Levied
<u>CLASS I</u>			
Personal Property	\$ 0	1.50	\$ 0
Public Utility	0		0
Total Class I	\$ 0		\$ 0
<u>CLASS II</u>			
Real Estate	\$ 74,429,270	3.00	\$ 22,329
Personal Property	268,118		80
Total Class II	\$ 74,697,388		\$ 22,409
<u>CLASS IV</u>			
Real Estate	\$ 83,612,470	6.00	\$ 50,167
Personal Property	46,514,507		27,909
Public Utility	20,231,112		12,139
Total Class IV	\$ 150,358,089		\$ 90,215
<b>Total Value &amp; Projected Revenue</b>	<b>\$ 225,055,477</b>		<b>\$ 112,624</b>
Less Delinquencies, Exonerations & Uncollectable Taxes		2.50%	2,816
Less Tax Discounts (use Total Projected Revenue to calculate)		1.00%	1,098
<b>Net Amount to be Raised by Levy for Budget Purposes</b>			<b>\$ 108,710</b>

STATE OF WEST VIRGINIA

COUNTY OF

MUNICIPALITY OF

UPSHUR

BUCKHANNON

I, Randall Sanders, Recording Officer of said municipality, do hereby certify that the foregoing are true copies from the record of the orders made and entered by the council of the said municipality on the \_\_\_\_ day of March, 2019.

(Signature)

City Recorder  
(Official Title of Recording Officer)

**Motion to approve the Budget as presented for Fiscal Year 2020-2021 was made by Rylands/Albaugh.** Discussion: Council Member Thomas ask if the State could ask for a higher contribution to the retirement fund, due to the losses in the Stock Market; and, was the potential savings in our health insurance costs factored into the upcoming budget. Amby reported that she had already received the contribution amount from the State, and it hadn't been increased; and the potential savings in our health insurance costs had not been factored into the upcoming budget. **The Mayor called for the Question. Motion was approved unanimously.**

**F.3 Approval Ordinance No. 443 Authorizing Purchase of Property 15 Madison Street 2<sup>nd</sup>/Final Reading** – The Mayor began the discussion on the strategic issue by presenting the following points:

*TALKING POINTS CITIZENS' BANK PROPERTY ON MADISON STREET*

*MARCH 19, 2020*

*1) A committee was designated to further evaluate the acquisition of this property containing 1.032 of an acre, whose membership included Mayor McCauley, City Recorder Sanders, Councilor C.J. Rylands, Amby Jenkins, Jerry Arnold, Brad Hawkins, & Buckhannon real estate appraiser Stan Rexroad.*

*2) The building was accessed multiple times & the group believes that there is great potential use of & value respecting the current building located upon these premises.*

*3) This property is highly desirable to our City's other operations either adjacent to or across the street from Citizens' property, i.e., Chase lot, Jawbone Park, Public Safety Complex, Stockert Youth & Community Center totaling about seven acres.*

*4) The City's 2025 Comprehensive Plan unanimously adopted by this Council specifically calls for continued development & enhancement of our City parks, including Jawbone Park.*

*5) Parking is at a premium in our downtown & with expanded events at Jawbone, the PSC, & Stockert, this property is highly strategic to the City's future operations & sponsorship of events all within a block or two of this location, while adding dozens of parking spaces, green space, public art, etc.*

*6) The value of this property well exceeds the purchase price of \$200,000 even without the \$100,000 gift back to Stockert's capital campaign. In fact, six comparables for downtown real estate were generated indicating a price per square foot as follows- (a) \$5.28, (b) \$4.66,*

*(c) \$5.74, (d) \$10.71, (e) \$3.79, & (f) \$5.88. Special thanks to project committee member, Stan Rexroad with Century 21 for generating the square footage information for our consideration. The per square footage value for the Bank's Madison Street property is \$4.45, less than all of the other above comparables except for one. When factoring in the Citizens' Bank gift-back provision of \$100,000, the effective square footage acquisition price for this property is \$2.22.*

*7) About 75% of the current lot is concrete, and the current market value to pour .76 of an acre of property with concrete is \$194,000 according to Jerry Arnold & Brad Hawkins.*

*8) The addition of the \$100,000 gift enhances the City's AML grant application seeking \$3.8 million, i.e., it evidences our commitment to the project. Our opportunity for grant success is substantially elevated with this gift. We will notify the State immediately upon Council's acceptance of the gift.*

9) *The City has the means/funding available to smoothly acquire the property either through application of (a) rainy day fund, (b) combination of Council discretionary funds + rainy day, or (c) 100% financing with rates being at all-time, historic lows presently*

10) *Those that insist on a specific plan for the actual use of this property miss the point. The property is needed & time is sensitive as there are other suitors seeking to acquire the property. We will work out the details later as to the precise # & location of parking spaces, the uses & renovation of the existing building, added green space, public art, lighting, sound equipment, seating, etc., after holding a special meeting to solicit public input on future development of this 1.03 acre parcel, probably about the first of July. We will bring all constituencies together to consider design & usage of this property, e.g., Create Buckhannon/Festival Fridays, Gambill Amusements/Shane Turner, the WV Strawberry Festival, Stockert, ART26201, the City landscape committee & horticulturist Dixie Green, etc.*

11) *If our City determines to finance all or any portion of this purchase, interest rates are at historic lows.*

12) *The members of our due diligence committee have performed an excellent job & will be happy to weigh in on proceeding with their recommendation for the City to acquire this property, many of our members being in attendance this evening.*

City Attorney Tom O'Neill read the Ordinance by caption - Ordinance No. 443 of the City of Buckhannon approving the purchase of all of the lot or parcel of land, and all the buildings and appurtenances thereupon and thereunto belonging, situated fronting on the south side of Madison Street, presently titled in the name of Citizen's Bank of West Virginia, Inc., and specifically authorizing the net expenditure of \$200,000 of municipal funds for said property. This is the 2<sup>nd</sup> and Final Reading.

**Motion to approve Ordinance No. 443 Authorizing Purchase of Property 15 Madison Street 2nd/Final Reading was made by Albaugh/Rylands. Each Council Member expressed their opinion with Council Members Skinner and Bucklew expressing concerns about the purchase and Council Members Thomas, Albaugh and Rylands, City Recorder Sanders and Mayor McCauley all expressing their support for the purchase.** The Mayor called for the Question - Motion carried with Council Member Skinner voting No and all others voting Yes.

**ORDINANCE NO. 443 OF THE CITY OF BUCKHANNON, AN ORDINANCE APPROVING THE PURCHASE OF ALL OF THAT LOT OR PARCEL OF LAND, AND ALL THE BUILDINGS AND APPURTENANCES THEREUPON AND THEREUNTO BELONGING, SITUATED FRONTING ON THE SOUTH SIDE OF MADISON STREET, WITH A COMMONLY KNOWN ADDRESS OF 15 MADISON STREET, PRESENTLY TITLED IN THE NAME OF CITIZEN'S BANK OF WEST VIRGINIA, INC., AND SPECIFICALLY AUTHORIZING THE NET EXPENDITURE OF \$200,000 OF MUNICIPAL FUNDS FOR SAID PURCHASE**

WHEREAS, the Council of the City of Buckhannon has determined that the Central Commercial Business District is an area deserving of particular attention as the City strives to develop and maintain a thriving downtown core and Jawbone Park area; and,

WHEREAS, the Council has determined that the acquisition of the captioned property, being situate at 15 Madison Street, and described upon the real property tax rolls of Corporation District, Upshur County, West Virginia as Map 7, Parcel 169, and described thereupon as "222' FRONTAGE ON MADISON ST", will further accomplish the Council's municipal purpose of promoting the enhancing the Central Commercial Business District and the area of Jawbone Park; and,

WHEREAS, the captioned property has been offered for sale to The City of Buckhannon by its present owner, who has agreed to grant and convey said property to the City for the sum of Two Hundred Thousand Dollars (\$200,000.00); and,

WHEREAS, the real property tax assessment of the captioned property supports and validates its value to be in excess of the purchase price; and,

WHEREAS, the Council now deems the purchase price of Two Hundred Thousand Dollars (\$200,000.00) to be a fair, just and equitable amount for the City to pay for the acquisition of the captioned property; and,

WHEREAS, the City possesses funds to fund this acquisition; and,



WHEREAS, Chapter 8, Article 12, Section 1 of the Code of West Virginia, 1931, as Amended, empowers The City of Buckhannon to purchase real property for any municipal purpose, and Chapter 8, Article 11, Section 3, Subsection (6) of said Code requires that the purchase of private property by a municipality shall be by 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 acquisition and purchase of the captioned property is concerned.

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

ARTICLE I – FINDINGS OF COUNCIL: The Council of the City of Buckhannon hereby makes the following findings:

(1) It is reasonable and necessary for the development and maintenance of the vibrancy of the Central Commercial Business District, and the development and protection of the Jawbone Park area, that the City of Buckhannon assumes ownership of the captioned property;

(2) The captioned property shall be used for municipal purposes, such purposes to be determined by the Council upon due deliberation and dialogue with the citizens of the City of Buckhannon and other stakeholders;

(3) The agreed-upon sum of Two Hundred Thousand Dollars represents a fair and reasonable consideration for the captioned property;

(4) The Council of The City of Buckhannon now desires to formally, and in all respects does, approve and endorse the City's acquisition and purchase of the captioned property for the aforesaid purchase money amount; and

(5) The Mayor of the City of Buckhannon, David W. McCauley, is expressly authorized and empowered to execute, acknowledge, and deliver on behalf of The City of Buckhannon any and all agreements or other documents as may be deemed reasonable or necessary to realize the City's acquisition of the captioned property, and further to accept on the City's behalf the delivery of a good and sufficient deed of conveyance from the said CITIZEN'S BANK OF WEST VIRGINIA, Inc., to evidence the City's purchase and acquisition of the captioned property.

ARTICLE II – EFFECTIVE DATE: This Ordinance shall be deemed effective thirty (30) days following the second (2<sup>nd</sup>) reading, passage and adoption by the Council of the City of Buckhannon, i.e., April 18, 2020.

FIRST READING

March 5, 2020

SECOND READING, PASSAGE AND ADOPTION

March 19, 2020



David W. McCauley, Mayor

CERTIFICATE OF PASSAGE AND ENACTMENT

I, Randall Sanders, Recorder of the City of Buckhannon, a West Virginia municipal corporation, do hereby certify that the foregoing Ordinance No. 443 was lawfully ordained and enacted by the Council of the City of Buckhannon during a regular meeting of the City Council on March 19, 2020.

  
Randall Sanders, City Recorder

**F.4 Approval Ordinance No. 444 Zoning Change of Property Owner A&T Enterprises\ LLC Property on Brushy Fork Road from Military District to C2 Highway Commercial District 1<sup>st</sup> Reading** - City Attorney Tom O'Neill read the Ordinance by caption - 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 a 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."

**Motion to approve Ordinance No. 444 Zoning Change of Property Owner A&T Enterprises\ LLC Property on Brushy Fork Road from Military District to C2 Highway Commercial District  
1<sup>st</sup> Reading was made by Thomas/Rylands. Motion carried.**

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"

---

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

#### **F.5 Approval Ordinance No. 445 Zoning Change of Property Owner UCDA-Property on**

**Brushy Fork Road from Military District to Industrial District-1<sup>st</sup> Reading** - City Attorney Tom O'Neill read the Ordinance by caption - 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 a Corporation District, Map 33, Parcel 1, and titled in the name of Upshur County Development Authority, from "MIL – Military District" to "I – Industrial District."

#### **Motion to approve Ordinance No. 445 Zoning Change of Property Owner UCDA-Property on**

**Brushy Fork Road from Military District to Industrial District-1<sup>st</sup> Reading was made by Albaugh/Bucklew. Motion carried.**

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"

---

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 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, 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.

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. 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

**F.6 Discussion/Possible Action Employee Health Insurance – Action taken earlier.**

**F.7 Discussion/Possible Action Colonial Theatre Oversight-ART26201 Proposal** - The Mayor gave an overview of a proposal put forth by ART26201, that we create a committee to oversee the requests for use of the Colonial Theatre until such time that an actual Director be appointed.



ART26201, LLC  
29 East Main Street, #4  
Buckhannon, WV 26201

RE: COLONIAL THEATRE REHABILITATION

City of Buckhannon  
70 East Main Street  
Buckhannon, WV 26201

March 13th, 2020

Dear Mayor McCauley and Members of Council,

The idea of transforming the neglected Colonial Theatre/Cinema V into a vibrant community arts center was born in the Summer of 2014 and has slowly progressed into a wonderful partnership between the City of Buckhannon and ART26201. To date, ART26201 has provided the City with \$20,000 in cash toward the project, as well as provided \$6,000 in historic window restoration labor and \$3,000 in the gallery storefront installation labor.

As the Colonial moves closer to completion, an *Operations and Programming Policy* for the entire facility will need to be developed and implemented. ART26201 has drafted such a policy document and is ready and waiting to submit it for your review and evaluation.

Given that the gallery space in the Colonial Theatre is ready to use, ART26201 would like to offer our assistance with managing the gallery for the City, until such time as an *Operations and Programming Policy* is adopted. We proposed to do this with a coalition of volunteers from the City and other local community members who have direct experience managing artistic venues:

David McCauley	- City of Buckhannon
Amby Jenkins	- City of Buckhannon
Bryson VanNostrand	-ART26201
k.b. saine	-ART26201
Tim Hibbs	-ART26201
Bobbie Howsare	-WVWC Art Department
Crystal Ann Brown	-WVWC Sleeth Gallery
Heidi Thompson	-Buckhannon-Upshur High School

We are so thrilled with the progress at the Colonial Theatre, and look forward to rebuilding the original theatre entrance and completing the marquee restoration. We are convinced that this community arts center will enhance our charming town by exposing our youth to the arts and offering many wonderful events for all of us to enjoy.

What a great time to be living in Buckhannon!

A handwritten signature in black ink, appearing to read 'Bryson'.

Bryson VanNostrand, AIA  
[bryson@vnarch.com](mailto:bryson@vnarch.com)

**Motion to appoint a committee consisting of Mayor McCauley, Amberle Jenkins, Bryson VanNostrand, a representative from ART26201, a representative from the Buckhannon Community Theatre, the Arts Director of both the Buckhannon-Upshur School System and West Virginia Wesleyan College and others that deem relevant was made by Sanders/Rylands. Motion carried.**

**City recorder Sanders brought forth a question that was submitted online by Scott Preston, “Members of Council, many of our residents lost income streams, will the City introduce a grace period for all paid services? Early in the Emergency Meeting I heard no services cut, but ultimate payment is the resident’s responsibility. Does that cover water, sewer and waste services?”**

The Mayor informed us that we do not have the statutory authority to forgive utility costs. City Attorney O’Neill also reminded us that we would be in violation of our Bond Covenants. But no one will have services terminated in the next 30 days.

**G. Comments and Announcements**

- **Council Member Albaugh** – She thought this was a very positive meeting.
- **Council Member Bucklew** – She hopes that everyone takes the situation that we are in seriously and that we care and look out for one another.
- **Council Member Rylands** – While we never know what’s going on in individual lives, this pandemic is affecting an entire community. He feels it is bringing out the best in people and he hopes that we all stay supportive of the community effort.

- **Council Member Skinner** – He encourages all to purchase some take out from the local restaurants to help support the local businesses. While all businesses are suffering, these owners are trying to provide a service under difficult circumstances. It is a way for us to stay a little connected.
- **Council Member Thomas** – He mentioned that he has been blind for 27 years and the first year was difficult, but he took his mind off of things by reading books and he recommend that we try that as a way to get through these times. Also, sit outside and enjoy the animals. Watch out for each other and stay up with what the Federal Government.

**City recorder Sanders brought forth a follow-up question that was submitted online by Scott Preston, *Deferred payments, not forgiveness?*** Amby assured us that we do work with those who have a financial need for a deferred payment, and we will continue to do so.

- **City Recorder Sanders** – He read from his phone’s news feed, Governor Wolf of Pennsylvania has ordered all non-life essential businesses to close all physical locations.

This means it is coming our way soon. He stated how encouraged he was with the way the City has responded, quickly and decisively. He wanted to commend Callie Cronin-Sams on the great way she was getting information out and encouraged residents to check the City’s website often for updates. He asked everyone to remain safe and strong

**H. Mayor’s Comments and Announcements** – The Mayor echoed the many statements by the council members and mentioned the county-wide art exhibition, featuring Upshur County School students artwork, that had been setup in the new Colonial Theatre Gallery but couldn’t open due to the pandemic, will stay in place and will be the opening event for the Gallery whenever the day comes that we can all be together again. He also reminded us that at 11:59 PM tonight we would be heading in the first day of spring.

- **WV Strawberry Festival**-Notification to postpone the 79<sup>th</sup> WVSF Activites & Events:

March 17, 2020

The 79<sup>th</sup> West Virginia Strawberry Festival Board of Directors on recommendation of the Executive Board, and with CDC guidelines has voted to postpone all Activities and Events related to the 79<sup>th</sup> West Virginia Strawberry Festival to May 2021. The Board of Directors will keep you updated as to what events may take place in the foreseeable future.

Please bare with the Festival Board during this trying time for all of us as a City, County, State, and Country. Please watch our Facebook page for updated information at all times.

May God Bless Us All!

Sincerely,

Sandra Bennett, President/Executive Director- 79<sup>th</sup> West Virginia Strawberry Festival

**I. Adjournment –Motion to adjourn made by Skinner/Rylands at 9:15PM. Motion carried.**

**Mayor David McCauley**

\_\_\_\_\_

**City Recorder Randall H. Sanders**

\_\_\_\_\_