

**2nd Public Hearing for the Dilapidated Building Ordinance
May 9, 2018**

Members present:

Commissioner Joel Tuttle, President
Commissioner Ken Reed

Members Absent: Commissioner Robert Ford

Also present: Kristy Farris Somers, Commission Secretary

Public present: See attached sign in sheet

The Morgan County Commission held a public hearing to hear public comments regarding the Dilapidated Building Ordinance.

Commissioner Tuttle opened the meeting and turned the floor over to Commissioner Reed

Commissioner Reed spoke to the public about how the Dilapidated Building Ordinance will work if approved and adopted and also informed the public that there will be a board of volunteers appointed and put together to work on this ordinance. Commissioner Reed explained that this ordinance has been put together from a combination of Wood County, Upshire County, and Roane County's ordinances.

Susan McConnell- Why does this have to be enforced by complaint? There are already people on the payroll that can report on these properties, like Health Inspectors; Animal Control rather than use complaints. It would be easier to identify and report on their own, by putting a form online to fill out to report the complaint.

Commissioner Reed- None of these entities have any authority to do anything with this ordinance. The Health Department does not have authority to tear down buildings.

Susan McConnell- Do they have the right as citizens to identify these properties? Can you check with legal counsel?

Commissioner Reed- Legal Counsel has had this for months, but I can check with them, but we are almost positive. We are very limited as to what they allow us to do. This whole ordinance was structured like this because of the code it came out of, that was chapter 7. I do not think there is an alternative to this. We are limited to a complaint driven formula. The form is online. If the board or counsel thinks this is an issue or someone is being picked on they can throw out the complaint. Funding is limited to do this project. We are going to be limited to probably one structure per year. We did put teeth into this ordinance. There can be a \$50.00 fine per day and liens can be put on these properties if the owners do not comply.

Susan McConnell- One year! Aren't you just paying lip service to the problem! This is not a solution to the problem!

Brooke Parker- Does this mean that no one in the County will be going thru the County to choose these places, it will only be by our complaint?

Commissioner Reed- Yes, It's a start to the problem. We wish we could do more removals per year but funding just will not allow us to.

Commissioner Tuttle- We are planning on getting the property owner to take care of these issues.

Commissioner Reed- The 3rd Wednesday of the month is free dump day. Things can be disposed of on those days at no charge.

Dean Carpenter – Is there a limit to free dump day? I have always been under the assumption that you can only take 500lbs for free, and that's just a drop in the bucket for these projects. It's almost impossible to get into a dump for free.

Dean Carpenter – If you have a house in the middle of a field with no trespassing signs how is this a hazard to someone else because this is your property?

Commissioner Tuttle- I agree with that to a point. That is going to be very low on the priority list.

Dean Carpenter- Everyone looks at things differently.

Commissioner Tuttle – The idea of this ordinance makes sense it's just that people don't trust governments.

Susan McConnell- These buildings are what you call unattractive nuisances. Do you want to risk the lives of one of our fire fighters?

Lisa Reed- Has the County ever thought about adopting and getting a building inspector?

Commissioner Reed- We do not plan on adopting a building inspector at this time.

Lawrence Thomas, County Administrator- There are two ways of going about this by adopting a WV Code. This would protect the rights of the individuals from neighbors being a constant complainer. This allows the reactive process to get the complaints done fairly.

Commissioner Reed- The safety thing comes first.

Brooke Parker- What if a structure is a 100 year old house?

Commissioner Tuttle- Pretty sure if you are living in the structure you will not be on the list.

Commissioner Reed- This is for County property outside or jurisdiction not incorporated.

Bob Margaraf- The thing is, what can you do to motivate the property owner to rectify this? I suggest to fine them with a fee.

Dale McConnell- There is a house in Great Cacapon that has trees growing in it, why can't the County have magistrate send a letter to take care of these structures?

Commissioner Reed- Magistrate is the last resort.

Jeannine Mozier- Have you considered some type of fine for people who make frivolous complaints?

Commissioner Reed- None of the other ordinances had anything to do with this. Richard Gay has really tightened this down in this ordinance.

Susan McConnell- No one is saying to bulldoze these properties, just investigate them.

Commissioner Tuttle- That is the goal, to try to engage the owners to take care of the problem.

Commissioner Reed- We have to work with what we have. We do have to keep the property owner's rights in consideration as well.

Commissioner Tuttle- We as Commissioners have to listen to both sides.

Barb Wolfe- What are the chances of property taxes not being paid? Does it fall back on the County?

Commissioner Tuttle- I believe that would be a question for the Assessor's Office.

Lawrence Thomas, County Administrator- You have to be registered as a farm to be exempt.

Marshall Younker- If taxes are not paid the State takes the property and attempts to sell.

Barb Wolfe- Does a team go out to investigate the properties as a team?

Commissioner Tuttle- Yes I believe they will do so.

Lawrence Thomas, County Administrator- The board is just like any other board it will have bylaws and procedures and then go before the Commission.

Barb Wolfe- The structural Engineer charges up to \$1,000.

Bob Margaraf- If there is a set of bylaws produced do they have to be set in a certain amount of time? I saw under the definitions it does not include trailers?

Commissioner Reed- If it's on a foundation they can make that argument. We will send this item back to Richard Gay to handle.

Bob Margaraf- What is the time perspective of a complaint to be filed? How long do they have to comply? What does a two year period mean if you do not talk face to face with the owner?

Commissioner Reed- Mr. Gay put this in from the code, but we will check into this, it is under due process.

Dean Carpenter- Can we work something out with the landfill to make it affordable to dispose of the rubble?

Commissioner Reed- We are making a list of things to do this.

Dean Carpenter- In reality it is going to be a problem with taking all of these things to the landfill. It is going to make it an eyesore.

Brooke Parker- Can the owner/taxpayer choose to tear down or repair and can the owner choose the contractor to do the repair or removal of the structure?

Commissioner Reed- Once this is voted on the board will need to implement and bylaws will need to be set first.

Dean Carpenter- I think it would be fair to have the people vote on this. Then they would be responsible for it.

Commissioner Tuttle- This is why we have these Public hearings, we answer to you if as the public, if you do not like what we do we do not get voted back in.

Commissioner Reed- This is a compromise it is made to protect the property owner and make it a way and a process to fix the problem.

Kate Shunney, Morgan Messenger- Does this ordinance give the County more authority to write a letter to the property owner? Would it have any enforcement?

Commissioner Reed- It does give us the power to enforce. The first step is to start the process and send copies of the ordinance for the property owner to call us.

Commissioner Reed- We are hoping the state can find a few grants in a few years.

Recess

President Tuttle made a motion to recess the meeting. President Tuttle voted yea, and Commissioner Reed voted yea. Motion carried

AGENDA

MORGAN COUNTY COMMISSION

77 Fairfax Street, Room 101

Berkeley Springs, WV, 25411

Wednesday May 9, 2018

**7:00pm- Public Hearing for the Dilapidated Building Ordinance at the
Warm Springs Middle School Cafeteria**

*Times are approximate

Morgan County Commission

MEETING SIGN-IN SHEET

Public Hearing 7PM

DATE: May 9, 2010		Sheet:	Of:
NO.	NAME	REPRESENTING	PHONE #
			E-MAIL ADDRESS
1	Dale McConnell	Self	304-258-7570
2	Pat Marggraf	Self	304-258-2989
3	Alic Lantz	Self	304-579-0860
4	Lisa Reed	Self	
5	James Reed	Self	
6	Sam Mower	Landmark	4248
7	Fam Mamm		304-258-5189
8			wvfiddlersmom@gmail.com
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SPEAKING

Morgan County Commission

SPEAKING

MEETING SIGN-IN SHEET

Public Hearing

DATE: May 9, 2018

Sheet: Of:

NO.	NAME	REPRESENTING	PHONE #	E-MAIL ADDRESS
1	Josh Strada			
2	Don Lynch	self	204 251 4911	
3	Susan McConnell	self	304-258-7510	
4	BOB MARCGRAF	SELF	304 258 2989	
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Morgan County Commission

Speaking

MEETING SIGN-IN SHEET

Public Hearing 7PM

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NO.	NAME	REPRESENTING	PHONE #	E-MAIL ADDRESS	
1	MARSHALL N YOUNG	SELF	304 839 8448	Bath - S Fe y A 100. com	
2	BROOKE PARKER	SELF	304-258-5162	N/A	
3	BABB WOLFE	"	304-258-3886		
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Morgan County Commission

MEETING SIGN-IN SHEET

Public Hearing 7pm
 DATE: May 9, 2018

NO.	NAME	REPRESENTING	PHONE #	Sheet: Of: E-MAIL ADDRESS
1	Jucia Strader	News		
2	MARSHALL NYOUNGA	SELF		
3	Peace White	Self		
4	BARB WOLFE	"	258-8893	networkingwithPeace@gmail.c
5	BROCKE PARKER	self	258-3886	
6	Kate Shunney	The Norman Messenger	304-258-5162	N/A
7	Chris Haldeman	Self	258-1800	
8	Alisa Stine	Self		
9	Singer Johnson	Commission	204-886-9944	lisa.stine@phoenixrising.associates
10	XXXXXXXX	MCC	304-258-8540	
11	Larry Thomas	MCC		
12			240-405-5142	lthomas@morgancountywv.gov
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