

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

A regular meeting of the Buckhannon City Council was held on Thursday, April 18, 2024, at 7:00 p.m., in the Council Chambers of City Hall. The following individuals were in attendance (GTM – GoToMeeting):

Mayor	Robbie Skinner	Present
City Recorder	Randy Sanders	Present
Council Member	Pam Bucklew	Absent
Council Member	David McCauley	Present
Council Member	Jack Reger	Present
Council Member	CJ Rylands	Present - GTM
Council Member	David Thomas	Present
Assistant Recorder & Director of Finance	Amberle Jenkins	Present
City Attorney	Tom O'Neill	Present - GTM
Buckhannon Police Department	Chief Matthew Gregory	Present
Director of Public Works	Jerry Arnold	Present
Mayor's Office	Barbara Hinkle	Present
Channel 3	Rodney Irvin	Present
MyBuckhannon.com	Katie Kuba	Present
Record Delta	Noah Jeffries	Present

Guests: Megan & Skyler Smith – GTM; Dale Hatfield – FEMA, WV Emergency Management Division – GTM; Tom Reger; Dennis P. Cortes; Bryan Shaw, Jacob Hyre, Tim Pepper, Tahj Lewis; Jay Hollen, COB Engineer; Rusty Webb.

***City Council of Buckhannon – 7:00 pm in Council Chambers
Meeting Agenda for Thursday, April 18, 2024***

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 WV Emergency Management Division

C. Department & Board Reports

- C.1 Public Works Director- Jerry Arnold
- C.2 Finance Director - Amberle Jenkins
- C.3 Police Chief- Matthew Gregory
- C.4 City Attorney- Tom O'Neill

D. Correspondence & Information

- D.1 Notice of Public Hearing of Ordinance No. 467 Increasing the City's Fire Protection Service Fees
- D.2 Notice of Public Hearing of Ordinance No. 468 Increasing the City's Police Protection Service Fees
- D.3 Notice City Council Meeting of May 16, 2024, has been cancelled due to conflict with the WVSF Event
- D.4 ZBA Memorandum Decision 42 North Locust Street
- D.5 Charles Gibson Library Director's Report -April 2024
- D.6 Upshur County Solid Waste Authority Free Paper Shred Event April 20th, 9am-12 at 395 Mudlick Rd
- D.7 FOIA Request- Cheyenne Haley
- D.8 Office of the State Auditor- Notice of Approval of the Levy Estimate (Budget FY 24/25)
- D.9 Report of Cat & Dog Activity-Upshur County Commission-March 2024

E. Consent Agenda

- E.1 Approval of Minutes -Regular Meeting 04/04/24, Lay the Levy 04/16/24
- E.2 Approval of Building and Wiring Permits
- E.3 Approval of Payment of the Bills

F. Strategic Issues for Discussion and/or Vote

- F.1 FEMA Flood Mitigation Assistance Swift Current Program
- F.2 Approval Resolution 2024-04 Adopting Region VII Planning & Development Council Hazard Mitigation Updated Plan
- F.3 Approval Advertisement Job Description for the Position of Director of Public Works
- F.4 Approval Ordinance No. 467 Increasing the City's Fire Protection Service Fees-2nd Reading
- F.5 Approval Ordinance No. 468 Increasing the City's Police Protection Service Fees -2nd Reading
- F.6 Request from Megan Settles to Amend Permitted Uses in R-1 Single Family Residential District to include Airbnb Rental

G. Comments and Announcements

- G.1 Pamela Bucklew
- G.2 David McCauley
- G.3 Jack Reger
- G.4 David Thomas
- G.6 CJ Rylands
- G.7 Randall Sanders

H. Mayor's Comments and Announcements

I. Adjournment

Posted 04/15/2024

A. Call to Order: Mayor Robbie Skinner called the April 18, 2024, regular meeting of the Buckhannon City Council to order, followed by a moment of silence and pledge to the flag. Before the moment of silence, Mayor Skinner asked that we all keep the family of Jarrod Hall, who lost his life this past weekend, in our thoughts. He was a teacher at the Academy Elementary School. He also asked that we please keep all those at the Academy Elementary School in our thoughts and prayers, and he spoke of the importance of recognizing the signs of mental health.

B. Recognized Guests:

B.1 WV Emergency Management Division – Without objection, Mayor Skinner moved **F.1 FEMA Flood Mitigation Assistance Swift Current Program** to the table for consideration. He then recognized Buckhannon City Engineer Jay Hollen. He reminded the Council of the discussion that Mr. Hollen led at the April 4, 2024, meeting regarding the FEMA Flood Mitigation Assistance Swift Current Program. Mr. Hollen again reviewed the program, providing updates regarding the eligible properties, now at 3 to 4, in Buckhannon, before recognizing Dale Hatfield of the WV Emergency Management Division. Mr. Hatfield discussed the FEMA Flood Mitigation Assistance Swift Current Program in detail. Noted in the requirements was that flood insurance has had to be a component of the property ownership history. If the program is utilized, flood insurance must stay in effect forever on the property. The council's other concern was how the funding was to be provided. Mr. Hatfield explained that the program was a reimbursement program. This means that once invoices came into the City and were approved by Mr. Hollen, they would be sent to the FEMA Flood Mitigation Assistance Swift Current Program for payment directly to the vendor. A Q&A took place.

Reger/Thomas motioned to authorize Buckhannon City Engineer Jay Hollen to pursue the FEMA Flood Mitigation Assistance Swift Current Program application. Motion carried.

Mayor Skinner recognized attorney Rusty Webb, who represented the City of Buckhannon and many other entities in the Opioid Litigation case. Webb wanted to thank us for allowing him to represent the City of Buckhannon's interest in the case and present the council members, each with a very nominal gift (under the \$25 value as required). A brief Q&A with Mr. Webb took place.

Mayor Skinner recognized Dennis Cortes, who, in his presentation to the council, supported the City Council's proposed increase in Fire and Police fees.

Mayor Skinner recognized Jacob Hyre and Bryan Shaw, who had discussed the need for more recovery houses in the Buckhannon area at a previous City Council meeting. Mr. Shaw asked for an update on the situation. Mayor Skinner reported that there were no updates.

Mayor Skinner then moved the **F.6 Request from Megan Settles to Amend Permitted Uses in R-1 Single Family Residential District to include Airbnb Rental**. Mayor Skinner then recognized Megan & Skyler Smith, who attended the meeting virtually. Megan Smith presented a request regarding a cabin on their property, hoping to turn it into an Airbnb rental. Mayor Skinner provided an overview of the procedure for a request of this nature, including a vote by the City Council on whether or not to send it to the Buckhannon Planning Commission for consideration. If the Council were to send it to the Buckhannon Planning Commission for consideration, a special hearing would be scheduled for all interested parties to attend and be heard. The Planning Commission would render a recommendation to the City Council for their final consideration. Council member Reger spoke in favor of sending the matter to the Planning Commission for consideration. Discussion took place.

Dear City Council of Buckhannon,

My name is Megan Smith and my husband Schyler and I are writing in regard to turning our cabin into an Airbnb located at 382 Beech St. We understand that our property is zoned R-1, Single Family Residential District and that this is posing a problem. Although this is zoned R-1 we feel that this could be a great asset to the city of Buckhannon. Between Weslyn College with parents in town to help their kids move in and out and come for graduation, Strawberry Festival, BBQ Bash, Dicken's Faire & Festival and other attractions we feel that an in town Airbnb could be of real benefit to the community. In a West Virginia Public Broadcasting article for Martinsburg, WV talking about their local AirBnBs it was commented that for every \$100 spent on an Airbnb \$100 is spent in the community. It also said, "As West Virginia becomes renowned for its outdoor tourism sports, short-term vacation rentals like Airbnbs and Vrbos are increasingly in demand." On Beech Street there are only 4 other homes besides ours. One of

our neighbors has a rental right now and before that it was a yoga studio. We dead end the street and have 5 acres of land surrounding us. Our cabin is a 1800's WV log cabin, we would hate to see no activity in it and let it deteriorate away. By being able to rent out the cabin on this platform would allow us to keep it in good repair. It is only a 1 bedroom cabin which would minimize foot traffic in and out. Here are some pictures of the cabin and the land surrounding it as well as a parcel view. The cabin parcel is highlighted in yellow and our other parcels are highlighted in red. We understand that we would need to register with the state as an bnb since it falls under motel and hotel tax laws. Thank you for taking the time to consider this. You're welcome to come out and take a look at it if you would like.

*Sincerely,
Megan Smith*



Reger/Thomas motioned to Refer Megan Smith's request to amend permitted uses in the R-1 Single Family Residential District to include Airbnb rentals to the Buckhannon Planning Commission. The Motion carried unanimously.

Public comments were closed at 7:53 pm.

C. Department & Board Reports

C.1 Public Works Director- Jerry Arnold - Mayor Skinner recognized Jerry Arnold, who provided the following report:

Street:

- Crews continue to repair potholes.
- We have been working at the City Park on installing the basketball and pickleball courts.
- Next week, we will begin working on a few Sidewalk Assistance projects and finish the concrete work on the Madison Street lot.

Sewer:

- Crews continue to work on the Island Avenue Project.
- The Deanville pump station rehabilitation has been completed, and operation efficiency has improved.

Waste:

- We have accepted applications for a waste collection helper and will make a selection next week.

Water:

- Crews continue working on the Meade St. Waterline Project.

Engineer:

Nothing new to report.

Recorder Sanders asked about the grid system purchased for the Madison Street property and whether it would be installed before the festival season. Mr. Arnold doesn't think it will be installed by then.

C.2 Finance Director - Amberle Jenkins – Mayor Skinner recognized Amberle Jenkins, who provided the following reports:

Amby report 4/18/24

Balances in the Enterprise Funds March 31, 2024

Waste Collection Board	mm/cking	\$1,535,965	cd/sav \$308,746.
			Plus a letter of credit for \$64,000
Water Board	mm/cking	\$1,021,970	work/capital & savings \$875,965
Sanitary Board	mm/cking	\$844,508	work capital/cds \$459,670
Storm water Fund	mm/cking	\$160,429	

We are in the process of applying for the permanent alcohol license for the event center. This will be used for special events in which the group renting the facility is asking for alcohol to be served at their event.

Remind to everyone that BCT is holding a performance comedy play at the Colonial next week – April 25, 26, 27 and 28th. Tickets are available online and in City Hall.

The CAC will also have a stand-up comedians show on Saturday May 11th.

C.4 City Attorney—Tom O'Neill: The City Attorney was recognized by Mayor Skinner, who was attending virtually due to an illness. Without objection, Mayor Skinner moved both **F.4 Approval Ordinance No. 467, Increasing the City's Fire Protection Service Fees- 2nd Reading**, and **F.5 Approval Ordinance No. 468, Increasing the City's Police Protection Service Fees -2nd Reading**, to the table for consideration.

Mayor Skinner then read by its caption, Ordinance No. 467, Increasing the City's Fire Protection Service Fees, for its 2nd reading. He then asked if there were any questions or concerns from the Council members. None were presented.

ORDINANCE NO. 467 OF THE CITY OF BUCKHANNON, AN ORDINANCE AMENDING ORDINANCE NO. 390 OF THE CITY OF BUCKHANNON, INCREASING THE CITY'S FIRE PROTECTION SERVICE FEES CHARGED TO RESIDENTS AND BUSINESSES WITHIN THE CORPORATE LIMITS OF THE CITY, ESTABLISHING TIERED FEES, PROVIDING FOR THE ADMINISTRATION, COLLECTION AND USE OF FEES RAISED HEREBY, AND SETTING AN EFFECTIVE DATE OF JULY 1, 2024

WHEREAS, the Council of the City of Buckhannon beginning March 21, 1966 through the enactment of Ordinances No. 137, 222, 225, and 390 has provided for the imposition and collection of fees for the City's Fire Department providing fire protection services throughout Buckhannon's corporate limits; and,

WHEREAS, the City of Buckhannon is specifically authorized pursuant to Chapter 8, Article 13, Section 13(a) of the West Virginia Code, as amended, to provide emergency fire service protection within the corporate limits of the City of Buckhannon and to impose by ordinance upon the users of the service such reasonable rates, fees, and charges to be collected in the manner specified by ordinance; and,

WHEREAS, the Council heretofore now desires to enact this Ordinance to increase the fees so charged, in light of the increased costs associated with providing fire protection services since the last time the Council considered this issue.

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

ARTICLE I – TITLE OF ORDINANCE: This Ordinance shall be known as the City of Buckhannon's Fire Protection Service Fee Ordinance.

ARTICLE II - FINDINGS OF COUNCIL: The Council of the City of Buckhannon hereby makes the following findings:

(A) The City of Buckhannon has operated a municipal fire department for many decades, however, the City Council has not increased its fire protection service fees in Buckhannon since July 1, 2015.

(B) The City's costs and expenses in providing the reasonable and necessary personnel, training, vehicles, and equipment to offer fire protection service for the community have increased substantially since that time.

(C) Previously, and at all times since July 1, 2015, the City's fire protection service fees have been established on a flat rate basis for all residential properties, and on a revenue generated basis for commercial properties.

(D) The City Council now believes that the continuation of the flat rate fire service protection fee approach for all residential properties, and on the revenue generated approach for commercial properties continues to be the fairest and most equitable to the residents and businesses of the City of Buckhannon versus any other fee model.

(E) The express purpose and intention of this ordinance is to substantially increase the total revenues realized by the City of Buckhannon for providing fire protection services within the corporate limits.

ARTICLE III – DEFINITIONS:

For the purposes of this article, the following terms shall have the meaning respectively designated unless it is clear from the context that a different meaning is intended:

(A) "Residential unit structure" means any structure or unit which is used or intended by the nature of its construction to be used as a single-family dwelling by persons for living or sleeping quarters, but shall not include unit structures intended primarily for transient lodging, including without limitation, hotels, motels, rest homes and hospital rooms.

(B) "Dual residential unit structure" means any structure or unit which is used or intended by the nature of its construction to be used as a two (separate) family dwelling by persons for living or sleeping quarters, and

having only two units within such structure, but shall not include unit structures intended primarily for transient lodging, including without limitation, hotels, motels, rest homes and hospital rooms. Such structure shall include but not be limited to duplexes.

(C) "Multiple-family residential unit structure" means a residential unit structure having more than two family dwellings or units within such structure. Such structure shall include but not be limited to apartment buildings, condominiums, townhouses or boarding houses. Such structure shall exclude hotels, motels, tourist homes, etc.

(D) "Nonresidential unit structure". All other buildings not included within the definitions of "residential unit structure". Such structures shall include, but not be limited to all commercial establishments, schools, government buildings, etc. If a structure has multiple uses such as residential and commercial, it will be classified as a non-residential unit.

(E) "Director of Finance" means the duly appointed Buckhannon Director of Finance and Administration.

(F) "Owner" means the owner of record of any lot, tract, or parcel of real estate within the City of Buckhannon, as evidenced by the records maintained in the Office of the Clerk of the County Commission of Upshur County, West Virginia, but may also include the grantee or transferee of any interest in any real estate situated within the City by unrecorded deed, or by an owner-financed sale evidenced by written agreement, such as a "land contract", provided that the parties to any such transaction are required to mutually and timely notify the Director of Finance as to which party to any such transaction shall be responsible for payment of any fire service fees due and payable pursuant to this Ordinance. In absence of any such agreement, the owner of record pursuant to the County Clerk's records shall be responsible for payment of the fees and charges established by this Ordinance.

(G) "Buckhannon City Fire Department" means the paid Fire Department of the City of Buckhannon and all firefighters serving as volunteers within said Department.

ARTICLE IV – FEE RATES: The City's Fire Protection Service Fees shall be charged as follows:

(A) RESIDENTAL BUILDINGS AND STRUCTURES:

(1) A Fire Protection Fee of \$7.50 per month shall be charged against each dwelling house, mobile home, and apartment in the City of Buckhannon, whether occupied or not.

(2) For purposes of this Ordinance, any separate garage, outbuilding, or other structure used as part of any dwelling house, mobile home, or apartment and not separately occupied or used by persons other than those occupying the primary dwelling house, mobile home, or apartment shall be considered as part of the dwelling house, mobile home, or apartment and shall not subject to any additional charges hereunder.

(3) If any building or other structure is used or commences to become used exclusively for fraternity house, sorority house, dormitory, rooming house, hospital, nursing home, or rest home purposes, then a flat monthly fee of \$50.00 shall be charged to the property owner of record, and each separate building or other structure then shall be charged with the flat monthly fee, whether occupied or not.

(B) COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, AND ALL OTHER NON-RESIDENTIAL BUILDINGS AND STRUCTURES:

(1) A monthly fee based upon annual, gross receipts shall be levied against each occupied office or other business or commercial facility used for business or commercial purposes and against each occupied building or part of an occupied building used solely for one business or commercial purpose, with the fee being determined as follows:

<u>ANNUAL GROSS RECEIPTS</u>	<u>MONTHLY FIRE FEE</u>
\$50,000 and less	\$13.00
\$50,001 to \$150,000	\$19.00
\$150,001 to \$250,000	\$25.00
\$250,001 to \$500,000	\$38.00
\$500,001 to \$1,000,000	\$63.00
\$1,000,001 to \$2,500,000	\$88.00
\$2,500,001 and more	\$188.00

(2) If any commercial building or other structure is or becomes unoccupied, vacant, or abandoned, a flat monthly fee of \$15.00 is assessed against and shall be charged to the property owner of record.

(3) If any building or other structure is used or commences to become used exclusively for religious, charitable, educational, governmental, or other non-profit purposes, other than those buildings or structures identified in Article IV(A)(3) above, then a flat monthly fee of \$10.00 shall be charged to the property owner of record, and each separate building or other structure shall be charged with the flat monthly fee.

(4) For purposes of this Ordinance, the fees imposed by this Ordinance specifically include any hospital, nursing home, motel, hotel, religious, charitable, educational, governmental or non-profit organization.

(5) The owner of any commercial, industrial, or other non-residential building or structure situated in the City of Buckhannon with a state certified sprinkler system shall receive a monthly twenty-five percent (25%) discount on the charges for the commercial, industrial, or other non-residential building or structure. The burden shall be upon the owner of any commercial, industrial, or other non-residential building or structure to provide documented certification that such building or structure is equipped with a state certified sprinkler system, and until such time as documentation is provided, such building or structure shall not be deemed eligible for the twenty-five percent (25%) discount.

ARTICLE V – MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS:

(A) The service of fire protection shall be continued, maintained and improved by the City of Buckhannon Fire Department and City of Buckhannon Volunteer Fire Department, in part, at the charge and expense of the owners of all residential dwellings and non-residential dwellings included but not limited to commercial and industrial businesses, hospital, nursing home, religious, charitable, educational, governmental or non-profit organizations within the City of Buckhannon which said owners are declared to be users and beneficiaries of such fire protection services. The Fire Protection Service Fee with respect of such users and beneficiaries shall be imposed, assessed and collected as set out in this Ordinance by the City of Buckhannon.

(B) All fees and charges for fire protection services shall be billed and collected by the Treasurer and shall not be pro-rated for less than thirty days.

(C) Charges for the fire protection service shall be billed on a monthly basis as determined and in accordance by the utility billing cycle for each individual property owner or alternatively, the other utility user.

(D) All revenues collected for the collection of the Fire Protection Service Fee shall be dedicated exclusively by the City to defray the cost of the continuance, maintenance, or improvement of fire protection within the City of Buckhannon, and no part of such revenue shall be used for any other purpose whatsoever.

(E) The fees or charges provided for by this Ordinance shall be deemed to be a debt due to the City. The City may collect any such fee or charge and all accrued penalties by action against the owner of property against whom the service charges have been assessed by action instituted before the Magistrate Court or Circuit Court of Upshur County, West Virginia.

(F) It shall be the responsibility of the owner or owners of all buildings and structures within the City to notify the Director of Finance of any change in ownership and other items requested by the Director of Finance within thirty (30) days of such change.

(G) OWNER PROTESTS: The owner of any such building above aggrieved by a charge or fee for fire protection service may protest the same by giving written notice to the Director of Finance or designee thereof setting forth their objections on or before thirty (30) days after the billing date. The Director of Finance shall render a decision within a reasonable time, giving notice in writing of the decision to all parties concerned. The amount, if any due the City under such decisions shall be due and payable thirty (30) days after service of the decision. Any person aggrieved by such administrative decision may within thirty (30) days from service of the decision file a petition duly verified with the Circuit Court of Upshur County, West Virginia, requesting review by certiorari, but otherwise, such decision shall be deemed to be final and conclusive.

(H) ADMINISTRATION:

(1) The Director of Finance or the Director of Finance's duly authorized representative is hereby empowered to make such rules and regulations not in conflict with the provisions of this Ordinance relative to the offering and providing of fire protection services as are necessary to protect the property or the safety or health of the public, and no persons shall fail to comply with any such rule and regulation so promulgated.

(2) The Director of Finance shall administer all sections of this Ordinance dealing with financing, billing, collection, etc.

(3) The Director of Finance is hereby authorized to adjust, settle or cancel any charge or fee required or made under this Ordinance or any controversy which may arise in the administration of this article. However, such exercise of authority by the Director of Finance shall be in a uniform manner, and not exercised in an arbitrary or capricious manner and a written or electronic record shall be kept of any and all such adjustments, settlements or cancellations.

ARTICLE VI - Penalty for Non-Payment of Fire Protection Service Fee:

(A) It shall be unlawful for any person to refuse to pay the Fire Protection Service Fee provided for herein. It shall be each user's responsibility to pay any and all reasonable court costs and fees, for the collection of delinquent accounts.

(B) Delinquent Charges Penalty. Any charge for service remaining unpaid after the billing date of the utility bill shall be deemed delinquent and a late payment penalty of ten percent (10%) of the unpaid charge for that billing shall be assessed. In the event that any such delinquent charge remains unpaid for a reasonable period of time not exceeding six months, the delinquent fee shall be pursued through a civil action instituted before either the Upshur County Magistrate Court or Circuit Court as may be appropriate under the circumstances.

(C) Pursuant to Chapter 8, Article 13, Section 13 of the West Virginia Code as amended, and to facilitate collection of any unpaid and delinquent fire protection service fees due under this Ordinance, the City of Buckhannon shall be hereby authorized to file a lien in the Office of the Clerk of the County Commission of Upshur County, West Virginia, upon real property after providing written notice to the property owner, return receipt requested, that the City intends to file the lien unless the delinquency is paid by a specified date set forth in the notice, and which lien shall be filed not less than ninety (90) days from the date the notice is mailed by the City. The property owner shall have the right to appeal the City's notice to the Upshur County Circuit Court, which appeal must be filed before the date provided for in the notice.

(D) Any person whomsoever who fraudulently files information required pursuant to this Ordinance, for which no other penalty is provided, shall upon conviction in the City of Buckhannon Municipal Court be guilty of a misdemeanor offense, and shall be fined not more than Five Hundred Dollars (\$500).

ARTICLE VII - 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 as a whole or the provisions thereof that are not specifically determined to be unconstitutional or invalid.

ARTICLE VIII - EFFECTIVE DATE: This Ordinance shall be deemed effective beginning July 1, 2024.

FIRST READING:	April 4, 2024
SECOND READING	April 18, 2024
THIRD READING, PASSAGE AND ADOPTION:	May 2, 2024

Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 467 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on May 2, 2024.

Randall H. Sanders, City Recorder

Thomas/Sanders motioned to approve Ordinance No. 467, Increasing the City's Fire Protection Service Fees, for its 2nd reading. The motion carried unanimously.

Mayor Skinner then read by its caption, Ordinance No. 468, Increasing the City's Police Protection Service Fees, for its 2nd reading. He then asked if there were any questions or concerns from the Council members. None were presented.

ORDINANCE NO. 468 OF THE CITY OF BUCKHANNON, AN ORDINANCE AMENDING ORDINANCE NO. 224 OF THE CITY OF BUCKHANNON, INCREASING THE CITY'S POLICE PROTECTION SERVICE FEES CHARGED TO RESIDENTS AND BUSINESSES WITHIN THE CORPORATE LIMITS, ESTABLISHING TIERED FEES, PROVIDING FOR THE ADMINISTRATION, COLLECTION AND USE OF FEES RAISED HEREBY, AND SETTING AN EFFECTIVE DATE OF JULY 1, 2024

WHEREAS, the Council of the City of Buckhannon beginning April 1, 1983 through the enactment of Ordinances Nos. 221 and 224 has provided for the imposition and collection of fees for the City's Police Department providing police protection services throughout Buckhannon's corporate limits; and,

WHEREAS, the City of Buckhannon is specifically authorized pursuant to Chapter 8, Article 13, Section 13(a) of the West Virginia Code, as amended, to provide emergency police service protection within the corporate limits of the City of Buckhannon and to impose by ordinance upon the users of the service such reasonable rates, fees, and charges to be collected in the manner specified by ordinance; and,

WHEREAS, the Council heretofore now desires to enact this Ordinance to increase the fees so charged, in light of the increased costs associated with providing police protection services since the last time the Council considered this issue.

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

ARTICLE I – TITLE OF ORDINANCE: This Ordinance shall be known as the City of Buckhannon’s Police Protection Service Fee Ordinance.

ARTICLE II - FINDINGS OF COUNCIL: The Council of the City of Buckhannon hereby makes the following findings:

(A) The City of Buckhannon has operated a municipal police department for many decades, however, the City Council has not increased its police protection service fees in Buckhannon since April 1, 1983.

(B) The City’s costs and expenses in providing the reasonable and necessary personnel, training, vehicles, and equipment to offer police protection service for the community have increased substantially since that time.

(C) Previously, and at all times since April 1, 1983, the City’s police protection service fees have been established on a flat rate basis for all residential properties, and on a revenue generated basis for commercial properties.

(D) The City Council now believes that the continuation of the flat rate police service protection fee approach for all residential properties, and on the revenue generated approach for commercial properties continues to be the fairest and most equitable to the residents and businesses of the City of Buckhannon versus any other fee model.

(E) The express purpose and intention of this ordinance is to substantially increase the total revenues realized by the City of Buckhannon for providing police protection services within the corporate limits.

ARTICLE III – DEFINITIONS:

For the purposes of this article, the following terms shall have the meaning respectively designated unless it is clear from the context that a different meaning is intended:

(A) “Residential unit structure” means any structure or unit which is used or intended by the nature of its construction to be used as a single-family dwelling by persons for living or sleeping quarters, but shall not include unit structures intended primarily for transient lodging, including without limitation, hotels, motels, rest homes and hospital rooms.

(B) “Dual residential unit structure” means any structure or unit which is used or intended by the nature of its construction to be used as a two (separate) family dwelling by persons for living or sleeping quarters, and having only two units within such structure, but shall not include unit structures intended primarily for transient lodging, including without limitation, hotels, motels, rest homes and hospital rooms. Such structure shall include but not be limited to duplexes.

(C) “Multiple-family residential unit structure” means a residential unit structure having more than two family dwellings or units within such structure. Such structure shall include but not be limited to apartment buildings, condominiums, townhouses or boarding houses. Such structure shall exclude hotels, motels, tourist homes, etc.

(D) “Nonresidential unit structure”. All other buildings not included within the definitions of “residential unit structure”. Such structures shall include, but not be limited to all commercial establishments, schools, government buildings, etc. If a structure has multiple uses such as residential and commercial, it will be classified as a non-residential unit.

(E) “Director of Finance” means the duly appointed Buckhannon Director of Finance and Administration.

(F) “Owner” means the owner of record of any lot, tract, or parcel of real estate within the City of Buckhannon, as evidenced by the records maintained in the Office of the Clerk of the County Commission of Upshur

County, West Virginia, but may also include the grantee or transferee of any interest in any real estate situated within the City by unrecorded deed, or by an owner-financed sale evidenced by written agreement, such as a “land contract”, provided that the parties to any such transaction are required to mutually and timely notify the Director of Finance as to which party to any such transaction shall be responsible for payment of any police service fees due and payable pursuant to this Ordinance. In absence of any such agreement, the owner of record pursuant to the County Clerk’s records shall be responsible for payment of the fees and charges established by this Ordinance.

(G) “Buckhannon City Police Department” means the paid Police Department of the City of Buckhannon.

ARTICLE IV – FEE RATES: The City’s Police Protection Service Fees shall be charged as follows:

(A) RESIDENTIAL BUILDINGS AND STRUCTURES:

(1) A Police Protection Fee of \$5.00 per month shall be charged against each dwelling house, mobile home, and apartment in the City of Buckhannon, whether occupied or not.

(2) For purposes of this Ordinance, any separate garage, outbuilding, or other structure used as part of any dwelling house, mobile home, or apartment and not separately occupied or used by persons other than those occupying the primary dwelling house, mobile home, or apartment shall be considered as part of the dwelling house, mobile home, or apartment and shall not subject to any additional charges hereunder.

(3) If any building or other structure is used or commences to become used exclusively for fraternity house, sorority house, dormitory, rooming house, hospital, nursing home, or rest home purposes, then a flat monthly fee of \$50.00 shall be charged to the property owner of record, and each separate building or other structure then shall be charged with the flat monthly fee, whether occupied or not.

(B) COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, AND ALL OTHER NON-RESIDENTIAL BUILDINGS AND STRUCTURES:

(1) A monthly fee based upon annual, gross receipts shall be levied against each occupied office or other business or commercial facility used for business or commercial purposes and against each occupied building or part of an occupied building used solely for one business or commercial purpose, with the fee being determined as follows:

<u>ANNUAL GROSS RECEIPTS</u>	<u>MONTHLY POLICE FEE</u>
\$50,000 and less	\$8.00
\$50,001 to \$150,000	\$16.00
\$150,001 to \$250,000	\$20.00
\$250,001 to \$500,000	\$30.00
\$500,001 to \$1,000,000	\$40.00
\$1,000,001 to \$2,500,000	\$50.00
\$2,500,001 and more	\$167.00

(2) If any commercial building or other structure is or becomes unoccupied, vacant, or abandoned, a flat monthly fee of \$15.00 is assessed against and shall be charged to the property owner of record.

(3) If any building or other structure is used or commences to become used exclusively for religious, charitable, educational, governmental, or other non-profit purposes, other than those buildings or structures identified in Article IV(A)(3) above, then a flat monthly fee of \$10.00 shall be charged to the property owner of record, and each separate building or other structure shall be charged with the flat monthly fee.

(4) For purposes of this Ordinance, the fees imposed by this Ordinance specifically include any hospital, nursing home, motel, hotel, religious, charitable, educational, governmental or non-profit organization.

ARTICLE V – MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS:

(A) The service of police protection shall be continued, maintained and improved by the City of Buckhannon Police Department, in part, at the charge and expense of the owners of all residential dwellings and non-residential dwellings included but not limited to commercial and industrial businesses, hospital, nursing home, religious, charitable, educational, governmental or non-profit organizations within the City of Buckhannon which said owners are declared to be users and beneficiaries of such police protection services. The Police Protection Service Fee with respect of such users and beneficiaries shall be imposed, assessed and collected as set out in this Ordinance by the City of Buckhannon.

(B) All fees and charges for police protection services shall be billed and collected by the Treasurer and shall not be pro-rated for less than thirty days.

(C) Charges for the police protection service shall be billed on a monthly basis as determined and in accordance by the utility billing cycle for each individual property owner or alternatively, the other utility user.

(D) All revenues collected for the collection of the Police Protection Service Fee shall be dedicated exclusively by the City to defray the cost of the continuance, maintenance, or improvement of police protection within the City of Buckhannon, and no part of such revenue shall be used for any other purpose whatsoever.

(E) The fees or charges provided for by this Ordinance shall be deemed to be a debt due to the City. The City may collect any such fee or charge and all accrued penalties by action against the owner of property against whom the service charges have been assessed by action instituted before the Magistrate Court or Circuit Court of Upshur County, West Virginia.

(F) It shall be the responsibility of the owner or owners of all buildings and structures within the City to notify the Director of Finance of any change in ownership and other items requested by the Director of Finance within thirty (30) days of such change.

(G) OWNER PROTESTS: The owner of any such building above aggrieved by a charge or fee for police protection service may protest the same by giving written notice to the Director of Finance or designee thereof setting forth their objections on or before thirty (30) days after the billing date. The Director of Finance shall render a decision within a reasonable time, giving notice in writing of the decision to all parties concerned. The amount, if any due the City under such decisions shall be due and payable thirty (30) days after service of the decision. Any person aggrieved by such administrative decision may within thirty (30) days from service of the decision file a petition duly verified with the Circuit Court of Upshur County, West Virginia, requesting review by certiorari, but otherwise, such decision shall be deemed to be final and conclusive.

(H) ADMINISTRATION:

(1) The Director of Finance or the Director of Finance's duly authorized representative is hereby empowered to make such rules and regulations not in conflict with the provisions of this Ordinance relative to the offering and providing of police protection services as are necessary to protect the property or the safety or health of the public, and no persons shall fail to comply with any such rule and regulation so promulgated.

(2) The Director of Finance shall administer all sections of this Ordinance dealing with financing, billing, collection, etc.

(3) The Director of Finance is hereby authorized to adjust, settle or cancel any charge or fee required or made under this Ordinance or any controversy which may arise in the administration of this article. However, such exercise of authority by the Director of Finance shall be in a uniform manner, and not

exercised in an arbitrary or capricious manner and a written or electronic record shall be kept of any and all such adjustments, settlements or cancellations.

ARTICLE VI - Penalty for Non-Payment of Police Protection Service Fee:

(A) It shall be unlawful for any person to refuse to pay the Police Protection Service Fee provided for herein. It shall be each user's responsibility to pay any and all reasonable court costs and fees, for the collection of delinquent accounts.

(B) Delinquent Charges Penalty. Any charge for service remaining unpaid after the billing date of the utility bill shall be deemed delinquent and a late payment penalty of ten percent (10%) of the unpaid charge for that billing shall be assessed. In the event that any such delinquent charge remains unpaid for a reasonable period of time not exceeding six months, the delinquent fee shall be pursued through a civil action instituted before either the Upshur County Magistrate Court or Circuit Court as may be appropriate under the circumstances.

(C) Pursuant to Chapter 8, Article 13, Section 13 of the West Virginia Code as amended, and to facilitate collection of any unpaid and delinquent police protection service fees due under this Ordinance, the City of Buckhannon shall be hereby authorized to file a lien in the Office of the Clerk of the County Commission of Upshur County, West Virginia, upon real property after providing written notice to the property owner, return receipt requested, that the City intends to file the lien unless the delinquency is paid by a specified date set forth in the notice, and which lien shall be filed not less than ninety (90) days from the date the notice is mailed by the City. The property owner shall have the right to appeal the City's notice to the Upshur County Circuit Court, which appeal must be filed before the date provided for in the notice.

(D) Any person whomsoever who fraudulently files information required pursuant to this Ordinance, for which no other penalty is provided, shall upon conviction in the City of Buckhannon Municipal Court be guilty of a misdemeanor offense, and shall be fined not more than Five Hundred Dollars (\$500).

ARTICLE VII - 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 as a whole or the provisions thereof that are not specifically determined to be unconstitutional or invalid.

ARTICLE VIII - EFFECTIVE DATE: This Ordinance shall be deemed effective beginning July 1, 2024.

FIRST READING:	April 4, 2024
SECOND READING	April 18, 2024
THIRD READING, PASSAGE AND ADOPTION:	May 2, 2024

Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 468 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on May 2, 2024.

Randall H. Sanders, City Recorder

Thomas/Sanders motioned to approve Ordinance No. 468, Increasing the City's Police Protection Service Fees, for its 2nd reading. The motion carried unanimously.

C.3 Police Chief – Matthew Gregory - Mayor Skinner recognized Chief Gregory, who provided the following reports:



Buckhannon Police Department

24 S Florida St * Buckhannon, WV 26201
 Phone 304-472-5723 * Fax 304-473-7911



City Council Report

4/18/24

1. We continue to finalize plans for the WV Strawberry Festival.
2. Erica Bennett, the Peer Recovery Support Specialist who is embedded with the Buckhannon Police Department, began work on April 3. She has already made numerous contacts throughout the community. We have scheduled regular monthly meetings with both First Choice Services and the Wheeling Police Department to discuss our Peer programs and network. We anticipate other police departments joining this process as they establish their Peer programs.
3. I have completed the policy updates consistent with the most recent version of the CALEA standards manual. The Policy Review Committee will meet on April 25 to review these updates, at which point the revisions will be uploaded to PowerDMS and reviewed with BPD staff.
4. Testing for the entry level police officer position will occur on Saturday, April 27.

POLICE ACTIVITIES

MONTH: March

YEAR: 2024

ACTIVITIES:

Parking Tickets Issued:

By Parking Enforcement Officer:

By Officers:

TOTAL ISSUED:

Citations Issued:

Misdemeanor Arrests:

Felony Arrests:

Calls Answered:

Complaint Reports:

Accidents Investigated:

Community Policing Hours:

Patrol Mileage:

**MONTHLY ACTIVITY REPORT
March 2024**

	301	302	303	304	305	306	307	308	309	310	311	312	TOTAL
Calls Answered	6	29		88	48	43		38	10	24	27	55	368
Community Policing		5						2		3		24	34
Road Patrol	4	48		82	92	127		77	58	34	50	102	674
Traffic Hours		6			7	6			14	34	2		69
Criminal Inv.	7	30		64	59	54		38	7	32	22	9	322
Court Hours		1			2								3
Report Writing	20	70		22	8	2		32	11	1	25	13	204
Other Hours	139	13			11			53		32	15	60	323
Miles													6,504
Accidents - Prop.		2		1				1		1		5	10
Injury				2							1		3
Fatality													
Parking Tickets													
Criminal Reports		5		4	2	4		2	2	2	3	5	29
Reports Cleared		2		3	2	3		2	2	1	1	5	21
Clearance Rate		40%		75%	100%	75%		100%	100%	50%	33%	100%	72%

MISDEMEANOR ARRESTS - March 2024

	TOTAL
ANIMAL CARE AND CONTROL ORD.	1
BATTERY	1
DISORDERLY CONDUCT	1
DUI	5
OBSTRUCTING POLICE OFFICER	1
PETIT LARCENY	2
POSSESSION OF ALCOHOL - MINOR	1
POSSESSION OF CONTROLL. SUB.	1
SHOPLIFTING	4
WARRANT FROM OTHER JURISDICTION	1
TOTAL MISDEMEANORS	18

FELONY ARRESTS - March 2024

	TOTAL
ATTEMPTED LARCENY	2
CONSPIRACY	2
GRAND LARCENY	1
WANTON ENDANGERMENT	1
TOTAL FELONIES	6

D. Correspondence & Information: – The Mayor reviewed the following with the Council:
D.1 Notice of Public Hearing of Ordinance No. 467 Increasing the City’s Fire Protection Service Fees

**NOTICE OF PUBLIC HEARING OF THE COUNCIL OF THE CITY
OF BUCKHANNON AND OF PROPOSED ADOPTION OF ORDINANCE NO. 467
BY THE COUNCIL OF THE CITY OF BUCKHANNON**

Pursuant to Chapter 8, Article 11, Section 4(a)(2) of the West Virginia Code, notice is hereby given to all of the residents of the City of Buckhannon that the Council of the City of Buckhannon proposes the third (3rd) reading, passage, and adoption of Ordinance No. 467 of the City of Buckhannon, the subject matter and general title, and abstract of which more particularly appear in said Ordinance as:

ORDINANCE NO. 467 OF THE CITY OF BUCKHANNON, AN ORDINANCE AMENDING ORDINANCE NO. 390 OF THE CITY OF BUCKHANNON, INCREASING THE CITY'S FIRE PROTECTION SERVICE FEES CHARGED TO RESIDENTS AND BUSINESSES WITHIN THE CORPORATE LIMITS OF THE CITY, ESTABLISHING TIERED FEES, PROVIDING FOR THE ADMINISTRATION, COLLECTION AND USE OF FEES RAISED HEREBY, AND SETTING AN EFFECTIVE DATE OF JULY 1, 2024

WHEREAS, the Council of the City of Buckhannon beginning March 21, 1966 through the enactment of Ordinances No. 137, 222, 225, and 390 has provided for the imposition and collection of fees for the City's Fire Department providing fire protection services throughout Buckhannon's corporate limits; and,

WHEREAS, the City of Buckhannon is specifically authorized pursuant to Chapter 8, Article 13, Section 13(a) of the West Virginia Code, as amended, to provide emergency fire service protection within the corporate limits of the City of Buckhannon and to impose by ordinance upon the users of the service such reasonable rates, fees, and charges to be collected in the manner specified by ordinance; and,

WHEREAS, the Council heretofore now desires to enact this Ordinance to increase the fees so charged, in light of the increased costs associated with providing fire protection services since the last time the Council considered this issue.

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

ARTICLE I – TITLE OF ORDINANCE: This Ordinance shall be known as the City of Buckhannon's Fire Protection Service Fee Ordinance.

ARTICLE II - FINDINGS OF COUNCIL: The Council of the City of Buckhannon hereby makes the following findings:

(A) The City of Buckhannon has operated a municipal fire department for many decades, however, the City Council has not increased its fire protection service fees in Buckhannon since July 1, 2015.

(B) The City's costs and expenses in providing the reasonable and necessary personnel, training, vehicles, and equipment to offer fire protection service for the community have increased substantially since that time.

(C) Previously, and at all times since July 1, 2015, the City's fire protection service fees have been established on a flat rate basis for all residential properties, and on a revenue generated basis for commercial properties.

(D) The City Council now believes that the continuation of the flat rate fire service protection fee approach for all residential properties, and on the revenue generated approach for commercial properties continues to be the fairest and most equitable to the residents and businesses of the City of Buckhannon versus any other fee model.

(E) The express purpose and intention of this ordinance is to substantially increase the total revenues realized by the City of Buckhannon for providing fire protection services within the corporate limits.

ARTICLE III – DEFINITIONS:

For the purposes of this article, the following terms shall have the meaning respectively designated unless it is clear from the context that a different meaning is intended:

(A) "Residential unit structure" means any structure or unit which is used or intended by the nature of its construction to be used as a single-family dwelling by persons for living or sleeping quarters, but shall not include unit structures intended primarily for transient lodging, including without limitation, hotels, motels, rest homes and hospital rooms.

(B) "Dual residential unit structure" means any structure or unit which is used or intended by the nature of its construction to be used as a two (separate) family dwelling by persons for living or sleeping quarters, and having only two units within such structure, but shall not include unit structures intended primarily for transient lodging, including without limitation, hotels, motels, rest homes and hospital rooms. Such structure shall include but not be limited to duplexes.

(C) "Multiple-family residential unit structure" means a residential unit structure having more than two family dwellings or units within such structure. Such structure shall include but not be limited to apartment buildings, condominiums, townhouses or boarding houses. Such structure shall exclude hotels, motels, tourist homes, etc.

(D) "Nonresidential unit structure". All other buildings not included within the definitions of "residential unit structure". Such structures shall include, but not be limited to all commercial establishments, schools, government buildings, etc. If a structure has multiple uses such as residential and commercial, it will be classified as a non-residential unit.

(E) "Director of Finance" means the duly appointed Buckhannon Director of Finance and Administration.

(F) "Owner" means the owner of record of any lot, tract, or parcel of real estate within the City of Buckhannon, as evidenced by the records maintained in the Office of the Clerk of the County Commission of Upshur County, West Virginia, but may also include the grantee or transferee of any interest in any real estate situated within the City by unrecorded deed, or by an owner-financed sale evidenced by written agreement, such as a "land contract", provided that the parties to any such transaction are required to mutually and timely notify the Director of Finance as to which party to any such transaction shall be responsible for payment of any fire service fees due and payable pursuant to this Ordinance. In absence of any such agreement, the owner of record pursuant to the County Clerk's records shall be responsible for payment of the fees and charges established by this Ordinance.

(G) "Buckhannon City Fire Department" means the paid Fire Department of the City of Buckhannon and all firefighters serving as volunteers within said Department.

ARTICLE IV – FEE RATES: The City's Fire Protection Service Fees shall be charged as follows:

(A) RESIDENTIAL BUILDINGS AND STRUCTURES:

(1) A Fire Protection Fee of \$7.50 per month shall be charged against each dwelling house, mobile home, and apartment in the City of Buckhannon, whether occupied or not.

(2) For purposes of this Ordinance, any separate garage, outbuilding, or other structure used as part of any dwelling house, mobile home, or apartment and not separately occupied or used by persons other than those occupying the primary dwelling house, mobile home, or apartment shall be considered as part of the dwelling house, mobile home, or apartment and shall not subject to any additional charges hereunder.

(3) If any building or other structure is used or commences to become used exclusively for fraternity house, sorority house, dormitory, rooming house, hospital, nursing home, or rest home purposes, then a flat monthly fee of \$50.00 shall be charged to the property owner of record, and each separate building or other structure then shall be charged with the flat monthly fee, whether occupied or not.

(B) COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, AND ALL OTHER NON-RESIDENTIAL BUILDINGS AND STRUCTURES:

(1) A monthly fee based upon annual, gross receipts shall be levied against each occupied office or other business or commercial facility used for business or commercial purposes and against each occupied building or part of an occupied building used solely for one business or commercial purpose, with the fee being determined as follows:

<u>ANNUAL GROSS RECEIPTS</u>	<u>MONTHLY FIRE FEE</u>
\$50,000 and less	\$13.00
\$50,001 to \$150,000	\$19.00
\$150,001 to \$250,000	\$25.00
\$250,001 to \$500,000	\$38.00
\$500,001 to \$1,000,000	\$63.00
\$1,000,001 to \$2,500,000	\$88.00
\$2,500,001 and more	\$188.00

(2) If any commercial building or other structure is or becomes unoccupied, vacant, or abandoned, a flat monthly fee of \$15.00 is assessed against and shall be charged to the property owner of record.

(3) If any building or other structure is used or commences to become used exclusively for religious, charitable, educational, governmental, or other non-profit purposes, other than those buildings or structures identified in Article IV(A)(3) above, then a flat monthly fee of \$10.00 shall be charged to the property owner of record, and each separate building or other structure shall be charged with the flat monthly fee.

(4) For purposes of this Ordinance, the fees imposed by this Ordinance specifically include any hospital, nursing home, motel, hotel, religious, charitable, educational, governmental or non-profit organization.

(5) The owner of any commercial, industrial, or other non-residential building or structure situated in the City of Buckhannon with a state certified sprinkler system shall receive a monthly twenty-five percent (25%) discount on the charges for the commercial, industrial, or other non-residential building or structure. The burden shall be upon the owner of any commercial, industrial, or other non-residential building or structure to provide documented certification that such building or structure is equipped with a state certified sprinkler system, and until such time as documentation is provided, such building or structure shall not be deemed eligible for the twenty-five percent (25%) discount.

ARTICLE V – MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS:

(A) The service of fire protection shall be continued, maintained and improved by the City of Buckhannon Fire Department and City of Buckhannon Volunteer Fire Department, in part, at the charge and expense of the owners of all residential dwellings and non-residential dwellings included but not limited to commercial and industrial businesses, hospital, nursing home, religious, charitable, educational, governmental or non-profit organizations within the City of Buckhannon which said owners are declared to be users and beneficiaries of such fire protection services. The Fire Protection Service Fee with respect of such users and beneficiaries shall be imposed, assessed and collected as set out in this Ordinance by the City of Buckhannon.

(B) All fees and charges for fire protection services shall be billed and collected by the Treasurer and shall not be pro-rated for less than thirty days.

(C) Charges for the fire protection service shall be billed on a monthly basis as determined and in accordance by the utility billing cycle for each individual property owner or alternatively, the other utility user.

(D) All revenues collected for the collection of the Fire Protection Service Fee shall be dedicated exclusively by the City to defray the cost of the continuance, maintenance, or improvement of fire protection within the City of Buckhannon, and no part of such revenue shall be used for any other purpose whatsoever.

(E) The fees or charges provided for by this Ordinance shall be deemed to be a debt due to the City. The City may collect any such fee or charge and all accrued penalties by action against the owner of property against whom the service charges have been assessed by action instituted before the Magistrate Court or Circuit Court of Upshur County, West Virginia.

(F) It shall be the responsibility of the owner or owners of all buildings and structures within the City to notify the Director of Finance of any change in ownership and other items requested by the Director of Finance within thirty (30) days of such change.

(G) OWNER PROTESTS: The owner of any such building above aggrieved by a charge or fee for fire protection service may protest the same by giving written notice to the Director of Finance or designee thereof setting forth their objections on or before thirty (30) days after the billing date. The Director of Finance shall render a decision within a reasonable time, giving notice in writing of the decision to all parties concerned. The amount, if any due the City under such decisions shall be due and payable thirty (30) days after service of the decision. Any person aggrieved by such administrative decision may within thirty (30) days from service of the decision file a petition duly verified with the Circuit Court of Upshur County, West Virginia, requesting review by certiorari, but otherwise, such decision shall be deemed to be final and conclusive.

(H) ADMINISTRATION:

(1) The Director of Finance or the Director of Finance's duly authorized representative is hereby empowered to make such rules and regulations not in conflict with the provisions of this Ordinance relative to the offering and providing of fire protection services as are necessary to protect the property or the safety or health of the public, and no persons shall fail to comply with any such rule and regulation so promulgated.

(2) The Director of Finance shall administer all sections of this Ordinance dealing with financing, billing, collection, etc.

(3) The Director of Finance is hereby authorized to adjust, settle or cancel any charge or fee required or made under this Ordinance or any controversy which may arise in the administration of this article. However, such exercise of authority by the Director of Finance shall be in a uniform manner, and not exercised in an arbitrary or capricious manner and a written or electronic record shall be kept of any and all such adjustments, settlements or cancellations.

ARTICLE VI - Penalty for Non-Payment of Fire Protection Service Fee:

(A) It shall be unlawful for any person to refuse to pay the Fire Protection Service Fee provided for herein. It shall be each user's responsibility to pay any and all reasonable court costs and fees, for the collection of delinquent accounts.

(B) Delinquent Charges Penalty. Any charge for service remaining unpaid after the billing date of the utility bill shall be deemed delinquent and a late payment penalty of ten percent (10%) of the unpaid charge for

that billing shall be assessed. In the event that any such delinquent charge remains unpaid for a reasonable period of time not exceeding six months, the delinquent fee shall be pursued through a civil action instituted before either the Upshur County Magistrate Court or Circuit Court as may be appropriate under the circumstances.

(C) Pursuant to Chapter 8, Article 13, Section 13 of the West Virginia Code as amended, and to facilitate collection of any unpaid and delinquent fire protection service fees due under this Ordinance, the City of Buckhannon shall be hereby authorized to file a lien in the Office of the Clerk of the County Commission of Upshur County, West Virginia, upon real property after providing written notice to the property owner, return receipt requested, that the City intends to file the lien unless the delinquency is paid by a specified date set forth in the notice, and which lien shall be filed not less than ninety (90) days from the date the notice is mailed by the City. The property owner shall have the right to appeal the City's notice to the Upshur County Circuit Court, which appeal must be filed before the date provided for in the notice.

(D) Any person whomsoever who fraudulently files information required pursuant to this Ordinance, for which no other penalty is provided, shall upon conviction in the City of Buckhannon Municipal Court be guilty of a misdemeanor offense, and shall be fined not more than Five Hundred Dollars (\$500).

ARTICLE VII - 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 as a whole or the provisions thereof that are not specifically determined to be unconstitutional or invalid.

ARTICLE VIII - EFFECTIVE DATE: This Ordinance shall be deemed effective beginning July 1, 2024.

FIRST READING:	April 4, 2024
SECOND READING	April 18, 2024
THIRD READING, PASSAGE AND ADOPTION:	May 2, 2024

Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 467 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on May 2, 2024.

Randall H. Sanders, City Recorder

The Council of the City of Buckhannon proposes the third (3rd) reading, passage and adoption of Ordinance No. 467 at the regularly scheduled City Council meeting to be held on Thursday, May 2, 2024, at 7:00 p.m. o'clock, at Buckhannon's City Hall located at 70 East Main Street in Buckhannon, Upshur County, West Virginia. A reasonable number of copies of the proposed Ordinance No. 467 are on file at City Hall. Ordinance No. 467 may be inspected by any member of the public during the regular business hours of City Hall.

All interested persons may appear at the May 2, 2024 meeting and be heard with respect to the City Council's proposed adoption of Ordinance No. 467.

Randall H. Sanders, City Recorder

D.2 Notice of Public Hearing of Ordinance No. 468 Increasing the City's Police Protection Service Fees

**NOTICE OF PUBLIC HEARING OF THE COUNCIL OF THE CITY
OF BUCKHANNON AND OF PROPOSED ADOPTION OF ORDINANCE NO. 468
BY THE COUNCIL OF THE CITY OF BUCKHANNON**

Pursuant to Chapter 8, Article 11, Section 4(a)(2) of the West Virginia Code, notice is hereby given to all of the residents of the City of Buckhannon that the Council of the City of Buckhannon proposes the third (3rd) reading, passage, and adoption of Ordinance No. 468 of the City of Buckhannon, the subject matter and general title, and abstract of which more particularly appear in said Ordinance as:

ORDINANCE NO. 468 OF THE CITY OF BUCKHANNON, AN ORDINANCE AMENDING ORDINANCE NO. 224 OF THE CITY OF BUCKHANNON, INCREASING THE CITY'S POLICE PROTECTION SERVICE FEES CHARGED TO RESIDENTS AND BUSINESSES WITHIN THE CORPORATE LIMITS, ESTABLISHING TIERED FEES, PROVIDING FOR THE ADMINISTRATION, COLLECTION AND USE OF FEES RAISED HEREBY, AND SETTING AN EFFECTIVE DATE OF JULY 1, 2024

WHEREAS, the Council of the City of Buckhannon beginning April 1, 1983 through the enactment of Ordinances Nos. 221 and 224 has provided for the imposition and collection of fees for the City's Police Department providing police protection services throughout Buckhannon's corporate limits; and,

WHEREAS, the City of Buckhannon is specifically authorized pursuant to Chapter 8, Article 13, Section 13(a) of the West Virginia Code, as amended, to provide emergency police service protection within the corporate limits of the City of Buckhannon and to impose by ordinance upon the users of the service such reasonable rates, fees, and charges to be collected in the manner specified by ordinance; and,

WHEREAS, the Council heretofore now desires to enact this Ordinance to increase the fees so charged, in light of the increased costs associated with providing police protection services since the last time the Council considered this issue.

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

ARTICLE I – TITLE OF ORDINANCE: This Ordinance shall be known as the City of Buckhannon's Police Protection Service Fee Ordinance.

ARTICLE II - FINDINGS OF COUNCIL: The Council of the City of Buckhannon hereby makes the following findings:

(A) The City of Buckhannon has operated a municipal police department for many decades, however, the City Council has not increased its police protection service fees in Buckhannon since April 1, 1983.

(B) The City's costs and expenses in providing the reasonable and necessary personnel, training, vehicles, and equipment to offer police protection service for the community have increased substantially since that time.

(C) Previously, and at all times since April 1, 1983, the City's police protection service fees have been established on a flat rate basis for all residential properties, and on a revenue generated basis for commercial properties.

(D) The City Council now believes that the continuation of the flat rate police service protection fee approach for all residential properties, and on the revenue generated approach for commercial properties continues

to be the fairest and most equitable to the residents and businesses of the City of Buckhannon versus any other fee model.

(E) The express purpose and intention of this ordinance is to substantially increase the total revenues realized by the City of Buckhannon for providing police protection services within the corporate limits.

ARTICLE III – DEFINITIONS:

For the purposes of this article, the following terms shall have the meaning respectively designated unless it is clear from the context that a different meaning is intended:

(A) “Residential unit structure” means any structure or unit which is used or intended by the nature of its construction to be used as a single-family dwelling by persons for living or sleeping quarters, but shall not include unit structures intended primarily for transient lodging, including without limitation, hotels, motels, rest homes and hospital rooms.

(B) “Dual residential unit structure” means any structure or unit which is used or intended by the nature of its construction to be used as a two (separate) family dwelling by persons for living or sleeping quarters, and having only two units within such structure, but shall not include unit structures intended primarily for transient lodging, including without limitation, hotels, motels, rest homes and hospital rooms. Such structure shall include but not be limited to duplexes.

(C) “Multiple-family residential unit structure” means a residential unit structure having more than two family dwellings or units within such structure. Such structure shall include but not be limited to apartment buildings, condominiums, townhouses or boarding houses. Such structure shall exclude hotels, motels, tourist homes, etc.

(D) “Nonresidential unit structure”. All other buildings not included within the definitions of “residential unit structure”. Such structures shall include, but not be limited to all commercial establishments, schools, government buildings, etc. If a structure has multiple uses such as residential and commercial, it will be classified as a non-residential unit.

(E) “Director of Finance” means the duly appointed Buckhannon Director of Finance and Administration.

(F) “Owner” means the owner of record of any lot, tract, or parcel of real estate within the City of Buckhannon, as evidenced by the records maintained in the Office of the Clerk of the County Commission of Upshur County, West Virginia, but may also include the grantee or transferee of any interest in any real estate situated within the City by unrecorded deed, or by an owner-financed sale evidenced by written agreement, such as a “land contract”, provided that the parties to any such transaction are required to mutually and timely notify the Director of Finance as to which party to any such transaction shall be responsible for payment of any police service fees due and payable pursuant to this Ordinance. In absence of any such agreement, the owner of record pursuant to the County Clerk’s records shall be responsible for payment of the fees and charges established by this Ordinance.

(G) “Buckhannon City Police Department” means the paid Police Department of the City of Buckhannon.

ARTICLE IV – FEE RATES: The City's Police Protection Service Fees shall be charged as follows:

(A) RESIDENTAL BUILDINGS AND STRUCTURES:

(1) A Police Protection Fee of \$5.00 per month shall be charged against each dwelling house, mobile home, and apartment in the City of Buckhannon, whether occupied or not.

(2) For purposes of this Ordinance, any separate garage, outbuilding, or other structure used as part of any dwelling house, mobile home, or apartment and not separately occupied or used by persons other than those occupying the primary dwelling house, mobile home, or apartment shall be considered as part of the dwelling house, mobile home, or apartment and shall not subject to any additional charges hereunder.

(3) If any building or other structure is used or commences to become used exclusively for fraternity house, sorority house, dormitory, rooming house, hospital, nursing home, or rest home purposes, then a flat monthly fee of \$50.00 shall be charged to the property owner of record, and each separate building or other structure then shall be charged with the flat monthly fee, whether occupied or not.

(B) COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, AND ALL OTHER NON-RESIDENTIAL BUILDINGS AND STRUCTURES:

(1) A monthly fee based upon annual, gross receipts shall be levied against each occupied office or other business or commercial facility used for business or commercial purposes and against each occupied building or part of an occupied building used solely for one business or commercial purpose, with the fee being determined as follows:

<u>ANNUAL GROSS RECEIPTS</u>	<u>MONTHLY POLICE FEE</u>
\$50,000 and less	\$8.00
\$50,001 to \$150,000	\$16.00
\$150,001 to \$250,000	\$20.00
\$250,001 to \$500,000	\$30.00
\$500,001 to \$1,000,000	\$40.00
\$1,000,001 to \$2,500,000	\$50.00
\$2,500,001 and more	\$167.00

(2) If any commercial building or other structure is or becomes unoccupied, vacant, or abandoned, a flat monthly fee of \$15.00 is assessed against and shall be charged to the property owner of record.

(3) If any building or other structure is used or commences to become used exclusively for religious, charitable, educational, governmental, or other non-profit purposes, other than those buildings or structures identified in Article IV(A)(3) above, then a flat monthly fee of \$10.00 shall be charged to the property owner of record, and each separate building or other structure shall be charged with the flat monthly fee.

(4) For purposes of this Ordinance, the fees imposed by this Ordinance specifically include any hospital, nursing home, motel, hotel, religious, charitable, educational, governmental or non-profit organization.

ARTICLE V – MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS:

(A) The service of police protection shall be continued, maintained and improved by the City of Buckhannon Police Department, in part, at the charge and expense of the owners of all residential dwellings and non-

residential dwellings included but not limited to commercial and industrial businesses, hospital, nursing home, religious, charitable, educational, governmental or non-profit organizations within the City of Buckhannon which said owners are declared to be users and beneficiaries of such police protection services. The Police Protection Service Fee with respect of such users and beneficiaries shall be imposed, assessed and collected as set out in this Ordinance by the City of Buckhannon.

(B) All fees and charges for police protection services shall be billed and collected by the Treasurer and shall not be pro-rated for less than thirty days.

(C) Charges for the police protection service shall be billed on a monthly basis as determined and in accordance by the utility billing cycle for each individual property owner or alternatively, the other utility user.

(D) All revenues collected for the collection of the Police Protection Service Fee shall be dedicated exclusively by the City to defray the cost of the continuance, maintenance, or improvement of police protection within the City of Buckhannon, and no part of such revenue shall be used for any other purpose whatsoever.

(E) The fees or charges provided for by this Ordinance shall be deemed to be a debt due to the City. The City may collect any such fee or charge and all accrued penalties by action against the owner of property against whom the service charges have been assessed by action instituted before the Magistrate Court or Circuit Court of Upshur County, West Virginia.

(F) It shall be the responsibility of the owner or owners of all buildings and structures within the City to notify the Director of Finance of any change in ownership and other items requested by the Director of Finance within thirty (30) days of such change.

(G) OWNER PROTESTS: The owner of any such building above aggrieved by a charge or fee for police protection service may protest the same by giving written notice to the Director of Finance or designee thereof setting forth their objections on or before thirty (30) days after the billing date. The Director of Finance shall render a decision within a reasonable time, giving notice in writing of the decision to all parties concerned. The amount, if any due the City under such decisions shall be due and payable thirty (30) days after service of the decision. Any person aggrieved by such administrative decision may within thirty (30) days from service of the decision file a petition duly verified with the Circuit Court of Upshur County, West Virginia, requesting review by certiorari, but otherwise, such decision shall be deemed to be final and conclusive.

(H) ADMINISTRATION:

(1) The Director of Finance or the Director of Finance's duly authorized representative is hereby empowered to make such rules and regulations not in conflict with the provisions of this Ordinance relative to the offering and providing of police protection services as are necessary to protect the property or the safety or health of the public, and no persons shall fail to comply with any such rule and regulation so promulgated.

(2) The Director of Finance shall administer all sections of this Ordinance dealing with financing, billing, collection, etc.

(3) The Director of Finance is hereby authorized to adjust, settle or cancel any charge or fee required or made under this Ordinance or any controversy which may arise in the administration of this article. However, such exercise of authority by the Director of Finance shall be in a uniform manner, and not exercised in an arbitrary or capricious manner and a written or electronic record shall be kept of any and all such adjustments, settlements or cancellations.

ARTICLE VI - Penalty for Non-Payment of Police Protection Service Fee:

(A) It shall be unlawful for any person to refuse to pay the Police Protection Service Fee provided for herein. It shall be each user's responsibility to pay any and all reasonable court costs and fees, for the collection of delinquent accounts.

(B) Delinquent Charges Penalty. Any charge for service remaining unpaid after the billing date of the utility bill shall be deemed delinquent and a late payment penalty of ten percent (10%) of the unpaid charge for that billing shall be assessed. In the event that any such delinquent charge remains unpaid for a reasonable period of time not exceeding six months, the delinquent fee shall be pursued through a civil action instituted before either the Upshur County Magistrate Court or Circuit Court as may be appropriate under the circumstances.

(C) Pursuant to Chapter 8, Article 13, Section 13 of the West Virginia Code as amended, and to facilitate collection of any unpaid and delinquent police protection service fees due under this Ordinance, the City of Buckhannon shall be hereby authorized to file a lien in the Office of the Clerk of the County Commission of Upshur County, West Virginia, upon real property after providing written notice to the property owner, return receipt requested, that the City intends to file the lien unless the delinquency is paid by a specified date set forth in the notice, and which lien shall be filed not less than ninety (90) days from the date the notice is mailed by the City. The property owner shall have the right to appeal the City's notice to the Upshur County Circuit Court, which appeal must be filed before the date provided for in the notice.

(D) Any person whomsoever who fraudulently files information required pursuant to this Ordinance, for which no other penalty is provided, shall upon conviction in the City of Buckhannon Municipal Court be guilty of a misdemeanor offense, and shall be fined not more than Five Hundred Dollars (\$500).

ARTICLE VII - 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 as a whole or the provisions thereof that are not specifically determined to be unconstitutional or invalid.

ARTICLE VIII - EFFECTIVE DATE: This Ordinance shall be deemed effective beginning July 1, 2024.

FIRST READING:	April 4, 2024
SECOND READING	April 18, 2024
THIRD READING, PASSAGE AND ADOPTION:	May 2, 2024

Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 468 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on May 2, 2024.

Randall H. Sanders, City Recorder

The Council of the City of Buckhannon proposes the third (3rd) reading, passage and adoption of Ordinance No. 468 at the regularly scheduled City Council meeting to be held on Thursday, May 2, 2024, at 7:00 p.m. o'clock, at Buckhannon's City Hall located at 70 East Main Street in Buckhannon, Upshur County, West Virginia. A reasonable

number of copies of the proposed Ordinance No. 468 are on file at City Hall. Ordinance No. 468 may be inspected by any member of the public during the regular business hours of City Hall.

All interested persons may appear at the May 2, 2024 meeting and be heard with respect to the City Council's proposed adoption of Ordinance No. 468.

Randall H. Sanders, City Recorder

D.3 Notice City Council Meeting Date of May 16, 2024, has been cancelled due to conflict with the WVSF Events

D.4 ZBA Memorandum Decision 42 North Locust Street

BEFORE THE ZONING BOARD OF APPEALS OF THE CITY OF BUCKHANNON, WEST VIRGINIA

IN RE: 42 NORTHLOCUST STREET
BUCKHANNON, WEST VIRGINIA
NUMBER ONE AUTO SALES

APPEAL OF DENIAL OF ZONING
PERMIT APPLICATION 991750

MEMORANDUM DECISION – VARIANCE RECEIPT No. 994356

On January 17, 2024, Applicant Number One Auto Sales, of 42 North Locust Street in the City of Buckhannon, appeared in person before the Zoning Board of Appeals of the City of Buckhannon, West Virginia ("Board") on hearing of her Application for the Zoning Variance under Ordinance No. 244 of the City of Buckhannon (hereafter "Zoning Ordinance"). Following a full hearing of its application, and due consideration of the facts of the case and applicable law, the Zoning Board of Appeals GRANTS the requested variance.

Factual Background

The property located at 42 North Locust Street is within the municipal boundaries of the City of Buckhannon, is within the C-2 – Highway Commercial District established by the City's Zoning Ordinance and is owned by the Applicant. The Applicant seeks to locate a building closer to the side lot lines than is permissible under the Ordinance, which require side yards in that district of a minimum of 8 feet on each side and a total of 20 feet.

The City's Zoning Officer denied the zoning application based upon the requirements of the ordinance; the Applicant has applied to the Zoning Board of Appeals for a setback variance.

No other person appeared before the Zoning Board of Appeals hearing on this matter to enter an objection; an adjoining property owner did register an objection in writing, stating that granting the variance would effectively limit his ability to access the rear of his own property.

Legal Analysis

The activities and decisions of the City's Zoning Officer and Zoning Board of Appeals are primarily governed by the City of Buckhannon's Ordinance No. 244. This ordinance establishes the City's zoning districts and establishes the rules under which property owners may improve property within the individual zones. The Zoning Ordinance has the force of law within the City of Buckhannon, and the Zoning Board of Appeals is the final municipal administrative authority in the enforcement of the Zoning Ordinance, subject only to such changes to the ordinance as may be enacted by the City Council of the City of Buckhannon.

Section 507(C)(4) of the Zoning Ordinance establishes setback requirements for structures within the C-2 Zone. Setback requirements establish the minimum distance a structure must be placed from the lot lines. In the case of the C-2 Zone, those setback rules establish that accessory uses to the rear of the principal structure must be at least eight feet from interior lot lines, with the combined setback on each side totaling at least twenty feet combined. In this case, the proposed structure does not comply with those setback requirements.

The Zoning Board of Appeals does possess the authority to grant variances to the strict setback requirements of the Ordinance, when doing so does not frustrate the overall purposes of the Ordinance and when

it has good cause to do so. The Board agrees that such cause exists in this case.

Conclusion

It is the opinion of this Zoning Board of Appeals that sufficient justification for the granting of a zoning variance exists in this case. The Application for Variance is GRANTED.

Interested parties are notified of their right to appeal the decision of this Board to the Circuit Court of Upshur County within 30 days of the date below.

Entered this 4th day of April, 2024
 ZONING BOARD OF APPEALS OF THE CITY OF BUCKHANNON BY:
 President Virginia Jeran

D.5 Charles Gibson Library Director’s Report -April 2024

April 2024 Director’s Report

Gibson Circulation & Renewals by Month (2023-2024)

ITYPE	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	ANNUAL	
Adult Fiction & PB	198	194	187	175	145	166	106	0	21				1192	20.2%
Adult Nonfiction	21	39	18	19	30	31	22	0	15				195	3.3%
Books on CD	1	0	5	7	9	0	0	0	0				22	0.4%
Easy Books	123	191	105	108	71	91	55	0	46				790	13.4%
Juvenile Fiction	53	57	32	40	55	27	14	0	4				282	4.8%
Juvenile Nonfiction	25	12	17	17	13	4	5	0	0				93	1.6%
Large Print	220	279	264	340	247	220	129	0	56				1755	29.8%
New Books	228	238	188	185	187	145	143	0	84				1398	23.7%
New Media	10	13	5	3	2	0	2	0	0				35	0.6%
Reference	0	0	0	0	0	0	0	0	0				0	0.0%
West Virginia Material	4	1	0	2	2	0	0	0	0				9	0.2%
Young Adult Fiction	30	21	8	13	8	23	11	0	4				118	2.0%
Young Adult Nonfiction	4	4	0	0	0	0	0	0	0				8	0.1%
eBooks (WVReads)	146	134	137	160	140	155	165	149	164				1350	22.9%
eAudio (WVReads)	72	46	45	59	50	63	60	59	64				518	8.8%
eMagazines (WVReads)	2	6	8	23	23	18	21	24	25				150	2.5%
TOTAL	1137	1235	1019	1151	982	943	733	232	483	0	0	0	5897	100.0%

Gibson Circulation & Renewals by Month (2023-2024)

ITYPE	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	ANNUAL	
Adult Fiction & PB	198	194	187	175	145	166	106	0	21				1192	20.2%
Adult Nonfiction	21	39	18	19	30	31	22	0	15				195	3.3%
Books on CD	1	0	5	7	9	0	0	0	0				22	0.4%
Easy Books	123	191	105	108	71	91	55	0	46				790	13.4%
Juvenile Fiction	53	57	32	40	55	27	14	0	4				282	4.8%
Juvenile Nonfiction	25	12	17	17	13	4	5	0	0				93	1.6%
Large Print	220	279	264	340	247	220	129	0	56				1755	29.8%
New Books	228	238	188	185	187	145	143	0	84				1398	23.7%
New Media	10	13	5	3	2	0	2	0	0				35	0.6%
Reference	0	0	0	0	0	0	0	0	0				0	0.0%
West Virginia Material	4	1	0	2	2	0	0	0	0				9	0.2%
Young Adult Fiction	30	21	8	13	8	23	11	0	4				118	2.0%
Young Adult Nonfiction	4	4	0	0	0	0	0	0	0				8	0.1%
eBooks (WVReads)	146	134	137	160	140	155	165	149	164				1350	22.9%
eAudio (WVReads)	72	46	45	59	50	63	60	59	64				518	8.8%
eMagazines (WVReads)	2	6	8	23	23	18	21	24	25				150	2.5%
TOTAL	1137	1235	1019	1151	982	943	733	232	483	0	0	0	5897	100.0%

Upcoming Dates

- April 3-5 Public Library Association Conference
- April 7-13 National Library Week
- April 10 Board of Trustees Meeting
- April 11 NLW Open House
- April 13 Tea Time Book Discussion

April 16	LIBRARY CLOSURE: Annual Training Day
April 18	Community Baby Shower
May 11	Library Closed: Strawberry Festival (?)
May 16 @ 4:30	Library Closed: Junior Royalty Parade
May 17 – 18	Library Closed: Strawberry Festival
May 20	Start Registration for Summer Reading Program
May 25 – 27	Library Closed: Memorial Day Weekend
June 1	Summer Reading Kick Off Party (10 – 12) – Backyard Area (Weather Permitting) Sign Up Fair with Storytime, Craft, and Outdoor Games
June 1 – July 31	2024 Summer Reading Program: Adventure Begins at Your Library

D.6 Upshur County Solid Waste Authority Free Paper Shred Event Saturday, April 20th, 9 am-12noon at 395 Mudlick Rd

D.7 FOIA Request- Cheyenne Haley

Re: FOIA

1 message

Amberle Jenkins <amby.jenkins@buckhannonwv.org>
Reply-To: amby.j@buckhannonwv.org
To: Cheyenne Haley <cheyennehaley1@gmail.com>

Thu, Apr 11, 2024 at 9:32 AM

Just to clarify... we take care of Water, Sewer, Waste utility services as well as Police, Fire, Street and all general government operations in the City of Buckhannon WV. I checked our utility files and saw nothing in your name. I also checked with our Police Department and they have an incident listed for that address on June 14th. If this is the information you are requesting, the cost for the USB drive and two documents is \$6.50. Please remit this to the City of Buckhannon, 70 E Main Street, Buckhannon, WV 26201 or call into the office and make the payment by credit card at 304-472-1651 select option 2.

On Wed, Apr 10, 2024 at 3:06 PM Cheyenne Haley <cheyennehaley1@gmail.com> wrote:
The file and the video

On Wed, Apr 10, 2024 at 11:31 AM Amberle Jenkins <amby.jenkins@buckhannonwv.org> wrote:
What information are you asking for?

On Wed, Apr 10, 2024 at 12:50 PM Cheyenne Haley <cheyennehaley1@gmail.com> wrote:
Good Afternoon,
My name is Cheyenne Haley, my current address is 10060 Bristersburg Road Catlett Virginia 20119. The address I am requesting information from is 119 Pocahontas street Buckhannon WestVirginia 26201, my phone number is (540)-233-0078, my email address is cheyennehaley1@gmail.com and my work email is chaley@blackwillow.com. The date of the incident that I am requesting a FOIA is JUNE 14TH.
Thank You
Cheyenne Haley

D.8 Office of the State Auditor- Notice of Approval of the Levy Estimate (Budget FY 24/25)



State of West Virginia
John B. McCuskey
State Auditor

Office of the State Auditor
Local Government Services
200 West Main Street
Clarksburg, West Virginia 26301

Toll Free: (877) 982-9148
Telephone: (304) 627-2415
Fax: (304) 340-5090
www.wvsao.gov

April 2, 2024

NOTICE OF APPROVAL OF THE LEVY ESTIMATE (BUDGET)

To: Municipality of Buckhannon

In accordance with the provisions of Chapter 11, Article 8, of the West Virginia Code, as amended, the State Auditor of West Virginia hereby approves your Levy Estimate (Budget) for the fiscal year beginning July 1, 2024.

I find that any levy rates to be imposed in excess of those prescribed by the West Virginia Constitution were legally authorized by a vote of the people.

With this written approval, the levying body shall meet on the third Tuesday in April (April 16) to hear and consider any objections and to officially adopt the levy rates for property taxation. The clerk/recording officer, within three days of such meeting, shall prepare and forward to the State Auditor the officially adopted levy rates and levy order.

If you have any questions, please do not hesitate to contact our office at: LGS@wvsao.gov or 304-627-2415.

Sincerely,
John B. McCuskey
WV State Auditor

By: Ora L. Ash,
Deputy State Auditor
Local Government Services

MUNICIPALITY OF BUCKHANNON, WEST VIRGINIA
 LEVY ORDER AND RATE SHEET
 2024 - 2025

**The following is a true copy from the record of orders entered by this entity
 on the 16 day of April, 2024.**

SIGNATURE: _____

Municipal Clerk or Recorder

	Column E Certificate of Valuation Assessed Value for Tax Purposes	Levy Rate/\$100	Taxes Levied
Current Year			
Class I			
Personal Property	\$ 0	12.500	\$ 0
Public Utility	0		0
Total Class I	\$ 0		\$ 0
Class II			
Real Estate	\$ 81,965,100	25.000	\$ 204,913
Personal Property	284,338		711
Total Class II	\$ 82,249,438		\$ 205,624
Class IV			
Real Estate	\$ 87,842,860	50.000	\$ 439,214
Personal Property	55,576,952		277,885
Public Utility	14,622,581		73,113
Total Class IV	\$ 158,042,393		\$ 790,212
Total Value & Projected Revenue	\$ 240,291,831		\$ 995,836
Less Delinquencies, Exonerations & Uncollectable Taxes	2.50%		24,896
Less Tax Discounts	1.00%		9,709
Less Allowance for Tax Increment Financing - see worksheet (Subtracted from regular current expense taxes levied only)			0
Total Projected Property Tax Collection			961,231
Less Assessor Valuation Fund (Subtracted from regular current expense taxes levied only)	2.00%		19,225
Net Amount to be Raised by Levy of Property Taxes For Budget Purposes			\$ 942,006

MUNICIPALITY OF BUCKHANNON, WEST VIRGINIA
 LEVY ORDER AND RATE SHEET SUPPLEMENT
 Charles Gibson Library
 2024 - 2025

**The following is a true copy from the record of orders entered by this entity
 on the 16 day of April, 2024.**

SIGNATURE: _____

Municipal Clerk or Recorder

	Column E Certificate of Valuation Assessed Value for Tax Purposes	Levy Rate/\$100	Taxes Levied
Current Year			
Class I			
Personal Property	\$ 0	1.380	\$ 0
Public Utility	0		0
Total Class I	\$ 0		\$ 0
Class II			
Real Estate	\$ 81,965,100	2.760	\$ 22,622
Personal Property	284,338		78
Total Class II	\$ 82,249,438		\$ 22,700
Class IV			
Real Estate	\$ 87,842,860	5.520	\$ 48,489
Personal Property	55,576,952		30,678
Public Utility	14,622,581		8,072
Total Class IV	\$ 158,042,393		\$ 87,239
Total Value & Projected Rev.	\$ 240,291,831		\$ 109,939
Less Delinquencies, Exonerations & Uncollectable Taxes	2.50% . . .		2,748
Less Tax Discounts	1.00% . . .		1,072
Net Amount to be Raised by Levy For Budget Purposes:			\$ 106,119

D.9 Report of Cat & Dog Activity-Upshur County Commission-March 2024

- Cats brought in by City Trapper 0
- Cats brought in by Animal Control Officer 1
- Cats brought in by County Residents 50
- Dogs brought by Animal Control Officer 10
- Dogs brought in by County Residents 20

E. Consent Agenda - Mayor Skinner presented an overview of the following agenda items to the Council and asked for action.

E.1 Approval of Minutes Regular Meeting 04/04/24, Lay the Levy 04/16/24

E.2 Approval of Building and Wiring Permits



Permit Fee Report #76169-#76182
04/04/2024 - 04/17/2024

Permit #	Applicant Name	Applicant Address	Primary Contractor	Description	Project Cost	Fee Amount	Electrical Property Type	Asbestos Inspection	Zoning Approval Date	Historic Property	Flood Zone Area	Flood Zone /Elevation Certificate	FEMA Accessory Use
----------	----------------	-------------------	--------------------	-------------	--------------	------------	--------------------------	---------------------	----------------------	-------------------	-----------------	-----------------------------------	--------------------

Group: Commercial Electrical Fee

76174	UPPER CUTS HAIR PARLOR	10 N SPRING ST	THE SIGN GUY	WINDOW DECAL, NEW DECOR AND PAINT Electrical Compliance Inspection required by Bd of Barbers	250.00	100.00	A Commercial Property	No	4/10/2024	Yes	N/A	No	No
76170	VV SPLIT RAILS	11 LUMBER ST APT C	STEVE COLLINS	UPGRADE FOR NEW SERVICE RENTAL TRAILER	1,000.00	100.00	A Commercial Property	No		No	Zone AE	No	No
					1,250.00	200.00							

Group Total: 2

Group: Commercial-Industrial (nonresidential)

76181	Rent World USA	32 N Locust St	THE SIGN GUY	Siding, Painting & Signage	4,500.00	42.75			4/12/2024	Yes	N/A	No	
76176	JANET LONAS TANNING HUT	1 BOBCAT LN		CONCRETE EXISTING DRIVEWAY IN ALLEY CITY ROW SEE PERMIT 75734 CPWB 4.28.22 IF COB NEEDS TO ACCESS THE CITY'S ROW COB WILL NOT REPLACE THE	3,000.00	28.50		No			N/A		No

				CONCRETE									
76178	Shawn Halle	36 N Spring St		Concrete & Outside Repairs	3,500.00	33.25				No	Zone AE	Yes-Elevation Cert. Not Required	
76174	UPPER CUTS HAIR PARLOR	10 N SPRING ST	THE SIGN GUY	WINDOW DECAL, NEW DECOR AND PAINT Electrical Compliance Inspection required by Bd of Barbers	250.00	15.00	A Commercial Property	No	4/10/2024	Yes	N/A	No	No
76171	WAGGY ROBERT	9 MEADOW STREET		SOFFET, FACIA & MINOR EXT REPAIRS. RETAINING WALL	10,000.00	85.00		No		No	Zone AE	Yes-Elevation Cert. Not Required	
76172	FUZZY DINGO	27 W MAIN ST		2 WINDOW DECAL 24"x36" Each	90.00	15.00		No	4/10/2024	Yes	N/A	No	No
76169	COMMUNITY CARE	22 N LOCUST STREET BLDG# 3	Brewer & Company of WV Inc -Brewer Fire Protection	SPRINKLER SYSTEM AND INSIDE REMODEL	50,000.00	325.00		No		Yes	Zone AE	Yes -If yes attach report	
					71,340.00	544.50							

Group Total: 7

Group: Residential (non-commercial)

76182	Virginia Jeran	59 1/2 S Kanawha St	DAN NEEL FENCE CO	4ft Fence Rear Yard	8,700.00	95.70			4/15/2024	Yes	N/A	No	
76180	Brad Morris	100 E Main St	ELITE ROOFING LLC	Re-Roof	10,500.00	115.50		Yes -If yes attach report		Yes	Zone AE	Yes-Elevation Cert. Not Required	
76179	Denise Bean	26 College Ave	ULTIMATE ROOFING WV LLC	Roof Metal over Tin	21,750.00	195.75		No		Yes	N/A	No	
76177	CONNIE WILSON	145 FAYETTE ST	CROSSROADS PROPERTY RESCUE	REPLACE DRYWALL, PAINT, INSTALL VINYL FLOORING	9,900.00	108.90		No		No	N/A	No	No
76175	Ty Talbert	30 College Ave		6ft Hgt Wood Panel Fence	2,000.00	22.00			3/29/2024	Yes	N/A	No	
76173	CHELSEA LAMBERT	13 KEPNER	TF BUILDERS	REPLACE EXISTING CONCRETE FRONT PORCH FLOOR ONSITE V SMITH NO ZONING REQUIRED REPAIR EXISTIN	13,950.00	153.45		No		No	N/A	No	No

				G PRIVATE SIDEWAL K AND EXISTIN G DRIVEW AY REPAIR										
					66,800. 00	691.3 0								

Group Total: 6

Group: Zoning Application Fee

7618 2	Virginia Jeran	59 1/2 S Kanawh a St	DAN NEEL FENCE CO	4ft Fence Rear Yard	8,700.00	20.00			4/15/2 024	Yes	N/A	No	
7618 1	Rent World USA	32 N Locust St	THE SIGN GUY	Siding, Painting & Signage	4,500.00	20.00			4/12/2 024	Yes	N/A	No	
7617 5	Ty Talbert	30 College Ave		6ft Hgt Wood Panel Fence	2,000.00	20.00			3/29/2 024	Yes	N/A	No	
7617 4	UPPER CUTS HAIR PARLOR	10 N SPRING ST	THE SIGN GUY	WINDOW DECAL, NEW DECOR AND PAINT Electrical Complian ce Inspectio n required by Bd of Barbers	250.00	20.00	A Commer cial Property	No	4/10/2 024	Yes	N/A	No	No
7617 2	FUZZY DINGO	27 W MAIN ST		2 WINDOW DECAL 24"x36" Each	90.00	20.00		No	4/10/2 024	Yes	N/A	No	No
					15,540. 00	100.0 0							

Group Total: 5

					154,930 .00	1,535. 80							
--	--	--	--	--	----------------	--------------	--	--	--	--	--	--	--

Total Records: 20

4/18/2024

E.3 Approval of Payment of the Bills

APRIL 1-17-2024 GENERAL FUND PAYMENT OF BILLS

\$8,959.15– JOHN THOMAS DESIGNS – VINYL BANNERS

\$2,040.00 – BENJAMIN LEE ARISMAN – MOWING CITY LOTS 4-1/4-7-24

\$18,736.64 – FOX BLOCKS/TRUEGRID – TRUEGRID PRO LITE/ROOT FOR MADISON ST/JAWBONE

\$10,721.60 – COMFORTECH – INSTALL RHEEM CONDENSERS AT CAC

\$7,562.00 – ROZELLE ENTERPRISES – GRADE LOT & DIVERT WATER AT PSC

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
NON-DEPARTMENTAL MAYOR'S OFFICE	CHILD SUPPORT ENFORCEMENT	409-341-00	MAYOR'S SUPPLIES & M	PCRD-LOADING @ PDH TRAINING	87.20
	SLEEP INN	409-341-00	MAYOR'S SUPPLIES & M	5,000 WINDOW 5,000 REG	322.30
	RALSTON PRESS INC	409-341-00	MAYOR'S SUPPLIES & M	PCRD-CHECK WRITER INK TOWE	62.15
	OFFICESUPPLY.COM	409-341-00	MAYOR'S SUPPLIES & M	PCRD-CHECK WRITER INK TOWE	62.15
	WV PUBLIC EMPLOYEES INSURANC	409-105-00	MAYOR'S INSURANCE	GF APRIL 2024 HEALTH INS	1,607.96
	WV MUNICIPAL LEAGUE	409-226-00	MAYOR'S INSURANCE &	GF 1ST QTR 2024 UNEMPLOYME	128.53
	BUCKHANNON POSTMASTER	409-218-00	MAYOR'S POSTAGE	PERMIT #10 POSTAGE	750.00
	COLLECTION ACCOUNT	409-341-00	MAYOR'S SUPPLIES & M	MARCH CC FEES 2024	2,342.02
	UPSHUR COUNTY MAGISTRATE	409-341-00	MAYOR'S SUPPLIES & M	FILING FEE RTN CK J KEEHNE	25.00
	INTERNAL REVENUE SERVICE	409-104-00	MAYOR'S F.I.C.A.	FICA WITHHELD AND MATCHED	51.86
		409-104-00	MAYOR'S F.I.C.A.	MEDICARE WITHHELD & MATCHE	12.13
	AMAZON.COM	409-341-00	MAYOR'S SUPPLIES & M	PCRD-INK ROLLER	3.81
		409-341-00	MAYOR'S SUPPLIES & M	PCRD-INK CARTRIDGE CALCULA	35.14
	AT&T MOBILITY	409-211-00	MAYOR'S TELEPHONE	PCRD-MARCH CELL PHN & GEOT	51.23
		409-211-00	MAYOR'S TELEPHONE	PCRD-FEB CELL PHN & GEOTAB	51.23
	UPSHUR COUNTY CLERK	409-341-00	MAYOR'S SUPPLIES & M	RELEASE 23 THURMAN LIEN	12.00
	KOMAX LLC	409-218-00	MAYOR'S POSTAGE	INK & LABELS FOR PSTG MACH	49.22
	COLLECTION ACCOUNT 2	409-341-00	MAYOR'S SUPPLIES & M	RECDESK MARCH 2024 CC FEES	140.34
	WV NEWS	409-220-00	MAYOR'S LEGAL PUBLIC	LGL AD COMMISSION PLANNIN	22.88
	AUTHORIZE.NET	409-341-00	MAYOR'S SUPPLIES & M	PCRD-MARCH RECDESK CC FEES	14.05
	ROSSMAN & CO/PCB CORP	409-341-00	MAYOR'S SUPPLIES & M	DEBT COLLECTION MARCH 2024	1.24
	**PAYROLL EXPENSES			4/01/2024 - 4/17/2024	848.14
				TOTAL:	6,618.43
TREASURER	WV PUBLIC EMPLOYEES INSURANC	413-105-00	TREASURER'S GROUP IN	GF APRIL 2024 HEALTH INS	1.98
	WV MUNICIPAL LEAGUE	413-226-00	TREASURER'S INSURANC	GF 1ST QTR 2024 UNEMPLOYME	128.53
	INTERNAL REVENUE SERVICE	413-104-00	TREASURER'S F.I.C.A.	FICA WITHHELD AND MATCHED	19.42
		413-104-00	TREASURER'S F.I.C.A.	MEDICARE WITHHELD & MATCHE	4.54
	WV STATE AUDITOR	413-224-00	AUDIT	2023 FINANCIAL AUDIT	469.75
	**PAYROLL EXPENSES			4/01/2024 - 4/17/2024	313.18
			TOTAL:	937.40	
COURT	WV MUNICIPAL LEAGUE	416-226-00	POLICE JUDGE INS BON	GF 1ST QTR 2024 UNEMPLOYME	25.31
			TOTAL:	25.31	
CITY ENGINEER	INTERNAL REVENUE SERVICE	420-104-00	CITY ENGINEER FICA T	FICA WITHHELD AND MATCHED	51.51
		420-104-00	CITY ENGINEER FICA T	MEDICARE WITHHELD & MATCHE	12.05
	**PAYROLL EXPENSES			4/01/2024 - 4/17/2024	823.30
			TOTAL:	886.86	
ZONING	RALSTON PRESS INC	437-341-00	ZONING SUPPLIES	CITATIONWARNING SELF CARB	97.49
	WV PUBLIC EMPLOYEES INSURANC	437-105-00	ZONING HEALTH INS	GF APRIL 2024 HEALTH INS	390.98
	WV MUNICIPAL LEAGUE	437-226-00	ZONING INSURANCE & B	GF 1ST QTR 2024 UNEMPLOYME	128.53

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
	INTERNAL REVENUE SERVICE	437-104-00	ZONING F.I.C.A.	FICA WITHHELD AND MATCHED	93.00
		437-104-00	ZONING F.I.C.A.	MEDICARE WITHHELD & MATCHE	21.75
	**PAYROLL EXPENSES			4/01/2024 - 4/17/2024	1,500.00
				TOTAL:	2,231.75
DATA PROCESSING	OPTIMUM B2B, DEPT. 1264	439-230-00	DATA PROCESSING	AUG 2023 CITY HALL INTERNE	286.17
	TYLER TECHNOLOGIES INC	439-230-00	DATA PROCESSING	UTL BILL AUTOPAY, IVR, SIT	2,218.44
		439-230-00	DATA PROCESSING	UTIL NOTIFICATION CALLS	55.45
				TOTAL:	2,560.06
CITY HALL	UNIFIRST CORP.	440-216-00	CITY HALL MAINTENANC	ALL DEPT UNIFORMS APRIL 20	183.78
	WV PUBLIC EMPLOYEES INSURANC	440-105-00	CITY HALL JANITOR IN	GF APRIL 2024 HEALTH INS	1.98
	DODSON BROS EXTERMINATING CO	440-216-00	CITY HALL MAINTENANC	APRIL 24 CITY HALL PEST CN	33.00
	WV MUNICIPAL LEAGUE	440-226-00	CITY HALL INSURANCE	GF 1ST QTR 2024 UNEMPLOYME	128.53
	INTERNAL REVENUE SERVICE	440-104-00	CITY HALL FICA	FICA WITHHELD AND MATCHED	82.46
		440-104-00	CITY HALL FICA	MEDICARE WITHHELD & MATCHE	19.29
	CAPITOL BUSINESS EQUIPMENT I	440-459-00	CITY HALL CAPITAL	CHAIRS COUNCIL CHAMBERS	384.48
	**PAYROLL EXPENSES			4/01/2024 - 4/17/2024	1,344.75
				TOTAL:	2,178.27
	POLICE	WV CHIEFS OF POLICE ASSOCIAT	700-221-00	POLICE DEPT. TRAININ	SUPERVISOR TRAINING
J T MARTIN COMPANY INC		700-341-00	POLICE DEPT. MAT & S	INSPECT FIRE EXTINGUISHER	107.25
WV PUBLIC EMPLOYEES INSURANC		700-105-00	POLICE DEPT. GROUP I	GF APRIL 2024 HEALTH INS	7,240.76
HILTON HOTEL		700-221-00	POLICE DEPT. TRAININ	PCRD-LOADING @ EVIDENCE TRA	284.48
WV MUNICIPAL LEAGUE		700-226-00	POLICE DEPT. INSURANC	GF 1ST QTR 2024 UNEMPLOYME	1,670.94
BUCKHANNON POSTMASTER		700-341-00	POLICE DEPT. MAT & S	PCRD-POSTAGE TO MAIL EVIDE	2.30
STATE TREASURER CVR LET RJ		700-341-04	CVR-LET-RJ FEES EXPE	MARCH 2024 COURT FEES	272.00
MOTOROLA SOLUTIONS, INC.		700-341-00	POLICE DEPT. MAT & S	CHARGER	246.24
TOSHIBA FINANCIAL SERVICES		700-341-00	POLICE DEPT. MAT & S	POLICE DEPT COPIER LEASE	193.36
ENTERPRISE FM TRUST		700-459-00	POLICE DEPT. NEW EQU	25QCLJ 2022 INTERCEPTOR PY	767.54
		700-459-00	POLICE DEPT. NEW EQU	25QCLL 2022 INTERCEPTOR PY	758.94
		700-459-00	POLICE DEPT. NEW EQU	25QCLM 2022 INTERCEPTOR PY	747.81
		700-459-00	POLICE DEPT. NEW EQU	25QCLN 2022 INTERCEPTOR PY	845.69
		700-459-00	POLICE DEPT. NEW EQU	25QCLP 2022 INTERCEPTOR PY	758.94
		700-459-00	POLICE DEPT. NEW EQU	22SFZ4 2018 INTERCEPTOR PY	555.68
		700-459-00	POLICE DEPT. NEW EQU	22SFZ7 2018 INTERCEPTOR PY	555.68
		700-459-00	POLICE DEPT. NEW EQU	22SCZ2 2018 INTERCEPTOR PY	572.43
		700-343-00	POLICE DEPT. AUTO SU	23H64C MAINT OLDER CRUISER	6.00
		700-343-00	POLICE DEPT. AUTO SU	23H64V MAINT OLDER CRUISER	6.00
		700-459-00	POLICE DEPT. NEW EQU	23KHZ9 2020 POLICE INTERCE	706.76
		700-459-00	POLICE DEPT. NEW EQU	23KNZN 2020 POLICE INTERCE	701.54
		700-459-00	POLICE DEPT. NEW EQU	23KNZS 2020 POLICE INTERCE	803.87
		700-459-00	POLICE DEPT. NEW EQU	POLICE RADIO PYMT APR 2024	2,802.39
CITIZENS BANK OF WV		700-341-00	POLICE DEPT. MAT & S	ROUTED POLICE BADGE	45.00
STERICYCLE INC		700-341-00	POLICE DEPT. MAT & S	HAZMAT PICKUP	86.93
ANGEL MCCAULEY		700-214-00	POLICE DEPT. TRAVEL	REIMB MEALS AT TRAINING	370.61
INTERNAL REVENUE SERVICE		700-104-00	POLICE DEPT. FICA TA	FICA WITHHELD AND MATCHED	2,036.75
		700-104-00	POLICE DEPT. FICA TA	MEDICARE WITHHELD & MATCHE	476.32
AMAZON.COM		700-341-00	POLICE DEPT. MAT & S	PCRD-CLOROX LIQUID BLEACH	13.49
		700-341-00	POLICE DEPT. MAT & S	PCRD-100PK 8GB USB FLASH D	210.37
		700-341-00	POLICE DEPT. MAT & S	PCRD-WIRELESS DOORBELLS	25.98
		700-341-00	POLICE DEPT. MAT & S	PCRD-SELF ADHESIVE FELT FA	27.98
		700-341-00	POLICE DEPT. MAT & S	PCRD-FELT FABRIC	19.89
CORRIDOR H TIRE INC		700-343-00	POLICE DEPT. AUTO SU	FLAT TIRE REPAIR	26.50

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
	CHEWY.COM	700-341-00	POLICE DEPT. MAT & S	PCRD-FLEA AND TICK COLLAR	59.98
	AT&T MOBILITY	700-211-00	POLICE DEPT. TELEPHO	PCRD-MAR CELL PHN & GEOTAB	1,250.75
		700-211-00	POLICE DEPT. TELEPHO	PCRD-FEB CELL PHN & GEOTAB	1,250.75
	SIRCHIE ACQUISITION COMPANY,	700-341-00	POLICE DEPT. MAT & S	PCRD-IODINE CRYSTAL AMPOUL	518.92
	FLYERS ENERGY LLC	700-343-00	POLICE DEPT. AUTO SU	POLICE DEPT MAR 2024 FUEL	1,869.96
	IAPE	700-221-00	POLICE DEPT. TRAININ	PCRD-PROPERTY/EVIDENCE MGT	765.00
	**PAYROLL EXPENSES			4/01/2024 - 4/17/2024	33,063.14
				TOTAL:	63,024.92
REGIONAL JAIL	STATE TREASURER CVR LET RJ	705-234-00	REGIONAL FEES	MARCH 2024 COURT FEES	320.00
				TOTAL:	320.00
FIRE	WV PUBLIC EMPLOYEES INSURANC	706-105-00	FIRE DEPT. GROUP INS	GF APRIL 2024 HEALTH INS	5,603.80
	JOEY BAXA	706-345-00	FIRE DEPT. UNIFORMS	ASICS WORK SHOES	117.65
	LOWES BUSINESS ACCOUNTS	706-216-00	FIRE DEPT. MAINTENAN	GALLON REFILL AND WAND	32.26
	DODSON BROS EXTERMINATING CO	706-341-00	FIRE DEPT. MATERIAL	APRIL 2024 FIREDEPT PEST C	42.00
	WV MUNICIPAL LEAGUE	706-226-00	FIRE DEPT. INSURANCE	GF 1ST QTR 2024 UNEMPLOYME	1,285.34
	ENTERPRISE FM TRUST	706-459-00	FIRE DEPT. CAPITAL O	268ST6 2023 RAM 2500	716.58
	INSIGHT TRAINING LLC	706-341-00	FIRE DEPT. MATERIAL	PCRD-INFRARED IDENTIFIR H	322.00
	CITIZENS BANK OF WV	706-459-00	FIRE DEPT. CAPITAL O	2021 PUMPER TRK APRIL 2024	4,790.11
	INTERNAL REVENUE SERVICE	706-104-00	FIRE DEPT. FICA TAX	FICA WITHHELD AND MATCHED	1,401.54
		706-104-00	FIRE DEPT. FICA TAX	MEDICARE WITHHELD & MATCHE	327.78
	AMAZON.COM	706-341-00	FIRE DEPT. MATERIAL	PCRD-WIRELESS MOUSE USB DR	73.48
	NATIONAL REGISTRY EMT	706-221-00	FIRE DEPT. TRAINING	PCRD-EMT RECERT APP FEE JO	25.00
	AT&T MOBILITY	706-211-00	FIRE DEPT. TELEPHONE	PCRD-MAR CELL PHN & GEOTAB	190.28
		706-211-00	FIRE DEPT. TELEPHONE	PCRD-FEB CELL PHN & GEOTAB	190.28
	WHALEY DISTRIBUTING	706-341-00	FIRE DEPT. MATERIAL	SPRAY WAX CHERRY WAX BLUE	85.71
	FLYERS ENERGY LLC	706-343-00	FIRE DEPT. AUTO SUPP	FIRE MAR 24 FUEL BILL	757.80
	THOMAS GERALD ANDERSON	706-221-00	FIRE DEPT. TRAINING	INTELLIGENTLY AGRES CLASS	1,202.92
	**PAYROLL EXPENSES			4/01/2024 - 4/17/2024	22,618.93
				TOTAL:	39,783.46
STREET	MON POWER	750-213-00	STREET DEPT. UTILITI	110 123 905 108 25 N LOCUS	10.95
		750-213-00	STREET DEPT. UTILITI	110 148 156 588 RT 6 395	583.32
		750-213-00	STREET DEPT. UTILITI	110 148 255 778 395 MUDLIC	738.02
	FISHER AUTO PARTS INC	750-343-00	STREET DEPT. AUTO SU	FUEL CAP FOR 5-11	16.88
	UNIFIRST CORP.	750-345-00	STREET DEPT. UNIFORM	ALL DEPT UNIFORMS APRIL 20	431.89
	REGION VII PLANNING PDC	750-341-00	STREET DEPT. MAT & S	BUCKHANNON GIS	32.50
	VALLEY STEEL SERVICE	750-341-00	STREET DEPT. MAT & S	ANGEL FOR STAGE	40.44
	LEAF	750-341-00	STREET DEPT. MAT & S	COPIER LEASE	49.50
	WV PAGING	750-213-00	STREET DEPT. UTILITI	APRIL 2024 PAGERS	23.00
	WV PUBLIC EMPLOYEES INSURANC	750-105-00	STREET DEPT. GROUP I	GF APRIL 2024 HEALTH INS	5,581.84
	DIVISION OF WATER & WASTE MN	750-458-08	GATEWAY WEST GRANT E	PRODTECTION & PERMIT FEE	150.00
	HART OFFICE SOLUTIONS INC	750-341-00	STREET DEPT. MAT & S	14 COLOR COPIES	0.83
	LOWES BUSINESS ACCOUNTS	750-341-00	STREET DEPT. MAT & S	24 V FLEX POWER TOOLS	391.82
	WV MUNICIPAL LEAGUE	750-226-00	STREET DEPT. INSURAN	GF 1ST QTR 2024 UNEMPLOYME	1,523.76
	JOHN THOMAS DESIGN INC. DBA	750-341-00	STREET DEPT. MAT & S	VINYL BANNERS	8,959.15
	UNIQUE PAVING MATERIALS CORP	750-461-00	STREET PAVING	COLD PATCH BLACKTOP	440.25
	ENTERPRISE FM TRUST	750-459-00	STREET DEPT. CAPITAL	25QBZJ 2022 RAM 1500 PYMT	426.56
		750-459-00	STREET DEPT. CAPITAL	22WGHV 5500 CHASSIS DUMP T	811.43
		750-459-00	STREET DEPT. CAPITAL	23P226 2020 RAM 2500	690.58
		750-459-00	STREET DEPT. CAPITAL	23P47T 2020 RAM 2500	684.15
	BUCKHANNON VOLUNTEER FIRE DE	750-341-00	STREET DEPT. MAT & S	9 HEART SAVER CARDS CPR	225.00
	WALMART STORES INC -BUCKHANN	750-341-00	STREET DEPT. MAT & S	PCRD-COPY PAPER CLIPBOARDS	237.72

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
	BENNY'S BOOT HILL	750-345-00	STREET DEPT. UNIFORM	BOOTS FOR FRED LANGBEIN	206.91
	INTERNAL REVENUE SERVICE	750-104-00	STREET DEPT. FICA TA	FICA WITHHELD AND MATCHED	1,108.02
		750-104-00	STREET DEPT. FICA TA	MEDICARE WITHHELD & MATCHE	259.14
	AMAZON.COM	750-343-00	STREET DEPT. AUTO SU	PCRD-INJECTION PUMP RPR KI	29.32
		750-341-00	STREET DEPT. MAT & S	PCRD-20V MAX BATTERY	317.98
		750-341-00	STREET DEPT. MAT & S	PCRD-20V/60V MAX BATTERIES	309.99
		750-341-00	STREET DEPT. MAT & S	PCRD-FLOOD LGHTS FOR SHOP	246.97
	FIRST COMMUNITY BANK CORPORA	750-459-22	PROPERTY PAYMENT MUDL	APR 2024 PUBLIC WRKS BLDG	9,774.80
	AT&T MOBILITY	750-211-00	STREET DEPT. TELEPHO	PCRD-MARCH CELL PHN & GEOT	412.62
		750-211-00	STREET DEPT. TELEPHO	PCRD-FEB CELL PHN & GEOTAB	412.62
	BENJAMIN LEE ARISMAN	750-341-00	STREET DEPT. MAT & S	MOWING CITY LOTS 4-1/4-7	2,040.00
	FOX BLOCKS/TRUEGRID	750-458-05	STREET DEPT PROJECTS	PCRD-TRUEGRID PRO LITE/ROO	18,736.64
	FLYERS ENERGY LLC	750-343-00	STREET DEPT. AUTO SU	STREET MAR 24 FUEL BILL	1,522.46
	MY EMERGENCY RADIO	750-341-00	STREET DEPT. MAT & S	PCRD-2 SETS NATIONWIDE WAL	399.99
	**PAYROLL EXPENSES			4/01/2024 - 4/17/2024	17,882.25
				TOTAL:	75,709.30
STREET LIGHTS	MON POWER	751-213-00	STREET LIGHTS	110 087 818 008 MAIN ST	6,161.78
		751-213-00	STREET LIGHTS	110 151 101 430 99 W MAIN	190.01
				TOTAL:	6,351.79
TRAFFIC SIGNALS & SIGN	MON POWER	752-213-00	TRAFFIC SIGNALS POWE	110 088 985 459 RT 119	51.55
		752-213-00	TRAFFIC SIGNALS POWE	110 088 985 624 RT 20 BK	58.82
		752-213-00	TRAFFIC SIGNALS POWE	110 081 822 063 W MAIN ST	44.65
		752-213-00	TRAFFIC SIGNALS POWE	110 088 820 243 MAIN ST	43.30
		752-213-00	TRAFFIC SIGNALS POWE	110 080 768 291 E MAIN ST	29.33
				TOTAL:	227.65
PARK 30% TO CPWB	CONSOLIDATED PUBLIC WORKS BD	900-341-00	PARK-30% HOT/MOT PD	MARCH 2024 HOTEL TAX	2,448.39
				TOTAL:	2,448.39
CVB 70% TO CVB	UPSHUR COUNTY CVB	901-235-00	HOTEL/MOTEL 70% PAID	MARCH HOTEL-MOTEL TAX	5,712.88
				TOTAL:	5,712.88
ARTS-THEATRE	MON POWER	906-213-00	CAC UTILITIES	110 122 154 542 48 E MAIN	176.17
	RALSTON PRESS INC	906-341-00	CAC SUPPLIES & EXPEN	TICKETS & BUSINESS CARDS	84.81
	UNIFIRST CORP.	906-341-00	CAC SUPPLIES & EXPEN	ALL DEPT UNIFORMS APRIL 20	68.19
	WV PUBLIC EMPLOYEES INSURANC	906-105-00	CAC HEALTH INS	GF APRIL 2024 HEALTH INS	432.98
	ALADDIN FOOD MANAGEMENT LLC	906-341-00	CAC SUPPLIES & EXPEN	FRUIT TRAY	40.00
	LOWES BUSINESS ACCOUNTS	906-216-00	THEATRE MAINTENANCE/	KEYS FIREBLOCK FOAM SCREW	26.46
		906-216-00	THEATRE MAINTENANCE/	KEYS FIREBLOCK FOAM SCREW	31.70
		906-216-00	THEATRE MAINTENANCE/	KEYS FIREBLOCK FOAM SCREW	21.32
		906-216-00	THEATRE MAINTENANCE/	KEYS FIREBLOCK FOAM SCREW	2.80
	DODSON BROS EXTERMINATING CO	906-216-00	THEATRE MAINTENANCE/	APR 24 CONTHEATRE PEST CNT	200.00
	WV MUNICIPAL LEAGUE	906-226-00	CAC INSURANCE & BOND	GF 1ST QTR 2024 UNEMPLOYME	193.84
	KNOX COMPANY	906-216-00	THEATRE MAINTENANCE/	PCRD-SURFACE MOUNT KEY BOX	521.00
	GO DADDY.COM	906-216-00	THEATRE MAINTENANCE/	PCRD-CAC WEB HOSTING	152.39
	CITIZENS BANK OF WV	906-459-00	THEATRE CAPITAL	CAC SEATING APRIL 2024	5,220.65
	INTERNAL REVENUE SERVICE	906-104-00	CAC FICA	FICA WITHHELD AND MATCHED	86.51
		906-104-00	CAC FICA	MEDICARE WITHHELD & MATCHE	20.25
	AMAZON.COM	906-341-00	CAC SUPPLIES & EXPEN	PCRD-CABLE FOR CAC	123.16
		906-341-00	CAC SUPPLIES & EXPEN	PCRD-INK FOR CAC PRINTER	53.98
		906-216-00	THEATRE MAINTENANCE/	PCRD-ATTIC LADDER	300.00
		906-216-00	THEATRE MAINTENANCE/	PCRD-COMMERCIAL KEYING KIT	261.02

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
	FRONTIER	906-213-00	CAC UTILITIES	THEATRE PHONE 4-15-24	263.28
	JASON A YOUNG DBA: THE VINTA	906-341-01	CAC BOOKINGS	CAC DEPOSIT FOR SHOW 7-12-	250.00
	HARTLEY: DAVID	906-216-00	THEATRE MAINTENANCE/	REDESIGN LIGHTS & SOUND @	1,500.00
	MATOULA HARTLEY	906-341-00	CAC SUPPLIES & EXPEN	REIMB FOR BLACK FOAM BOARD	2.68
		906-341-00	CAC SUPPLIES & EXPEN	DESKTOP MIC FOR EVENT CTR	83.18
		906-341-00	CAC SUPPLIES & EXPEN	27455823	1.34
		906-341-00	CAC SUPPLIES & EXPEN	2873611	2.68
		906-341-00	CAC SUPPLIES & EXPEN	2873611	6.69
		906-341-00	CAC SUPPLIES & EXPEN	05874	16.50
	SURE STAY	906-341-01	CAC BOOKINGS	RM FOR COMEDIAN AT CAC 5-1	89.00
	COMFORTECH LLC	906-459-00	THEATRE CAPITAL	1 OF 2 RHEEM CONDENSER	5,360.80
		906-459-00	THEATRE CAPITAL	2 OF 2 RHEEM CONDENSER	5,360.80
	**PAYROLL EXPENSES			4/01/2024 - 4/17/2024	1,395.31
				TOTAL:	22,349.49
STOCKERT YOUTH CENTER	MON POWER	907-213-00	UTILITIES	110 161 100 208 MAIN ST	45.92
	UNIFIRST CORP.	907-216-00	MAINTENANCE	ALL DEPT UNIFORMS APRIL 20	101.80
	LEAF	907-341-01	OPERATING EXPENSES	COPIER LSE TOSHIBA 4518A	290.71
	RITE-WAY HEATING & PLUMBING	907-341-00	MATERIALS & SUPPLIES	TOILET REPAIR PART	5.29
		907-341-00	MATERIALS & SUPPLIES	FLANGE BOLTS FOR TOILET	5.29
	CARTER: LARRY	907-363-00	KARATE CLASS INSTRU	KARATE INSTRUCTOR	19.20
	BANDLAND, LLC	907-354-00	DRILL TEAM	PCRD-BATONS	35.98
	WV PUBLIC EMPLOYEES INSURANC	907-105-00	GROUP INSURANCE	GF APRIL 2024 HEALTH INS	2,525.94
	BUCKHAMNON UPSHUR HIGH SCHOO	907-356-00	YOUTH BASKETBALL	CUSTTODIAL COST FOR BBALL	411.09
	NAPA-AMTOWER AUTO SUPPLY	907-343-00	SYC AUTO SUPPLIES	STOPLIGHT SWITCH FOR BUS	24.46
	LOWES BUSINESS ACCOUNTS	907-216-00	MAINTENANCE	PCRD-TOILET & FLOOR REPLAC	157.14
	SUNSET GRAPHICS LLC	907-361-00	AFTER SCHOOL SUPPLIE	PCRD-SYC PLAYGROUND SIGNS	40.00
	WV MUNICIPAL LEAGUE	907-226-00	INSURANCE & BONDS	GF 1ST QTR 2024 UNEMPLOYME	778.52
	WALMART STORES INC -BUCKHANN	907-361-00	AFTER SCHOOL SUPPLIE	AFTER SCHOOL SNACKS	100.31
		907-361-00	AFTER SCHOOL SUPPLIE	AFTER SCHOOL SNACKS	121.35
		907-341-01	OPERATING EXPENSES	PCRD-PRINTER INK	0.48
	SAM'S PIZZA	907-356-00	YOUTH BASKETBALL	END OF SEASON PIZZA PARTY	21.00
	INTERNAL REVENUE SERVICE	907-104-00	FICA TAX	FICA WITHHELD AND MATCHED	16.82
		907-104-00	FICA TAX	FICA WITHHELD AND MATCHED	517.99
		907-104-00	FICA TAX	MEDICARE WITHHELD & MATCHE	3.93
		907-104-00	FICA TAX	MEDICARE WITHHELD & MATCHE	121.12
	APRIL E SMALL	907-363-00	KARATE CLASS INSTRU	INSTRUCTOR FEES	152.00
	AT&T MOBILITY	907-211-00	TELEPHONES	PCRD-MARCH CELL PHN & GEOT	38.85
		907-211-00	TELEPHONES	PCRD-FEB GEOTAB BILL	38.85
	DAWN WEBB	907-363-00	KARATE CLASS INSTRU	KARATE INSTRUCTOR	172.80
	SAMS CLUB	907-361-00	AFTER SCHOOL SUPPLIE	PCRD-AFTER SCHOOL SNACKS	504.11
		907-361-00	AFTER SCHOOL SUPPLIE	PCRD-AFTER SCHOOL SNACKS	86.58
	FLYERS EMERGY LLC	907-343-00	SYC AUTO SUPPLIES	SYC MAR 2024 FUEL BILL	181.87
	**PAYROLL EXPENSES			4/01/2024 - 4/17/2024	8,626.10
				TOTAL:	15,145.50
CONVENTION CENTER	WV STATE TAX DEPT	910-341-00	EVENT CENTER SUPPLIE	BUSINESS REG APP LIQUOR LI	30.00
	INTERNAL REVENUE SERVICE	910-104-00	FICA TAX	FICA WITHHELD AND MATCHED	7.44
		910-104-00	FICA TAX	MEDICARE WITHHELD & MATCHE	1.74
	AT&T MOBILITY	910-213-00	UTILITIES-ADJUTANT G	PCRD-MARCH CELL PHN BILL	50.73
		910-213-00	UTILITIES-ADJUTANT G	PCRD-FEB CELL PHN BILL	50.73
	BEVERAGE DISTRIBUTORS INC	910-341-00	EVENT CENTER SUPPLIE	INV #403805 BEER FOR EVENT	208.32
	STATE DISTRIBUTING	910-341-00	EVENT CENTER SUPPLIE	BEER FOR THE EVENT CENTER	115.20
	NORTHERN EAGLE INC	910-341-00	EVENT CENTER SUPPLIE	BEER FOR EVENT CENTER	521.26

FUND: GENERAL FUND

DEPARTMENT	VENDOR NAME	GL ACCOUNT	ACCOUNT DESCRIPTION	DESCRIPTION	AMOUNT
	WALGREENS	910-341-00	EVENT CENTER SUPPLIE	ALCOHOL FOR EVENT CENTER	537.44
	**PAYROLL EXPENSES			4/01/2024 - 4/17/2024	120.00
				TOTAL:	1,642.86
PUBLIC SAFETY	UNIFIRST CORP.	976-216-00	SAFETY COMPLEX MAINT	ALL DEPT UNIFORMS APRIL 20	55.82
	DODSON BROS EXTERMINATING CO	976-216-00	SAFETY COMPLEX MAINT	APRIL 2024 POLICE PEST CNT	47.00
	ROZELLE ENTERPRISES LLC	976-459-01	PUBLIC SAFETY TRAINI	CARPENTER II FOREMAN TOOL	7,562.00
				TOTAL:	7,664.82

McCauley/Reger motioned to approve the Consent Agenda as presented. The motion carried unanimously.

F. Strategic Issues for Discussion and/or Vote.

F.1 FEMA Flood Mitigation Assistance Swift Current Program – Action was taken earlier in the meeting.

F.2 Approval Resolution 2024-04 Adopting Region VII Planning & Development Council Hazard Mitigation Updated Plan – Mayor Skinner provided an overview.



21 East Main Street, Suite 102 | PO Box 849
Buckhannon, WV 26201

April 1, 2024

City of Buckhannon
Robert Skinner III
70 East Main Street
Buckhannon, WV 26201

RE: Region VII Multi-Jurisdictional Hazard Mitigation Plan

Dear Mayor Skinner:

As you probably know, Region VII PDC has been updating its Multi-Jurisdictional Hazard Mitigation Plan over the last year. We recently completed the plan and provided a copy to FEMA for their review and approval. This week, we received approval from FEMA, pending adoption of the plan by each of our local governments.

In order to finalize the review and approval of the multi-jurisdictional hazard mitigation plan, we need the City of Buckhannon to formally adopt the plan at their next regularly scheduled meeting. To make it easier, we have attached a draft of a resolution for your use. Please approve and sign the resolution and provide us with an executed copy as soon as you possibly can.

If you should have any questions or comments regarding this matter, please feel free to contact us.

Thanks

Shane Whitehair
Executive Director

Enclosure

**CITY OF BUCKHANNON
RESOLUTION 2024-04**

A RESOLUTION OF BUCKHANNON CITY COUNCIL ADOPTING THE REGION VII PLANNING AND DEVELOPMENT COUNCIL HAZARD MITIGATION PLAN, UPDATED 2023.

WHEREAS the Council recognizes the threat that natural hazards pose to people and property within Upshur County; and

WHEREAS the county has prepared a multi-hazard mitigation plan, hereby known as the Region VII PDC Hazard Mitigation Plan, updated 2023, in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended; and

WHEREAS the mitigation plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the county from the impacts of future hazards and disasters; and

WHEREAS adoption by the City Council demonstrates its commitment to hazard mitigation and achieving the goals outlined in the Region VII PDC Mitigation Plan, updated 2023.

NOW THEREFORE, BE IT RESOLVED THAT:

The City of Buckhannon, Buckhannon, WV formally adopts the Region VII Planning and Development Council Hazard Mitigation Plan, updated 2023. While the content related to the city may require revisions to meet the plan approval requirements, changes occurring after adoption will not require the Council to re-adopt any further iterations of the plan. Subsequent plan updates following the approval period for this plan will require separate adoption resolutions.

ADOPTED by a vote of 6 in favor and 0 against (with 0 abstaining), this 18th day of April, 2024.

SIGNED:

Robert Skinner III
Mayor, Buckhannon City Council

Teresa Summers
Witness

Sanders/Reger motioned to approve the Resolution 2024-04 Adopting Region VII Planning & Development Council Hazard Mitigation Updated Plan. The motion carried unanimously.

F.3 Approval Advertisement Job Description for the Position of Director of Public Works – Mayor Skinner provided an overview.

McCauley/Sanders motioned to approve the advertisement of the Job Description for the Director of Public Works position. Mr. McCauley led the discussion regarding the salary offer of \$60,000, and he asked to rephrase the rephrase to indicate a possible increase depending on the qualifications of potential candidates. Other members agreed. Mayor Skinner recommended that we move to pass the motion on understanding the new wording regarding the salary offer. It will be presented to the council through email before it is posted. Discussion also took place regarding adjusting the amount of vacation time that can be accrued led by Mr. Thomas. This will not affect Mr. Arnold's benefits whatsoever. The motion was amended to the following: **McCauley/Sanders motioned to approve the advertisement of the Job Description for the Director of Public Works position with a rewording of the salary offer to include room for movement according to qualifications. The motion carried unanimously.**

**CITY OF BUCKHANNON
POSITION OF DIRECTOR OF PUBLIC WORKS**

Resumes will be accepted until May 17, 2024 for the position of Director of Public Works for the City of Buckhannon, 70 E Main Street, Buckhannon, WV 26201.

The Director of Public Works supervises the maintenance, design and construction of all City of Buckhannon properties, including buildings, parks, grounds, solid waste facilities, and the water/sewer utilities. The Director will oversee the activities of employees within the departmental structure including engineering, public utilities, and facilities management. This position must exercise tact and courtesy when interacting with public officials, developers, contractors, and the general public. This position will report to the City of Buckhannon City Council.

- Trained and experienced in both oral and written communications, the Director of Public Works shall serve as the primary point of contact with the Council of the City of Buckhannon respecting all identified functions involving all municipal utility functions, municipal buildings and other improvements, oversight of the City's streets, alleys, sidewalks, curbs, gutters, storm sewers, parks and river trail, cemetery, and such other functions and projects as are specifically designated by the City Council.
- The Director shall work closely in collaboration with the City Director of Finance & Administration, and all supervisors of the City's Utility Boards as well as the City's engineers and attorney. The Director oversees and manages the work of all Utility Board supervisors, while coordinating collaborative, inter-utility functions and projects.
- The Director collaborating with appropriate Utility Board supervisors shall be one of the primary contact persons for utility functions, who shall be expected to regularly solicit opportunities to positively present the mission, vision, accomplishments and/or needs of the City. The Director shall collaborate with the Public Relations Coordinator to maximize public awareness of all utility activities and programs.
- The Director shall regularly attend and actively participate bi-monthly Buckhannon City Council meetings as well as the monthly meetings of the City's four Utility Boards, and shall further periodically attend and report to other appropriate entities and organizations about the accomplishments and efforts of the City, as well as schedule regular supervisor's meetings that will help to instill a "team member" philosophy.
- The Director shall assist all Utility Board supervisors in proposing an annual fiscal year budget to be submitted to the City's Director of Finance and Administration on or about February 1 of each year, and shall work closely with Director of Finance and Administration to realize funding for programs and activities of the departments of oversight.
- The Director shall serve as the primary point of contact with outside organizations and persons soliciting some use of the City's utility board facilities and/or equipment for purposes not conflicting with the City's mission, and shall request the approval of such outside uses not conflicting with municipal programs with the City Council.
- The Director shall be very familiar with the physical plants; municipal buildings and all other City facilities and equipment.
- The Director shall collaborate with the Utility Board supervisors to identify building, facility, and equipment needs, and respective departments' needs and including individual activity and program review.
- The Director shall report and advise on requests to City Council and/or City Utility Boards, of any and all needs for any scheduled or extraordinary repairs or maintenance or improvements to municipal buildings, facilities, and/or equipment as well as capital purchase requests of new equipment.
- The Director shall conduct Annual Evaluations of all Utility Board supervisors, city engineers, and other personnel assigned to the Director's oversight, and shall make recommendations when appropriate for merit pay increases.
- The Director shall oversee the administration of street addressing, and ADA compliance delegating functional responsibility for such municipal matters to city engineers and others as appropriate.

- The Director shall possess a CDL driver license and have knowledge and experience with construction projects and the operation of construction equipment
- This is a full-time position with benefits that include Health Insurance, participation in the WV Public Employees Retirement System, vacation and sick leave.

Salary starting at \$60,000 annually, or commensurate with candidate experience and qualifications levels. Candidates must have a minimum of three (3) years' experience in an executive level in planning, budgeting and construction management.

Candidates with experience in solid waste, stormwater, waste water and water operations are preferred.

Your resume must include three professional references. Professional references are individuals who can attest to your job-related knowledge, skills and abilities.

Resumes will be received or postmarked before midnight May 17, 2024, at City Hall, 70 E Main Street, Buckhannon, WV 26201.

The City of Buckhannon is an EEOC employer committed to the principle of equal opportunity for all qualified persons.

F.4 Approval Ordinance No. 467, Increasing the City's Fire Protection Service Fees - 2nd Reading—Action was taken earlier in the meeting.

F.5 Approval Ordinance No. 468 Increasing the City's Police Protection Service Fees - 2nd Reading – Action was taken earlier in the meeting.

F.6 Request from Megan Settles to Amend Permitted Uses in R-1 Single Family Residential District to include Airbnb Rental – Action was taken earlier in the meeting.

G. Comments and Announcements

G.1 Pamela Bucklew: Mrs. Bucklew was absent.

G.2 David McCauley: Mr. McCauley reminded everyone that the city fire fee increase is the first step in an equitable adjustment to the First Due Fire fees.

G.3 Jack Reger: Mr. Reger thanked Jerry Arnold for the excellent change to the Apothocary Way street. He spoke in favor of changing the R-1 Single Family Residential District to include Airbnb Rental. He also thanked Jacob Hyre and Bryan Shaw for discussing the need for rehabilitation facilities in the area.

G.4 Dave Thomas: Mr. Thomas announced that he would write a letter to the City Council to provide a modest increase to the newly elected council members and the mayor. He also spoke at the recent candidate forum. He noted that he is concerned with the state takeover of the school system and with students having cell phones in schools.

G.5 CJ Rylands: Mr. Rylands had nothing further.

G.6 Randall Sanders: Mr. Sanders recommended that those who did not attend the recent Candidates Forum watch the replay on social media and use that opportunity to hear from the candidates themselves regarding their qualifications.

H. Mayor's Comments and Announcements: Mayor Skinner announced that there would be a Parks & Recreation meeting at City Park this coming Wednesday night and provided an overview of the park's upgrades that the City is implementing.

I. Adjournment

At 8:38 PM, Reger made a motion to adjourn.

Mayor Robert N. Skinner III

City Recorder Randall H. Sanders
