

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

A meeting of the Buckhannon Housing Enforcement Board was held April 27, 2022 at 3:00 pm in City Hall. The following persons were present:

Mayor	Robbie Skinner	Present
Recorder	Randy Sanders	Present
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	J.B. Kimble	Present
Assistant Recorder & Director of Finance	Amberle Jenkins	Present
City Attorney	Tom O'Neill	Present - GTM

Guests: Jackie Anderson, Upshur County Health Department; Jody Light, Joalde Enterprises, LLC.

To participate in the meeting virtually, regular participants and members of the public were 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, April 27, 2022***

- 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
 - Update on Ongoing Vacant Properties
 - Notice of Public Auction 39 Sedgwick Street & 31 Upper Drive
 - 8 Park Street
 - 11 Nona Street
- D. Correspondence**
 - D.1 Code Enforcement Case Status Report
 - D.2 Cleanup Checklist Notice to Residents
 - D.3 CityPR: Vacant Structure Fire Zeno Street Barn
 - D.4 CityPR: Demolition of 23-23B East Main Street Fire Damaged Buildings
- E. Consent Agenda**
 - E.1 Approval of Minutes – Regular Meeting 01/26/2022
- F. Strategic Issues for Discussion and/or Vote**
 - F.1 Discussion Inspection of Main Street Properties
 - F.2 Discussion/Possible Vote Dilapidated Structures Scoring System
- G. Board Members Comments and Announcements**
- H. Adjournment**

POSTED 04/22/2022

A. Call to Order: Mayor Skinner called the meeting to order, invited all to join him in a Moment of Silence followed by the Pledge to the Flag of the United States of America.

B. Recognized Guests – Mayor Skinner recognized Jody Light, for Joalde Enterprises, LLC to discuss the registration of vacant buildings; registration fees; procedures for administration and enforcement and the past waiver of vacant building registration fees. This opened the discussion of *C.1 Update Regarding the Progress of Properties of Primary Concern.*

Ms. Light noted that Joalde Enterprises, LLC had recently sold several of their rental properties. Of the 20 properties still owned by Joalde Enterprises, LLC, following are currently vacant (all in Buckhannon):

7 ½ Franklin Street
11 North Franklin Street
139 South Florida Street

95 Camden Avenue
107 Wood Street
111 Wood Street
123 Wood Street
125 Wood Street
7 North Kanawha Street

Of these properties, 7 have been vacant for longer than 6 months and 2 have been vacant for under 6 months. The Board thanked Ms. Light for her attendance.

C. Department Report:

C.1 Update Regarding the Progress of Properties of Primary Concern Housing – Continuing with this agenda item, Building Code Enforcement Officer, Vincent Smith discussed property owned by Robbie Messenger on the corner of Randolph/Ohio Street. Mr. Messenger has obtained a permit and will be working to prepare the property to rent. No action was necessary.

Discussion took place regarding the waiver that have been in place with Mayor Skinner recommending that the Housing Enforcement Board direct the Building Code Enforcement Officer to begin enforcing the Vacant Building Ordinance to include all properties that Joalde Enterprises, LLC, own and are vacant with the exception of 139 South Florida Street and 95 Camden Avenue, which have been vacant less than 6 months. The Board agreed; no further action was necessary.

Notice of Public Auction 39 Sedgwick Street & 31 Upper Drive - Amberle Jenkins reported briefly on the Notice of Public Auction regarding 9 Sedgwick Street & 31 Upper Drive stating the online auctions are going well. No action was necessary.

NOTICE OF PUBLIC AUCTION

The City of Buckhannon has arranged to sell properties through an online public auction.

The properties are located in Buckhannon WV at

39 Sedgwick Street

31 Upper Drive

Descriptions of the properties and instructions on registration to bid can be found at the following website:

<https://www.joerpyleauctions.com/auctions/detail/bw78105>

Bidding closes Wednesday, April 27, 2022 at 6:00 pm.

Contact City Hall at 304-472-1651 if you have any questions.

Randall Sanders- Recorder

City of Buckhannon

8 Park Street – Mayor Skinner provided an overview on the ongoing problems with the property at 8 Park Street. Building Code Enforcement Officer, Vincent Smith noted that the owner is already in arrears by \$600 under the Vacant Building Ordinance. Mr. Smith noted that the owner had an interested party in obtaining the property and making it a viable property again. He will keep the Board updated. No action was necessary.

11 Nona Street – 11 Nona Street was discussed next as being a concern of the fire department due to it being vacant and potentially being used by people looking for shelter. Building Code Enforcement Officer, Vincent Smith is working with the owner, Robert Ayers. It is the hope of Mr. Smith that the building will be demolished soon. No action was necessary.

6 Ambrose Street – A brief discussion took place regarding 6 Ambrose Street. No action was necessary.

D. Correspondence – Mayor Skinner reviewed the following with the Board:

D.1 Code Enforcement Case Status Report



Case Status Report

01/20/2022 - 04/26/2022

Case Date	Case #	Parcel #	Parcel Address	Owner Name	Tennant	Description	Main Status	Owner Phone
Group:								
3/21/2022	26	3-11-117	114 POCAHONTAS STREET	HAMNER STEVEN & KIMBERLY	Steven & Kim Hamner	Junk Car Storage on private property, unlicensed, abandoned Ord 357		
3/7/2022	19	3-12-96	181 POCAHONTAS STREET	SHARP STANFORD & MARY		NEIGHBOR AT 179 CALLED AND SAID THAT TENNANT HAD BEEN EVICTED AND THEY HAD A DUMPSTER THERE THAT IS OVERFLOWING AND THE WIND IS PICKING UP DEBRIS AND SCATTERING THROUGH THE NEIGHBORHOOD		
Group Total: 2								

Group: Active

4/20/2022	33	3-12-9	6 AMBROSE STREET	ALDERMAN DANIEL LEE	Last known tennant Traci Moul	Tax Lien Sale Property 11/17/21 Declared Unsafe for Human Occupancy- Uninhabitable	Active	
4/20/2022	32	3-11-257	192 SOUTH FLORIDA STREET	WARE DARLENE K	Darlene Swiger	Appearance of Lot-trash, debris	Active	
3/28/2022	29	3-7-154	8 PARK STREET	BUEHLER PATRICIA ANN	Owner, Patricia Ann Buehler	Vacant- Basement Door Open, Water in the basement, Tree growing in porch floor. Appearance of Lot	Active	
3/28/2022	28	3-1-119.1	9 1/2 CLEVELAND AVENUE	FULLER MARC T	SARA JOHNSON	HAS ELECTRICAL ISSUES, BUT SAYS LANDLORD WILL NOT FIX	Active	
3/16/2022	25	3-7-63	25 BOGCESS STREET	HALL LORENTZ W		The house with vacant lot at 25 Boggess St- Jawbone Creek and the property needs maintained- dead rodents, skunks, rats and trash & debris are coming	Active	

						in her rear yard		
3/11/2022	21	3-12-14	LEONARD STREET	CITY OF BUCKHANNON	Martin Tenney	Storage/Parking of Utility Trailer & Camper on City ROW	Active	
3/7/2022	20	3-6-54	10 PINNELL STREET	TETER JACOB & SHARECE	LAND CONTRACT - TIMOTHY HENLINE	COUNCIL MEMBERS CALLING IN STATING THEY HAVE RECEIVED MULTIPLE COMPLAINTS FROM RESIDENTS REGARDING THE APPEARANCE; SAYS THERE IS GARBAGE PILED EVERYWHERE	Active	
3/1/2022	18	3-7-7.1	22 MEADOW STREET	HOLLEN ROBERT & KIMBERLY	Kim Hollen 22 Meadow St	Neighbor at 22 Meadow St- Appearance of Lot- Rear yard pile of old wood & debris, harboring rodents, etc	Active	
2/11/2022	17	3-4-198	11 EAST MAIN STREET	HATHAWAY HOWARD W JR	Howard Hathaway, Owner Jason Hamrick, Handyman	Renovations Upstairs Apts & Downstairs Retail Store area	Active	
2/11/2022	16	3-4-339	9 ZENO STREET	JIANG HUADE		Barn/Structure Fire 02/09/22	Active	
2/11/2022	15	3-1-101	23 THURMAN AVENUE	JORDANS LAND & RENTALS LLC	Alexis Hines	Structure Fire on 02/7/22	Active	

Group Total: 11

Group: In-Active

4/25/2022	34	3-16-18	347 LIGGETT ADDITION ROAD	CASELLA PETER J	347 Liggett Addition	Grass is high, they do not mow regularly, they brush hog twice a year	In-Active	
4/14/2022	31	3-16-18	347 LIGGETT ADDITION ROAD	CASELLA PETER J		Appearance of lot, grass is about 1 foot high, it wasn't mowed very often last year.	In-Active	
4/4/2022	30	3-12-68	10 CARDINAL ST	TAYLOR FOSTER		NEEDS TO EMPTY INGROUND POOL; WANTS TO KNOW THE PROPER WAY TO DO THAT	In-Active	
3/22/2022	27	3-4-292	10 ISLAND AVENUE	SMITH LINDA		SAYS SOMEONE DUMPED A BUNCH OF GARBAGE BETWEEN HIS NFIGHROR'S	In-Active	

						HOUSE (10 ISLAND) AND ZICKEFOOSE MHP; GAVE HIM NUMBER FOR DNR AND HE IS ALSO CONTACTING THEM		
3/16/2022	24	3-8-132.1	75 MEADE STREET	WEST VIRGINIA WESLEYAN COLLEGE	McCuskey & Hollaway Dormitories WVWC - Meade Street	Trash Containers storage on the street	In-Active	
3/16/2022	23	3-4-273	10 NONA STREET	BUCKHANNON MANOR ASSOCIATES		Buckhannon Manor has leaves from their property that are in the Street and going into neighbors yard which are slick, muddy and she is raking all year long. Requesting the Street Sweeper and Code Enforcement to speak with manager	In-Active	
3/14/2022	22	3-12-68	2 CAROL STREET	FORRY NELSON D & REGINA L	10 Cardinal Street	Fire Damage to Main Structure, Fence down, Water in the inground Pool	In-Active	

Group Total: 7

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D.2 Cleanup Checklist Notice to Residents

The City of Buckhannon would like to remind residents to be thoughtful of visitors and their neighbors as summer approaches. A number of issues appear each year that cause complaints to be filed with the City.

- Be a responsible pet owner** – a pet must be in the control of the owner and it is the pet owner’s responsibility to remove pet waste from public property whether it is located in a Park or along the street. If the pet owner does not own the property then it is their responsibility to remove the waste and dispose of it in an acceptable manner. Be kind to your pet, if it kept tied-up all day – does it have access to shade, does it have access to food and fresh water.
- Keep grass clippings out of the street** – leaving grass clippings in the street contributes to blocked storm drains and an increased threat of local flooding. When you or your yard service finishes mowing, excess grass is to be collected and disposed of properly. The City collects yard debris early each Friday morning – if you will call and schedule a pickup before noon on Thursdays. Note: yard waste is collected by the Street Department and is not treated as garbage. Please *do not* dispose of yard waste as part of your weekly trash pickup.
- Trash cans need to be concealed** – After your scheduled pickup please retrieve your trash containers from along the street and return them to a location more pleasing to the appearance of your neighborhood. Having trash containers “out” more than 24 hours is a violation of a City Ordinance.
- Lawn care needs to be done weekly** – The attractiveness of your neighborhood is enhanced by proper maintenance of your yard. Failure to mow your lawn, having excess materials in your yard or on an open porch filled with “stuff” often become eyesores for your neighbors. Please help make our City Shine for our visitors and your neighbors. As a regular subscriber of City service for trash collection you may call and arrange for the pickup of bulky goods and other unwanted items by City crews for a reasonable fee.

- ❑ **Automobiles and other items are often left to rust** – in back or side yards. It only takes a few moments to arrange to have that unused item removed from your property by a towing service and disposed of properly. If you haven't done anything with the item in the past year it will probably be there next year as well, why not have it removed today.
- ❑ **Yard Sales are limited by State Law** – State Law limits the number and length of yard sales (isolated transactions) that can be conducted without a business license and without the collection of sales tax. "Isolated Transactions--sales of tangible personal property or taxable services by persons who are not in the business of making such sales, such as individuals selling their used furniture, if the person or business holding the sale holds no more than four in one year and each sale lasts no more than forty-eight hours, and sales of taxable services by persons who are not routinely in the business of providing taxable services, such as teenagers who occasionally mow lawns, baby-sit or do odd jobs (persons who routinely sell odd items at yard sales, flea markets or along the roadside are engaged in the business of selling and must register with the Department of Tax and Revenue as a business).
- ❑ **Obey traffic laws and speed limits** – All too often in our hurry to get somewhere we fail to stop at the corner or ignore a speed limit. Failure to obey established traffic laws can be very expensive and extremely hazardous to a child or elderly resident. Slow down and enjoy your trip.
- ❑ **Finish that remodel project** – Do you have a half completed project around your home? Building permits expire after 6 months and your neighbors are getting tired of seeing the clutter.
- ❑ **Please don't litter** – Keeping Buckhannon clean is everyone's job. Take that empty soda cup home and dispose of it properly or keep a small plastic bag in your car to collect the trash and dispose of it properly when it is full.
- ❑ **Swimming Pools & Other Water Features** – "Private swimming pools containing water more than 24 inches in depth, shall be permitted only when located in rear yards, and further when completely enclosed by a fence or buildings or combination thereof of a height of six feet (6') in the case of fences, and six feet (6') or greater in the case of buildings, and generally protected in such a manner so as to avoid becoming an attractive nuisance especially to children." Please take the necessary steps to resolve this problem within 15 days from the receipt of this notice. Untreated, stagnant pool water will need to be drained for prevention of breeding of mosquitoes.
- ❑ **Tips on Keeping Sidewalks Clean and Safe-** Property owners are responsible for maintaining sidewalks and driveway aprons next to their property. Keeping sidewalks clean and free of tripping hazards reduces liabilities for property owners, who can be held liable if someone is injured on the sidewalk in front of their property.
 - ❑ Address problems as soon as possible to minimize area and amount of repair required.
 - ❑ If you observe hazardous sidewalks, report them by calling 304.472.1651
 - ❑ Watch for early signs of leaking water lines, tree roots, and other damages
 - ❑ Do not park cars or other heavy equipment on your sidewalk.
 - ❑ Remove paint, tar, or other materials if they get on the sidewalk. Do not hose paint or petroleum products into the storm drainage system.
 - ❑ Sweep sidewalks to keep them free of leaves, snow, ice, or debris. Be sure to properly dispose of debris. Do not sweep them into the gutter or street.
 - ❑ Trim tree branches, shrubs, and other vegetation so they do not obstruct the sidewalk.

The City of Buckhannon Summertime Do's and Don'ts for Residents – Lawn Care

City Officials would like to remind residents to be thoughtful of visitors and their neighbors as we approach the summer season. A number of issues appear each year that cause complaints to be filed with the City. Here are the Do's and Don'ts for lawn care:

#1 – Keep grass clippings out of the street – Leaving grass clippings in the street contributes to blocked storm drains and an increased threat of local flooding. When you or your yard service finishes mowing, excess grass MUST be collected and disposed of properly. *The City collects yard debris early on the first and third Friday morning of the month – you must call and schedule a pickup before noon on the prior Thursday.* Note: yard waste is collected by the Street Department and is not treated as garbage. Please do not dispose of yard waste as part of your weekly trash pickup.

#2 – Lawn care needs to be done weekly – The attractiveness of your neighborhood is enhanced by proper maintenance of your yard. Failure to mow your lawn, having excess materials in your yard or on an open porch filled with "stuff" often become eyesores for your neighbors. Please help make our City Shine for our visitors and your neighbors. As a regular subscriber of City service for trash collection you may call and arrange for the pickup of bulky goods and other unwanted items by City crews for a reasonable fee.

Thank you for helping keep Buckhannon beautiful and safe.

See this story on the web at: <https://buckhannonwv.org/the-city-of-buckhannon-summertime-dos-and-donts-for-residents-lawncare/>

The City of Buckhannon Summertime Do's and Don'ts for Residents – Pools

Now that it is officially summer, Buckhannon City Officials would like to remind residents of the rules of maintaining safe **Swimming Pools & Other Water Features** – In the City of Buckhannon: “Private swimming pools containing water more than 24 inches in depth, shall be permitted only when located in rear yards, and further when completely enclosed by a fence or buildings or combination thereof of a height of six feet (6’) in the case of fences, and six feet (6’) or greater in the case of buildings, and generally protected in such a manner so as to avoid becoming an attractive nuisance especially to children.”

If cited by the City for a violation concerning **Swimming Pools & Other Water Features**, residents must take the necessary steps to resolve this problem within 15 days from the receipt of a notice. Untreated, stagnant pool water will need to be drained for prevention of breeding of mosquitoes.

Thank you for your cooperation and understanding of the importance of these rules.

To see this on our website, visit <https://buckhannonwv.org/the-city-of-buckhannon-summertime-dos-and-donts-for-residents-pools/>

D.3 CityPR: Vacant Structure Fire Zeno Street Barn

February 9, 2022, BUCKHANNON, WV: At approximately 4:15 p.m. today the Buckhannon Fire Department, along with area mutual aid and/or automatic aid departments including the Adrian VFD, Warren District VFD, Washington District VFD, responded to a large fire in a vacant structure in the area of Zeno Street & Main Street. The fire was extinguished with no injuries. Assistance was provided by the Buckhannon Police Department, the BPD VIPS, the Upshur County Emergency Squad, and the Upshur County Sheriff's Department. The fire is deemed suspicious and the Buckhannon Fire Department will be investigating along with Buckhannon Police Department.



D.4 CityPR: Demolition of 23-23B East Main Street Fire Damaged Buildings

February 6, 2022, BUCKHANNON, WV: City Officials have confirmed that the long-awaited demolition of the buildings at 23-23B East Main Street, at the corner of Spring Street and Main Street Spring Street, will begin this week. The project will be executed by Mainline LLC, owned & operated by Kevin Lee. Much planning has gone into preparing for this demolition and all necessary permits have been secured. The public is asked to watch for possible detours and temporary street closure during the more critical times of the demolition. Please stay clear of all work areas and allow the project to be completed in a safe and orderly fashion.

See the story on the web at: <https://buckhannonwv.org/demolition-of-23-23b-east-main-street-to-begin-this-week/>



E. Consent Agenda:

E.1 Approval of Minutes – Regular Meeting 01/26/2022

Motion to approve the Minutes of the regular meeting of 01/26/2022 was made by Thomas/Hollen. Motion carried.

F. Strategic Issues for Discussion and/or Vote:

F.1 Discussion Inspection of Main Street Properties – Mayor Skinner continued a discussion from the previous meeting about the possibility of the City providing building inspections to the Buckhannon commercial building owners and then providing a report to them with a list of concerns that they should work on to bring their buildings up to better standards. A discussion took place with the Buckhannon Fire Department Chief JB Kimble, City Attorney, Tom O’Neill and the HEB Board Members. Concern was expressed regarding gaining permission to conduct the inspections from the building owners and to what extent the City has authority to insist on the inspections. Also discussed were apartment buildings (i.e. A Rental Regulations Policy) in the city limits and the college, which Mr. Smith pointed out was under the WV State Fire Marshall’s jurisdiction.

Mayor Skinner has spoken to some business owners with several agreeing to work with some type of inspection program. City Attorney Tom O’Neill will continue to research the matter.

F.2 Discussion/Possible Vote Dilapidated Structures Scoring System – Mayor Skinner recognized Vincent Smith who presented information he had obtained from the City of Oak Hill regarding a *dilapidated structures scoring system* including a copy of the Oak Hill Dilapidated Structures Scoring System manual. Oak Hill’s committee is comprised of 2 City Council members, the Zoning Officer, and 2 members from the community. It was the feeling of the Board members that we should create a Dilapidated Structures Scoring System modeled after the Oak Hill system and later determine the appropriate committee members. Regarding the members, it was recommended that one representative be from the BFD.

Motion to approve establishing a Dilapidated Structures Scoring System based on the City of Oak Hill model and ask City Council to appoint a 3 member committee to implement it was made by Thomas/Hollen. Motion carried.

G. Board Member Comments and Announcements:

- **Thomas** – David Thomas noted that there is a problem at the River Walk Trail with cat colonies. Mayor Skinner explained what was being done to address the problem. Discussion with the Board took place.

- **McKisic** – Sue McKisic reported that the COVID-19 situation has been downgraded from being a pandemic to an epidemic. Currently there are low counts of COVID-19 in Upshur County and that the 2nd booster shot is now available in some locations. She also updated the Board on the upcoming remodeling of the Health Department and formally introduced Jackie Anderson of the Upshur County Health Department.
- **Smith** – Nothing further.
- **Jenkins** – Nothing further.
- **Hollen** – Nothing further.
- **Kimble** – Nothing further.
- **McKisic** – Nothing further.
- **Sanders** - Nothing further.
- **Mayor Skinner** - Nothing further.
- **Jackie Anderson** – Mrs. Anderson stated support of the building inspections especially for those buildings that are attached to another.

There being no further business to be transacted, Motion made by Thomas/Hollen to adjourn at 4:55 pm. Motion carried.

Mayor Robert N. Skinner III _____

City Recorder Randall H. Sanders _____