

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

A regular meeting of the Buckhannon City Planning Commission was held in Council Chambers at City Hall, 70 East Main on Monday, July 18, 2022 at 7:00 pm with the following in attendance:

Susan Aloï	President (Chair)	Present
Richard Clemens	Vice-President	Absent
Randy Sanders	City Recorder	Present
CJ Rylands	Member/Council Rep	Present
Vincent Smith	Member/Building Code Enforcement	Present
Curtis Wilkerson	Member	Absent
Kelley Tierney	Member	Present
Sara Aylestock	Member	Present
Sarah St. Clair	Member	Present
Thomas O'Neill	City Attorney	Present

Guests: Mayor Robbie Skinner; Dale Shannon, Downstream Strategies; Monica Zalaznik, My Buckhannon.

***City of Buckhannon Planning Commission
Meeting Agenda for Monday, July 18, 2022 at 7:00pm at City Hall in Council Chambers***

Notice of this meeting was posted 07/13/2022 and published in the Record Delta Newspaper run dates of 06/23/22 & 06/30/22 as follows: A regular meeting of the Buckhannon City Planning Commission will be held on July 18, 2022 at 7:00 pm. The meeting will be held in the City Council Chambers at City Hall, 70 East Main Street, Buckhannon WV 26201. This is an open meeting (per WV code § 6-9A-3) and all interested parties are welcome to attend.

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. Consent Agenda

- C.1 Approval of Minutes - Regular Meeting 04/18/22

D. Correspondence & Information

- D.1 Ordinance No. 457 Amending Zoning Ordinance No. 244 Section 502 (A) to include the Placement of Certain Condominiums or Unit Property Within Certain Parts of the R-2 General Residential District A Zone.

E. Strategic Issues for Discussion and/or Vote

- E.1 Elect President & Vice President of the Planning Commission FY 2022-2023
- E.2 Update on the Buckhannon Parks & Recreation Advisory Board and Process (Ordinance No. 456)
- E.3 Information on Public Meeting for Input on Plan for SYCC Multi-Purpose Building
- E.4 Goal Process on Educational Section of the 2025 Comprehensive Plan
- E.5 Discussion on Planning Priorities

F. Comments and Announcements

- F.1 Next Meeting Date: Monday, October 17, 2022

G. Adjournment

Posted 07/13/2022

A. Call to Order - The meeting was called to order by the President of the Planning Commission, Dr. Susan Aloï, who invited all to observe a Moment of Silence. Mayor Robbie Skinner then led the group in the Pledge to the Flag of the United States of America.

B. Recognized Guests – There were no guests on the agenda scheduled to appear.

The Chair recognized Mayor Robbie Skinner who spoke to the Commission members about the upcoming appointment to the newly formed Buckhannon Parks and Recreation Advisory Board.

Noting that City Council passed Ordinance No. 456 creating the Board on its second reading on May 17, 2022. The Mayor discussed the vision for the city owned parks and the opportunities that each have for future development. He provided an overview of the Madison Street project and he also discussed the procedure of appointing the right members to the newly organized Board.

At this time the Chair recognized the other guest, Dale Shannon of Downstream Strategies who noted that he was here to mainly listen and gather more ideas on how Downstream Strategies and Create Buckhannon (of which Dale is also a member of) can assist in moving forward.

Without objection, the Chair brought *E.2 Update on the Buckhannon Parks & Recreation Advisory Board and Process (Ordinance No. 456)* to the table for discussion.

ORDINANCE NO. 456 OF THE CITY OF BUCKHANNON, AN ORDINANCE ESTABLISHING THE BUCKHANNON PARKS AND RECREATION ADVISORY BOARD; SETTING THE NUMBER AND QUALIFICATIONS OF BOARD MEMBERS; ENUMERATING ITS RESPONSIBILITIES AND SETTING ITS AUTHORITY, INCLUDING ITS AUTHORITY TO ADVISE ON MANAGEMENT OF THE STOCKERT YOUTH AND COMMUNITY CENTER; AND ESTABLISHING THAT BOARD MEMBERS SERVE AT-WILL AND NOT FOR A TERM

WHEREAS, the Council of the City of Buckhannon through multiple ordinances enacted over the years, and through deed of purchase and dedication, has acquired a number of properties throughout the city for the purposes of establishing and maintaining city parks, or other facilities in addition to parks who are intended for the recreational use of residents of and visitors to the City of Buckhannon; and,

WHEREAS, the City Council now deems it to be reasonable, necessary and appropriate to establish an advisory board to assist the administration of the city in the management of the said city parkland and recreational properties; and,

WHEREAS, the City Council intends that the board established by this Ordinance shall only be an advisory board, without the powers or authority granted to Parks and Recreation Commissions pursuant to Chapter 8, Article 21 of the Code of West Virginia, 1931, as amended, which powers and authority the City Council expressly retains to itself.

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

ARTICLE I - COMPOSITION OF THE BUCKHANNON PARKS AND RECREATION ADVISORY BOARD. COMPENSATION. CONDUCT OF MEETINGS:

- (A) A Board of seven (7) members, appointed by the Council of the City of Buckhannon, is established to advise the City Council and the City's administrative staff in its management and operation of the City's park and recreation properties. Each Board member shall serve at the will and pleasure of the Council. The Council may fill vacancies on the Board as frequently as they may arise; however, the term of each Board member shall expire at 11:59 p.m. each June 30, or thereafter upon appointment of his or her successor. Each seat on the Board shall be subject to reappointment by the Council on or after July 1, annually.
- (B) Board members are not required to be residents of the City of Buckhannon, but shall be residents of Upshur County, West Virginia.
- (C) Board members will not be monetarily compensated for their service on the Board; however, they shall be entitled to reimbursement for their expenses as are approved in advance by the Board.

(D) The Board shall conduct itself as a public agency, observing the requirements of open meetings laws, ethics acts, and other directives the City of Buckhannon is required to observe. The Board may establish its own rules of procedure, including setting the frequency of its meetings (which frequency shall be no less than annually), provided that those rules are written and are ratified by the City Council. The Board may establish its own subcommittees as it deems necessary and proper.

ARTICLE II – DUTIES OF THE BOARD:

(A) The Board shall recommend policies with respect to the use of the City's parks and the Stockert Youth and Community Center, including policies regarding usage fees, priorities of use, the establishment of form agreements, and operating guidelines; *Provided*, that the City of Buckhannon will have first priority in use of any of the aforesaid parks or of the Stockert Youth and Community Center, and will be exempt from the payment of any facility rental fees. Policies recommended by the Board shall be subject to the approval or ratification of the City Council, which approval or ratification may be by motion and recorded in the minutes of the Council.

(B) The Board may recommend to the City Council such matters, such as the hiring of full- and part-time staff and capital improvements, that it may deem advisable. The City Council reserves to itself the power to approve or disapprove such recommendations.

(C) The City of Buckhannon, acting through its City Council, shall approve or disapprove all expenditures for its parks and for the Stockert Youth and Community Center, and all revenue generated by the Board's operation of the said parks or the said Stockert Youth and Community Center shall be remitted to the City of Buckhannon.

(D) The Board may negotiate agreements with donors, which agreements may include the right of a donor to direct the naming of facilities within the aforesaid properties pursuant to the terms thereof; however, any such donor agreement is subject to the final approval or ratification of the City Council.

(E) The Board may not under any condition enjoy a separate corporate entity apart from the City of Buckhannon; it may not take title to real or personal property in its name, nor in the name of the City; it may not collect revenue separately from the City; it may not hire, fire, promote, or discipline any employee; nor may it enjoy management or control of any City property separately from the City of Buckhannon acting through its City Council.

ARTICLE III – CLARIFICATION OF MUNICIPAL INTENT


(A) The City Council, for purposes of clarity, establishes its intent that the Board established herein is not a "Board of Park and Recreation Commissioners" as that term is used in Chapter 8, Article 21 of the Code of West Virginia, 1931, as amended.

(B) The City Council reserves to itself all powers enumerated to boards of park and recreation commissioners in Chapter 8, Article 21 of the Code of West Virginia, 1931, as amended, and states – for purposes of clarity – that the Board established in this ordinance is an advisory board only.

ARTICLE IV - EFFECTIVE DATE: This Ordinance shall be deemed effective thirty (30) days following the second (2nd) reading, passage and adoption by the Council of the City of Buckhannon, i.e., June 16, 2022.

FIRST READING: May 5, 2022

SECOND READING, PASSAGE AND ADOPTION: May 17, 2022


Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 456 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on May 17, 2022.


Randall H. Sanders, City Recorder

A wide range of topics were then discussed by all members of the Commission including the vision of the Buckhannon Parks and Recreation Advisory Board; the manner in which the City wants the Board to operate; noting the need for people with a background in Parks and Recreation. Several recommendations were discussed and members agreed to give specific recommendations to the Mayor in the near future. Mr. Rylands stressed the importance of determining the vision for the Buckhannon Parks and Recreation Advisory Board. Sarah St. Clair later noted that a Mission Statement for the Buckhannon Parks & Recreation Advisory Board should be developed soon. Discussion on this recommendation took place.

Chair Aloï asked just how decisions were made after the public weighs in on an issue, such as the Madison Street project? A discussion of how the public is informed of meetings that are scheduled and how the City could better inform all members of the public of these meetings. Sara Aylestock led another discussion on how the City could better inform residents when deciding on projects that affect the areas where they live and or work. Some Board members expressed frustration with the current manner in which members of the public are informed of City business in general. All those present participated in the discussion and several ideas were discussed.

C. Consent Agenda

C.1 Approval of Minutes - Regular Meeting 04/18/22 – President Aloï reviewed the Regular Meeting Minutes of 04/18/22 with the Commission members and asked if there were any corrections or additions to any of these minutes and none were given.

Motion to approve the Minutes of the Regular Meeting 04/18/22 was made by Rylands/Tierney. Motion carried.

D. Correspondence & Information – President Aloï reviewed the following with the Commission:

D.1 Ordinance No. 457 Amending Zoning Ordinance No. 244 Section 502 (A) to include the Placement of Certain Condominiums or Unit Property within Certain Parts of the R-2 General Residential District A Zone.

ORDINANCE NO. 457 OF THE CITY OF BUCKHANNON, AN ORDINANCE AMENDING ZONING ORDINANCE NO. 244 OF THE CITY OF BUCKHANNON, BY AMENDING SECTION 502(A) THEREOF TO INCLUDE THE PLACEMENT OF CERTAIN CONDOMINIUMS OR UNIT PROPERTY WITHIN CERTAIN PARTS OF THE R-2 GENERAL RESIDENTIAL DISTRICT A, ZONE

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

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

WHEREAS, the said zoning ordinance established multiple residential, commercial, and other zones to manage and promote the development of land within the municipal limits and,

WHEREAS, the R-2 zone was established to promote higher density residential construction than is permitted in the R-1 Single Family Residential District Zone; and,

WHEREAS, Condominium or other unit property are authorized in Chapter 36A of the West Virginia Code; and,

WHEREAS, the establishment of condominium or unit properties are not explicitly addressed within the city's zoning ordinance; and,

WHEREAS, in the interest of clarity, the Planning Commission of the City of Buckhannon specifically recommended to the City Council during the Commission's meeting on April 18, 2022 that the permitted uses within the aforesaid R-2 Zone be modified to clearly include the placement of condominiums or other unit property, as defined in Chapter 36A of the West Virginia Code, as amended; and,

WHEREAS, the Council believes it is reasonable and appropriate, and consistent with the City's Comprehensive Plan, to permit the placement of the said condominium or unit property within the R-2 Zone; and,

WHEREAS, the Council of the City of Buckhannon now deems it to be reasonable and appropriate to adopt the foregoing recommendation of the Planning Commission emanating from the aforesaid April 18, 2022 meeting; and,

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

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

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

ARTICLE I – AMENDMENT TO ORDINANCE NO. 244, SECTION 502(A):

The Council of the City of Buckhannon does hereby adopt the recommendation of the Planning Commission as emanating from their meeting of April 18, 2022, does find that such recommendation is consistent with the City's Comprehensive Plan, and in so doing does specifically hereby amend Section 502(A) of said Ordinance No. 244 to incorporate the following:

“(16) Condominiums or unit property as defined in Chapter 36A of the West Virginia Code of 1931, as amended: *Provided*, That such condominiums must have an active council, as defined in West Virginia Code 36A-1-2(e): *Provided further*, that no such condominium may be located within the boundaries of the city's designated Central Residential Historic District, as that district may be defined by the City of Buckhannon from time to time.”

ARTICLE II – LIMITATION OF THIS ORDINANCE:

All other provisions of Ordinance No. 244 shall remain in full force and legal effect, except for those provisions which are expressly amended pursuant to the provisions hereof.

ARTICLE III – SEVERABILITY: In the event that any provision of this Ordinance is determined to be unconstitutional or otherwise invalid by a court exercising competent jurisdiction,

such determination shall not affect the validity of this Ordinance either as a whole or the provisions thereof which are not specifically determined to be unconstitutional or invalid.


ARTICLE IV - EFFECTIVE DATE: This Ordinance shall be deemed effective thirty (30) days following the third (3rd) reading, public hearing, passage and adoption by the Council of the City of Buckhannon, i.e., July 2, 2022.

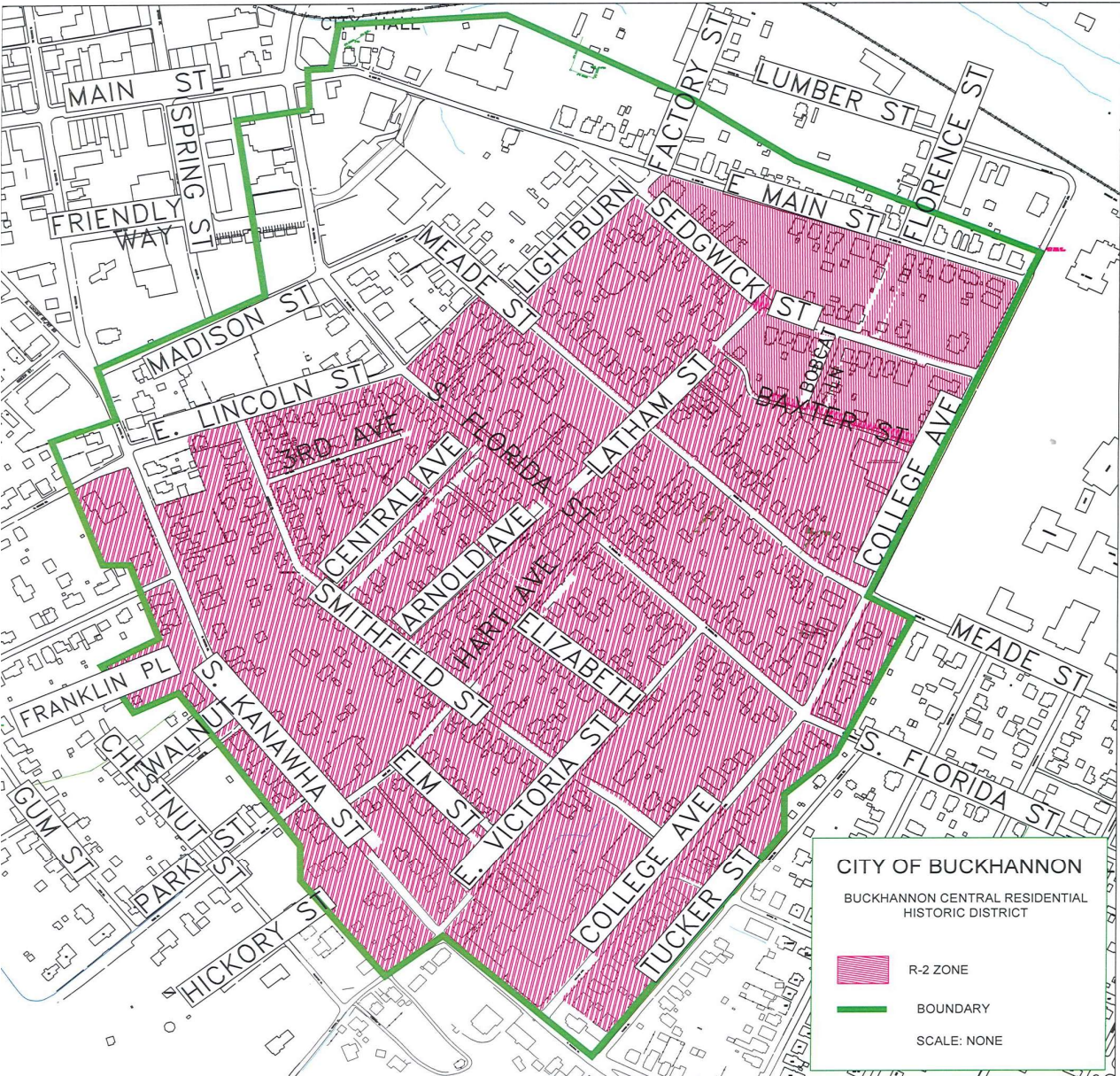
FIRST READING:	May 5, 2022
SECOND READING	May 17, 2022
THIRD READING, PUBLIC HEARING, PASSAGE AND ADOPTION:	June 2, 2022


Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 457 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on June 2, 2022.


Randall H. Sanders, City Recorder



MAP: Central Residential Historic District- R-2 Zone-Prohibits placement of condominiums

E. Strategic Issues for Discussion and/or Vote

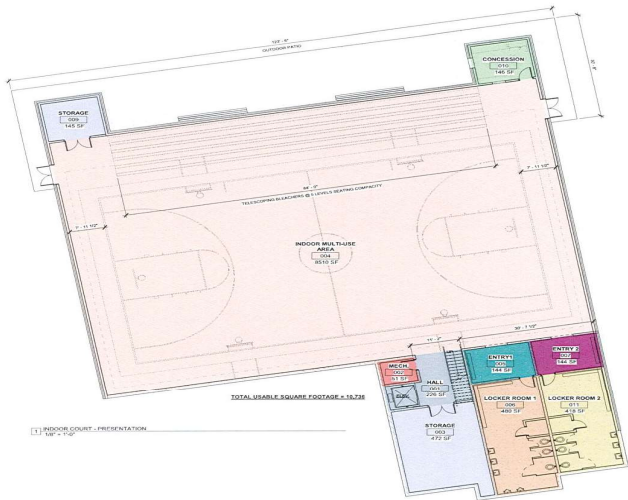
E.1 Elect President & Vice President of the Planning Commission FY 2022-2023 – It was noted that Board Member Sharpolisky had resigned. The floor was then opened for nominations for the President & Vice President of the Planning Commission FY 2022-2023.

Motion to elect Susan Aloï as the President of the Planning Commission FY 2022-2023 was made by Rylands/Tierney. Motion carried.

Motion to elect Kelley Tierney as the Vice-President of the Planning Commission FY 2022-2023 was made by Rylands/Aloï. Motion carried.

E.2 Update on the Buckhannon Parks & Recreation Advisory Board and Process (Ordinance No. 456) – Previously discussed.

E.3 Information on Public Meeting for Input on Plan for SYCC Multi-Purpose Building – President Aloï recognized City Recorder Sanders to provide an overview of the upcoming Public Meeting for Input on Plan for SYCC Multi-Purpose Building. Mr. Rylands advocated for an open agenda regarding the use of the building, property and the manner in which the facilities will be managed including a programming overview. A lengthy discussion then took place with the members of the Board and those present regarding the SYCC Multi-Purpose Building project overall with recommendations on how best to moderate and conduct the public meeting.





E.4 Goal Process on Educational Section of the 2025 Comprehensive Plan – A brief discussion took place and it was determined to table this matter to the next meeting.

City of Buckhannon
Planning Commission
July 2022

**Status of Goals from 2025 Comprehensive Plan
EDUCATION PRIORITIES**

Goal	Complete d	In Process	Not Complete d	No Longer Relevan t	NOTES
Education					
1. Establish more functional relationship between City, Upshur Schools, and Fred Eberle Technical Center					
2. Develop committee to review initiatives, etc. that may provide opportunities for cooperation between City, UCS, and FETC					
3. Identify workforce needs and implement training programs					
4. Community forums to receive community input on programs and opportunities to benefit UCS students					
5. Provide visible support for local school levy and bonds					
6. Collaborate with Workforce Dev. Office, WVWC, regional community & technical schools to provide education opportunities for unemployed, career chargers, retirees, etc.					

E.5 Discussion on Planning Priorities – This matter was tabled to the next meeting.

F. Comments and Announcements - No further comments were offered.

G. Adjournment

Without objection, President Aloï adjourned the meeting at 9:02 PM.

Commission President Susan Aloï _____

City Recorder Randall H. Sanders _____