

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

A Buckhannon Housing Enforcement Board Regular Meeting was held on July 21, 2025, at 5:30 pm in City Hall. The following people were present:

Mayor	Robbie Skinner	Absent
Recorder	Randy Sanders	Present
Building Code Enforcement Officer	Vincent Smith	Present
Board Member	David Thomas	Present
City Engineer	Jay Hollen	Present
Upshur County Health Dept Officer	Sue McKisic; RN, BSN	Present
BFD Chief	J.B. Kimble	Present
UC Safe Sites & Structures Rep	Jerry Wamsley	Absent
City Attorney	Tom O'Neill	Absent

Guests: None

City of Buckhannon Housing Enforcement Board
Meeting Agenda
5:30 PM Monday, July 21, 2025
Council Chambers | 70 East Main Street

1. Call to Order
2. Moment of Silence
3. Pledge of Allegiance
4. Approval of Previous Meeting Minutes: 04/21/2025
5. Public Comments – Motion to Open & Close Requested
6. Recognition of Guests
7. Department Report – Building Code Enforcement Officer, Vincent Smith
 - a. Vacant Properties Case Status Report
 - b. Code Enforcement Case Status Report
 - i. Complaint Received from UBHD re: 9 Pinnell Street-Sewage Waste Leak
 - c. Update Regarding the Progress of Properties of Primary Concern
 - i. 86 Randolph St-COB Tax Sale Property Purchase
8. Business Discussion
 - a. Council Approved Ordinance No. 471 Amending and Clarifying Ordinance No. 365 Noise Prohibition/Limitation
 - b. Council Approved Ordinance No. 472 Amending and Clarifying Ordinance No. 367 Definition & Requirements for Habitable Property
9. Report of Events, Correspondence, and Information
 - a. Notice-43 West Lincoln Street-Ordinance No. 428 Premises Used in the Commission of a Drug Offense
 - b. Next Meeting Date 10/20/2025
10. Board Members’ Remarks and Announcements
11. Declaration of Adjournment

This agenda is certified by Mayor Robbie Skinner on July 16, 2025. To participate in this meeting virtually, use this link: <https://global.gotomeeting.com/join/520841085>, or by phone, call: +1 (786) 535-3211, access code: 520-841-085.

- 1. Call to Order:** At 5:30 p.m., Recorder Randy Sanders called the August 21, 2025, meeting of the Housing Enforcement Board to order.
- 2. Moment of Silent Reflection**—Sanders invited those in attendance to a moment of silent reflection.
- 3. Pledge of Allegiance**—Sanders invited those in attendance to recite the Pledge of Allegiance.
- 4. Approval of Previous Meeting Minutes: 04/21/2025** – Recorder Sanders recognized that the meeting minutes of 04/21/2025 were available for consideration and asked for corrections or approval as presented.

Hollen/Thomas motioned to approve the minutes of the meetings of 04/21/2025 as presented. The motion carried.

5. Public Comment – Motion to Open & Close Requested – There was no one in attendance for Public Comment, so no action was necessary

6. Recognition of Guests – There were no guests to be recognized

7. Department Report –Building Code Enforcement Officer, Vincent Smith – Mr. Smith was recognized to report on and participate in a discussion regarding the following:

a. Vacant Properties Case Status Report – An overview of the report was provided, and a discussion took place. It was noted that 2 properties have been removed from the list; 9 properties are on hold; and 52 properties are currently vacant, with some owners having paid the assessment for 2 to 3 years.

Vacant Properties Meeting July 14, 2025

REMOVED

- 1. **14 Island Ave-Water On**
- 2. **115 Wood St-Water On**

ON HOLD

- 1. 129 Barbour St- Permit
- 2. 138 Barbour St- Permit
- 3. 140 Camden Ave- Trying to sell
- 4. 96 E Main- New Owners
- 5. 12 Leonard St- Permit
- 6. 456 Morton Ave- Permit
- 7. 41 North Florida- New Owners
- 8. 27 Pinnell St- New Owners
- 9. 133 Pocahontas St- Permit

ACTIVE

- 1. 5 Chestnut St
- 2. 44 Cleveland Ave
- 3. 47 Cleveland Ave
- 4. 6 Cooper St
- 5. 93 East Main St
- 6. 15 Elizabeth St
- 7. 1 Factory St
- 8. 6 Franklin St
- 9. 62 Highland Dr
- 10. 14 Huffman Ln
- 11. 5 Madison St
- 12. 5 Monongalia St
- 13. 67 Morton Ave
- 14. 69 Morton Ave
- 15. 58 North Florida St
- 16. 64 North Florida St
- 17. 70 Oklahoma Ave
- 18. 184 Pocahontas
- 19. Putnam St
- 20. 86 Randolph St

- 21. 87 Randolph St
- 22. 90 Randolph St
- 23. 97 Randolph St
- 24. 107 Randolph St
- 25. 163 Randolph St
- 26. 37 South Florida St
- 27. 44 South Florida St
- 28. 60 South Florida St
- 29. 119 South Florida St
- 30. 121 South Florida St
- 31. 139 South Florida St
- 32. 198 South Florida St
- 33. 205 South Florida St
- 34. 29 South Kanawha St
- 35. 35 South Kanawha St
- 36. 105 South Kanawha St
- 37. 143 South Kanawha St
- 38. 166 South Kanawha St
- 39. 189 South Kanawha St
- 40. 191 South Kanawha St
- 41. 193 South Kanawha St
- 42. 41 North Spring St
- 43. 34 Thurman Ave
- 44. 40 Thurman Ave
- 45. 529 Upper Dr
- 46. 47 West Lincoln St
- 47. 48 West Lincoln St
- 48. 19 West Victoria St
- 49. 111 Wood St
- 50. 123 Wood St
- 51. 125 Wood St
- 52. 7 Zeno

b. Code Enforcement Case Status Report – An overview of the report was provided, and a discussion took place. Specific issues follow:

i. Complaint Received from UBHD re: 9 Pinnell Street-Sewage Waste Leak - Mr. Smith referenced the letter that is in the meeting packet and had been sent to the property owner. Mr. Smith reported that the problem has been corrected.



Our Health Department is for **EVERYONE!**

9 Pinnell

May 8, 2025

Gerald Workman
9 Pinnell Street
Buckhannon, WV 26201

Jordan Land and Rentals, LLC
560 Little Pecks Run Road
Volga, WV 26238

VIA CERTIFIED MAIL

Dear Gentlemen:

Please be advised the sewer service line located at 9 Pinnell Street, Buckhannon, WV, is leaking sewage waste, resulting in human waste on the sidewalk and street.

The Upshur-Buckhannon Health Department investigated the leak on May 2, 2025, and found sewage flowing on the surface of the ground from beneath the porch of the residence.

WV Code 16-1-9 provides that: "The presence of sewage or excreta being disposed of in a manner not approved by the commissioner or his or her authorized representative constitutes prima facie evidence of the existence of a condition endangering public health...."

Please correct this health hazard within 14 days of receipt of this notice.

Please feel free to contact me at 304-472-2810, 8:30 a.m. to 4:30 p.m., M-F, if you have any questions regarding this matter.

Thank you for your cooperation.

Sincerely,

Chris Garrett, R.S.
Upshur-Buckhannon Health Department

CC: Vincent Smith, City of Buckhannon Zoning Officer

15 North Locust Street | Buckhannon WV 26201 | 304-472-2810 | Fax 304-472-2945 | upshurhealthwv.com

c. Update Regarding the Progress of Properties of Primary Concern:

i. 86 Randolph St-COB Tax Sale Property Purchase - Discussion took place. It is now posted as an uninhabitable property after the BPD responded to trespassers. Mr. Smith provided an update that the City has paid the past-due taxes and is attempting to take ownership of the property, as referenced in the documents in the meeting packet.

86 Randolph
Tax sale

SALE APPROVAL LETTER
Office of the State Auditor
County Collections Division
State Capitol Building 1 Room W-114
1900 Kanawha Boulevard East
Charleston, WV 25305

Certificate of Sale Number: UPSHUR COUNTY 2024-C-000103

Memorandum of real estate sold in the county of UPSHUR on this 5th day of June, 2025 by the Honorable Mark A. Hunt, Auditor of the State of West Virginia.

Property Description: LOT 15 BLK 20 RANDOLPH ST BLTA 120.0 X 50.0

District: BUCKHANNON CORP **Map:** 11 **Parcel:** 0261 0000 0000

Taxpayer:
CORNETTE FRANKLIN
107 AUTUMN CREEK LANE
JOHNSON CITY, TN 37615

Delinquent Taxes: 2023 - 11921	\$579.93
Interest on Delinquent Taxes	\$46.39
Subsequent Taxes: 2024-12024 Taxpayer: CORNETTE FRANKLIN	\$465.06
Back Taxes:	\$0.00
Certification Fee	\$25.75
Publication Fee	\$30.60
Auditor's Fee	\$82.54
Courthouse Facility Improvement Fund	\$10.00
Amount of Bid	\$3,000.00
Amount Due	\$1,240.27
Surplus	\$1759.73

Purchaser:
CITY OF BUCKHANNON
70 E MAIN ST
BUCKHANNON, WV 26201




Mark A. Hunt, State Auditor

The purchase of the listed property has been approved pending clearance of your payment by your financial institution. The list of names, addresses and payment must be submitted to the West Virginia State Auditor's Office by October 3, 2025, as stated in the handout that you received when registering to obtain a bid number. Please remember failure to meet these requirements shall cause you to lose all benefits of your purchase.

(BEEB992B-5142-449D-4DAS3E77AA98412B)(APPROVAL LETTER)

8. Business Discussions - Sanders reported on the action that the City Council has taken regarding the following ordinances:

a. Council Approved Ordinance No. 471 Amending and Clarifying Ordinance No. 365 Noise Prohibition/Limitation

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. Council Approved Ordinance No. 472 Amending and Clarifying Ordinance No. 367
Definition & Requirements for Habitable Property**

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

9. Report of Events, Correspondence, and Information – Sanders reviewed the following with the Board.

a. Notice-43 West Lincoln Street-Ordinance No. 428 Premises Used in the Commission of a Drug Offense

CITY OF BUCKHANNON, WEST VIRGINIA

**NOTICE
PREMISES USED IN THE COMMISSION OF A DRUG OFFENSE
FIRST OFFENSE**

Date: June 23, 2025

To: Heather Burr
[Property Owner(s)]

Address: 43 West Lincoln Street
Buckhannon WV 26201

Regarding: 43 West Lincoln Street
Buckhannon, WV 26201
[Address of premises used for drug offense]

TO THE ABOVE-NAMED PROPERTY OWNER(S): Be advised that the property identified above has been used in the commission of criminal acts relating to controlled substances. Under the City of Buckhannon’s Ordinance No. 428, the property will be subject to an Order of Abatement if the property is used for another such offense within 24 months.

A copy of Ordinance No. 428 is attached. If you have any questions, please contact 304-472-1651.

Vincent Smith
City of Buckhannon Code Enforcement Officer

b. Next Meeting Date 10/20/2025

10. Board Members’ Remarks and Announcements – Some discussion on previous problem properties took place. Sue McKisic reported that the Health Department has ordered Educational Material regarding Radon. No other comments were made.

11. Declaration of Adjournment

At 6:09 p.m., Thomas made a motion to adjourn.

Mayor Robert N. Skinner III _____

City Recorder Randall H. Sanders _____