

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

A regular meeting of the Buckhannon City Council was held on Thursday, June 18, 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 – by phone
Council Member	CJ Rylands	Present
Council Member	Robbie Skinner	Present – by phone
Council Member	David Thomas	Absent
Assistant Recorder & Director of Finance	Amberle Jenkins	Present
City Attorney	Tom O'Neill	Present
BPD	Chief Matthew Gregory	Present – by phone
Director of Public Works	Jerry Arnold	Present
Grants & Information Coordinator	Callie Cronin Sams	Present – by phone
The Record Delta Newspaper	Kari Conaway	Present – by phone
Channel 3	Dustin Haney	Present
Channel 3	Rodney Irvin	Present
Channel 3	Dennis Cortes	Present
The Intermountain Newspaper	Amanda Hayes	Present
MyBuckhannon.com	Katie Kuba	Absent

Guest: Mitchell Shaw – by phone; - Josh Trent, COB Intern, in chambers

***City Council of Buckhannon – 7:00 pm in Council Chambers
Meeting Agenda for Thursday, June 18, 2020***

**Channel 3 is Live Streaming our City Council Meetings here: <https://www.facebook.com/ch3buckhannon/>
Please send public comments to buckhannon@buckhannonwv.org via email or drop them in the mail, or dropbox
behind City Hall.**

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
- A.4 COVID-19

B. Recognized Guests

- B.1 Mitchell Shaw-President Upshur County Recreational Complex

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 Proclamation-Rose Clutter Birthday
- D.2 Letter to WV Culture & History RE: Request Extension on FY19-20 Grant Award -Colonial Theatre June 15, 2020
- D.3 Mayor's Remarks- Dedication of the Gallery at Colonial Theatre & Opening of Youth Arts Exhibition June 5, 2020
- D.4 Mayor's Water Board Remarks June 11, 2020
- D.5 Thank you from WVSF President Sandra Bennett
- D.6 Mayor's Remarks-Racism Vigil at Jawbone Park June 5, 2020
- D.7 Fish Hawk Acres LLC Zoning Form to ABCA
- D.8 Canvass of Votes /Certification of Votes / Election June 9, 2020
- D.9 Letter from Nathan Fetty-Resignation Waste Collection Board
- D.10 Letter from Upshur Board of Health- Larry Carpenter request to remain on the Board for 5yr term
- D.11 Bid Opening Results- Rescue Fire Pumper Apparatus Truck
- D.12 Report of Cat & Dog Activity-Upshur County Commission-May 2020

E. Consent Agenda

- E.1 Approval of Minutes-Regular Meeting 06/04/2020
- E.2 Approval of Building and Wiring Permits
- E.3 Approval of Payment of the Bills

- E.4 Event Request-EMS Employee Appreciation-City Street Closure-June 27, 2020
- E.5 Event Request-2020 Buckhannon Pridefest –Jawbone Park-June 27, 2020

F. Strategic Issues for Discussion and/or Vote

- F.1 Approval to Close City Hall on July 6, 7, & 8 due to Electrical Service Panel Upgrade
- F.2 Approval Shallow Creek Kennels Inc. –Police K-9 Contract
- F.3 UCDA Innovation Center Sidewalk Easement Issue
- F.4 Application to WV Department of Arts, Culture, & History- Accessibility Grant Application for Colonial Theatre
- F.5 Community Meeting: Development of Madison Street Property to set date at Council Meeting on July 2, 2020

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. Executive Session –Personnel Matters Per WV Code § 6-9A-4

J. Adjournment

Posted 06/15/2020

Next Regular Scheduled City Council Meeting Thursday, July 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**
- A.4 COVID-19**

The Mayor called the meeting to order and delivered these remarks:

***CITY OF BUCKHANNON – MAYOR’S STATEMENT– PANDEMIC, COVID-19 VIRUS
June 18, 2020***

Good evening. We continue to take our cues from Charleston regarding all things covid-19. We continue to recognize & appreciate the excellent performance of our City employees during this difficult time. We have recently relaxed some restrictions that had been put in place during the previous three months to minimize the spread of the virus & to protect our residents. There really are no new restrictions to impose at this juncture, nor restrictions to relax. The shots are all called out of Charleston. I sense that many folks are treating things as though we’re back to business as usual. Such could not be any further from the truth. More than a thousand people are dying every day in the United States from this virus, including folks right here around us. Lewis County reported another death just yesterday along with five new reported cases. There are newly reported cases here in Upshur County.

City Hall has been reopened for more than two weeks now with virtually no issues. We continue to urge all people coming to City Hall or any City facility that’s been reopened to the public to continue to take extra daily, sanitation measures; encouraging wearing of masks, etc., all to reduce the threat of virus exposure to everyone who enters City Hall or any other City facility. Again- please continue to wash your hands, social distance, stay home if sick, wear masks when out grocery shopping, & check on the elderly or those who are immunity system challenged.

Crossroad recycling reopens this Saturday from 8:00 a.m. to noon. Our operations there had to change considerably given the amount of regular garbage that had evolved at our recycling site. The bins will be brought in just before 8:00 a.m. & removed right after noon. The pandemic gave our waste collection staff pause to rethink how we recycle in Buckhannon. Bulky goods collection will resume on Friday, July 10.

As reported at the last Council meeting, our Buckhannon Walmart is scheduled to commence its curbside grocery pickup, or “online grocery” service as Walmart prefers to call it- on Wednesday, July 29. Senior citizens should strongly consider taking advantage of this new grocery option next

month when it's brought on-line to avoid entry into the store thus being better protected against exposure to the virus. We appreciate our ongoing partnership with our business partners at Walmart.

We continue to work on the Fourth of July fireworks exhibition starting at about 9:45-10:00 p.m. on Sunday, July 5, with attendees remaining within or immediately beside their cars. As reported previously, City representatives are working with businesses around the launch site to create a master parking plan to accommodate those desiring to attend. Thus far, Citizens Bank, Community Bank, & CVS have offered up their parking lots for the festivities & we thank our collaborative, business partners as always. We will attempt to secure more parking partners during the next couple of weeks. Our event will be very sensitive to social distancing requirements.

We now have had 10 positive tests confirmed here in Upshur County. Eighty-nine of our fellow mountaineers have succumbed to the virus, & more than 2,400 have tested positively in West Virginia. Nearly 119,000 Americans have now died from covid-19, & the total number of Americans who've contracted the disease has eclipsed 2.183 million, with more than 8.4 million cases worldwide & more than 451,000 deaths. Our City will continue to follow the mandates & recommendations from Governor Justice & State & county health officials. This remains a very highly fluid situation. We are currently experiencing virus spikes in our region.

We continue to be all in THIS together. If you have an emergency- contact 911 as you normally would. The best source of information about Covid-19 remains the Centers for Disease Control website. We still have a long way to go to get past this crisis. Please- follow the science & pray for the vaccine soon.

This was followed by a Moment of Silence and the Pledge to the Flag of the United States of America led by Mary Albaugh.

B. Recognized Guests - Mitchell Shaw-President Upshur County Recreational Complex -

Mitchell Shaw was recognized and spoke to the Council about UCRC's, originally organized by the late Shawn Tucker, continued mission of giving county residents a place to enjoy sports such as soccer, basketball, football, baseball and more.

He reported that the committee is currently searching for a 100-acre piece of land (which is simply a target amount of acreage) that they could develop for these purposes, but it has proven to be a struggle. Once this is accomplished, the group can start applying for grants.

Shaw also mentioned the committee has a partnership with the Stockert Youth & Community Center to oversee the Upshur County Men's Summer Basketball League. While UCRC struggled to find sponsors at first because of COVID-19, they eventually signed on 11 team sponsors. The tournament is planned to start June 29 and run through the month of July, with the season ending the week of July 24 and playoffs will be the last week of July. Shaw also said UCRC plans on hosting the Turkey Trot they started last year in November 2020.

Some of the COVID-19 precautions for the league include no handshaking; if you're not playing and you're on a bench, social distance from one another; and spectators will be encouraged to wear a mask.




































He presented a request for more sponsorships and assistance of any kind. He then had a brief Q & A session with the Council Members. Words of encouragement came from Council Members Rylands and Albaugh.

C. Department & Board Reports

C.1 Information Coordinator/Grant Researcher- Callie Cronin-Sams - Callie has been monitoring the email and reported that no questions for Council had come in as of now. Callie thanked the efforts of Channel 3 in broadcasting our Council Meeting. Callie then provided the following report:

PR, Website, & Social Media:

Facebook:

Published	Post	Type	Targeting	Reach
06/18/2020 10:56 AM	 Please continue social distancing, mask-wearing, and staying home			313 
06/16/2020 10:26 AM	 Please continue to wear masks when in public and especially when			662 
06/15/2020 8:00 PM	 Buckhannon City Hall will be closed on Friday, June 19, 2020, for West			1.7K 
06/15/2020 3:50 PM	 Reminder: Curbside pickup of residential recycling resumes			551 
06/15/2020 2:15 PM				252 
06/11/2020 3:02 PM	 Apply today! UPDATE, 6/12/20: The original post included an old			867 
06/11/2020 10:08 AM	 The Crossroads Recycling Drop-Off Center will be re-opening on			918 
06/10/2020 3:57 PM				145 
06/08/2020 11:12 AM	 Great job, ART26201, Upshur County Schools West Virginia, City			696 
06/05/2020 3:38 PM	 Support Youth Art on Main Street tonight! Thanks, ART26201 and			202 
06/05/2020 2:07 PM	 Great news for the West Virginia Strawberry Festival and Upshur			925 
06/05/2020 9:17 AM	 Yard/garage sales are allowed within the City, effective today, June			1.3K 

Web News Posts, 6_4_20 - 6_18_2020

Upshur-Buckhannon Health Department COVID-19 Update
Buckhannon Street Department Accepting Applications for Full-time Laborer Position
Buckhannon Police Department Accepting Applications for Probationary Police Officer
2020 Municipal Election Unofficial Results; One Council Seat Awaits Canvassing Next Week
Zeno Street to Close Monday for Sewer Line Repairs
Buckhannon Crossroads Recycling to Re-Open on Saturdays Only from 8:00 AM – Noon
ART26201, Schools, City Gather to Celebrate Gallery Dedication & Youth Art
Police ID Request: June 5 2020
Mayor’s Statement on COVID-19 Pandemic, Actions Taken by Council at June 4th Meeting
Mayor’s Opening Statement on Racism; Police Chief Gregory’s Remarks

She has been working with Randy Sanders on the World Association of Marching Bands bid.

Grants:

Working with Amby & Barb on CARES Act Application for Fire, Police, Water, Waste, Sewer, and City Hall staff expenditures related to COVID-19 response/preparedness.

PATH (5K Routes), Buckhannon Volunteer Center, REAP Recycling Truck Final Report

LED:



She closed by thanking Mayor McCauley for his service to the City. She has enjoyed working with him and seeing his many efforts to improve our community. She wishes him well.

C.2 Public Works Director- Jerry Arnold – Mr. Arnold provided Council with the following report:

**Buckhannon City Council
Public Works Director Report
June 18, 2020**

Director:

- Nothing new to report.

Street:

- We will be paving Fike Lane in the next couple weeks.
- The crew has completed about 200' on the Gateway West Project.
- Today the crew worked on removing some dead trees around town.

Sewer:

- Crew 1 – Continues to work on the 33 West Northside Sewer Extension
- Crew 2 – Installed a clean out at McCartney Dr. and Island Avenue. Cleared ROW from DOH to Red Rock Rd. Finished the clean-up and re-vegetation on the CJ Martin extension.
- Maintenance Crew- Replaced a pump in the pista grit building, painted the interior of the building and installed a cooling fan on the control panel.
- RT 33 West Southside Sewer Line Extension- JF Allen has installed about 2000' of pipe and 10 of 13 manholes.

Water:

- The crews have been changing some residential services over to the new line on Brushy Fork.
- Repaired the fire flow pump at the airport.
- Providing inspection on the RT 33 West Southside Waterline Extension. JF Allen has about 1300' of line completed.

Waste:

- Commercial and residential curbside has resumed. Crossroads will be opened and manned this Saturday 8:00 am till noon.
- Bulky Goods Collection will resume July 10th.

Engineering

- Nothing new to report.

Jerry closed with stating that he has enjoyed working with Mayor McCauley over the past several years and noted that the Mayor has always supported the City's projects both through his efforts and through his own financial contributions. He wishes the Mayor the absolute best moving forward.

C.3 Finance Director- Amberle Jenkins – Ms. Jenkins introduced our new intern, Joshua

Trent, and explained the role he will play with the City during the coming weeks. She presented her financial report that follows here:

Balances 5-31-20
Enterprise accounts

Waste - MM/checking \$567,958 CD's \$57,186

Water - MM/checking \$140,233 CD's \$960,423

Sanitary - MM/checking \$715,173 CD's \$253,190

Fire truck bids were opened. The committee completed their review and will present their recommendation at the next City Council meeting along with financing information. The price of the new truck is \$542T.

Enterprise budgets are completed:

Waste Collection Board budget \$3,196,939 - No added capital improvements could be budgeted in 2020-21. The budget does account for continued current equipment payments and polycart loan.

Water Board budget \$2,568,931- Include \$17T for HVAC in one of the plant buildings; \$10T influent flow meter; \$30T plant feeder equipment; as well as continued bond and equipment payments.

Sanitary Board budget \$2,693,850 -- Includes \$SST final payments toward UV unit; \$180T for new track hoe; \$157T for north and south side Weston Road sewer extension; \$95T for Deanville sewer line work; \$3ST final payment toward new Bore Machine; as well.

I have asked Callie to help send in an application to the Governor's Office to re-coop some salary expenses during the emergency period of March 1st to April 30th. I am asking for reimbursement of expenses for the essential services of police, fire, water, sewer and garbage departments.

Swearing in of the newly elected positions will take place July 1st beginning at 10am. We have scheduled them 10 minutes apart to allow social distancing.

Invoices to be paid included:

\$2,500 - Larry T. Gregory - first half of the Fireworks payment

\$5,939.25 - Axon Enterprises - Taser Power Magazine

\$2,000 - JH Consulting - Joey Baxa accreditation

\$3,375 - JH Consulting - BFD Continuity, Strategic

\$6,211.97 - Bruffey Trucking, Inc. - Stone for CVS Project

\$3,554.08 - Central Supply - Concrete for Spring Street

Amby concluded by thanking Mayor McCauley for not only his years as Mayor but also his previous years as the City Attorney. She has enjoyed working with him and appreciates all that he has accomplished.

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



City Council Report

6/18/20

1. The Police Department is currently accepting applications for patrol officer due to a vacancy currently in the department. The deadline for applications is July 10. When the deadline passes, the Police Civil Service Commission will review all applications and then begin testing with the Physical Agility Test on July 29. For those that pass the Physical Agility Test, they will take the Written Exam on August 19.
2. Darin Hissam recently met the criteria for promotion to Sergeant. On June 10, he successfully passed the promotional exam for this position.
3. After a lengthy investigation, the Mountain Lakes Drug and Violent Crime Unit, with the assistance of the Buckhannon Police Department was able to affect a major arrest at 12 Cooper St. regarding drug activities. As a result of this action, 10 people have been charged with numerous felony crimes. This investigation is ongoing.
4. The Police Department has been involved in self-assessment with CALEA for about two and half years. We are at a point now where we are ready for a mock assessment to review the accreditation files of the police department in preparation for the on-site assessment. Since WV only has one other accredited police agency, I had to reach out to Virginia to seek assistance with the mock assessment. I was able to make contact with an Accreditation Manager with Virginia Tech, who has graciously taken the reins and has contacted four other police agencies from across Virginia to assist with the mock assessment. This assessment is currently ongoing and is slated to last through next week.
5. On Tuesday, June 23, St. Joseph's Hospital will be conducting work at their facility utilizing a crane that will reduce Amalia Dr. to one lane for much of the day that day. I have been in contact with the Hospital and will be working with them to provide VIPs to assist with traffic control on Amalia Dr. during this project.

The Chief thanked Mayor McCauley for his leadership and for the many years of service to the community. He noted that the Mayor has been a part of the City administration throughout the Chief's entire career.

CJ Rylands asked the Chief if the CALEA accreditation is helping the BFD position itself in today's new World. The Chief absolutely feels this is the case.

C.5 City Attorney- Tom O'Neill – Mr. O'Neill discussed some housing enforcement issues that we have been dealing with recently. He is concerned with the chronic offenders as well as those who have minor offenses such as letting grass grow without regular cutting; garbage, etc., and the extended amount of time the offenders have in which to respond. It is something that we will plan to address in the coming weeks. He also commended the Mayor on his work and service to the City of Buckhannon and has enjoyed working with him throughout the years. He deferred his additional comments to the Strategic Issues for Discussion and/or Vote period of our meeting.

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

D.1 Mayor's Proclamation-Rose Clutter Birthday

MAYOR'S PROCLAMATION

Whereas, ROSE CLUTTER, originally from Weirton, West Virginia, but who has resided in Buckhannon for many decades & is now a resident of West Main Street, Buckhannon, was born on June 13, 1940, & thus will be turning 80 years young in but a week; and,

Whereas, ROSE CLUTTER reared her daughter, Lori Clutter Lemons, here in Buckhannon, & is further a terrific grandmother & great grandmother; and,

Whereas, ROSE CLUTTER has dedicated her long & wonderful life to being a loving mother & grandmother but also has worked for decades in banking, as an Upshur County deputy clerk, & as a senior care provider; and,

Whereas, ROSE CLUTTER is very active as a parishioner at First Presbyterian Church of Buckhannon;

Whereas, ROSE CLUTTER has many life's passions & enjoys several hobbies, including her many friends throughout our community & at our local Elks club & with the Republican Women; and,

Whereas, ROSE CLUTTER lives a very active & social life who loves her many friends & family members; and,

Whereas, ROSE CLUTTER's family & friends have organized a very special birthday celebration for her today, Friday, June 12, 2020 at 6:00 p.m. at the 88 Restaurant/Bicentennial Inn; and,

Whereas, our City now desires to recognize & honor **ROSE CLUTTER** for her amazing resiliency & longevity by bestowing upon her our City's Octogenarian Award.

NOW, THEREFORE, I, DAVID W. McCAULEY, MAYOR OF THE CITY OF BUCKHANNON, pursuant to the power & authority duly vested in me, do hereby proclaim Friday, June 12, & what the heck- Saturday, June 13, 2020, too- to be "**ROSE CLUTTER DAYS**" throughout our City of Buckhannon.

To further memorialize **ROSE CLUTTER'S** special days, I further now hereby present to her a lapel pin as Buckhannon's most special gift in celebration of her 80th birthday! May our favorite octogenarian & birthday celebrant continue to be blessed with good health & surrounded by love as today we honor **ROSE CLUTTER!**

Given under my hand & the official seal of
The City of Buckhannon, this 12th day of June, 2020

David W. McCauley, Mayor

D.2 Letter to WV Culture & History RE: Request Extension on FY19-20 Grant Award Colonial Theatre June 15, 2020

June 15, 2020

West Virginia Department of Arts, Culture, & History
The Culture Center
1900 Kanawha Blvd. East
Charleston, WV 25305-0300

Attention: Ms. Jenna Green, Cultural Facilities & Accessibility Coordinator

RE: Colonial Theatre Project – Buckhannon, WV – grant award FY2019-20
Cultural Facilities & Capitol Resources Program

Dear Ms. Green:

Please accept this letter as the City of Buckhannon's request for an extension regarding our City's 2019-20 grant award. This is a follow-up to our recent telephone discussion during which you indicated to me that a reasonable extension would be granted to Buckhannon pending your receipt of our City's written request. Our architect, Bryson VanNostrand, believes that an extension to October 1, 2020 should prove sufficient to finalize our expenditures including additional construction encompassing Buckhannon's 2019-20 award.

As we all may appreciate, the situation with the covid-19 pandemic has hugely impacted our City operations during the past several months. Not only was our staffing compromised as a result of splitting crews to minimize virus exposure that could threaten execution of many municipal functions, but we were further challenged to purchase electronic equipment, i.e., sound and lighting, to evolve the third of our four phase restoration of our theatre.

Buckhannon was successful in 2017, 2018, and 2019 with its first three phase requests with the Cultural Facilities and Capitol Resources Program, and the funding realized to date has permitted us to make substantial improvements to our facility. We continue to partner with several local arts organizations in our community. As represented previously, our project has been a multi-year effort with the costs estimated by our architect to reach about \$557,000. We greatly appreciate ACH's support, and are eager to work with your team to bring the Colonial Theatre fully back into service for our community and region within the next 12-18 months. If you require any further information, please contact me at City Hall at (304) 472-1651.

Very truly yours,

David W. McCauley, Mayor

cc: Members of City Council
Amby Jenkins, City's Director of Finance & Administration
Jerry Arnold, City's Director of Public Works
Bryson VanNostrand, City Architect

D.3 Mayor's Remarks- Dedication of the Gallery at Colonial Theatre & Opening of Youth Arts Exhibition June 5, 2020

CITY OF BUCKHANNON – MAYOR McCAULEY'S REMARKS AT
DEDICATION OF THE GALLERY AT COLONIAL THEATRE & OPENING
OF YOUTH ARTS EXHIBITION– June 5, 2020

Welcome to Buckhannon's "Next Big Thing"- the dedication of the Gallery at your Colonial Theatre & the opening of our inaugural Youth Art Exhibition. In November of 2016, we sat down for lunch with Catherine Cuppari to discuss the opportunity to acquire this grand ole building. We didn't have much money to offer for this property, but- after explaining to Mrs. Cuppari how we intended to use it- to build the artistic talents of our B-U youth, to develop young minds, & to feature the performing arts of our community via Buckhannon Community Theatre & all of our arts' groups- we reached agreement with Catherine to acquire this magnificent structure that we've been restoring for the past three years now- for a fraction of its real value. To be clear, while we have many folks to thank today for getting us to this point with this wonderful project, the seminal moment that made it all possible was when Mrs. Cuppari said... YES! Without her, there would be no project. Please join me in giving Catherine Cuppari a big round of applause for her graciously allowing us to get started.

When you think about the vision for our Colonial Theatre, the design of Jawbone Park, the Trader's Alley/Milkman Lane Corridor & establishing our Arts District, the monkeys' mural, the Sails' Fence, the Charley Harper murals, & the creation of ART26201- the common denominator is Bryson VanNostrand. It's largely Bryson's vision & imagination that's gotten us to where we are with these projects. He's contributed his architectural genius to this project entirely pro bono. Conservatively, a project of this magnitude would have cost as much as 12% of project cost. If you consider this to be a \$700,000 project, that's an \$84,000 gift. We all owe him an enormous debt of gratitude. Thank you Bryson for being our spark who's always prodding us to move this project forward! We would not be here today without you.

The biggest funder of our Colonial Theatre project- \$230,000 & counting- is the West Virginia Department of Arts, Culture, & History. We're deeply appreciative to the Department's curator Randall Reid-Smith, & to one of our community's own, Jenna Green, Cultural Facilities Grant Coordinator, who've been instrumental in seeing our project funded. Also the First Energy Foundation's first gift of what we believe will be several more to come of \$10,000 is huge for our Theatre. Additionally, Buckhannon Community Theatre has made & pledged a \$25,000 gift. Please a nice round of applause for Arts, Culture, & History, First Energy & our own BCT.

We have some amazing talent that helps bring our many projects together for us, the guys in the trenches. Jerry Arnold, Brad Hawkins, our entire Streets & Parks crew, our utility board employees especially in sewer & water- who've labored for many hours in this building to get us to where we are today. How 'bout a nice hand for our City staffers who've toiled to create this special place.

My Buckhannon's Beth Broschart asked me earlier this week, "What excites you about the Youth Art exhibition?" I responded that this is the absolute perfect opening for the next segment of our Colonial Theatre that will be made available to our residents. The entire Colonial restoration project has always been first & foremost about our City serving our B-U youth. Too often we hear the louder voices of naysayers and chronic grouseers complaining about lack of things for our kids to do. Some of those same people have been the most critical & outspoken against our City taking on this project. Our theatre restoration will afford our children a vast array of new experiences in the arts. Our Stockert Youth & Community Center essentially will be expanded into the Colonial Theatre to expose kids to the arts in all forms every day- the biggest portion of the bottom floor of the Colonial will be dedicated to youth instruction in things such as voice & instrumental lessons, drawing, painting, graphic arts, dance, theatre, filmmaking, & photography. Our kids will perform on the stage of the main floor in bands, singing, dancing, & performing in plays. The top floor is our cinema & a second live performing arts' area that will feature kid-friendly movies & many other events throughout the year. This facility when completed will be essentially 24-7-365 about our youth. Our after-school programs will be expanded to bring kids to the Colonial just like so many now go to Stockert. So- to be able to display youth art from every school in our school system in 2-D & 3-D form as the first use of the new Gallery- it's just perfect!

Finally, in the months ahead, more public art will be unveiled- including installation of the "Men in Black" car in tribute to Gray Barker at the southern end of Trader's Alley, the completion of the next phases of your Colonial Theatre where by the way- BCT's "Clue" the play- will be performed in October, the Jimmy Pankow Trombone Cove in Jawbone Park also being designed by Bryson, & our formal recognitions of the late Jim Knorr & Garland West, Buckhannon's version of P.T. Barnum- both of whom dedicated their lives to the arts.

In closing, we all should be mindful that these things don't just happen by themselves. They take time & money. I'd like to contribute \$100 to ART26201 for our "Next Big Thing" that we know will be just around the corner. Please folks- support your public arts with your dollars & enthusiasm. The arts truly make all the difference in our high quality of life here. Thanks to you all for being here, & remember, this place is for all of us to enjoy & be inspired by- you rock Buckhannon!

D.4 Mayor's Water Board Remarks June 11, 2020

WATER BOARD REMARKS – DAVID McCAULEY MAYOR & CHAIR OF THE BOARD June 11, 2020

As I close my 50 months of service to our Water Board, I want to reflect upon some of our more substantial water related activities during the past four years. First, the last Buckhannon ordinance effecting water utility increases occurred in July of 2015, with a portion of those new rates being effectuated during the Fall of 2016. I am pleased that during my administration, there has been no water service increase. Since it's been four years since the last increase, serious consideration should be given by this Board to a rate study & consideration of an increase during the next year or so. Our water rates rank #37 out of 366 providers, or at about the lowest 10% in our entire State of West Virginia. After years of establishing an excellent reserve fund, the last thing this Board should do is allow those strong reserves to erode.

Second, our Harley Brown Water Plant is strong. We have invested millions of dollars in repairs & upgrades during the past four years. The location of our plant remains perfect for Buckhannon. We were told four years ago by our then consulting engineers, Chapman Technical Group, that our plant would be good after improvements for another 20 years. Let's hold them to that. Through ongoing investment in our water plant, such as recent electrical improvements, we should easily experience another generation of growth at that location.

Third, the implementation of our new Supervisory Control and Data Acquisition (SCADA) system welcomes our water operations to the 21st century. Being on the cutting edge of technology is vital to all that we do. The implementation of electronic water meter reading has been an excellent addition to our operations as well.

Fourth, the new 1.2 million gallon water storage tank atop Victoria Street Hill is an enormous improvement to our system. With the retirement of the aging St. Joseph's tank, not only did we add hundreds of thousands of gallons to our total storage reserve in anticipation of economic growth here from completion of Corridor H, we added qualitative as well as quantitative improvements to our system. This Board should immediately explore establishment of an additional million gallon tank along or near Brushy Fork Road to be able to retire three other aging or challenged storage tanks in our system.

Fifth, our collaboration with Dominion Energy through the Atlantic Coast Pipeline project permitted us to realize at least a decade's worth of planned improvements in our water distribution system in two years, at virtually no cost to our City. These \$2.3 million worth of improvements mark the biggest improvement project to our distribution system since the mid 1980s.

Sixth, the opportunity to retain all of our water plant operators, a number of which were on the cusp of departure for greener pastures, is a major moment in the history of our water operations. It's not enough to pay a living wage in the world of municipal operations, in order to remain successful, we have to pay a competitive, living wage to our employees.

Seventh, our City's participation in the annual RiverFest is important from a public relations' perspective. I encourage our embracing continued participation in this event albeit without founder April Keating who died last year.

Eighth, two of the past three years, Buckhannon was selected as producing the best tasting drinking water in all of West Virginia. This speaks volumes about our Buckhannon water system to be recognized by our peer water systems throughout West Virginia.

Ninth, in 2017- we dedicated our Water Plant in honor & memory of Harley Brown who died after a short illness on March 21, 2017. Harley was a fantastic gentleman who had served us all for 63 years- as a water plant operator, water department supervisor, public works superintendent, volunteer firefighter, city council member, & Water Board member. There's not a week that goes by now that those of us who were close to Harley & his family that we don't reflect back upon our fondness for one of the truly greatest friends we could ever have.

Tenth, after some rancor with the County Commission & one of our public service districts, we have protected & solidified our utility base by expanding our delivery of water to Route 33 West south side, & I would add sanitary sewer on the north & south side of Route 33 West. It's not easy taking a tough stance- but it's in the best interest of our organization to do exactly that on occasion.

Eleventh, & back to public service districts. It's important that we continue to very closely monitor the activities & planned projects of our partnering psds. Their activities & projects may have enormous impact upon our own water operations. We've insisted on agenda development, sharing of minutes, & a transparency in their operations that had seen decades of non-compliance with WV Public Service Commission rules & mandates. Keep the heat on. Backflow protection should be insisted upon by all psds. Upshur County Health Department Sanitarian Chris Garrett is an excellent partner with our City.

Twelfth, our staffing has never been stronger than it is right now, & that comes from a guy who started his 38th year with this organization on June 1. With Amby Jenkins overseeing our finances as Director of Finance & Administration, Jerry Arnold as our Director of Public Works, Kelly Arnold as our water superintendent, Jay Hollen as our water engineer, Jerry Myers as our head water plant operator, & all of the excellent guys who man our water plant & handle the distribution system- our future is very bright for all things Buckhannon water. This has been an excellent functioning board. One of the first things I undertook in 2016 was to improve upon the competency of ALL of our boards, councils, & commissions. The previous "acting" administration had engaged in cronyism in its ugliest form. To be clear- cronyism is defined as "the appointment of friends & associates to positions of authority, without proper regard to their qualifications."

To remove a previous, unqualified crony who possessed NO experience in utility oversight, NO finance or accounting background, NO managerial training, NOR any skill set that could ever be deemed conducive to managing a three million dollar a year utility operation- was an easy decision that has had long-lasting, positive impact but consequences, too, as nobody likes to lose a job. Believe me, I have Facebook. With Don Nestor, one of the finest accountants there has ever been- moving to Water from Consolidated Public Works, coupled with Dave Thomas & of course Amby Jenkins, we never had to worry about our financial side of the water equation. The appointment of Eric Wagoner, a fervent environmentalist was a solid Board appointment. Eric left our Water Board in December 31, 2018, & replacing him was Ras Rizo, our former sewer plant superintendent & engineer. Imagine having an extra engineer to bounce things off as one of our five Board members. This Board's composition has NEVER been stronger than it is right now. To incoming chair Robbie Skinner- & this won't be the last time you hear me offer this unsolicited advice- avoid cronyism at all cost. First & foremost, let's keep our organization competent! The dividends that competency pays will be realized by our community for decades to come.

It's been an honor & a privilege to work with this fine group. I hand over the reins of our Water Board with no regrets. Our City, including this Board- is in excellent shape. Let's keep it that way. If I can ever be of service to this Board or to any of you- all you have to do is ask. I hearken back to my late dad's sage advice- "always leave things in better shape than what you found them." While self-objectivity is a difficult notion, I offer the assertion that this entity, our Water Board- is in far better shape than it was in May of 2016. Long live Harley Brown!

D.5 Thank you from WVSF President Sandra Bennett

THANK YOU

*Mayor Ed City Council,
Thank you for working with
the Strawberry Board the last two
years. It takes everyone working
together pull it off each year.
Also thanks to Police and Fire
Dept. for all they do each year.
Let's not forget the Clean up
crew everynight during festival week.
Thanks to everyone
Sandra Bennett
2019-2020 President*

D.6 Mayor’s Remarks-Racism Vigil at Jawbone Park June 5, 2020

CITY OF BUCKHANNON – MAYOR’S OPENING STATEMENT ON RACISM
October 4, 2018

I know from the quantity of residents who’ve weighed in that many of us were alarmed to read this August 31, 2018 post from Jessica Fabbicatore on Facebook. Jessica is a former colleague of mine at Wesleyan & further served on our City’s Stockert Youth & Community Center Board of Directors. Here is her post:

“Bear with me because I don’t do this ever. I work at the college, and have several black students. I’ve heard countless awful stories about things that have been said to them or done to them around town over the years when they’re just trying to be productive students. Most recently, one student told me that the other day a guy told my student’s friends to “go back where they came from,” using racial slurs. The guy stood in front of their vehicle so they couldn’t leave, and spat in the face one of the friends. All because they were in the same place at the same time, and their skin color didn’t match. The whole situation was obviously scary and frustrating. It’s easy to say this doesn’t impact you, but is this really how you want the students at Wesleyan (who do contribute to the economy, and volunteer all over town) to live while they’re here? Is it how you want them to remember Buckhannon? It’s easy to say, “Well, I didn’t say it.” That may be so, but this is only one incident, and only one person. It happens more than most realize. You wouldn’t want your family or friends to feel unwelcome or unsafe. It’s easy to say, “I can’t do anything about it.” You can be a good person though. You can treat everyone with dignity and respect, and encourage others to do the same. I guess I just wanted to provide some food for thought. Racism is alive and well. Racism is in Buckhannon. Recognize it, and try to create a positive change.”

I want to be clear about our City government position on such atrocious behavior- we simply will not tolerate it. Situations such as that described by Jessica are despicable and unacceptable. We appreciate everyone who is here, & value all who reside here. Last August, I & others delivered to businesses throughout our city, a little orange sign with a simple message. I had intended to deliver the revised version of the sign last month, but life’s events in August disrupted my best intentions, & we all know about the best laid plans of mice & men. Next week, I will resume delivery of this simple sign with this short message. [Read sign] I encourage us all to prominently display this sign- sending the message that everyone is welcome in our terrific town.

I implore us all to be positive in our collective message that racism, or marginalizing anyone based upon their gender, religion, ethnicity, national origin, disability, age, familial status, or orientation- will not be tolerated here. Our B-U community is better than that. We value & support everyone here, & as a community- we will not put up with anyone being harassed, intimidated, marginalized, or discriminated against. We truly are all in it together- & the “We” means ALL of US-

D.7 Fish Hawk Acres LLC Zoning Form to ABCA

WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION
APPLICATION FOR RETAIL LICENSE
CONSUMPTION "OFF PREMISES"
CLASS B
FOR FISCAL YEAR 2020 TO 2021

COUNTY Upshur

FOR FISCAL YEAR 2020 TO 2021

PLEASE CHECK ALL APPROPRIATE BOXES BELOW. BE SURE TO CHECK THE BOXES BESIDE EACH (ALL) OF THE LICENSES FOR WHICH YOU ARE APPLYING.

A. WINE APPLICATION	B. BEER APPLICATION	C. APPLYING AS: (CHECK ONE)
<input checked="" type="checkbox"/> Wine Retail.....\$150	<input checked="" type="checkbox"/> Carry-out.....\$150	<input type="checkbox"/> Individual
<input type="checkbox"/> Wine Specialty.....\$250	<input type="checkbox"/> Beer Carbside Service.....\$250	<input type="checkbox"/> Partnership
<input type="checkbox"/> Wine Specialty Tasting.....\$400	<input type="checkbox"/> *Beer Carbside Service (must have at least \$100,000 in groceries)	<input type="checkbox"/> Limited Partnership
<input type="checkbox"/> Wine Specialty Gift Basket Delivery.....\$250	Operational Fee.....\$100	<input type="checkbox"/> Corporation
<input type="checkbox"/> Wine Sampling.....\$150		<input type="checkbox"/> Association
<input type="checkbox"/> Wine Tasting "Farm Winery".....\$150		<input type="checkbox"/> Limited Liability Corporation
<input type="checkbox"/> Wine Specialty Carbside Service.....\$250		

* Wine sampling only available in Wine Specialty Service - * Sales.
* Wine with a gift basket Specialty Delivery (must also include a transportation permit).
* If the Carbside Service (must have at least \$100,000 in groceries).

* This is a non-refundable and non-transferable fee to be paid with the filing of the application.

Email (Required): fishhawkacresllc@gmail.com WV TAX ID / FEIN 454023420

1.) Applicant/Entity Name: Fish Hawk Acres LLC

2.) Doing Business As (DBA) Name: Fish Hawk Acres LLC

3.) Business Address: 5 West Main Street
Buckhannon WV 26201 304 473 7890

4.) Mailing Address (required): 5 West Main Street
Buckhannon WV 26201 304 473 7890

5.) SUPPLY THE FOLLOWING INFORMATION ABOUT OWNER(S) AND/OR OFFICER(S) AND MANAGER(S).

Owner/Officer/Manager	Title	Name	Date of Birth	Social Security Number	Residence Address, City, State and Zip Code	Telephone Number	% Ownership	Y/N Resident of WV
Co-owner		Dale Hawkins	12/22/68	232 21 3658	18 Island Ave, WV 26201	304 704 2535	50%	Y/N
Co-owner		Teresa Lipps	11/09/57	233 04 9055	47 Needlepoint Dr, WV 26201	304 1842 7338	50%	Y/N
Co-owner		Bekki Leigh	06/17/58	235 62 1858	168 Red Rock Rd, WV 26201	304 473 7890	50%	Y/N

** IF NATURALIZED US CITIZEN, MUST SUBMIT COPY OF NATURALIZATION DOCUMENTS.
NON-CITIZENS MAY BE LISTED AS SHAREHOLDER, OWNER, OR DIRECTOR OF CORPORATION ONLY.
TITLE REFERS TO CORPORATE OFFICERS, PRESIDENT, VICE PRESIDENT, SECRETARY TREASURER, OR MEMBER

D.8 Canvass of Votes /Certification of Votes / Election June 9, 2020

Board of Canvassers' Certificate of Votes Cast
For Candidates at Primary Election

Office of County Commission June 9, 2020

Upshur County, West Virginia

To City of Becklamsont
Canvassing Act, Sec. 24-31, Art. 5, Ch. 3 of the Code

The Board of Canvassers of the County of Upshur, State of West Virginia, having carefully and impartially examined the returns of the Election held in said county on the 9th day of June, 2020, Do hereby certify that in said County or District thereof at said election, on the official ballot of the

For the office of Non-Partisan Charles Gibson Public Library Levy

For the Levies Received Eight Hundred Seventy Five (875) Votes

Against the Levies Received Three Hundred Seventy Four (374) Votes

Given under our hands this 18th day of June, 2020.

James B. Belding
Christine H. Tenny
[Signature]
Board of Canvassers

Alfred G. Smith
Clerk's Signature

Board of Canvassers' Certificate of Votes Cast
For Candidates at Primary Election

Office of County Commission June 9, 2020

Upshur County, West Virginia

To City of Becklamsont
Canvassing Act, Sec. 24-31, Art. 5, Ch. 3 of the Code

The Board of Canvassers of the County of Upshur, State of West Virginia, having carefully and impartially examined the returns of the Election held in said county on the 9th day of June, 2020, Do hereby certify that in said County or District thereof at said election, on the official ballot of the

For the office of Non-Partisan Mayor

Robbie Skinner Received Seven Hundred Eighteen (718) Votes

Mike Bodnar Received Forty Two (42) Votes

David McCauley Received Five Hundred Fifty Six (556) Votes

No Official Write-ins

Given under our hands this 18th day of June, 2020.

James B. Belding
Christine H. Tenny
[Signature]
Board of Canvassers

Alfred G. Smith
Clerk's Signature

Board of Canvassers' Certificate of Votes Cast
For Candidates at Primary Election

Office of County Commission June 9, 2020

Upshur County, West Virginia

To City of Becklamsont
Canvassing Act, Sec. 24-31, Art. 5, Ch. 3 of the Code

The Board of Canvassers of the County of Upshur, State of West Virginia, having carefully and impartially examined the returns of the Election held in said county on the 9th day of June, 2020, Do hereby certify that in said County or District thereof at said election, on the official ballot of the

For the office of Non-Partisan Recorder-Unexpired

Randy Sanders Received Seven Hundred Twenty (720) Votes

Abigail Benjamin Received Five Hundred Twelve (512) Votes

No Official Write-ins

Given under our hands this 18th day of June, 2020.

James B. Belding
Christine H. Tenny
[Signature]
Board of Canvassers

Alfred G. Smith
Clerk's Signature

Board of Canvassers' Certificate of Votes Cast
For Candidates at Primary Election

Office of County Commission June 9, 2020

Upshur County, West Virginia

To City of Becklamsont
Canvassing Act, Sec. 24-31, Art. 5, Ch. 3 of the Code

The Board of Canvassers of the County of Upshur, State of West Virginia, having carefully and impartially examined the returns of the Election held in said county on the 9th day of June, 2020, Do hereby certify that in said County or District thereof at said election, on the official ballot of the

For the office of Non-Partisan City Council

Jack L. Rieger Received Five Hundred Forty (540) Votes

C.J. Rylands Received Four Hundred Thirty Seven (437) Votes

Shirah Jones Received Three Hundred Sixty Nine (369) Votes

Mark Kemmer Received Two Hundred Forty Six (246) Votes

Freddie L. Suter Received One Hundred Sixty Eight (168) Votes

Steve Chisler Received Two Hundred Fifty Two (252) Votes

Pamela Cuspari Bucklew Received Five Hundred Twenty Eight (528) Votes

Rick Edwards Received One Hundred (100) Votes

Scott Preston Received Three Hundred Ninety One (391) Votes

Shelia Breen Received Four Hundred Thirty One (431) Votes

No Official Write-ins

Given under our hands this 18th day of June, 2020.

James B. Belding
Christine H. Tenny
[Signature]
Board of Canvassers

Alfred G. Smith
Clerk's Signature

D.9 Letter from Nathan Fetty-Resignation Waste Collection Board

resignation from waste collection board

1 message

Nathan Fetty <nathanfetty@gmail.com> Sun, Jun 14, 2020 at 8:46 AM
To: "David W. McCauley" <mccauley@www.edu>
Cc: Mary Albaugh <mary.albaugh@buckhannonwv.org>, Randy Sanders <randy.sanders@buckhannonwv.org>, Amberle Jenkins <amby.jenkins@buckhannonwv.org>, Jeff Wamsley <wamsleyjeff60@gmail.com>, Jerry Arnold <jerry.arnold@buckhannonwv.org>, Jay Hollen <jay.hollen@buckhannonwv.org>, Callie Cronin-Sams <callie.csams@buckhannonwv.org>, Tom O'Neill <tom.oneill@buckhannonwv.org>

Mayor McCauley –

Please note that I have accepted a position of employment with the federal court system and will be starting that position in early July. In taking this position, I must resign from boards on which I serve. Thus, I am giving notice that I am resigning from Buckhannon's Waste Collection Board, effective at 11:59 p.m. on Tuesday, June 30, 2020.

Serving on this board has been a terrific experience and an education. I didn't realize how interesting it would be to learn about this facet of City operations. And seeing firsthand the diligence and professionalism of the City's staff made me proud to be a small part of it.

My thanks to you, the other board members, and the City staff for the opportunity to serve in this role. I'll miss being in the mix.

All best,

-Nathan

D.10 Letter from Upshur Board of Health- Larry Carpenter request to remain on the Board for 5yr term

Larry R. Carpenter
73 Highland Drive
Buckhannon, WV 26201

June 02,2020

City of Buckhannon
City Council Members
70 East Main Street
Buckhannon, WV 26201

City of Buckhannon, Council Members:

I am a long-time resident of the city and currently serving on the Upshur – Buckhannon Board of Health. I have served in this position for many years. It has been a pleasure serving the residents of the city.

Please accept my request to remain serving on the Upshur – Buckhannon Board of Health at the Upshur – Buckhannon Health Department for a term of 5 years, beginning July 01, 2020. Thank you for your consideration.

Sincerely,



Larry R. Carpenter

D.11 Bid Opening Results- Rescue Fire Pumper Apparatus Truck

City of Buckhannon Fire Department
Rescue Fire Pumper Apparatus Truck

Bid Opening Sign-In and Results Sheet - June 4, 2020 at 4:30 PM EST

Name	Company	Email Address	Contact Phone Number	Bid Bond Included (Y/N)	Base Bid Amount
Fire Chief JB Kimble	City of Buckhannon, WV	j.kimble@buckhannonwv.org	304-472-2868		
Barbara Hinkle	City of Buckhannon, WV	barbara.hinkle@buckhannonwv.org	304-472-1651, x1022		
Travis Dean	Buckhannon Volunteer Fire Department	travedean117@gmail.com	304-940-3244		
Franklin Basi	Buckhannon Fire Department	bbs1177@gmail.com	304-704-3295		
	Sulpher		844-735-5100	N/A	\$539,742.00 *Can deduct \$2,321.00 for not having a 100% performance bond
	Matheney Fire & Emergency		1-800-235-3928	N/A	\$574,396.00
	Finley Fire Equipment			N/A	\$581,377.00
	Finley Fire Equipment			N/A	\$544,129.00

Note: No Bid Bond required

Upon review of the received bid for compliance with the Bid Package, Drawings and Project Specifications, the Apparent Low Bidder is

D.12 Report of Cat & Dog Activity-Upshur County Commission-May 2020

COPY

TRANSACTION	#
Animals picked up by ACO:	
Dogs	11
Other	
Animals returned to Owner by ACO:	0
Dogs	0
Other	0
Animals Delivered to LUACF:	0
Dogs	7
Other	0
Animals Quarantined by ACO:	1
Dogs	1
Other	0
Animals Terminated:	0
Dogs	4
Other	0
Total Number of Hours Involved	80

Signature Jason Knicely Date 5/5/20

E.2 Approval of Building and Wiring Permits

E.3 Approval of Payment of the Bills

06-17-2020 05:06 PM

disbursements 06-04-20 TO 06-17-20

PAGE: 1

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
MAYOR'S OFFICE	REGION 7 AGING SERVICES	409-341-00	MAYOR'S SUPPLIES & M	CIS/CIPE SERVICE	64.16
	PAYROLL ACCOUNT (ALL DEPTS)	409-341-00	MAYOR'S SUPPLIES & M	MAY 2020 AA FEES	193.79
	LARRY T GREGORY	409-341-05	EVENT/FIREWORK EXPEN	1ST HALF DISPLAY 620	2,500.00
	COLLECTION ACCOUNT	409-341-00	MAYOR'S SUPPLIES & M	CREDITCARD FEE 5/31/20	1,144.64
	RAOZIE PRINTING SERVICE, INC	409-341-00	MAYOR'S SUPPLIES & M	UTILITY BILLS	562.85
	INTERNAL REVENUE SERVICE	409-104-00	MAYOR'S F.I.C.A.	FICA WITHHELD AND MATCHED	82.69
		409-104-00	MAYOR'S F.I.C.A.	MEDICARE WITHHELD & MATCHE	19.35
	BYWATER CWI BENEFITS	409-105-00	MAYOR'S INSURANCE	RUN OUT INVOICE	222.75
	**PAYROLL EXPENSES			6/04/2020 - 6/17/2020	1,339.43
				TOTAL:	6,129.66
COUNCIL	NOR POWER	410-450-01	THEATRE BUILDING	110122154542 48 E. MAIN ST	89.62
				TOTAL:	89.62
TREASURER	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 & MATCHM	4.51
	**PAYROLL EXPENSES			6/04/2020 - 6/17/2020	310.75
				TOTAL:	334.53
CITY ATTORNEY	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	RUN OUT INVOICE	24.75
	**PAYROLL EXPENSES			6/04/2020 - 6/17/2020	499.97
				TOTAL:	562.97
ZONING	REGION VII PLANNING FDC	437-341-00	ZONING SUPPLIES	GIS SERVICES 3-1 TO 3-31-2	165.00
	VINCENT SMITH	437-214-00	TRAVEL EXPENSE	CODE ENF. MILEAGE MAY 2020	117.30
	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	RUN OUT INVOICE	95.00
	**PAYROLL EXPENSES			6/04/2020 - 6/17/2020	1,406.15
				TOTAL:	1,895.02
DATA PROCESSING	COMMUNITY BANK	439-459-00	DATA PROCESSING CAP	COMPUTER SERVER 620	385.84
	SUDENLINE	439-230-00	DATA PROCESSING	CITY HALL INTERNET/6/20	31.86
				TOTAL:	417.70
CITY HALL	MCN POWER	440-213-00	CITY HALL UTILITIES	110088782062 70 E MAIN ST	1,136.04
	VALLAY STEEL SERVICE	440-216-00	CITY HALL MAINTENANC	BRACKETS FOR PLEXIGLASS	102.95
	MOUNTAINEER GAS COMPANY	440-213-00	CITY HALL UTILITIES	GF FLORIDA GAS	101.64
	INTERNAL REVENUE SERVICE	440-104-00	CITY HALL FICA	FICA WITHHELD AND MATCHED	73.39
		440-104-00	CITY HALL FICA	MEDICARE WITHHELD & MATCHE	17.14

\$ 2,500.00 Larry T. Gregory - First half Fireworks display
 \$ 5,939.25 Axon Enterprise - Taser Power Magazine
 \$ 2,000.00 JH Consulting - Joey Baxa Accreditation
 \$ 3,375.00 JH Consulting - BFD Continuity, Strategic
 \$ 6,211.97 Bruffy Trucking - Stone CVS Project
 \$ 3,554.08 Central Supply - Concrete Spring St.

06-17-2020 05:06 PM

disbursements 06-04-20 TO 06-17-20

PAGE: 2

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
	**PAYROLL EXPENSES			6/04/2020 - 6/17/2020	1,198.48
				TOTAL:	2,629.78
POLICE	AXON ENTERPRISE, INC.	700-459-00	POLICE DEPT. NEW EQ	X2 TASER, POWER MAGAZINES	5,939.25
	LYKINS OIL COMPANY	700-343-00	POLICE DEPT. AUTO SU	POLICE DEPT MAY 2020 FUEL	1,067.59
	UNIFIRST CORP.	700-341-00	POLICE DEPT. MAT & S	ALL DEPT MAY 2020 UNIFORMS	59.54
	MUNICIPAL EMERGENCY SERVICES	700-345-00	POLICE DEPT. UNIFORM	UNIFORM PANTS	73.50
	WV PUBLIC EMPLOYEES INSURANC	700-105-00	POLICE DEPT. GROUP I	GF JUN 2020 RETIREE'S INS	1,136.00
	TOSHIBA FINANCIAL SERVICES	700-341-00	POLICE DEPT. MAT & S	POLICE PRINTER LEASE 620	141.00
	ENTERPRISE FM TRUST	700-459-00	POLICE DEPT. NEW EQ	22H253 2017 INTERCEPTOR PY	591.08
		700-459-00	POLICE DEPT. NEW EQ	22H28X 2017 INTERCEPTOR PY	616.18
		700-459-00	POLICE DEPT. NEW EQ	22SF24 2018 INTERCEPTOR PY	693.66
		700-459-00	POLICE DEPT. NEW EQ	22SF27 2018 INTERCEPTOR PY	693.66
		700-459-00	POLICE DEPT. NEW EQ	22SC22 2018 INTERCEPTOR PY	687.33
		700-343-00	POLICE DEPT. AUTO SU	23H64C MAINT OLDER CRUISER	6.00
		700-343-00	POLICE DEPT. AUTO SU	23H64H MAINT OLDER CRUISER	6.00
		700-343-00	POLICE DEPT. AUTO SU	23H64M MAINT OLDER CRUISER	6.00
		700-343-00	POLICE DEPT. AUTO SU	23H54Q MAINT OLDER CRUISER	6.00
		700-343-00	POLICE DEPT. AUTO SU	23H655 MAINT OLDER CRUISER	6.00
		700-343-00	POLICE DEPT. AUTO SU	23H64V MAINT OLDER CRUISER	6.00
		700-343-00	POLICE DEPT. AUTO SU	23H64E MAINT OLDER CRUISER	6.00
	DOUG LOUDIN	700-341-00	POLICE DEPT. MAT & S	MAILING EVIDENCE TO LAB 62	22.00
	SPRINT	700-211-00	POLICE DEPT. TELEPHO	POLICE GEO TARS JUNE2020	336.83
	ST JOSEPH HOSPITAL OF BUCKRA	700-341-00	POLICE DEPT. MAT & S	LAB TEST MATT GREGORY	50.00
	INTERNAL REVENUE SERVICE	700-104-00	POLICE DEPT. FICA TA	FICA WITHHELD AND MATCHED	1,360.06
		700-104-00	POLICE DEPT. FICA TA	MEDICARE WITHHELD & MATCHE	318.07
	BYWATER CWI BENEFITS	700-105-00	POLICE DEPT. GROUP I	RUN OUT INVOICE	1,388.00
	**PAYROLL EXPENSES			6/04/2020 - 6/17/2020	22,409.74
				TOTAL:	37,425.50
FIRE	RECORD-DELTA NEWSPAPER	706-341-00	FIRE DEPT. MATERIAL	FIRE DEPT RESCUE TRN BID	45.02
	LYKINS OIL COMPANY	706-343-00	FIRE DEPT. AUTO SUPP	FIRE DEPT MAY 2020 FUEL BI	256.57
	WV PUBLIC EMPLOYEES INSURANC	706-105-00	FIRE DEPT. GROUP INS	GF JUN 2020 RETIREE'S INS	1,603.00
	AUTO ZONE	706-343-00	FIRE DEPT. AUTO SUPP	FLOOR JACK	189.99
	ON POINT ATHLETICS LLC	706-341-00	FIRE DEPT. MATERIAL	FIRE SAPTEY DECAL	15.00
	UPSHUR ULTRA POWER	706-343-00	FIRE DEPT. AUTO SUPP	TEMP SENSOR	213.81
	LOWES BUSINESS ACCOUNTS	706-341-00	FIRE DEPT. MATERIAL	SUPPLIES	103.95
	SUNSET GRAPHICS LLC	706-345-00	FIRE DEPT. UNIFORMS	SHIRTS	210.00
	INTERSTATE RESCUE	706-459-00	FIRE DEPT. CAPITAL O	CAPT BAXA GEAR	2,550.00
	TRACTOR SUPPLY CREDIT PLAN	706-343-00	FIRE DEPT. AUTO SUPP	BOLT CUTTERS	117.98
	HERITAGE FIRE EQUIPMENT LLC	706-343-00	FIRE DEPT. AUTO SUPP	AERIAL INSP	1,625.00
	RELIABLE TIRE COMPANY	706-343-00	FIRE DEPT. AUTO SUPP	ENG 1 TIRES	1,564.00
	CRIATES ELECTRICAL SUPPLY INC	706-216-00	FIRE DEPT. MAINTENAN	MUR250 LIGHT	19.61
	JH CONSULTING, LLC	706-459-00	FIRE DEPT. CAPITAL O	JOEY ACCREDITATION	2,000.00
		706-459-00	FIRE DEPT. CAPITAL O	BFD CONTINUITY,STRATEGIC	3,375.00
	ST JOSEPH HOSPITAL OF BUCKRA	706-341-00	FIRE DEPT. MATERIAL	LAB TEST JOSEPH BAXA	50.00
		706-341-00	FIRE DEPT. MATERIAL	LAB TEST JOHN BRUGGOLI	50.00
	INTERNAL REVENUE SERVICE	706-104-00	FIRE DEPT. FICA TAX	FICA WITHHELD AND MATCHED	945.91
		706-104-00	FIRE DEPT. FICA TAX	MEDICARE WITHHELD & MATCHE	221.21
	BYWATER CWI BENEFITS	706-105-00	FIRE DEPT. GROUP INS	RUN OUT INVOICE	693.00
	SEAN J WILSON	706-221-00	FIRE DEPT. TRAINING	TOOLS	513.50
		706-343-00	FIRE DEPT. AUTO SUPP	TOOLS	1,959.50
	MREULBS	706-216-00	FIRE DEPT. MAINTENAN	LED WALL FACE ,SHIPPING	676.52
	WITMER PUBLIC SAFETY GROUP I	706-341-00	FIRE DEPT. MATERIAL	FF 1ST CLASS BADGES	156.86

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
	**PAYROLL EXPENSES			6/04/2020 - 6/17/2020	15,106.40
				TOTAL:	34,231.43
STREET	MON POWER	750-213-00	STREET DEPT. UTILITI	110123905106 25 N LOCUST S	9.97
	LYKING OIL COMPANY	750-343-00	STREET DEPT. AUTO SU	STREET DEPT MAY 2020 FUEL	1,350.06
	UNIFIRST CORP.	750-345-00	STREET DEPT. UNIFORM	ALL DEPT MAY 2020 UNIFORMS	527.70
	WV PAGING	750-213-00	STREET DEPT. UTILITI	STREET DEPT PAGERS 620	23.00
	WV PUBLIC EMPLOYEES INSURANC	750-105-00	STREET DEPT. GROOP 1	GF JUN 2020 RETIREK'S INS	735.00
	MCINTAINERS GAS COMPANY	750-213-00	STREET DEPT. UTILITI	GF 4 FACTORY GAS	169.95
		750-213-00	STREET DEPT. UTILITI	GF FACTORY GAS	94.25
		750-213-00	STREET DEPT. UTILITI	GF FACTORY 1 1/2 GAS	71.56
	J F ALLEN CO	750-341-00	STREET DEPT. MAT & S	stone for shop	990.00
	NAPA-AMTOWER AUTO SUPPLY	750-343-00	STREET DEPT. AUTO SU	Brake pads for 5-14	80.87
	BRUFFEY TRUCKING INC	750-458-05	STREET DEPT PROJECTS	STONE FOR CV3	6,211.97
	CENTRAL SUPPLY CO	750-458-05	STREET DEPT PROJECTS	Concrete for spring st.	1,777.04
		750-458-05	STREET DEPT PROJECTS	Concrete for spring st.	1,777.04
	COMMUNITY BANK	750-459-00	STREET DEPT. CAPITAL	SKIDSTEER 620	664.11
	ST JOSEPH HOSPITAL OF BUCKHA	750-341-00	STREET DEPT. MAT & S	LAB TEST MARK WOODY	70.00
	MOUNTAIN STATE PEST GUARD	750-341-00	STREET DEPT. MAT & S	STREET MONTHLY PEST 6/20	31.50
	INTERNAL REVENUE SERVICE	750-104-00	STREET DEPT. FICA TA	FICA WITHHELD AND MATCHED	1,012.99
		750-104-00	STREET DEPT. FICA TA	MEDICARE WITHHELD & MATCHED	236.92
	BYWATER CWI BENEFITS	750-105-00	STREET DEPT. GROOP 1	ADDM NEEDED FOR CLAIMS NOT	23,629.76
		750-105-00	STREET DEPT. GROOP 1	RUN OUT INVOICE	792.00
	CLEVELAND BROTHERS EQUIPMENT	750-458-05	STREET DEPT PROJECTS	Decor Rental	4,196.00
	**PAYROLL EXPENSES			6/04/2020 - 6/17/2020	16,404.81
				TOTAL:	60,656.50
STREET LIGHTS	MON POWER	751-213-00	STREET LIGHTS	110 087 818 008 MAIN ST	5,277.15
		751-213-00	STREET LIGHTS	110088782484 E. MAIN ST	73.25
				TOTAL:	5,350.40
TRAFFIC SIGNALS & SIGN MON POWER		752-213-00	TRAFFIC SIGNALS PCWE	110 088 985 459 RT. 119	39.91
		752-213-00	TRAFFIC SIGNALS PCWE	110088985624 RT. 20 BKN C	57.47
		752-213-00	TRAFFIC SIGNALS PCWE	110881822063 W. MAIN ST	5.21
		752-213-00	TRAFFIC SIGNALS PCWE	110888820243 MAIN ST	35.48
		752-213-00	TRAFFIC SIGNALS PCWE	110880768291 E. MAIN ST	24.95
				TOTAL:	163.02
STOCKERT YOUTH CENTER	LEAF	907-341-03	OPERATING EXPENSES	COPIER LEASE	167.20
	SIGN GUY LLC	907-341-00	MATERIALS & SUPPLIES	SYN SIGN	120.00
	MOUNTAIN STATE PEST GUARD	907-214-00	MAINTENANCE	SYN PEST SERVICE 620	36.50
	INTERNAL REVENUE SERVICE	907-104-00	FICA TAX	FICA WITHHELD AND MATCHED	163.04
		907-104-00	FICA TAX	MEDICARE WITHHELD & MATCHED	38.13
	BYWATER CWI BENEFITS	907-105-00	GROUP INSURANCE	RUN OUT INVOICE	198.00
	**PAYROLL EXPENSES			6/04/2020 - 6/17/2020	2,629.60
				TOTAL:	3,352.47
CONVENTION CENTER	USDA, RURAL DEVELOPMENT	910-457-00	CONFERENCE CENTER PA	CONFCENTER 620	3,351.00
				TOTAL:	3,351.00

COUNCIL REPORT GF UNPAID INVOICES

VENDOR	SAMT	DESCRIPTION
WALMART	\$15.84	CLEANING SUPPLIES FOR SYC
WILSON GLASS	\$2,430.00	THEATER GLASS STOREFRONT FOR THEATER
CENTRAL SUPPLY	\$728.32	SONO TUBE SCREED JOINT
NAPA	\$15.98	ANTIFREEZE FOR S-1
SIGN GUY	\$145.00	DONATION METER FOR THEATER
RITEWAY	\$23.07	THEATER PLUMBING PARTS
LOWES	\$98.06	TREATED PLYWOOD FOR THEATER
FISHER	\$5.88	TIRE REPAIR KIT
SIGN GUY	\$314.22	SIGN FOR WVDOH
FASTENAL	\$168.56	FENDER WASHER, WING CF, RPH/SL MSZ,SAEF/WZ
AT&T	\$50.37	ENG 1 PHONE
ON POINT ATHLETICS	\$50.00	STATION HATS
ST JOSEPH	\$714.46	MED SUPPLIES 4 INVOICES
LOWES	\$397.21	PAINT SUPPLIES
LOWES	\$176.60	STATION CLEANING SUPPLIES
FINLEY FIRE EQUIP	\$1,670.33	DROP SHIP TEST KIT, FLOW KIT WITH CASE
DOLLAR GENERAL	\$16.44	CITY HALL CLEANING SUPPLIES
REGIONVII	\$55.00	GIS HOURS
RALSTON PRESS	\$147.05	BUSINESS CHECK DOOR HANGERS
PRATORIAN	\$1,188.00	TRAVEL EXPENSEPOLICE ONE ACADEMY
LAWMANS	\$84.20	UNIFORM PANTS
SUPER SPLASH	\$112.25	POLICE CAR WASHES
GALLS	318.94	POLICE COMMENDATION BARS
WITMER	\$1,600.00	2 FIRE DEMP FLOW METERS ,FREIGHT
LOWES	\$921.79	AUTO SUPPLIES TOOLS
WITMER	\$462.00	STAT PACK RED,GREEN,RED UNIVERSAL CELL
WITMER	\$496.15	UNIFORM FOR JOEY BAXA, LIN BAXA
ST JOSEPH	\$576.48	GOWNS, MASKS MED SUPPLIES

E.4 Event Request-EMS Employee Appreciation-City Street Closure-June 27, 2020 –
Amby explained it was the street beside the EMS Building.

E.5 Event Request-2020 Buckhannon Pridefest –Jawbone Park-June 27, 2020 –
Concerns were expressed regarding public gatherings at this time. The Mayor will remind them about social distancing and safety. Recorder Sanders suggested that if we need to close Jawbone Park due to COVID-19 reasons, scheduled events will be cancelled.

Motion to approve the Consent Agenda made by Albaugh/Rylands. Motion carried unanimously.

F. Strategic Issues for Discussion and/or Vote

F.1 Approval to Close City Hall on July 6, 7, & 8 due to Electrical Service Panel Upgrade – Amby explained the request.

Motion to approve closing City Hall on July 6 and possibly July 7 & 8, 2020 for the Electrical Service Panel Upgrade was made by Sanders/Albaugh. Motion carried unanimously.

F.2 Approval Shallow Creek Kennels Inc. –Police K-9 Contract – Chief Gregory explained the request. Indexed as City Agreement A302.

Motion to approve the Mayor executing the Shallow Creek Kennels Inc. –Police K-9 Contract, at a cost of \$15,000, was made by Rylands/Bucklew. Motion carried unanimously.

F.3 UCDA Innovation Center Sidewalk Easement Issue – City Attorney O’Neill explained the process that has been ongoing concerning this issue. Indexed City Agreement A303.

Motion to approve the Mayor executing the three (3) necessary documents concerning the UCDA Innovation Center Sidewalk Easement was made by Albaugh/Sanders. Motion carried unanimously.

**Prepared By and
After Recording Return To**

Name: Amy K. Condaras
Frost Brown Todd LLC
Address: 500 Virginia Street, Suite 1100
United Bank Center
Charleston, WV 25301

Space Above This Line for Recorder’s Use

QUIT CLAIM DEED

THIS DEED is made this ____ day of June, 2020 and effective as of June __, 2020, between The City of Buckhannon, a West Virginia municipal corporation, as Grantor; and UPSHUR COUNTY DEVELOPMENT AUTHORITY, a West Virginia public corporation, as Grantee.

WHEREAS by Special Warranty Deed Dated December 13, 2016 and recorded in the Office of the Clerk of the County Commission of Upshur County, West Virginia on December 16, 2016 in Deed Book 539, at page 478 (the “Vesting Deed”), Grantor granted and conveyed unto Grantee all of that certain lot, tract or parcel of land located in the City of Buckhannon, Upshur County, West Virginia more particularly described on Exhibit A hereto and made a part hereof (the “Subject Property”);

WHEREAS, Grantor retained a right of reverter in Grantee’s Vesting Deed pursuant to which title to the Subject Property would revert to Grantor if the Grantee failed to complete financing or construction of the structure contemplated in Grantee’s Partnership Opportunity Workforce Economic Revitalization grant (“POWER Grant”) application;

WHEREAS, Grantee was awarded the POWER Grant from the United States Economic Development Authority on March 21, 2017 pursuant to federal award ID number 01-79-14726;

WHEREAS, Grantor has agreed to release, remise and quit claim unto the Grantee, the right of reverter reserved and retained by Grantor pursuant to the terms of the Vesting Deed; and

WHEREAS, this quit claim deed does not and shall not affect the sidewalk easement granted unto the City by that certain Deed of Dedication and Right of Way Agreement (the “Deed of Dedication”) dated October 4, 1990 and recorded in Deed Book 357, page 289 (the “Sidewalk Easement”).

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of ONE DOLLAR (\$1.00), the receipt and sufficiency of which are hereby expressly acknowledged, Grantor hereby quit claims, releases and remises unto Grantor all of Grantor’s reverter and reversionary rights in or to the Subject Property reserved by Grantor pursuant to the terms of the Vesting Deed. Grantor does not release, and expressly retains and reserves (a) the right to be paid the Adjusted Price (as defined in the Vesting Deed) for the Subject Property if Grantee shall sell the Subject Property, and (b) the Sidewalk Easement granted to the Grantor pursuant to the terms of the Deed of Dedication, as the same

may be amended from time to time including, without limitation, the Amendment to Deed of Dedication and Right of Way Agreement between Grantee, as successor in title and interests to the grantors in the Deed of Dedication, and Grantor dated the date hereof and to be recorded immediately after the recordation of this quit claim deed.

To have and to hold, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever for the Grantor, either in law or equity, to the only proper use, benefit and behalf of the Grantee forever.

RECITAL AND CERTIFICATION PURSUANT TO WEST VIRGINIA CODE 11-21-71b

THE UNDERSIGNED Grantor and transferor, upon oath and under penalty of perjury, by signing this instrument hereby states, acknowledges and affirms that unless noted in the exception below (which shall be deemed to be no exception unless expressly stated hereinbelow), Grantor and transferor is exempt from withholding under West Virginia Code 11-21-71b including 11-21-71b(d) and that the transferor, further affirmatively states that:

[] Transferor is a resident entity of the State of West Virginia;

[] Transferor or the transfer is exempt under other provisions of West Virginia Code 11-21-71b(d). West Virginia Code Section 11-21-71(b)(c) does not apply to this conveyance pursuant to West Virginia Code 11-21-71b(d)(4).

Except as expressly stated below, there are no exceptions as to transferor and transferor is exempt. Grantor, by signing this instrument, hereby authorizes either the real estate reporting person as defined in Section 6045 of the United States Internal Revenue Code, or the closing agent or attorney, to complete or correct such exception should grantor fail to accurately complete the following exceptions:

EXCEPTIONS

Total payment to Grantor as defined by West Virginia Code 11-21-71b(a)(5): **NONE**

DECLARATION OF CONSIDERATION

The undersigned Grantor hereby declares that this conveyance is not subject to the West Virginia excise tax upon the privilege of transferring title to real estate, as this is a conveyance made from a municipal corporation, as is provided for pursuant to the statutory provisions of Chapter 11, Article 22, Section 1 of the West Virginia Code, as amended.

WITNESS THE FOLLOWING SIGNATURE

THE CITY OF BUCKHANNON, a West Virginia municipal corporation

By: _____ Name:
David W. McCauley
Title: Mayor

STATE OF WEST VIRGINIA)

) ss:

COUNTY OF UPSHUR)

I, _____, a notary public in and for said state, do hereby certify that David W. McCauley, Mayor of the City of Buckhannon, a West Virginia municipal corporation, has this day acknowledged before me the said writing to be the act and deed of said corporation.

Given under my hand this ____ day of June, 2020.

My commission expires: _____.

Notary Public

[SEAL]

Prepared by and
after recording return to:

Amy K. Condaras
Frost Brown Todd LLC

United Bank Center
500 Virginia Street East, Suite 1100
Charleston, WV 25301

PARTIAL TERMINATION AND RELEASE OF LEASE AGREEMENT

THIS **PARTIAL TERMINATION AND RELEASE OF LEASE AGREEMENT** (this "Agreement") is made this _____ day of June, 2020 by and between UPSHUR COUNTY DEVELOPMENT AUTHORITY, a West Virginia public corporation ("UCDA") and THE CITY OF BUCKHANNON, a West Virginia municipal corporation (the "City").

Recitals

WHEREAS, by lease and agreement dated August 14, 1990 and recorded in the Upshur County Clerk's Office in Deed Book 355, page 630 (the "Lease"), the City leased from Woodrow W. Walker and Pearl S. Walker, husband and wife, a certain parcel of land (the "Walker Property");

WHEREAS, the Walker Property lies adjacent to, and abuts, a certain tract of land that the City conveyed to UCDA by deed recorded in the Upshur County Clerk's Office in Deed Book 539, page 478 (the "UCDA Property");

WHEREAS, by deed dated December 6, 2018 and recorded in the Upshur County Clerk's Office in Deed Book 557, page 680, M & W Real Estate, LLC, as successors in title to the Walker Property, conveyed unto UCDA that certain two (2) foot wide strip of land from the Walker Property more particularly described on Exhibit A hereto and depicted on that certain plat of survey attached hereto as Exhibit B (the "Two Foot Strip");

WHEREAS, the Two Foot Strip is subject to the terms of the Lease;

WHEREAS, the City conveyed the UCDA Property to UCDA so that UCDA may construct a 23,439 square foot, three story co-working flex space known as The Innovation Center and the UCDA has requested, and the City has agreed, to partially terminate the Lease as to the Two Foot Strip to accommodate UCDA's development of the UCDA Property; and

NOW, THEREFORE, with the intent to be legally bound, in consideration of one dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows.

1. Recitals. The foregoing recitals and the Lease are incorporated herein by reference as if fully set forth below.

2. Partial Lease Termination. The Lease and all of the City's rights and privileges thereunder are hereby terminated and are of no further force and effect as to the Two Foot Strip only. The City hereby quit claims, releases and remises unto UCDA all of the City's right, title, interest and claim in or to the Two Foot Strip adjoining the UCDA Property pursuant to the terms of the Lease including, without limitation, the purchase right of first refusal set forth in Section Eighteenth of the Lease.

3. Miscellaneous. All of the covenants, conditions, agreements, obligations, terms and rights set forth in the Lease are incorporated herein by reference thereto as if fully set forth herein. Except as amended by this Agreement, all other terms and provisions of the Lease shall remain in full force and effect. If there is a conflict between any term, covenant, condition, agreement or obligation set forth in the Lease and this Agreement, the terms and conditions of this Agreement shall govern and control.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties have caused this Partial Termination and Release of Lease Agreement to be duly executed as of the date first written above.

THE CITY OF BUCKHANNON, a West Virginia municipal corporation

By: _____ Name:
David W. McCauley
Title: Mayor

STATE OF WEST VIRGINIA)

) ss:

COUNTY OF UPSHUR)

The foregoing instrument was acknowledged before me this _____ day of June, 2020, by the City of Buckhannon, a West Virginia municipal corporation, by David W. McCauley, its Mayor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My commission expires: _____

Notary Public

**UPSHUR COUNTY DEVELOPMENT
AUTHORITY**, a West Virginia public corporation

By: _____
Name: _____
Title: _____

STATE OF WEST VIRGINIA)

) ss:

COUNTY OF UPSHUR)

The foregoing instrument was acknowledged before me this _____ day of June, 2020, by the Upshur County Development Authority, a West Virginia public corporation, by _____, its _____.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My commission expires: _____

Notary Public

AMENDMENT TO DEED OF DEDICATION AND RIGHT OF WAY AGREEMENT

THIS AMENDMENT TO DEED OF DEDICATION AND RIGHT OF WAY AGREEMENT (“**Amendment**”) is made and entered into this ____ day of June, 2020, by and between UPSHUR COUNTY DEVELOPMENT AUTHORITY, a West Virginia public corporation, (“**Grantor**”) and The CITY OF BUCKHANNON, a West Virginia municipal corporation (“**Grantee**”).

WITNESSETH:

WHEREAS, John M. Edmiston and Emily Edmiston, his wife, Elizabeth Edmiston, a widow, Andrew J. Edmiston and Mary Alice Edmiston, his wife, all by Matthew Edmiston, Jr., being the duly appointed attorney-in-fact acting behalf of the immediately aforementioned parties, Mildred M. Edmiston, being the wife of Matthew Edmiston, Jr. and Matthew Edmiston, Jr., individually, acting on his own behalf and in his

own right, George B. Craig, unmarried and then of Corpus Christi, Texas, John Clifford Craig and Nancy Craig, his wife, then of Houston, Texas, Mintie C. Hale and William K. Hale, her husband, then of Summit Point, West Virginia, Philip L. Jones and Mary Sue Jones, his wife, then of Pittsburgh, Pennsylvania, all as grantors ("**Original Grantor**") granted to Grantee that certain Deed of Dedication and Right of Way Agreement dated as of October 4, 1990 and recorded in the Office of the Upshur County Clerk, Ohio in Deed Book 357, Page 289 (the "**Original Right of Way Agreement**") pursuant to which Original Grantor granted unto Original Grantee that certain permanent and perpetual six foot (6') wide sidewalk easement along the entire southern and eastern boundaries of the property (the "**Original Sidewalk Easement Area**") over real property then owned by Original Grantor and now owned by Grantor which real property is more particularly described on Exhibit A hereto and made a part hereof (the "**Property**");

WHEREAS, the existing structure on the property encroaches onto the Original Sidewalk Easement Area along the eastern boundary of the Property along South Spring Street by approximately one and half feet (1.5'); and

WHEREAS, Grantor, as successor in title and interest to the Original Grantor, and Grantee desire to amend the Original Right of Way Agreement as it pertains to the Property and specifically, to reduce the width of the Original Sidewalk Easement Area along the eastern boundary of the Property along South Spring Street (the "**Amended Sidewalk Easement Area**") which Amended Sidewalk Easement Area is more particularly depicted and shown in yellow on that certain map or plat attached hereto as Exhibit B (the "**Survey**") and made a part hereof;

NOW, THEREFORE, in consideration of the sum of One and No/100 Dollar (\$1.00) in hand paid by the parties, one to the other, the covenants contained herein and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, Grantor and Grantee hereby agree as follows:

1. Easement Area. Grantor and Grantee hereby acknowledge and agree that the Original Sidewalk Easement Area on Grantor's Property is hereby amended, and from and after the date hereof, the Amended Sidewalk Easement Area depicted and shown in yellow on the Survey attached hereto as Exhibit B and incorporated herein by this reference, shall replace and supersede the Original Sidewalk Easement Area. Grantee hereby releases, remises and quit claims all easement rights and rights of way Grantee has or may have in and to the Property under any instrument of record or otherwise except for the Amended Sidewalk Easement Area depicted and shown in yellow on Exhibit B.

2. Ratification. Except as specifically amended by this Amendment, the Original Right of Way Agreement remains in full force and effect in accordance with its original terms. Grantee and Grantor hereby re-affirm the Original Right of Way Agreement, except as amended hereunder.

3. Entire Agreement. This Amendment constitutes the entire agreement between the parties relating to the subject matter hereof and may not be amended, waived or discharged except by instrument in writing executed by the party against which enforcement of such amendment, waiver or discharge is sought.

4. Defined Terms. Terms used in this Amendment and not defined herein, shall have the meaning as set forth in the Original Right of Way Agreement.

5. Counterparts. This Amendment may be executed in counterparts, each of which, when executed, shall be deemed an original and all of which shall be deemed one and the same instrument.

[Remaining Page Intentionally Blank]

IN WITNESS WHEREOF, this Amendment is made and entered into as of the day and year first above written.

GRANTOR:

UPSHUR COUNTY DEVELOPMENT
AUTHORITY, a West Virginia public corporation
By: _____
Name: _____
Title: _____

STATE OF WEST VIRGINIA)

) ss:

COUNTY OF UPSHUR)

The foregoing instrument was acknowledged before me this _____ day of June, 2020, by the Upshur County Development Authority, a West Virginia public corporation, by _____, its _____.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My commission expires: _____

Notary Public

GRANTEE:

THE CITY OF BUCKHANNON, a West Virginia municipal corporation
By: _____ Name: David W.
McCauley
Title: Mayor

STATE OF WEST VIRGINIA)

) ss:

COUNTY OF UPSHUR)

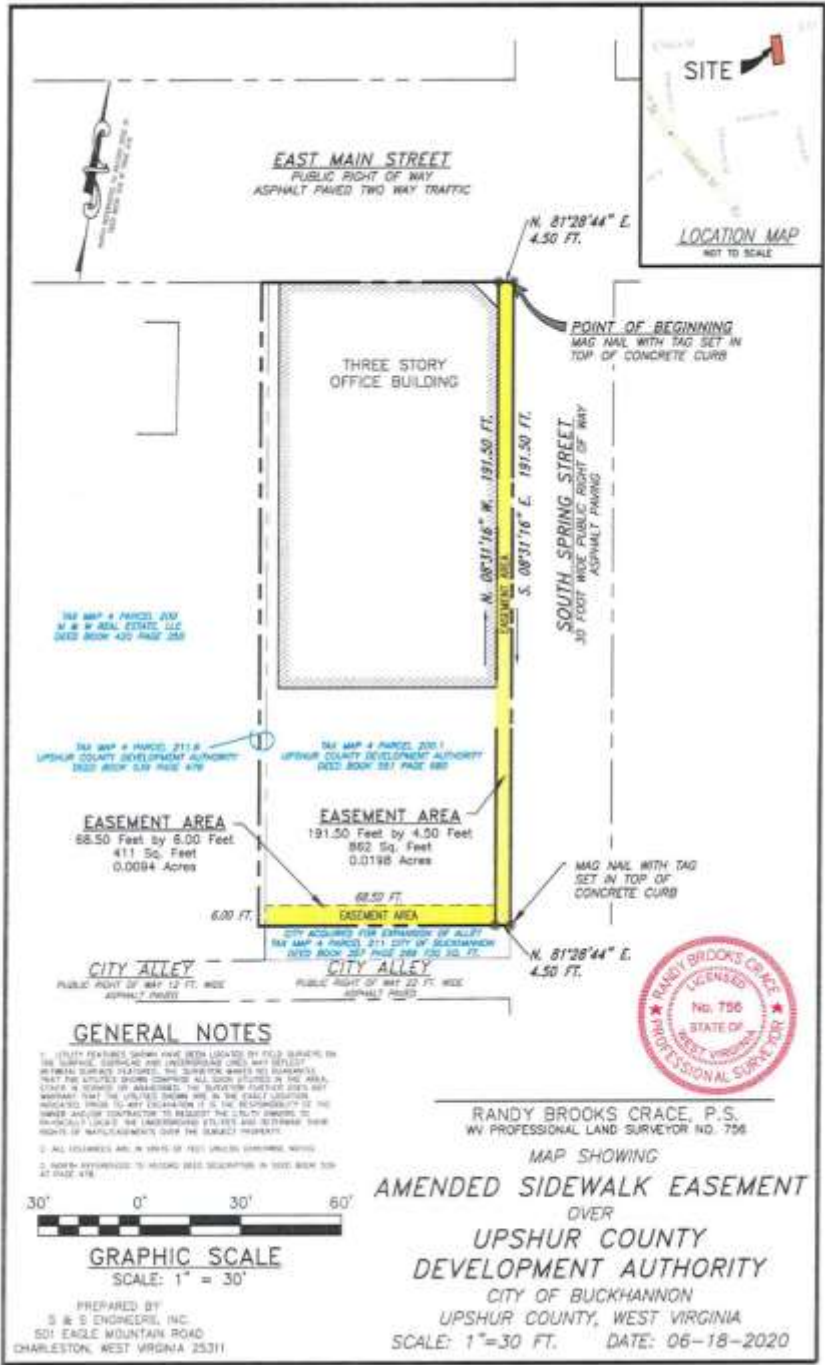
The foregoing instrument was acknowledged before me this _____ day of June, 2020, by the City of Buckhannon, a West Virginia municipal corporation, by David W. McCauley, its Mayor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My commission expires: _____

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY



F.4 Application to WV Department of Arts, Culture, & History- Accessibility Grant Application for Colonial Theatre.

Motion to approve the Mayor executing an application to WV Department of Arts, Culture, & History- Accessibility Grant Application for Colonial Theatre was made by Albaugh/Sanders. Motion carried unanimously.

F.5 Community Meeting: Development of Madison Street Property to set date at Council Meeting on July 2, 2020.

F.5 is carried forward.

G. Comments and Announcements

- **Council Member Albaugh** – Mrs. Albaugh expressed that it has been an honor serving with Mayor McCauley and thanked the Mayor for all he has done. She is happy to see the projects progressing, such as the Colonial Theatre.
- **Council Member Bucklew** – Mrs. Bucklew thanked Mayor McCauley for all that he has done for the City. She has enjoyed working with the Mayor and mentioned that he has always put his heart and soul in his work with the City.
- **Council Member Rylands** – Mr. Rylands provided this statement: *The tools of derision that we have observed in our national media have trickled down to our town. I guess if manipulation, pandering and hypocrisy are effective, why not use them to get what you want. Well, Newton's third law stated, "For every action there is an equal and opposite reaction." The metronome of politics swings both ways, the further you push one way, the further it swings back the other way. We would only have to look at our last two presidents to see that effect.*

It's kind of like my golf game, if I hit it into the woods on the right, and I adjust my swing, I find myself in the woods on the left. The goal is to keep the ball in the center of the fairway.

Today there are a lot of folks have set up camp in the woods on both sides and are predisposed to be offended by anything that is not aligned with their point of view. As long as drama and conflict sell, there will be folks generating it for you to consume.

The two biggest obstructions to effective community development are personality conflicts and turf issues. To the extent that we can put these aside, we will be successful.

- **Council Member Skinner** – Mr. Skinner mentioned that it has certainly been an emotional 10 days (since the election) and he hopes that we can now unify our community. He was proud to serve on the Council with Mayor McCauley and has learned a lot from him; not only through the work with the City but also when he had him as a professor at WWC. He acknowledged that they have worked hard together to help Buckhannon. He looks forward to receiving solicited advice from time to time from him. He is also looking forward to working with the Council and the City employees moving forward as Mayor.
- **Council Member Thomas** – Absent
- **City Recorder Sanders** – Mr. Sanders mentioned that he was in a unique position in that he not only wanted to thank Mayor McCauley for the guidance that he provided to him once he was appointed to the position of Recorder, but to the entire Council as it was them who voted to appoint him to the position. He thanked all Council members, Amy, Jerry, Teresa and Tom O'Neill for supporting him. He looks forward to working with the new Council and with Mayor-elect Skinner. He closed by commending Mayor McCauley for all the great things he has done for Buckhannon.

H. Mayor's Comments and Announcements – The Mayor provided the following statement:

As we conclude this evening's Council meeting, my last meeting as mayor, I want to thank our citizens for giving me the opportunity these past 50 months to help lead our City. This month of June for me is a bit like an ole rock band that's performing its farewell tour. I've gotten to address three of our four utility boards in similar fashion as this evening reflecting upon our accomplishments & challenges, & next Thursday I'll make my parting remarks before our Consolidated Public Works Board.

Those who know me best know that I've always admitted to being a pretty lousy politician. I never aspired to politics. Political correctness & telling people what they think they want to hear isn't one of my character traits. You're always going to know what I think with no sugar coating & minimal spin. That said, I have a slight bit of spin relative to our 2018 & 2020 city elections that I'd like to observe. With my exception- every single member of this Council was reelected during the past two years. How much more validating could our citizenry be regarding their critique as to where our City has been heading?

The past four plus years have been both challenging & rewarding. Let me revisit some of the most substantial challenges before reviewing our rewards. In mid-May of 2016, I was charged with cleaning up the many messes created by the incompetency of the previous "acting" player at the helm. One of the darkest chapters in our City's long history had to be tackled head-on. First &

foremost, integrity at City Hall had to be restored in order that our citizenry could regain confidence in our operations. Let there be no mincing of words- there was scandal, corruption, theft, bullying, & outstanding felony drug warrants all pending here when I was sworn in. Within three months, that criminal presence was entirely removed from this chamber. Soon thereafter, we welcomed Susan Aloï as our new city recorder & she was a refreshing improvement to our Council. Later we welcomed Colin Reger as City Recorder, & now Randy Sanders. By the way, if anything were to ever happen to Buckhannon's mayor, Randy Sanders would be a terrific mayor.

City administrator Michael Doss's final day was just three days after the May 2016 election. Some called for a new national search for his replacement. I rhetorically asked this Council who would train a new City administrator, knowing well the answer. Of course, it would fall upon Amby Jenkins & Jerry Arnold. So- we did something unheard of, we installed an entirely new form of city management oversight through the director model whereby Amby & Jerry "direct" virtually all activities in finance, administration, & public works. What a success that model has proven to be for Buckhannon. I think Morgantown has had about six city managers in a dozen years- & that entire city manager model seems to me to be a fractured one. The average tenure of a city manager is often only three or so years. Just when a person comes to learn the job, they are floating resumes to move on to bigger & greener pastures. It's the nature of that beast. I cannot say enough about the leadership we have realized with Amby Jenkins, the "much older" sister I never had, & Jerry Arnold, my brother. I admire, respect, & love you both so much. You have done so much for our town that has been unheralded. We all shall be forever indebted to you both for your amazing service to Buckhannon. I want to reiterate how delicate, how fragile competency & integrity are. Our City is blessed to champion both of those elements throughout our organization right now.

Another great opportunity followed with the previous, short-term city attorney from Huntington resigning, & we had the chance to land Tom O'Neill as our new legal counselor. Again- we hired a guy who wasn't three hours away, who lived just around the corner, & who had earlier served as a city councilor & already knew our organization very well. Tom hit the ground running & another huge improvement to our City team & operation was realized.

Then it was time to correct cronyism in our boards, commissions, councils, & committees. One of the first things we undertook in 2016 was to improve upon the competency of ALL of our boards, councils, & commissions. The previous "acting" administration had engaged in cronyism in its ugliest form. To be clear- cronyism is defined as "the appointment of friends & associates to positions of authority, without proper regard to their qualifications." To Mayor elect Skinner- & this won't be the last time you hear me offer this unsolicited advice Robbie- avoid cronyism at all cost. First & foremost, keep our organization competent! The dividends that competency pays will be realized by our community for decades to come. Buckhannon has never been more competent than what it is right now. We appointed new members to our water & waste collection boards. We gutted the planning commission appointing Curtis Wilkerson, Susan Aloï, Rich Clemens, CJ Rylands, Jack Reger, & Matt Kerner. With holdover members Vincent Smith, Dean Everett, & Catherine Cuppari, in short order we realized an excellent 2025 comprehensive plan. We reformed our Zoning Board of Appeals. We strengthened a number of our other boards & commissions with stellar members. Some of those replacement moves weren't popular with those removed & I've heard about it from them for years now on social media, but this organization has thrived from effecting those changes that have vastly improved our competency.

While chairing our utility boards, & especially our Water & Sanitary boards, I repeatedly complained about our "partnering" public service districts not maintaining & sharing agendas & meeting minutes. While it's taken literally years to achieve that compliance, we now have 100% psd sharing of those agendas & minutes. It's imperative that we know the intentions of those who will be counting upon our distribution of water & collection & treatment of sewage. With sewage we continue to expose the huge infiltration & inflow issues with the Tennerton Public Service District, & with water we continue to observe the immense water loss where as much as a half-gallon of treated, potable water for every gallon delivered is allowed to seep into the ground particularly with the Hodgesville Public Service District. This waste has to be policed & the psds have to do a much better job at fixing these leaks.

Some thought I was crazy when I advanced the notion of hiring a fulltime, dedicated grant researcher/writer who would double as our information facilitator. What an investment we realized with the hiring of Callie Cronin-Sams. During the past four years, our City has realized well more than four million dollars in grant funding. Callie further has made us more information sharing & transparent than we've ever been before.

I butted heads with some members of the Knights of Pythias. They sought me out to discuss our City's interest in acquiring their property to build our new multi-purpose building at Stockert. There were a couple of different appraisals generated. We ended up offering them the high appraisal value & then some, yet the membership insisted on holding out for payment about double that high appraised value. We've tried to get them back to the negotiation table for months now without success. That property is indispensable to our development of the much-needed space for our B-U children at Stockert. We have to acquire it. If the Knights won't negotiate, our City needs to proceed through eminent domain.

Looking back at it all, I don't think that anything we undertook was more important than to address the revenue needs of our City. This was accomplished through two initiatives. First, we fast-tracked a two-phase sewer rate increase to provide the much-needed resources for our sewer operations to be able to discharge all of our Board's important functions & thrive. Still, even after the rate increases, our sewer rates currently rank #150 out of 318 providers, or at the 46.6% level in our entire State of West Virginia. After years of struggling to establish any reserve fund, our sewer reserve now exceeds the State required 12.5% of our annual operating revenues. Simply stated, we now are prepared for sewer emergencies, & we have met the State's mandate. Second, the adoption last year of the one percent sales tax will end the stagnation with our general fund, & permit us to advance city-wide projects in a far more expedient manner. Our finances are in terrific shape, with four years of perfect audits.

After some rancor with the County Commission & our constant antagonist, the Tennerton Public Service District, we protected & solidified our utility base by expanding our delivery of sewer to Route 33 West on both the north & south side, & I would add water on the south side of Route 33 West. It's not easy taking a tough stance- but it's in the best interest of our organization to do exactly that on occasion. When it would have been easy to cave, we rose & met the challenges from those who we would've preferred to have identified as allies & partners.

My mantra during my entire time as mayor has been "We're all in it together." I repeatedly have emphasized that ALL means ALL. Inclusivity is the morally correct thing to strive for & try to implement. We have more females in our employ right now than ever before in our City's history. In addition to Amby Jenkins' ascension to being our director of finance & administration, we hired Callie Cronin-Sams as our grants & information officer, Dixie Green as our horticulturist, & Angel McCauley as one of our newer police officers. Add in our excellent City Hall & Stockert staffs, & it's difficult to imagine where our organization would be without our amazing female employees. I'd be lost without Teresa Summers by the way. Through our Diversity Appreciation Coalition we have recognized great women from our community's past, Binky Poundstone, Jean Lee Latham, Joyce Stockert, & Mary Gibson. Ladies- we appreciate you!

I've been criticized for speaking up for blacks after the riot in Charlottesville, Virginia in 2017, & following the George Floyd killing last month. I advanced protection from discrimination for members of our LGBTQ community. It's been nearly 18 months since Ordinance 434 narrowly failed before this body. I said then that our Constitution embracing equal protection & due process along with federal statutes accorded protections to our LGBTQ citizens, & how vindicating it was to read the opinions of Chief Justice John Roberts & Associate Justice Neil Gorsuch earlier this week declaring exactly that. The United States Supreme Court in sweeping fashion essentially passed our Buckhannon ordinance in the Bostock, Zarda, & Stephens' cases that were handed down on June 15.

I've taken up for addicts & substance abusers, repeatedly championing the extending of second, third, & more chances for those in recovery. There are many lost souls out there worthy of saving, & if we provide the support, many of those struggling with drugs or alcohol today can be returned to being productive citizens tomorrow. Don't tell me that "those people deserve to die."

There were doubters when we advanced pursuing full, professional accreditation for both our police & fire departments. Our fire chief before Chief Kimble was lukewarm at best about pursuing CFAI accreditation. Chief Kimble was onboard. Police Chief Gregory has performed excellently to put our police department on the brink of full, professional accreditation through CALEA. We've already reaped huge dividends from these pursuits. Our police & fire departments are both better than they've ever been before as a result of pursuing professional accreditation.

Across the board, our supervisors excel in leading their respective departments. We're highly competent with Kelly Arnold in water, Buck Samples in sewer, Jeff Wamsley at waste collection, Brad Hawkins in streets & parks, & Debora Brockleman at Stockert Youth & Community Center.

Our Colonial Theatre is about 75% completed. We've raised nearly a half million dollars toward our new Stockert building. Our dog park is terrific. The improvements on Spring Street, Trader's Alley, & Milkman Lane, along with the new projects in Jawbone Park make our downtown all of the more appealing.

We've welcomed many new businesses to our City with Harbor Freight, Citizens Bank, Community Care, Orion Strategies, & the list goes on & on.

Some have asserted that our City government acted less than transparently during the past four plus years. The truth of the matter is- our organization has never acted more transparently & more ethically than it has since May of 2016. Some have claimed we moved too quickly on some matters. Well, it's true that I've never been a "kick the can down the road" kind of guy. We have acted decisively but thoroughly as a Council. I have been but one vote on this Council. I appreciate all of my colleagues who have supported our many positive initiatives. I will miss my camaraderie with all of our Council members, but especially CJ, Mary, & Randy. We have assembled a really good team. Jack Reger will be a quality addition to this Council.

Some folks have claimed we didn't realize any improvements while wasting time on recognizing people. I don't know what those folks are smoking. We in fact recognized excellence & good service from our community members at every turn. We honored many celebrities from our community's colorful past. There are still many more to recognize including Garland West, Wolfgang Flor, Steve Coonts, Jayne Anne Phillips, Breece D'J Pancake, Greasy Neale, Cliff Battles, & others.

I would be remiss if I failed to observe the passing of several of our former key City players during the past four years- Frank Williams, Harley Brown, Jim Knorr, & Matt Hymes. So many of us dearly loved Harley & Matt especially. I have had my own personal challenges during the past four years with my dad's passing in August of 2018, my son's past struggles with substance abuse- doing great now though, my divorce last year from Cathy- my mom aside- the best lady I've ever known. But- the past four years did allow me to increase my monkey collection from five to seven as Kissy Kessy & Seesaw Man joined Blondieboy, Chunkamonk, Gianna, A-Dave, & Braybray. I'm no different than anyone else- my family means everything to me, & I like to think that some of the improvements we've realized here were inspired by knowing that they too- would benefit from them.

It has been my great honor & privilege to serve as your mayor these past 50 months. I can tell you without a stutter or a stammer that I have given the job all I had. One of the lyrics in Frank Sinatra's "My Way" goes- "regrets... I've had a few, but then again- too few to mention." My regrets would be not breaking ground yet on our new Stockert Building, not being successful yet with our AML (Abandoned Mine Land) grant to greatly extend our river walk trail, & not having yet completed our Colonial Theatre. Mr. Skinner- those are your projects to complete. I will help anyway I can.

As I stated during my last Water Board meeting last week & during the Sanitary Board earlier today- I hearken back to my late dad's sage advice- "always leave things in better shape than what you found them." While self-objectivity is a difficult notion, I offer the assertion that our City- is in far better shape than it was in May of 2016. Council & folks of Buckhannon- please keep up your good work.

Finally, & I've said this before- of all of the attributes that we may manifest as human beings, I believe the most important one is the virtue of kindness. Please care about & be kind to each other. We truly are ALL in THIS together- thanks for attending our meeting this evening. Council will greet you next time on July 2.

I. Executive Session –Personnel Matters Per WV Code § 6-9A-4 – The Chair called for a short break before we move into an Executive Session regarding personnel matters per WV Code § 6-9A-4

J. Adjournment

Motion to adjourn at 9:15 PM was made by Rylands/Albaugh. Motion carried.

Mayor David McCauley

City Recorder Randall H. Sanders
