

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

A regular meeting of the Buckhannon City Planning Commission was held in Council Chambers at City Hall, 70 East Main, on Monday, July 15, 2024, at 7:00 pm with the following in attendance (GTM is for GoToMeeting):

Susan Aloï	President (Chair)	Present
Curtis Wilkerson	Vice-President	Present - GTM
Randy Sanders	City Recorder	Present
Robert Zuliani	Member/Council Representative	Present
Vincent Smith	Member/Building Code Enforcement	Present
J.J. Ford	Member	Present
Virginia Croaff	Member	Present
Tom Lynch	Member	Present - GTM
Steve Nanners	Member	Absent
Monica Zalaznik	My Buckhannon	Present
Steve Santilli	Record Delta	Present

Guests: Mayor Robbie Skinner; WV State Senator Robert Karnes; WV State Senator Patrick Martin; Brandon Tenney – GTM; Nancy & Fred Shobe; Dr. Timothy Reese; Gini Jeran; Catherine Cuppari; William Wilson; E. Msaitif; Dave Ward; Don Nestor; Alan Hamner; Sandy & Ed Kraynok; Beverly Reger; Barbara Loudin; Jane Reddecliff; Pam Bucklew; Jack Reger; David McCauley; Ann Bergstrom; Al Tucker.

Meeting Notice & Agenda:

**Notice of Meeting  
City of Buckhannon Planning Commission**

A regular meeting of the **Buckhannon City Planning Commission** will be held on **July 15, 2024 at 7:00 p.m.** The purpose of the meeting is to discuss the request for the consideration to Amend Zoning Ordinance No. 244, Section 501 R-1, Single Family Residential District, the Permitted Uses to include Airbnb Rentals and possible recommendation to the City Council or to schedule the date of a Planning Commission public hearing, furthermore; such other matters will appear on the posted agenda. The meeting will be held in the City Council Chambers at City Hall, 70 East Main Street, Buckhannon WV. This is an open meeting (per WV code § 6-9A-3) and all interested parties are welcome to attend.

**Publish RD 06/26/24, 07/03/24**

**Posted 06/13/24**

**City of Buckhannon Planning Commission – Meeting Agenda  
Monday, July 15, 2024, at 7:00 pm at City Hall in Council Chambers**

**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 City Attorney Thomas O’Neill
- B.2 WV State Senator Patrick Martin
- B.3 WV State Senator Robert Karnes

**C. Consent Agenda**

- C.1 Approval of Minutes - Regular Meetings 04/15/2024, 05/20/2024

**D. Correspondence & Information**

- D.1 West Virginia Code §8-1-5a subsection (k)

**E. Strategic Issues for Discussion and/or Vote**

- E.1 Elect President & Vice President of the Planning Commission FY 2024/2025
- E.2 Referred by City Council to Research with City Attorney for the Consideration to Amend Zoning Ordinance No. 244, Section 501 R-1, Single Family Residential District, the Permitted Uses to include Airbnb Rentals and Possible Recommendation to the City Council or Scheduling the date of a Planning Commission Public Hearing

**F. Comments and Announcements**

**G. Adjournment**

**Posted 07/10/2024**

**A. Call to Order –**

**A.1 Moment of Silence** - The meeting was called to order by the President of the Planning Commission, Dr. Susan Aloï, who invited the attendees to participate in a Moment of Silence.

**A.2 Pledge to the Flag of the United States of America** – The attendees joined together for the Pledge to the Flag of the United States of America.

President Aloï provided some context for the meeting and, without objection, moved E.1 to a later time in the meeting.

Also, without objection, the Consent Agenda was moved to the table and President Aloï reviewed the following items: Minutes from the Regular Meetings of 04/15/2024, 05/20/2024.

**Zuliani/Croaff motioned to approve the minutes from the regular meetings of 04/15/2024, 05/20/2024 as presented. The motion carried.**

**B. Recognized Guests** – President Aloï then recognized the following:

**B.1 City Attorney Thomas O’Neill** – Mr. O’Neill provided a brief overview of the topic and then read West Virginia Code §8-1-5a (included in the meeting packet in its entirety) subsection (k), as follows:

*(k) Municipalities may not prohibit or effectively limit the rental of a property, in whole or in part, or regulate the duration, frequency, or location of such rental, in whole or in part. A municipality may regulate activities that arise when a property is used as a rental: Provided, That such regulation applies uniformly to all properties, without regard to whether such properties are used as a rental: Provided, however, That nothing in this subdivision may be construed to prohibit a municipality from imposing a hotel occupancy tax as prescribed in §7-18-1 et seq. of this code.*

Mr. O’Neill is advising that no action be taken. An application for a short-term rental is not to be denied based on the fact that it is a short-term rental alone. All other ordinances must be adhered to. Dr. Aloï asked if the current city ordinance needs to be changed. Mr. O’Neill said no.

Dr. Aloï opened the floor for questions and first recognized Dr. Reese, who asked several questions, and Mr. O’Neill and the Commission Members participated in the Q&A with Dr. Reese.

Mr. O’Neill kept repeating that all other ordinances must be adhered to. This was consistent throughout the various Q&A sessions during the meeting. During the meeting, Dr. Aloï also recognized Don Nestor, Nancy Shobe, and Gini Jeran. Commission Members who led discussions or provided answers included Dr. Aloï, Curtis Wilkerson, City Recorder Randy Sanders and Vincent Smith.

Various concerns were raised including the regulation of business licensing, sales, hotel/motel taxes, specific zoning regulations, limits on the number of Airbnbs in a particular area, and how the City will know that an Airbnb is in existence. Mr. O’Neill assured the attendees that all other ordinances must be adhered to, including the need for business licensing and the collection and remittance of sales and hotel/motel taxes.

**B.2 WV State Senator Patrick Martin** – See below

**B.3 WV State Senator Robert Karnes** – See below

Dr. Aloï recognized WV State Senator Patrick Martin and WV State Senator Robert Karnes, who each provided context on their interpretations of the WV State Code being referenced, including the reasons behind its passage. Senator Karnes noted that he was not a member of the Senate at that time. Senator Karnes also spoke about owning several Airbnbs himself.

An extended discussion on the current state codes and local city ordinances with several attendees participating.

Mr. O’Neill suggested establishing a committee to explore specific regulations and limits on the number of Airbnbs in a particular area. This Commission could recommend to the city council that such a committee be established.

**Zuliani/Ford motioned to recommend to the City Council that a committee be established to explore specific regulations and limits that may need to be enacted. The motion carried.**

Dr. Aloï recognized Gini Jeran, President of the Buckhannon Zoning Board of Appeals, who requested a review of the zoning ordinances take place soon. It was explained that the City Council would need to act upon this.

**C. Consent Agenda**

**C.1 Approval of Minutes - Regular Meetings 04/15/2024, 05/20/2024** – Action taken earlier in the meeting.

**D. Correspondence & Information**

**D.1 West Virginia Code §8-1-5a subsection (k)** – Mr. O’Neill reviewed this earlier in the meeting.

**E. Strategic Issues for Discussion and/or Vote**

**E.1 Elect President & Vice President of the Planning Commission FY 2024/2025** – The Chair, Dr. Aloï, opened the floor for nominations.

**Commission Members Lynch/Ford motioned to nominate the current officers remain in their current seats. Discussion took place - Dr. Aloï asked Mr. Wilkerson if he would like to swap offices. Mr. Wilkerson agreed to do so. Mr. Lynch/Mr. Ford amended their original motion to Curtis Wilkerson as the President and Dr. Susan Aloï as the Vice-President. The motion carried.**

**E.2 Referred by City Council to Research with City Attorney for the Consideration to Amend Zoning Ordinance No. 244, Section 501 R-1, Single Family Residential District, the Permitted Uses to include Airbnb Rentals and Possible Recommendation to the City Council or scheduling the date of a Planning Commission Public Hearing** - No further action was necessary.

**F. Comments and Announcements** – Mayor Robbie Skinner thanked the members of the Buckhannon City Planning Commission for their hard work and dedication.

**G. Adjournment**

**Without objection, President Aloï adjourned the meeting at 8:22 PM.**

**Commission President Susan Aloï** \_\_\_\_\_

**City Recorder Randall H. Sanders** \_\_\_\_\_