

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

A special meeting of the Buckhannon City Council was held on Thursday, May 22, 2025, at 9:00 a.m., in the Council Chambers of City Hall. The following individuals were in attendance (GTM indicates by GoToMeeting*):

Mayor	Robbie Skinner	Present
City Recorder	Randy Sanders	Present
Council Member	Pam Bucklew	Absent
Council Member	Jack Reger	Present
Council Member	Robert Zuliani	Present
Council Member	David Thomas	Present - Phone
Council Member	Scott Randall	Present
Assistant Recorder & Director of Finance	Amberle Jenkins	Present
City Attorney	Tom O'Neill	Present - GTM
Director of Public Works	Ethan Crosten	Present
City Hall Office Manager	Barbara Hinkle	Present
Building/Zoning Officer	Vincent Smith	Present - GTM
Channel 3	Rodney Irvin	Present
MyBuckhannon.com	Monica Zalaznick	Present
Record Delta	Noah Jeffries	Present

Guests: Marjorie Trussler

*Council of the City of Buckhannon Special Public Meeting Agenda
9:00 AM, Thursday, May 22, 2025
Council Chambers | 70 East Main Street*

- 1. Call to Order
- 2. Moment of Silent Reflection
- 3. Pledge of Allegiance
- 4. Recognition of Guests
- 5. Public Comment – Motion to Open & Close Requested
- 6. Business Discussions:
 - a. Approval Ordinance No. 471 Amendment to Ordinance No. 365 Noise Prohibition/Limitation 2nd Reading
 - b. Approval Ordinance No. 472 Amendment to Ordinance No. 367 Uninhabitable Property 2nd Reading
- 7. Council Members’ Remarks and Announcements
- 8. Mayor’s Remarks and Announcements
- 9. Declaration of Adjournment

*This agenda was certified by Mayor Robbie Skinner on Monday, May 16, 2025. *Those who participated in this meeting virtually used this link: <https://global.gotomeeting.com/join/443970693>, or by phone, call: (571) 317-3112, access code: 443-910-693.*

- 1. Call to Order:** At 9:05 a.m., City Recorder Randy Sanders called the May 22, 2025, special meeting of the Buckhannon City Council to order.
- 2. Moment of Silent Reflection:** Recorder Sanders invited those in attendance to a moment of silent reflection.
- 3. Pledge of Allegiance:** Recorder Sanders invited those in attendance to recite the Pledge of Allegiance.
- 4. Recognition of Guests:** None
- 5. Public Comment:** None
- 6. Business Discussions:**
- a. Approval Ordinance No. 471 Amendment to Ordinance No. 365 Noise Prohibition/Limitation 2nd Reading** – Recorder Sanders recognized the City Attorney, Tom

O’Neill, who presented the proposed amendment to the City Council by reading it by caption. He then informed the Council that Building/Zoning Officer Smith has offered an amendment to clarify the operation of generators with periodic testing schedules, noting that the city has them. Discussion took place.

Sanders/Zuliani motioned to amend Ordinance No. 471 Amendment to Ordinance No. 365 Noise Prohibition/Limitation on its 2nd Reading to include language clarifying the operation of generators with periodic testing schedules as acceptable. The motion carried.

Randall/Zuliani motioned to accept the amended version of Ordinance No. 471 Amendment to Ordinance No. 365 Noise Prohibition/Limitation on its 2nd Reading. The motion carried.

ORDINANCE NO. 471 OF THE CITY OF BUCKHANNON, AN ORDINANCE AMENDING AND CLARIFYING ORDINANCE NO. 365 OF THE CITY OF BUCKHANNON, COMMONLY KNOWN AS THE “NOISE ORDINANCE” OF THE CITY OF BUCKHANNON; CLARIFYING THAT THE OPERATION OF A PORTABLE GENERATOR IS NOT EXEMPT THEREFROM UNDER CERTAIN CIRCUMSTANCES.

WHEREAS, the City of Buckhannon enacted its Ordinance No. 365 on June 21, 2012; and,

WHEREAS, since that time, the benefit of experience had demonstrated that certain clarifications to Ordinance No. 365 would enhance the positive effect of the Ordinance upon the environment of the community; and,

WHEREAS, one of those clarifications concerns the operation of domestic portable electric generators within residential areas of the city on an extended basis; and,

WHEREAS, the Council of the City of Buckhannon acknowledges that at some times, the loss of electric utility service generally within the City may require the temporary use of such generators to preserve life or property, and,

WHEREAS, at such other times that electric utility service is generally available within the City, the use of such portable generators, which create loud and otherwise offensive sounds and emissions within areas where neighbors live in close proximity, should not be permissible under the City’s Noise Ordinance; and,

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

ORDINANCE NO. 365, ARTICLE III, SECTION (C)(1)(e) IS HEREBY AMENDED AS FOLLOWS:

PORTABLE ELECTRIC GENERATORS:

Portable electric generators are not considered “domestic power tools” during such times as electric utility service is generally available to the property; *Provided*, that use of said generators for maintenance or upkeep, for a period of time not exceeding fifteen (15) minutes during a calendar day, may be undertaken between the hours of 9:00am and 7:00pm.

EFFECTIVE DATE: This Ordinance shall be deemed effective thirty (30) days following the third (3rd) reading, passage and adoption by the Council of the City of Buckhannon, i.e., June 28, 2025.

FIRST READING:	May 8, 2025
AMENDED ON SECOND READING:	May 22, 2025
THIRD READING, PASSAGE AND ADOPTION:	May 29, 2025

Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 471 was lawfully ordained and enacted by the Council of the City of Buckhannon at a special session of the said Council assembled on May 29, 2025.

Randall H. Sanders, City Recorder

b. Approval Ordinance No. 472 Amendment to Ordinance No. 367 Uninhabitable Property 2nd Reading —Recorder Sanders recognized the City Attorney, Tom O'Neill, who presented the proposed amendment to the City Council by reading the caption and the new language.

Reger/Thomas motioned to approve Ordinance No. 472 Amendment to Ordinance No. 367 Uninhabitable Property on its 2nd Reading. The motion carried.

ORDINANCE NO. 472 OF THE CITY OF BUCKHANNON, AN ORDINANCE AMENDING AND CLARIFYING ORDINANCE NO. 367 OF THE CITY OF BUCKHANNON; CLARIFYING THE DEFINITION OF HABITABLE PROPERTY; SETTING THE MINIMUM UTILITY REQUIREMENTS FOR A PROPERTY TO BE CONSIDERED HABITABLE.

WHEREAS, the City of Buckhannon enacted its Ordinance No. 367, amending certain other ordinances, on August 16, 2012; and,

WHEREAS, since that time, the benefit of experience had demonstrated that certain clarifications to Ordinance No. 367 are necessary to address circumstances arising within the city; and,

WHEREAS, one of those clarifications concerns the habitability of structures within the city when the structure does not have active electric, water, or sanitary sewer service; and,

WHEREAS, the Council of the City of Buckhannon desires to clarify that in order to be considered habitable, a structure within the municipality must have active utility services installed, particularly electric, sanitary sewer, potable water services and,

WHEREAS, at such other times as electric, sanitary sewer, or potable water services are unavailable to a structure or uninstalled, except for temporary service interruptions, a dwelling may be deemed uninhabitable under this Ordinance; and,

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

ORDINANCE NO. 367, ARTICLE I, SECTION 3, IS HEREBY AMENDED AND REENACTED AS FOLLOWS:

Section 3: The Housing Enforcement Officer is charged with the responsibility and authority to formally investigate any and all dwellings or other buildings or structures alleged to be unfit for human habitation due to dilapidation, defects increasing the hazard of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities or any other conditions prevailing in any dwelling or other buildings or structures, whether used for human habitation or not, which would cause such dwellings or other buildings or structures to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare. The initiation of any investigation by the Housing Enforcement Officer may occur either (a) as a consequence of the Housing Enforcement Officer's own observation; (b) from a citizen complaint lodged with the Housing Enforcement Officer or (c) as referred by the City Council. The Housing Enforcement Officer in conducting investigations or discharging any duties established pursuant to this Ordinance shall have the right upon granting

reasonable notice to the occupants thereof, i.e., a minimum of twenty-four (24) hours written notice delivered to the occupants thereof, to enter upon and within at all reasonable times, any lots, dwellings and other buildings and structures situated within the corporate limits of the City of Buckhannon. Any entrance upon or within any premises by the Housing Enforcement Officer for the purpose of making any investigation authorized by this Ordinance shall be made in a manner as to cause the least possible inconvenience to the persons in possession of the premises. In the event that there are no occupants of the premises to be investigated, then reasonable written notice shall be delivered to the owner of the premises.

In order to be deemed habitable, a structure must have all of the following essential utility services: potable water, sanitary sewer, waste collection, and electric service. Potable water service must be provided by a public water system or a well approved by the County Sanitarian of Upshur County. Electric service must be provided by an electric utility, or by a renewable (wind or solar) generation system approved by the incumbent electric utility service or the Housing Enforcement Officer. Any structure that does not have potable water, sanitary sewer, waste collection, or electric service is liable to be found uninhabitable under this Ordinance.

EFFECTIVE DATE: This Ordinance shall be deemed effective thirty (30) days following the second (3rd) reading, passage and adoption by the Council of the City of Buckhannon, i.e., June 28, 2025.

FIRST READING:	May 8, 2025
SECOND READING:	May 22, 2025
THIRD READING, PASSAGE, AND ADOPTION	May 29, 2025

Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 472 was lawfully ordained and enacted by the Council of the City of Buckhannon at a special session of the said Council assembled on May 29, 2025.

Randall H. Sanders, City Recorder

7. Council Members’ Remarks and Announcements

Scott Randall: Mr. Randall had nothing further.

Pamela Bucklew: Mrs. Bucklew was absent.

Jack Reger: Mr. Reger commended the organizers of the WV Strawberry Festival for a job well done.

Dave Thomas: Mr. Thomas wished all well.

Robert Zuliani: Mr. Zuliani echoes Mr. Reger’s comments and is happy we are working on these ordinances.

Randall Sanders: Mr. Sanders also commended the organizers of the WV Strawberry Festival on a job well done.

Vincent Smith – Mr. Smith thanked the City Council for allowing the time to amend the Ordinance No. 471 Amendment to Ordinance No. 365 Noise Prohibition/Limitation.

8. Mayor’s Remarks and Announcements -Mayor Skinner asked the council to consider, at a future meeting, making the traffic flow on Maple Street the same as we had it for the WV Strawberry Festival, making permanent Maple Street, one-way from West Lincoln to Green Street. He also would like the City Council to consider, at a future meeting, a review of a draft for a street and park fee for the city to guarantee the Street Department has a guaranteed amount of money for street, sidewalk, and park projects. The goal would be to raise approximately \$200,000 a year. Mr. O’Neill will work with Mrs. Jenkins on the draft. He thanked all for their support of the recent WV Strawberry Festival.

9. Declaration of Adjournment

At 9:25 a.m., Thomas made a motion to adjourn.

Mayor Robert N. Skinner III _____

City Recorder Randall H. Sanders _____