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# City of Grafton

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## Municipal Home Rule Program Written Plan Amendment 2



Made Available to the Public – September 29, 2017

Public Hearing – November 14, 2017

First Reading Ordinance – November 14, 2017

Second Reading and Public Hearing – December 12, 2017

Submitted to the WV Municipal Home Rule Board – January 2018

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## Municipal Home Rule Pilot Program Phase III APPLICATION CHECKLIST

<b>SECTION I: APPLICANT INFORMATION</b>	
Page No.	
Pg. 3	General Information
Pg. 3	Municipal Classification
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	Issue(s) Category: Tax/Organization/Administrative/Personnel/Other

<b>SECTION II: NARRATIVE (written plan, including the following) See Attachments</b>	
Page No.	
	Specific state laws, policies, acts, resolutions, rules or regulations that are preventing the municipality to carry out duties in the most cost effective, efficient, and timely manner.
	Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.
	Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include: <ol style="list-style-type: none"> <li>1) Proposed solution(s) in one of the five areas (tax/administrative/organization/ personnel/other)</li> <li>2) If revenue related, estimate(s) for proposed solution(s) and how the fiscal impact was determined. Example: Estimated reduction of administrative time and costs = X. Please attach the worksheet or formula used to determine "X" amount.</li> </ol>

<b>SECTION III: AFFIDAVITS – See Attachments</b>	
Page No.	
<b>9</b>	Hearing Mandate Verification
<b>10</b>	Publication Mandate Verification
<b>21</b>	Ordinance Authorizing Submission of Plan
<b>N/A</b>	Fiscal Impact Worksheets/Formulas (if revenue related)
<b>23</b>	Attorney Opinion (application complies with statutory requirements)
<b>24</b>	State of West Virginia Fees Statement (none outstanding)

# Municipal Home Rule Pilot Program Phase III

## APPLICATION

<b>SECTION I: APPLICANT INFORMATION</b>	
<b>A. General Information</b>	
Name of Municipality: City of Grafton	
Certifying Official: Peggy Knotts Barney	Title: Mayor
Contact Person: Kevin M. Stead	Title: City Manager
Address: 1 West Main Street	
City, State, Zip: Grafton, West Virginia 26354	
Telephone Number: 304-265-1412 Ext. 16	Fax Number: 304-265-0119
E-Mail Address: <a href="mailto:cityofgrafton@hotmail.com">cityofgrafton@hotmail.com</a>	
2010 Census Population: 5164	
<b>B. Municipal Classification</b>	
<input type="checkbox"/> Class 1 <input type="checkbox"/> Class II <input checked="" type="checkbox"/> Class III <input type="checkbox"/> Class IV	
<b>C. Category of Issues to be Addressed (please attach descriptions for applicable categories)</b>	
<input checked="" type="checkbox"/> Tax <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input checked="" type="checkbox"/> Personnel <input type="checkbox"/> Other	

<b>SECTION II: NARRATIVE (written plan, including the following) See Attachments</b>
<p>Specific state laws, policies, acts, resolutions, rules or regulations that are preventing the municipality to carry out duties in the most cost effective, efficient, and timely manner.</p> <p>Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.</p> <p>Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include:</p> <ol style="list-style-type: none"> <li>1) Proposed solution(s) in one of the five areas (tax/administrative/organization/ personnel/other)</li> <li>2) If revenue related, estimate(s) for proposed solution(s) and how the fiscal impact was determined. Example: Estimated reduction of administrative time and costs = X. Please attach the worksheet or formula used to determine "X" amount.</li> </ol>

<b>SECTION III: AFFIDAVITS See Attachments</b>
Hearing Mandate Verification Publication Mandate Verification Ordinance Authorizing Submission of Plan Fiscal Impact Worksheets/Formulas (if revenue related) Feasibility Study (if taxes are proposed) Attorney Opinion (application complies with statutory requirements) State of West Virginia Fees Statement (none outstanding)

## **Executive Summary**

The City of Grafton is located in the center of North Central West Virginia just 25 miles from Interstate 79 along U.S. Routes 50 and 119. Our community offers the simplicity of a small town lifestyle with the benefit of various shopping amenities. Home to our state's only national cemeteries and the birthplace of the International Mother's Day Shrine where this international holiday originated. Grafton's Main Street is a registered Historic District and hosts numerous community events throughout the year including the Memorial Day Parade, which is the longest ongoing Memorial Day observance in the country, the Spirit of Grafton Celebration, Relay for Life, First Friday's, and Hometown Holidays.

The City of Grafton is facing many of the common problems that are facing similar cities across West Virginia. Declining revenues associated with the loss of good manufacturing jobs, major infrastructure costs, capital investment needs, and burdens of blight causing an escalation of crime, substandard housing, lower performing schools, decrease in business retention and development and a poor public image for residents and visitors. As with all cities in the state, the City of Grafton and its elected representatives are committed to providing the best service possible to our residents and visitors in a cost effective manner. New home rule powers could help cities save taxpayer money, create better and more fair revenue streams that support business growth, expand services, improve the quality of life, provide enhanced police and fire protection, market the city with the potential of positive growth development, and provide opportunities for innovative ideas for better methods to effectively provide the most efficient services for our community. The city desires in investing in community development, maintaining clean neighborhoods, marketing our community and providing a safe community while broadening our ability to increase revenues.

Contained within Grafton's home rule application, the West Virginia Home Rule Board will observe three (3) proposals that at the core exemplify the meaning and desire of home rule in West Virginia. The following proposals focus on two (2) central themes:

1. Allocation and Enhancement of Public Safety Resources.
2. Allowing Sale of Alcoholic Beverages beginning at 10:00 am on Sundays.

## Specific Problems and Solutions to be addressed by Grafton’s Home Rule Plan:

<b>1.</b>	<b>Brunch Bill</b>
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### Specific Legal Barrier

- West Virginia Code §60-7-12(a)(5) prohibits any private club licensee, or agent, employee or member thereof, from selling beer, wine, or alcoholic liquor between the hours of 3:00 a.m. and 1:00 p.m. on Sundays.
- West Virginia Code §60-8-34 prohibits a private wine bed and breakfast or restaurant from selling wine between the hours of 2:00 a.m. and 1:00 p.m. on Sundays.
- West Virginia Code §11-16-18(a)(1) provides that it shall be unlawful for any licensee to sell beer between 2:00 a.m. and 1:00 p.m. on Sundays (except that private clubs licensed under Article 7, Chapter 60 of the West Virginia Code shall operate within hours conforming with the hours of sale of alcoholic liquor).

### Specific Problem Caused by Barrier

Regional tourism is an increasing sector of the local economy, and approximately thirteen businesses are currently licensed to serve beer, wine and alcoholic liquor within the corporate limits of the City of Grafton. Although Senate Bill 298, enacted during the 2016 Regular Session of the West Virginia Legislature allowed county commissions the ability to hold a county option election to permit the sale or dispensing of such alcoholic beverages prior to 1:00 p.m. on Sunday. Senate Bill 298 does not provide a mechanism by which the City of Grafton may conduct its own option election, leaving the Municipal Home Board as the only entity which may authorize the Grafton City Council to put into effect the will of the people of the City. The City has received multiple inquiries from owners of businesses which serve alcohol, requesting this opportunity.

**Proposed Solution**

If approved by the Board, the City of Grafton will consider the enactment of an ordinance changing the latest hour that restricts the sale or service of beer, wine and alcoholic liquor to be sold or dispensed for on-premises consumption on Sundays from 1:00 pm. To 10:00 a.m.

Grafton respectfully requests that it be granted the power under W.Va. Code §8-1-5a to amend its approved Home Rule Plan to permit Grafton the privilege to permit the sale and service of beer, wine and alcoholic liquors within the city beginning at 10:00 a.m. on Sundays, without the restrictions imposed on municipalities under W.Va. Code as previously noted.

<b>2.</b>	<b>Fire Civil Service Hiring – Reducing the Minimum Number of Eligibles from Certified List of Fire Civil Service Board (Personnel)</b>
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**Specific Legal Barrier W. Va. Code**

- **West Virginia Code 8-15-20**

“Every position, unless filled by promotion, reinstatement or reduction, shall be filled only in the manner specified in this section. The appointing officer shall notify the firemen’s civil service commission of any vacancy in a position which he desires to fill, and shall request the certification of eligibles. The commission shall forthwith certify, from the eligible list, the names of the three individuals thereon who received the highest averages at preceding competitive examinations held under the civil service provisions of this article within a period of three years next preceding the date of the prospective appointment. The appointing officer shall, thereupon, with sole reference to the relative merit and fitness of the candidates, make an appointment from the three names so certified.”

**Specific Problem Caused by Barrier**

The City of Grafton has an extremely difficult time finding three applicants for the Grafton Fire Department to pass the civil service commission written examination. Many times, 3 or 4 individuals will take the examination, and after background checks examinations are performed only 1 or 2 will pass.

Earlier this year, the City of Grafton Fire Civil Service Commission administered an examination for original appointment to the Grafton Fire Department. Three individuals took the written examination and only one passed. The city is now in the process of re-advertising for another written examination while still needing an “active list” to hire for the current vacancy.

Each test requires job postings in 3 area newspapers (Grafton, Fairmont, Clarksburg), typically a time frame of 4 weeks for the application deadlines, and then another 2 weeks before a test can be administered. This process takes approximately 2 months or longer each time to fill a vacancy. When a vacancy occurs overtime can put severe strains on budgets and firemen become exhausted due to the lengthy process in filling open positions.

**Proposed Solution**

The City of Grafton will pass an ordinance that sets the minimum list of eligible at one instead of three, allowing the city to hire a qualified individual to fill a vacancy.

<b>3.</b>	<b>Fire Civil Service Hiring – Residency Requirements. (Personnel)</b>
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**Specific Legal Barrier W. Va. Code**

- **West Virginia Code 8-15-17**

“Any applicant for original appointment must have been a resident for one year, during some period of time prior to the date of his or her application, of the municipality in which he or she seeks to become a member of the paid fire department: Provided, That if the commission determines it necessary it may consider for original appointment applicants who are not residents of the municipality but who have been residents of the county in which the municipality or any portion of the territory thereof is located for a period of at least one year.”

### **Specific Problem Caused by Barrier**

The City of Grafton has an extremely difficult time in receiving applicants for original appointment that lives or has lived in Grafton or Taylor County. This law makes it extremely prohibitive to hire individuals who are properly trained to be firemen for the city. We receive inquires for original appointment from individuals who live in other communities, but due to this code section the city is unable to offer them employment.

### **Proposed Solution**

Grafton City Council would adopt an ordinance stating that individuals applying for original appointment to the Grafton Fire Department would not be required to have lived in the city or county limits for original appointment.

***To the extent required by law, this plan shall terminate on or prior to the first day of July 2019; however, all ordinances enacted under the provisions of this plan shall continue in full force and effect until repealed. Further, the City of Grafton will cooperate fully with any performance review conducted by the Joint Committee on Government and Finance and provide progress reports to the Home Rule Board as needed.***

## Hearing Mandate Verification

### HEARING MANDATE VERIFICATION

I, the undersigned Clerk of the City of Grafton, West Virginia, do hereby certify that on November 14, 2017, at 1:00 p.m., a Public Hearing was held during the Regular Council Meeting of the City of Grafton, the subject of said hearing being An Ordinance Authorizing the Mayor of the City of Grafton to submit a Written Home Rule Plan Proposal to the West Virginia Municipal Home Rule Board in accordance with West Virginia Code 8-1-5a. A quorum of the Grafton City Council was present for this hearing and the hearing was in compliance with West Virginia Code §8-1-5a.

The attached are true, correct, and complete copies of the Regular Session the Grafton City Council Agenda, November 14 2017, evidencing the Public Hearing. No written comments pertaining to the City of Grafton's proposed Home Rule plan and application were submitted to the City Clerk between the advertised dates of September 29, 2017 through November 14, 2017. The public hearing was opened for public comments; no citizens appeared to speak either in favor of, or against, an ordinance authorizing the Mayor of the City of Grafton to submit a Home Rule Proposal to the West Virginia Municipal Home Rule Board in accordance with West Virginia Code §8-1-5a.

Witness the signature of the undersigned City Clerk of the City of Grafton, West Virginia, and the seal of the City of Grafton, this 12<sup>th</sup> day of December, 2017.



Larry M. Richman  
City Clerk

THE MOUNTAIN STATESMAN  
 PO BOX 218  
 GRAFTON, WV 26354  
 304-265-3333  
 FEIN NO: 363672215

CITY OF GRAFTON  
 1 W MAIN ST  
 GRAFTON WV 26354

LEGAL ADVERTISEMENT INVOICE

ACCT# 802

LEGAL 3233

DESCRIPTION: Home Rule Program

PUBLICATION DATES	PUBLICATION COST
9/29/2017	\$ 55.72
10/6/2017	\$ 41.79
AFFIDAVIT FEE	\$ 2.00
TOTAL	\$ 99.51

AFFIDAVIT

STATE OF WEST VIRGINIA, COUNTY OF TAYLOR,  
 TAMMY A LYONS, PUBLISHER of the MOUNTAIN STATESMAN  
 a Newspaper Published in Grafton in said county,  
 do hereby certify that the annexed

Was published once a week for two weeks  
 in said Mountain Statesman a Newspaper as  
 aforesaid commencing on the 29th day of September 2017

Publisher: Tammy A Lyons

WEST VIRGINIA, TAYLOR COUNTY, TO WIT:  
 Subscribed and sworn before me this 16th  
 day of October, 2017

Notary Public: Monica G Robinson

My commission expires: May 22, 2024



LEGAL

PUBLIC HEARING NOTICE  
 CITY OF GRAFTON, WEST VIRGINIA

HOME RULE PROGRAM

Notice is hereby given by the City of Grafton, West Virginia, that it will hold a public hearing on November 14, 2017, at the Grafton Municipal Building, Council Chambers, 1 West Main Street, Grafton, West Virginia.

The purpose of this public hearing is to discuss the City of Grafton's proposed Home Rule Amendment Number 2 written plan. This information will be utilized by the City of Grafton in its application to the West Virginia Home Rule Board.

The City of Grafton's proposed Amended Home Rule Written Plan Number 2 is available for public inspection in the Office of the City Clerk, as well as the Office of the City Manager, Grafton Municipal Building, Grafton, West Virginia, beginning on Friday, September 29, 2017, Monday through Friday, between the hours of 8:00 a.m. and 4:00 p.m.

All interested citizens are invited to attend the public hearing scheduled on Tuesday, November 14, 2017, at 1:00 p.m., and to present oral or written comments concerning Grafton's proposed Home Rule plan and application. Written comments may be addressed to Larry M. Richman, City Clerk, City of Grafton, 1 West Main Street, Grafton, West Virginia. The first reading of the ordinance approving the City of Grafton's Amended Home Rule Written Plan Number 2 will be held at the regularly scheduled Grafton City Council meeting on Tuesday, November 14, 2017, 1:00 p.m., at the Grafton Municipal Building, Council Chambers, 1 West Main Street, Grafton, West Virginia.

Larry M. Richman  
 City Clerk

Legal 3233  
 9/29, 10/6/17

Publication Mandate Verification  
 (Affidavit of Publication)

Publication for Public Hearing

**Mountain Statesman, Friday, November 17, 2017**

**LEGAL**

ORIDANCE NO. 858

**A N O R D I N A N C E  
AUTHORI ZI NGTHE CITY OF  
GRAFTON TO SUBMIT CITY  
OF GRAFTON MUNICIPAL  
HOME RULE PROGRAM  
WRITTEN PLANAMENDMENT  
2 TO THE WEST VIRGINIA  
MUNICIPAL HOME RULE  
BOARD.**

Grafton City Council will conduct the second reading and public hearing on Ordinance No. 858 at the regular council meeting, on Tuesday, December 12, 2017, at 1:00 p.m. in the Council Chambers, Grafton Municipal Building, 1 West Main Street, Grafton, WV 26354.

Interested parties may appear and be heard at such time with respect to the passage of the proposed ordinance. Copies of the proposed ordinance are available at the Office of the City Clerk/Finance Director, Grafton Municipal Building, 1 West Main Street, Grafton, WV, 26354.

Larry M. Richman  
City Clerk.

Legal 3261  
11/17, 11/24/17

**Mountain Statesman, Friday, November 24, 2017**

**LEGAL**

ORIDANCE NO. 858

**AN ORDINANCE AUTHORIZING THE CITY OF GRAFTON TO  
SUBMIT CITY OF GRAFTON MUNICIPAL HOME RULE PROGRAM  
WRITTEN PLAN AMENDMENT 2 TO THE WEST VIRGINIA  
MUNICIPAL HOME RULE BOARD.**

Grafton City Council will conduct the second reading and public hearing on Ordinance No. 858 at the regular council meeting, on Tuesday, December 12, 2017, at 1:00 p.m. in the Council Chambers, Grafton Municipal Building, 1 West Main Street, Grafton, WV 26354.

Interested parties may appear and be heard at such time with respect to the passage of the proposed ordinance. Copies of the proposed ordinance are available at the Office of the City Clerk/ Finance Director, Grafton Municipal Building, 1 West Main Street, Grafton, WV, 26354.

Larry M. Richman

City Clerk

Legal 3261  
11/17, 11/24/17

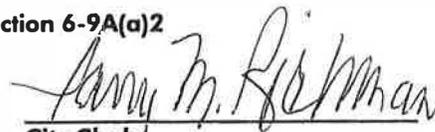
# City of Grafton Council Agenda for Public Hearing



## AGENDA

**CITY OF GRAFTON**  
Grafton City Council – Grafton, West Virginia  
Grafton Municipal Building Council Chambers  
Tuesday, November 14, 2017 – 1:00 p.m.

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Set Council Agenda
6. Approval of Minutes
  - A. Regular Council Meeting October 17, 2017
  - B. Emergency Council Meeting October 30, 2017
7. Citizens Voice
8. City Manager's Report
9. Communications, Board, Project and Conference Reports
  - A. September 2017 Financial Report  
October 2017 House/Structure Demolition Financial Report
  - B. October 2017 Police Department Report
  - C. October 2017 Code Enforcement Department Report
  - D. Grafton City Hospital Minutes 9/25/17
10. Appointments
11. Proclamations and Resolution
  - A. Ethel Phillips Bartlett 100<sup>th</sup> Birthday Proclamation
12. Unfinished Business
  - A. Fire Department Rescue Truck Purchase Discussion/Consideration
  - B. Schedule Workshop/Maple Avenue Playground Project  
U. S. Navy Rear Admiral Frederick Burdett Warde Memorial Bridge  
Memorial Identification/Other Projects
  - C. Sewer System Phase I - Long Term Control Plan Upgrade  
Draft Engineering Service Agreement Discussion
13. New Business
  - A. Payment of the Bills November 14, 2017
  - B. 2017 Christmas One Time Pay Increase/Employees
  - C. Public Hearing Grafton Home Rule Program  
Amended Number 2 Application Authorization
  - D. First Reading Ordinance No. 858  
Grafton Home Rule Program Application  
Amended Number 2 Authorization
  - E. Resignation Shawn D. Nines, Grafton City Attorney
  - F. Advertising New Grafton City Attorney
  - G. Discussion/Purchase Consideration  
.29 Acres US Route 50 East-Tax Map 30/Parcel 23.2  
20.52 Acres US Route 50 East-Tax Map 30/No Parcel Number  
Discussion/Purchase Consideration
14. Executive Session  
Pursuant to WV State Code, Section 6-9A(a)2
15. Council Member's Hearing
16. Adjournment

  
City Clerk  
November 8, 2017

**Minutes of November 14, 2017 Regular City Council Meeting- Public Hearing  
for the 30 Day Comment Period**

**Grafton City Council  
2017-2018 Year: Regular Meeting Number 7  
Tuesday, November 14, 2017  
Grafton Municipal Building Council Chambers**

**1. CALL TO ORDER**

Mayor Barney called the meeting to order at 1:00 p.m.

**2. INVOCATION**

The invocation was given by Vice Mayor Thompson and at the end of her prayer she requested a moment of silence to be observed to the memory of City of Grafton employee Charles Ray Martin, Sr.

In Memory of  
*Charles Ray Martin, Sr.*  
April 17, 1947 – October 18, 2017  
Funeral Service October 24, 2017 - Bartlett Funeral Home  
Interment Bluemont Cemetery  
Grafton City Public Works Employee-Twenty-Five Years Service.

**3. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance, led by Mayor Barney, was recited by all in attendance.

**4. ROLL CALL**

The roll call was taken, answering: Mayor Peggy Knotts Barney, Vice Mayor Brenda K. Thompson, Councilman G. Thomas Bartlett, III, Councilman Jerold P. Isner, and Councilman Earl C. Bartlett. Administrative Staff present: City Manager Kevin M. Stead, Public Safety Officer/Police Chief Robert W. Beltner, Fire Operations Chief David P. Crimm, Building Inspector R. Wayne Beall, Code Enforcement Officer Glenn H. Bartlett, II, and City Clerk/Finance Director Larry M. Richman.

**5. SET COUNCIL AGENDA**

Motion was made by Vice Mayor Thompson, second by Councilman E. Bartlett, to approve the November 14, 2017 meeting agenda as submitted. Roll call vote: E. Bartlett: Yes; Isner: Yes; G. Bartlett: Yes; Thompson: Yes; Barney: Yes. Motion carried.

**6. MINUTES OF REGULAR COUNCIL MEETING OCTOBER 17, 2017  
MINUTES OF EMERGENCY COUNCIL MEETING OCTOBER 30, 2017**

Motion was made by Councilman E. Bartlett, second by Vice Mayor Thompson, to approve the October 17, 2017 Regular Council Meeting Minutes and the October 30, 2017 Emergency Council Meeting Minutes. Roll call vote: E. Bartlett: Yes; Isner: Yes; G. Bartlett: Yes; Thompson: Yes; Barney: Yes. Motion carried.

**7. CITIZENS VOICE**

No one registered to speak.

**8. CITY MANAGER'S REPORT**

One page report submitted, recorded as part of the minutes, page seven.

## **9. COMMUNICATIONS/COMMISSION, COMMITTEE, BOARD, REPORTS**

### **A. Financial Report:**

September 2017 City of Grafton Financial Report submitted.  
October 2017 Houses/Structures Demolition Financial Report.

### **B. Police Department:**

October 2017 Police Department Report submitted.

### **C. Code Enforcement Department Report:**

October 2017 Code Enforcement Report submitted.

### **D. Grafton City Hospital Minutes:**

September 25, 2017 Board of Trustees Minutes submitted.

## **10. APPOINTMENTS**

None.

## **11. PROCLAMATIONS, RESOLUTIONS, CERTIFICATES**

### **A. Ethel Phillips Bartlett 100th Birthday Proclamation:**

Proclamation  
*Ethel Phillips Bartlett*  
100<sup>th</sup> Birthday – November 6, 2017  
*(a day filled with joy and happiness)*  
November 6, 1917 – November 6, 2017  
(Recorded in Proclamation/Resolution Book No. 3, Page 425)

Mayor Barney affixed her signature to the Ethel Phillips Bartlett 100<sup>th</sup> Birthday Proclamation and presented to her during a special birthday celebration, attended by family and many friends, held on Monday, November 6, 2017, at the Wallace B. Murphy Nursing Care Facility.

## **12. UNFINISHED BUSINESS**

### **A. Fire Department Rescue Truck Purchase Discussion/Consideration:**

Fire Operations Chief David P. Crimm addressed the need to purchase a new Fire Rescue Truck and submitted bid proposals from (1) 4-Guys, Inc., Meyersdale, Pennsylvania, \$363,511.00 and (2) Pierce Manufacturing, Inc., Appleton, Wisconsin, \$387,390.00. Mr. Crimm and Council discussed the purchase consideration, funding, and the City Clerk was instructed to place the Fire Rescue Truck Purchase Consideration on the December 12, 2017 council meeting agenda.

### **B. Schedule Workshop/Maple Avenue Playground Project**

#### **U. S. Navy Rear Admiral Frederick Burdett Warder Memorial Bridge Memorial Identification/Other Projects:**

Several dates/times were considered for conducting a council workshop during the first week of December 2017. Jennings Nursery and Thrasher Engineering will be contacted for dates to meet with council and workshop date will be set and council members will be notified for the date and time of the upcoming workshop.

### **C. Sewer System Phase I – Long Term Control Plan Upgrade**

#### **Draft Engineering Service Agreement Discussion:**

No discussion, deferred to the December 12, 2017 Council Meeting.

### **13. NEW BUSINESS**

#### **A. Payment of Bills:**

##### **1. Regular 2017-2018 Budgetary Bills - Year Listing No. 8**

Bluemont Cemetery Fund	\$	1,472.29
Coal Severance Fund	\$	631.26
General Fund	\$	106,430.86
Water Operations Fund	\$	70,093.45
Sewer Service Fund	\$	62,255.53
Total	\$	240,883.39

Motion was made by Councilman G. Bartlett, second by Councilman E. Bartlett, to pay the Regular Bills, November 14, 2017, in the amount of \$240,883.39. Roll call vote: E. Bartlett: Yes; Isner: Yes; G. Bartlett: Yes; Thompson: Yes; Barney: Yes. Motion carried.

#### **B. 2017 Christmas One Time Pay Increase/Employees:**

Motion was made by Vice Mayor Thompson, second by Councilman E. Bartlett, to authorize a *Christmas one-time only pay increase* for the employees of the City of Grafton, City Attorney, and City Judge, with the consideration being 150.00 (One Hundred Fifty Dollars) for full time employees and \$95.00 (Ninety-Five Dollars) for part time employees. Roll call vote: E. Bartlett: Yes; Isner: Abstained; G. Bartlett: Yes; Thompson: Yes; and Barney: Yes. Motion carried.

#### **C. Public Hearing Grafton Home Program**

##### **Amended Number 2 Application Authorization:**

<p style="text-align:center"><b><u>PUBLIC HEARING NOTICE</u></b> <b><u>CITY OF GRAFTON, WEST VIRGINIA</u></b> <b><u>HOME RULE PROGRAM</u></b></p> <p>Notice is hereby given by the City of Grafton, West Virginia, that it will hold a public hearing on November 14, 2017, at the Grafton Municipal Building, Council Chambers, 1 West Main Street, Grafton, West Virginia.</p> <p>The purpose of this public hearing is to discuss the City of Grafton's proposed Home Rule Amendment Number 2 written plan. This information will be utilized by the City of Grafton in its application to the West Virginia Home Rule Board.</p> <p>The City of Grafton's proposed Amended Home Rule Written Plan Number 2 is available for public inspection in the Office of the City Clerk, as well as the Office of the City Manager, Grafton Municipal Building, Grafton, West Virginia, beginning on Friday, September 29, 2017, Monday through Friday, between the hours of 8:00 a.m. and 4:00 p.m.</p> <p>All interested citizens are invited to attend the public hearing scheduled on Tuesday, November 14, 2017, at 1:00 p.m., and to present oral or written comments concerning Grafton's proposed Home Rule plan and application. Written comments may be addressed to Larry M. Richman, City Clerk, City of Grafton, 1 West Main Street, Grafton, West Virginia. The first reading of the ordinance approving the City of Grafton's Amended Home Rule Written Plan Number 2 will be held at the regularly scheduled Grafton City Council meeting on Tuesday, November 14, 2017, 1:00 p.m., at the Grafton Municipal Building, Council Chambers, 1 West Main Street, Grafton, West Virginia.</p>
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Mayor Barney opened the floor for anyone from the public attendance wishing to speak for or against the approval of the City of Grafton submitting amended Number 2 application to the West Virginia Home Rule Board. No one spoke and the Mayor closed the Public Hearing.

**D. First Reading Ordinance No. 858**  
**Grafton Home Rule Program Application**  
**Amended Number 2 Authorization:**

**ORDINANCE NO. 858**  
**AN ORDINANCE AUTHORIZING THE CITY OF GRAFTON TO**  
**SUBMIT CITY OF GRAFTON MUNICIPAL HOME RULE PROGRAM**  
**WRITTEN PLAN AMENDMENT 2 TO THE WEST VIRGINIA**  
**MUNICIPAL HOME RULE BOARD.**

Motion was made by Vice Mayor Thompson, second by Councilman Isner, to approve the first reading of Ordinance No. 858. Roll call vote: E. Bartlett: Yes; Isner: Yes; G. Bartlett: Yes; Thompson: Yes; Barney: Yes. Motion carried.

**E. Resignation Shawn D. Nines, Grafton City Attorney:**

Resignation from City Attorney Shawn D. Nines, November 9, 2017, was reviewed and considered by council with sadness and sincere regrets. Resignation recorded as part of the minutes, page eight.

Motion was made by Vice Mayor Thompson, second by Councilman E. Bartlett, to accept the resignation of City Attorney Shawn D. Nines, effective December 31, 2017. Roll call vote: E. Bartlett: Yes; Isner: Yes; G. Bartlett: Yes; Thompson: Yes; Barney: Yes. Motion carried.

**F. Advertising New Grafton City Attorney:**

Motion was made by Councilman E. Bartlett, second by Vice Mayor Thompson, to authorize the City Clerk to public a Class II Legal Advertisement in the Mountain Statesman newspaper to accept applications and resumes for the position of Grafton City Attorney, to fill the vacancy left by City Attorney Shawn D. Nines. Roll call vote: E. Bartlett: Yes; Isner: Yes; G. Bartlett: Yes; Thompson: Yes; Barney: Yes. Motion carried.

**G. Discussion/Purchase Consideration**

**.29 Acres US Route 50 East-Tax Map 30/Parcel 23.2**

**20.52 Acres US Route 50 East-Tax Map 30/No Parcel Number**

**Discussion/Purchase Consideration:**

Originally discussed by Council during the October 17, 2017 meeting, the consideration was again examined for the purchase of realty located on US Route 50, east of the Grafton Municipal line, with said acreage to be used as a landfill site for disposing building materials from the dilapidated houses and structures being razed in Grafton. The property acquisition was discussed and after several operational concerns it was the consideration of the council not to purchase said realty as a landfill site, for several reasons, including State/Federal governmental regulations and additional staffing/maintenance issues relating to the property.

Motion was made by Council E. Bartlett, second by Vice Mayor Thompson, not to purchase the .29 acres, located on US Route 50 East, Tax Map 30/Parcel 23.2 and the 20.52 acres US. Route 50 East, Tax Map 30/No Parcel Number. Roll call vote: E. Bartlett: Yes; Isner: Yes; G. Bartlett: No; Thompson: Yes; Barney: Yes. Motion carried.

**14. EXECUTIVE SESSION**

Motion was made by Vice Mayor Thompson, second by Councilman E. Bartlett, to enter into an Executive Session at 2:45 p.m. to discuss legal and personnel issues. Roll call vote: E. Bartlett: Yes; Isner: Yes; G. Bartlett: Yes; Thompson: Yes; and Barney: Yes. Motion carried.

Council back into Regular Session at 3:26 p.m. The Mayor stated while in Executive Session legal and personnel issues were discussed and no action will be taken at this time.

Following the Executive Session discussion was held concerning the consideration for increasing the monthly Police Fees for the following classifications: (1) residential fees, (2) rental fees, and (3) apartments fees with five or more apartments, and an ordinance to be prepared by the City Attorney for possible first reading during the December 12, 2017 council meeting. The new rates to be enacted with the dates for increases are as follows:

Residential	Apartment/Rentals	Date of Increase
\$ 2.00	\$ 4.00	January 2018
\$ .50	\$ 1.00	June 2018
\$ .50	\$ 1.00	January 2019
\$ .50	\$ 1.00	June 2019
\$ <u>.50</u>	\$ <u>1.00</u>	January 2020
\$ 4.00	\$ 8.00	

**15. COUNCIL MEMBER’S HEARING**

**Mayor Peggy Knotts Barney:**

Announced the City of Grafton Open House will be held on Friday, December 15, 2017 from 2:00 to 4:00 p.m. in Council Chambers.

**Vice Mayor Brenda K. Thompson:**

Thanked the Grafton Police Department and the Grafton Fire Department for their participation and assistance for the success of the 2017 Veterans Day Parade.

**16. ADJOURNMENT**

Mayor Barney adjourned the meeting at 4:15 p.m.

\_\_\_\_\_  
Peggy Knotts Barney  
Mayor

ATTEST:

  
\_\_\_\_\_  
Larry M. Richman  
City Clerk

**Follow-up/General Updates**

1. **Demolition Program** – To date, crews from the Department of Public Works have removed a total of 37 structures since February 1, 2017. We anticipate the removal of 722 West Main Street this week.
2. **Grafton Christmas Activities** – The Mayoral Christmas Tree Lighting has been scheduled for First Friday activities on December 1, 2017. This will be the new Community Christmas Tree that was purchased earlier this year. The Annual Grafton Christmas Parade will be on Saturday evening beginning at 6 pm. Other events this year will be bonfire, Christmas movies on Main Street, possible Christmas Carolers, lighting of Main Street, music, and toy giveaway.
3. **Grafton Middle School Corner Stone** – A verbal report will be given during the council meeting.
4. **Grafton Homecoming Parade** – The Grafton High School 2017 Homecoming Parade will be held this Thursday, September 21, 2017, at 6:00 p.m.
5. **Grafton First Friday Lunch** – The Grafton Police and Fire Departments will be serving lunch again the First Friday of October. The menu will be grilled cheese and chili.
6. **Grafton Freight Station** – Environmental Standards completed and submitted the Site Assessment Work Plan for the Grafton Freight Station in June to the West Virginia Department of Environmental Protection for comment and approval. In September, the WVDEP approved the plan. The next step is for 2 monitoring wells to be drilled on the property. These wells will analyze the soil directly beneath the cobble stone and again several feet deeper. The wells will also analyze the water table which is located between 25-30' beneath the surface. These items were approved when the city signed the contract with Environmental Standards last year. Once completed we will begin negotiations with the WVDEP on what steps, if any are needed to receive environmental clearance to utilize the property for commercial use.
7. **Maple Avenue Playground** – I met with Sam Rich from Thrasher Engineering about developing possible designs and improvements to Maple Avenue Playground and East Main/Lincoln Street. Thrasher will be developing some very basic improvements and ideas for each area and will prepare to present those ideas within a couple weeks to city council. Thrasher Engineering will be seeking possible ideas of the park from the city, i.e. Dog Park, pavilion, bathrooms, splash pad, walking trail, playground equipment, basketball courts, parking, etc.

**Shawn D. Nines, Esquire**

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222 West Main Street  
Grafton, WV 26354

304-265-5761  
(Fax) 304-265-5775

November 9, 2017

City of Grafton  
Attention: Honorable Mayor Peggy Knotts Barney  
1 West Main Street  
Grafton, WV 26354

**Re: City Attorney Position**

Honorable Mayor and Council Members:

Please note this correspondence as a notice of my resignation, effective December 31, 2017, from the position of City Attorney due to my acceptance of employment as full-time prosecutor in Taylor County. It has been my sincere pleasure to serve the citizens of Grafton for the past several years. Thank you for the opportunity and for the many memorable experiences, both professional and personal. I have truly enjoyed working with each of you and with all of the City employees. The City of Grafton is undoubtedly a model for excellence in its governance and municipal administration, which should be a source of pride for all of its citizens.

Please do not hesitate to contact me with any questions, concerns, or if I can be of any assistance in the future.

Best Regards,



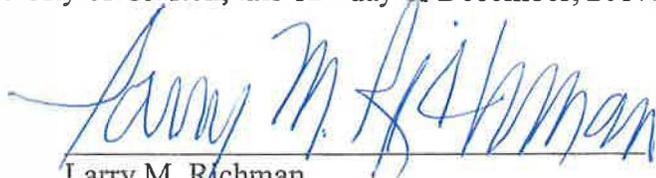
Shawn D. Nines, Esq.  
222 West Main Street  
Grafton, West Virginia 26354  
304-265-5761

## City Clerk Verification on Ordinance Authorizing Submission of Plan

### ORDINANCE AUTHORIZING SUBMISSION OF PLAN

I, the undersigned Clerk of the City of Grafton, West Virginia, do hereby certify that the foregoing is a true, correct, and complete copy of An Ordinance Authorizing the Mayor of the City of Grafton to Submit a Home Rule Proposal to the West Virginia Municipal Home Rule Board in Accordance with West Virginia Code §8-1-5a, enacted by the Council of the City of Grafton on December 12, 2017.

Witness the signature of the undersigned City Clerk of the City of Grafton, West Virginia, and the seal of the City of Grafton, this 12<sup>th</sup> day of December, 2017.



Larry M. Richman  
City Clerk

**Ordinance Authorizing the Submission of the Plan**

**ORDINANCE NO. 858**

**AN ORDINANCE AUTHORIZING THE CITY OF GRAFTON TO  
SUBMIT CITY OF GRAFTON MUNICIPAL HOME RULE PROGRAM  
WRITTEN PLAN AMENDMENT 2 TO THE WEST VIRGINIA  
MUNICIPAL HOME RULE BOARD.**

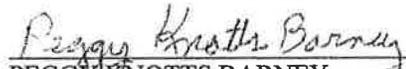
**WHEREAS**, an Ordinance authorizing the submission of a proposed City of Grafton Municipal Home Rule Program Written Plan Amendment 2, attached as an Exhibit hereto, to the West Virginia Municipal Home Rule Board consistent with WV Code §8-1-5a, is required in order to amend the City's Home Rule Plan; and,

**WHEREAS**, the City of Grafton is an eligible municipality participating in the West Virginia Municipal Home Rule Pilot Program; and,

**WHEREAS**, as required by law, the City of Grafton has published the appropriate public hearing notice on September 29, 2017, and October 6, 2017, made its City of Grafton Municipal Home Rule Program Written Plan Amendment 2 available for public review, and has conducted a public hearing to accept comments regarding its proposed City of Grafton Municipal Home Rule Program Written Plan Amendment 2 during the regular Grafton City Council Meeting on November 14, 2017.

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GRAFTON, WEST VIRGINIA**, that the Mayor is hereby authorized and directed to submit its City of Grafton Municipal Home Rule Program Written Plan Amendment 2 to the West Virginia Municipal Home Rule Board in accordance with West Virginia Code §8-1-5a in order for the West Virginia Home Rule Board to consider the City's proposed plan amendment.

This Ordinance shall be effective upon date of passage.

  
PEGGY KNOTTS BARNEY  
Mayor

ATTEST:

  
LARRY M. RICHMAN  
City Clerk

First Reading: November 14, 2017  
Second Reading: December 12, 2017  
Public Hearing: December 12, 2017  
Adopted: December 12, 2017  
Publication: November 17, 2017  
November 24, 2017

Ordinance Prepared By:  
Shawn D. Nines,  
Grafton City Attorney  
222 West Main Street  
Grafton, WV 26354

## Attorney Opinion

Date: January 8, 2018

Applicant: City of Grafton

Re: Legal Opinion on City of Grafton's Municipal Home Rule Proposal

Ladies & Gentlemen of the WV Municipal Home Rule Board:

As an attorney licensed in the State of West Virginia, I have reviewed West Virginia Code Section 8-1-5a, the Municipal Home Rule Pilot Program Application Guidelines, the proposed City of Grafton Municipal Home Rule Plan, and other documents related thereto, as I deem necessary for the purposes of this opinion.

Based upon the examination of such documents and my understanding of the intent of the proposed provisions contained in the Plan, it is my opinion that the written plan does not violate and is in compliance with, the provisions of the WV Code Section 8-1-5a, including those requirements contained within Section 8-1-5a(j) regarding Powers and Duties of Municipalities, Section 8-1-5a(k) regarding Prohibited Acts, and all other such provisions.

The Municipal Home Rule Board may rely upon this opinion.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Miller".

Christopher Miller, Esq.  
WV State Bar #11187  
214 West Main Street  
Grafton, WV 26354

## State of West Virginia Fees Statement

January 8, 2018  
Municipal Home Rule Board  
Building 1, Room W-300  
State Capitol Complex  
Charleston, West Virginia 25305

To Whom It May Concern:

Please let it be known that the City of Grafton has no outstanding fees due to the State of West Virginia.

Sincerely,

A handwritten signature in blue ink that reads "Kevin M. Stead". The signature is written in a cursive style with a large initial 'K' and a distinct 'M' and 'S'.

Kevin M. Stead  
City Manager