

STATE OF WEST VIRGINIA; COUNTY OF UPSHUR; CITY OF BUCKHANNON; TO-WIT:

A meeting of the Buckhannon Housing Enforcement Board was held July 28, 2021, at 3:10 pm in City Hall. The following persons were present:

Mayor	Robbie Skinner	Present
Recorder	Randy Sanders	Absent
Building Code Enforcement Officer	Vincent Smith	Present
Board Member	David Thomas	Present
City Engineer	Jay Hollen	Present
Upshur County Health Dept Officer	Sue McKisic; RN, BSN	Present
BFD Chief	JB Kimble	Present
Assistant Recorder & Director of Finance	Amberle Jenkins	Present
City Attorney	Tom O'Neill	Absent

To participate in a meeting virtually, regular participants and members of the public are invited to contact City Hall at 304-472-1651 for the GoToMeeting link/access.

***City of Buckhannon Housing Enforcement Board – 3:00 pm in Council Chambers
Meeting Agenda for Wednesday, July 28, 2021***

- A. **Call to Order**
 - A.1 **Moment of Silence**
 - A.2 **Pledge to the Flag of the United States of America**
- B. **Recognized Guests**
 - B.1
- C. **Department Report**
 - C.1 **Update Regarding the Progress of Properties of Primary Concern**
 - 106 Randolph Street-Good Neighbor Property Cleanup
 - 80 Randolph Street-Good Neighbor Property Cleanup
 - 56 Cleveland Avenue
 - 54 Fifth Street
 - 10 Cardinal Street- Fire Damage
- D. **Correspondence**
 - D.1 **2nd Notice Vacant Building Registry**
 - D.2 **Email Re: Software for Vacant Building Registration Program**
 - D.3 **Next HEB meeting October 20, 2021**
- E. **Consent Agenda**
 - E.1 **Approval of Minutes – Regular Meeting 04/28/2021**
- F. **Strategic Issues for Discussion and/or Vote**
 - F.1 **Discussion/Possible Vote Recommendation to City Council RE: Disposal/Liquidation of the Tax Sale Properties -31 Upper Drive & 39 Sedgwick Street**
- G. **Board Members Comments and Announcements**
- H. **Adjournment**

POSTED 07/23/2021

A. Call to Order: The meeting was called to order by Mayor Skinner, led by a moment of silence and pledge to the flag.

B. Recognized Guests: None

C. Department Report:

C.1 Update regarding the progress of properties of primary concern:

• 106 Randolph Street – Good Neighbor Property Cleanup:

Mr. Smith reported that Chapel Hill United Methodist Church volunteered to clean out the home for the property owner if the city could provide a grant to pay for the disposal fees. The owner completed an application and dumpsters were provided free from charge to the owner. Approximately 10 dumpsters full of trash were disposed of. The church representative have found that the house is in very poor structural condition. They approached the Mayor to ask if the city

could assist with razing structure and all the cost involved with this. Board members were concerned that this would set a precedence to use city labor, equipment and funds to remove an entire house that is privately owned. This would cost several thousand dollars.

- **80 Randolph Street-Good Neighbor Property Cleanup:**

Mr. Smith reported that the niece of the owner of this property asked for assistance to pay for disposal fees if she would help the owner cleanup the property. This was the third time this owner has utilized the Good Neighbor Property Cleanup. Mr. Smith believes that the owner was not cooperative in removing items.

- **8 Park Street:**

Vacant property in poor condition and overgrown to discuss by Mayor Skinner:

Mr. Smith has been in contact with the owner (Patricia Buehler) who lives in Ohio. She has indicated she would like to dispose of the property. Mayor Skinner has tried to notified area neighbors to reach out to the owner if they may be interested in the property.

- **56 Cleveland Avenue and 54 Fifth St- on the same lot:**

Mr. Smith reported that this property which was repossessed by Premier Bank is now under new ownership of Premier Properties, LLC.

The new owner indicated that they want to remove the back portion of the structure at 56 Cleveland Ave and remodel to a one bedroom bungalow. A minimum square footage of living space is required.



- **10 Cardinal Street – Fire Damage:**

Prior to the structure fire that occurred this month (July), Mr. Smith made several attempts to get the property owner to clean up the overgrown lot.

The fire caused quite a bit of structural damage and is now unsafe. Mr. Smith issued a Notice of Violation and the owner has immediately contact him. The owners, Nelson & Regina Forry, are to meet with the insurance adjuster. Mr. Smith will speak with the City Attorney to petition the insurance to hold lien the insurance claim for debris clean up.

CITY OF BUCKHANNON
70 E MAIN STREET BUCKHANNON, WV 26201
304-472-1651

Notice of Violation



Subject Structure

Date: July 21, 2021

Certified Mail-Return Receipt

To: Regina & Nelson Forry
450 Bibey Road
Carthage, NC 28327

Location: 10 Cardinal Street Buckhannon, WV 26201
Tax Map: 12
Parcel: 0068 0000 0000

In response to a complaint, the property at the location specified above was inspected on July 21, 2021. On that date, the following conditions were observed: 1) Unsafe Structure 2) Fire Damaged /Imminent Danger.

Such conditions are in violation of: 2015 International Property Maintenance Code, Section(s) 107, 108 and 109.

(See attached material)

Pursuant to Section 107 of the International Property Maintenance Code, you are hereby directed to correct the violation(s) listed above with 30 days of receipt of this notice. Failure to comply with this notice will result in notice of condemnation and order to vacate the dwelling unit. Also, the cost of any measures taken by the jurisdiction to abate the violation(s) listed above will be charged against the real estate upon which the violation(s) occurred and will be a lien on said real estate under 106.3.

Please be advised that this notice is subject to appeal in accordance with Section 111 (copy attached). Transfer of ownership of any property under a compliance order is prohibited except as permitted under Section 107.6.

Please contact the City of Buckhannon if any information contained herein is incorrect or if I can be of assistance otherwise. You may also contact me directly at 304-472-1651. Your cooperation is appreciated.

Respectfully,
Vincent Smith
City of Buckhannon Building Code Enforcement Officer

• **55 & 57 Wood Street:**

Mr. Smith reported that WV Wesleyan College is razing both of these structures. He also noted that another property on Randolph Street (across from the Fidler House) that is owned by the college will also be razed.



D. Correspondence:

D.1 2nd Notice Vacant Building Registry

CUSTOMER
ST
BUCKHANNON WV 26201

06/11/2021
2ND NOTICE
Lien will be filed for non-
responsive property owners.

Re:

Dear Property Owner:

Be advised that our records reflect your ownership of the above-referenced property located within the corporate limits of the City of Buckhannon. As you may be aware, the City of Buckhannon amended a Vacant Building Registry Ordinance that went into effect on October 3, 2015. A copy of this ordinance is attached hereto for your immediate reference. The ordinance defines a “vacant building” as a “building or other structure that has been unoccupied for six months or longer, or unsecured and occupied by one or more unauthorized persons for six months or longer.” Be advised that the utilization of residential property for storage will not exempt the owner from vacant building registration.

This ordinance was enacted so that the City can properly monitor vacant buildings for code violations, health hazards and potential public safety and possible criminal activity that is often associated with long-term vacant structures. If you dispute ownership of the subject property or deny that said property is vacant, please advise this office at once so that we may correct our records.

In accordance with City of Buckhannon Ordinance 367 article III and Ordinance 394 all vacant buildings must be registered with the City of Buckhannon within six months of becoming vacant. A Vacant Building Registration Form is also attached for your use. This form must be returned to this office along with the appropriate fee no later than October 2, 2020. As indicated on the form, annual fees will be assessed each year on the anniversary date of the property being registered as vacant. Failure to pay these fees may result in a civil action being pursued against the property owner and potentially a lien being placed against the property.

You are directed to pay to the order of the City of Buckhannon the amount of \$200.00 for the assessment year of 08/01/2020, due by October 2, 2020.

Please understand that the objective of the Vacant Building Registry is not to extract additional fees from property owners but rather to insure that all costs associated with addressing said buildings are borne by the appropriate party, that being the property owner. Ultimately the City of Buckhannon would like to see all vacant properties returned to viable use.

Should you have any questions or comments in regard to this letter or would like to discuss the matter further, please feel free to contact me upon receipt of this letter.

Sincerely,

Vincent Smith, Building Enforcement Officer

D.2 Email Re: Software for Vacant Building Registration Program

From: Steve Machesney <smachesney@comcate.com>
Date: Thu, Mar 4, 2021 at 1:45 PM
Subject: Small City Code Team has Big Impact on Vacant Property Stock in Urbana, OH
To: <amby.jenkins@buckhannonwv.org>

Hello Amberle!

It's easy to feel like you're falling behind when you work in small city Code Enforcement.

Especially, when you have to proactively enforce new programs with outdated tools.

This was where the City of Urbana, Ohio (pop. 12,000) found itself in the spring of 2020 as it looked to enforce its Vacant Building Registration Program and turned to Comcate for help.

The City's results were stunning!

Hear from Urbana's Cat Jones who [spearheaded the initiative to free the department from a soul sapping administrative burden](#) so it could do more proactive enforcement.

Be well, Steve

P.S. [Schedule 15 minutes with me](#) to see if we can boost your team's capacity.

P.P.S. In the meantime, [learn more about Code Enforcement Manager](#).

Steve Machesney
Director of Marketing
Comcate, Inc.
144 Linden Street Oakland, CA 94607
(415) 209-5017
<http://www.comcate.com>

D.3 Next HEB meeting October 20, 2021

E. Consent Agenda:

E.1 Approval of minutes – Regular Meeting 4/28/2021

Motion Thomas/Hollen to approve the minutes of the meeting held 4/28/2021. Motion carried.

F. Strategic Issues for discussion and/or vote:

F.1 Discussion/Possible vote recommendations to City Council Re: Disposal/Liquidation of the Tax Sale Properties – 31 Upper Drive and 39 Sedgwick Street:

Mr. Smith reported that both properties were purchased at a tax sale that took place in November 2019. Both properties were identified as problem properties at the time of the sale. The steps required by the State of WV have been followed and the State of WV notified the city that the properties are now the possession of the City of Buckhannon.

BOOK 579 PAGE 218
CITY OF BUCKHANNON
70 E MAIN ST
BUCKHANNON, WV 26201

CITY OF BUCKHANNON
70 E MAIN STREET
BUCKHANNON WV 26201-2274

house

This deed made this 1st day of April, 2021, by and between G. Russell Rollyson Jr., appointee of the Honorable John B. McCuskey, State Auditor, grantor and CITY OF BUCKHANNON, purchaser, grantee, witnesseth, that:

Whereas, In pursuance of the statutes in such case made and provided, Virgil D. Miller, Sheriff of Upshur County, did in the month of November, in the year 2019, sell the tax lien(s) on real estate, hereinafter mentioned and described, for taxes delinquent thereon for the year 2018, and CITY OF BUCKHANNON for the sum of \$2,900.00, that being the amount of purchase money paid to the sheriff, did become the purchaser of the tax lien(s) on such real estate, which was returned delinquent in the name of BUTCHER JOSEPH E; and

Whereas, The State Auditor has caused the notice to redeem to be served on all persons required by law to be served on all persons required by law to be served therewith; and

Whereas, The tax lien(s) on the real estate so purchased has not been redeemed in the manner provided by law and the time for redemption set in such notice has expired;

Now, therefore, the grantor, for and in consideration of the premises and in pursuance of the statutes, doth grant unto CITY OF BUCKHANNON , grantee, his or her heirs and assigns forever, the real estate on which the tax lien(s) so purchased existed, situate in the county of Upshur, bounded and described as follows:

The undersigned hereby declares that the consideration paid for the conveyance is \$2,900.00.

Certificate of Sale Number: 2019-S-0000000059
PARCEL A LOT N RIVER VIEW ADDN 59.43 X 98.50 X 96.02 X 80.50, BUCKHANNON CORP DISTRICT

Witness the following signature:

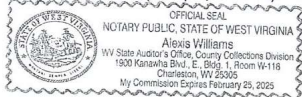
G. Russell Rollyson Jr.

G. Russell Rollyson Jr.
Appointee of the Honorable John B. McCuskey, State Auditor

State of West Virginia
County of Kanawha, to wit:

I, Alexis Williams, a Notary Public in and for the County of Kanawha, and the State of West Virginia, do certify that G. Russell Rollyson Jr., Appointee of the Honorable John B. McCuskey, State Auditor, whose name is signed to the foregoing writing bearing the date of the 1st day of April, 2021, has acknowledged the same before me in said County.

Given under my hand this 1st day of April, 2021. My commission expires February 25, 2025.



Alexis Williams
Alexis Williams
Notary Public

This instrument was prepared from a form by G. Russell Rollyson Jr., Appointee of the Honorable John B. McCuskey, State Auditor, as provided for in Chapter 11A, Article 3, Section 27 of the Code of West Virginia.

BOOK 579 PAGE 218
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Whereas, The State Auditor has caused the notice to redeem to be served on all persons required by law to be served on all persons required by law to be served therewith; and

Whereas, The tax lien(s) on the real estate so purchased has not been redeemed in the manner provided by law and the time for redemption set in such notice has expired;

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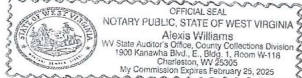
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CITY OF BUCKHANNON
70 E MAIN ST
BUCKHANNON, WV 26201

CITY OF BUCKHANNON
70 WEST MAIN STREET
BUCKHANNON WV 26201
BOOK 579 PAGE 265

This deed made this 1st day of April, 2021, by and between G. Russell Rollyson Jr., appointee of the Honorable John B. McCuskey, State Auditor, grantor and CITY OF BUCKHANNON, purchaser, grantee, witnesseseth, that:

Whereas, In pursuance of the statutes in such case made and provided, Virgil D. Miller, Sheriff of Upshur County, did in the month of November, in the year 2019, sell the tax lien(s) on real estate, hereinafter mentioned and described, for taxes delinquent thereon for the year 2018, and CITY OF BUCKHANNON for the sum of \$1,200.00, that being the amount of purchase money paid to the sheriff, did become the purchaser of the tax lien(s) on such real estate, which was returned delinquent in the name of FELTNER CYNTHIA & GARY; and

Whereas, The State Auditor has caused the notice to redeem to be served on all persons required by law to be served on all persons required by law to be served therewith; and

Whereas, The tax lien(s) on the real estate so purchased has not been redeemed in the manner provided by law and the time for redemption set in such notice has expired;

Now, therefore, the grantor, for and in consideration of the premises and in pursuance of the statutes, doth grant unto CITY OF BUCKHANNON , grantee, his or her heirs and assigns forever, the real estate on which the tax lien(s) so purchased existed, situate in the county of Upshur, bounded and described as follows:

The undersigned hereby declares that the consideration paid for the conveyance is \$1,200.00.

Certificate of Sale Number: 2019-S-0000000058
LOT 11 BLK 5 SEDGWICK ST 50.0 X 120.0, BUCKHANNON CORP DISTRICT

Witness the following signature:

G. Russell Rollyson Jr.

G. Russell Rollyson Jr.
Appointee of the Honorable John B. McCuskey, State Auditor

State of West Virginia
County of Kanawha, to wit:

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Both properties were inspected by Housing Enforcement Officer-Vincent Smith, Engineer-Jay Hollen, Street Commissioner-Brad Hawkins and Fire fighter-Tanner Smith.

39 Sedgwick Street findings on inspection:

Mr. Smith submitted the following pictures taken during the inspection.



- The garage has a large crack in the block and notes structural damages would be costly to repair.
- The house is in good condition with a small leak in the roof under the window on the right side.
- Paint on the outside of the house is peeling and cracked.
- There is a small crack in one portion of the foundation
- It has a root cellar
- The yard needs more clean up. The city has been mowing it.
- It would take about 5 dumpsters and a week or two of labor to clear the inside.
- The house is listed in the WV National Register of Historic Places as follows:
353. 39 SEDGWICK STREET, residential Feltner House date: ca. 1920 description: One and one-half-story, side gable house with central shed roof dormer on the front. Dormer has exposed rafter tails and two 3/1 windows. Exposed rafters in gable ends. Red brick chimney. Pressed metal and asphalt shingle roof. Cove siding with corner boards. Vertical 3/1 windows with simple hoods and surrounds. One-story, shed roof, full length, front porch with wrought iron posts on a wood deck. Rock-faced concrete block foundation. 3 bays wide. Bungalow house type. 1 contributing building (C)

Inspectors recommend razing the garage but keeping the house intact.

Mr. Smith has scheduled an asbestos inspection.

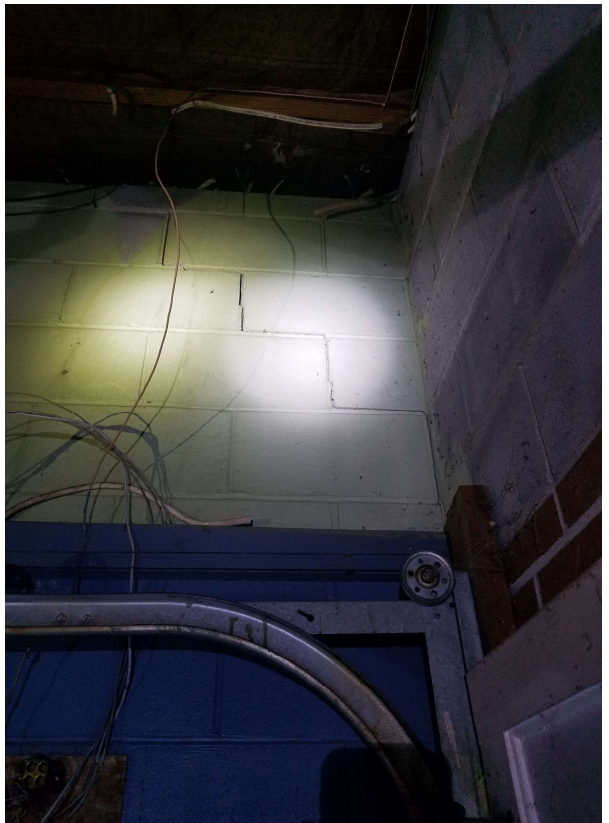
Board Member Thomas recommends obtaining an appraisal.

Upon discussion, a motion was made Hollen/Thomas to recommend to City Council that the property at 39 Sedgwick Street be cleared of debris on the inside and outside of the property, raze the garage, obtain an asbestos inspection and obtain an appraisal then determine a minimum reserve and auction the property. Motion carried.

31 Upper Drive findings on inspection:

Mr. Smith submitted the following pictures taken during the inspection:





- Engineer Hollen explained that the foundation and basement has a stair step crack completely through the blocks from top to bottom between concrete pillars.
- The ledger board attaching the rear deck to the house is separated from the house. The deck must be removed for safety reasons.
- The concrete stoop is separated from the house.
- The back right garage wall is bowed out.
- Termite damage was visible
- Black mold was in the basement and in areas of the main floor.
- The city has been mowing the property. But has had to secure the doors a few times due to vandals and possible squatters living in the house.
- An adjacent vacant lot goes with this property.
- Most of the property is on a hillside.

The group inspecting the house all concurred that the house should be razed as the cost to repair would be substantial. Mr. Smith expressed concern if the house were sold “as is” potential owners may not bring the house up to code and will have continued issues with this property.

The Board discussed the inspection report.

Motion Hollen/Thomas to recommend to City Council to obtain an asbestos report, raze the structure, clear the lot and obtain an appraisal to auction both lots. Motion carried.

There being no further business to be transacted, meeting adjourned at 4:33 pm.

Mayor Robert N. Skinner III _____

City Recorder Randall H. Sanders _____