

City of Spencer

West Virginia Municipal Home Rule Application



Prepared and submitted in the year 2020.

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Date Made Available to Public: 7/31/2020

Date of First Reading and First Public Hearing: 9/3/2020

Date of Second Reading and Second Public Hearing: 9/17/2020

Date Ordinance was Approved by City of Spencer: 9/17/2020

Date Submitted to WV Home Rule Board for Review: 9/18/2020

Date and Decision by WV Home Rule Board:

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Section I: Applicant Information

A. General Information

Name of Municipality: City of Spencer, WV
Certifying Official: Terry A. Williams, Mayor, City of Spencer
Contact Person: Mark Pauley, Director of Marketing & Development
Address: 116 Court Street
Spencer, WV 25276
Phone: 304.927.1640
Fax: 304.927.3724
City Email Address: cityofspencer@gmail.com
Contact Email Address: marketspencerwv@gmail.com
2010 Census Population: 2,322
2018 Census Estimate: 2,088
Spencer City Council:
Tom Whittier – *City Attorney*
David Holland – *Recorder*
Aaron Richardson
Robin Stump
Stephen Hughes
Toby Ford

B. Municipal Classification

Class III

C. Categories of Issues to Be Addressed

Tax Organization Administrative Personnel Other



DATE: Friday, July 31, 2020

TO: The Home Rule Board of West Virginia
RE: Submission of Home Rule Application

Dear Members of the Home Rule Board of West Virginia,

On behalf of the City of Spencer, our residents, businesses, and all those past and present who have been invested in our well-being and our future, I thank you for your consideration of this application and your time in reviewing the attached documents which outline a plan to help us continue to thrive into the 21st Century. It has been my privilege, responsibility, and the great honor of my life, to be trusted by our citizens to serve as Mayor of Spencer, West Virginia since my first day on the job, January 1, 1977.

I can't help but think how wonderful it would have been to have such forward-thinking legislation in place when I first became Mayor of Spencer. Home Rule will allow our people to address blind spots within our State Code while adhering to its framework. My conversations with citizens and businesspeople over the years have always ended with positivity and the hope that one day, we too could become a Home Rule city.

It is with great pleasure and appreciation that I submit this Home Rule plan for your review. It has been worked on vigorously by myself, my team, our townspeople, and with the guidance of the West Virginia Municipal League. We have been diligent and thoughtful in its creation and hope you find it to be so as well. Thank you for your time and energy in its review and I hope you find it to be an exciting view into the future for Spencer as we do.

Warm Regards,

A handwritten signature in blue ink, appearing to read "Terry Williams", is written over a horizontal line.

Terry A. Williams, Mayor
City of Spencer, WV

Section 2: Narrative

Issue 1: Municipal Sales and Use Tax (Category - Tax)

Specific Barrier:

West Virginia State Code § 8-13-5, § 8-13C-4(a), § 8-13C-4(b).

Specific Problems created by law:

WV Code § 8-13-5 sets for standards by which municipalities can apply a Business and Occupation Tax on all businesses operating within the corporate limits of the municipality, but prohibits municipalities from charging a tax rate higher than the maximum rate imposed by the state. Declining industry and tax base have caused this legislation to become outdated and ineffective at supporting municipal operations and their vision for growth.

WV Code § 8-13C-4(a) permits municipalities to charge a 1% sales and use tax only if the municipality's pension fund is underfunded. The City of Spencer does not have a pension plan outside of the state's retirement plan for public employees.

WV Code § 8-13C-4(b) permits municipalities to charge a 1% sales and use tax if they repeal their B&O Tax. The revenue generated by a 1% sales tax will not cover the revenue shortfall created by eliminating B&O Taxes, which will cause a greater, adverse effect on the budget.

Proposed Solution:

With the authority pursuant to West Virginia Code § 8-1-5a, the City of Spencer seeks to enact an ordinance that imposes a 1% municipal sales and use tax that would be administered, collected and enforced by the State Tax Commissioner and conform with the requirements of West Virginia Code § 11-10-11c and the requirements of the Streamlined Sales and Use Tax Administration Act as codified in West Virginia Code § 11-15B-1 *et seq.* As allowed by WV State Code, the City of Spencer seeks to enact a municipal sales and use tax, while reducing several categories of B&O tax in order to benefit small business owners.

Discussion:

The revenue generated from enacting a 1% Sales and Use Tax would not simply roll into the City's general fund; rather, it would be used to dedicate to specific projects and services not currently funded within our regular budget. Part of the funds would be directly used with some projects, and part of the funds would be used to secure large USDA loans with others. Below, we have identified 10 projects and their estimated costs totaling approximately \$3,528,000.00 with a portion of that being yearly and quarterly expenses.

Projects:

1. **Bad Building Demolition & Clearance** – Spencer, like many towns and cities across the state, is dealing with unkept properties, and dilapidated and abandoned structures. These blighted

properties destroy neighborhoods by wrecking property values, creating havens for drug activity, and becoming general eyesores to the public. Based on structures that are already identified, a cleanup project will take 2/3 years using contracted labor.

Project Cost: \$200,000.00

2. **Sidewalk Repair (SEE EXHIBIT C)** – Many of the sidewalks in Spencer have not been repaired for decades and are beginning to crumble and become hazardous. In order to keep up with the need for continual maintenance and construction of new walkways, we need to dedicate an annual sum to this goal.

Project Cost: \$50,000.00 Annually

3. **Police Department Funding** – In order to keep up with the demands of the job, the City of Spencer Police Department could use an additional sum of money each year to pay for things like vehicles, equipment, and the very important training necessary for operating a police department.

Project Cost: \$50,000.00 Annually

4. **Municipal Building Improvements** – City Hall needs an ADA approved front entry with push to open front doors for members of the public who need handicap accessible entryways. The building is also without a security system, and should have one installed.

Project Cost: \$150,000.00

5. **Paving Projects and Street Maintenance** – The City of Spencer has numerous streets needing repair. The process of repair and maintenance is a continual one, that generally needs addressed every summer.

Project Cost: \$100,000.00+ Annually

6. **Improvements to Storm Water Removal System** – When storm water makes its way into our sewer drain system, it can be very taxing on our sewer plant, especially when we experience large amounts of rain in short periods of time. Over the years, the City of Spencer has worked to get storm water out of our system; however, much more work is needed.

Project Cost: \$50,000.00 Annually

7. **City-Wide Cleanup Projects** – The City of Spencer hosts an annual city-wide cleanup up that is wildly popular and highly effective at helping property owners rid their lots of garbage and debris. Our business owners appreciate this greatly and we have determined that a quarterly effort would be appropriate.

Project Cost: \$5,000.00 - \$8,000.00 Quarterly

8. **Parks & Rec w/ Senior Citizen Focus** – The City of Spencer has several parks, miles of walking trails, and a city pool that have significant maintenance costs. These recreational points of interest are not only an attractive feature for Spencer, they serve our elderly population with popular activities and therapies like water aerobics and fitness classes.

Project Cost: \$20,000.00 Annually

9. **Water Line Replacement** – With over 70 miles of water line serving Spencer and the places throughout Roane County, there is never a shortage of projects for Spencer Waterworks. One problem looming on the horizon is the need to replace a significant portion of 70-year-old cast iron water line.

Project Cost: \$2,800,000.00

10. **Infrastructure Repairs and Capital Improvements Funding** - Rather than passing rate increases on to Spencer Waterworks and Sanitary Sewer customers, the City of Spencer would

rather use funds from the 1% Sales and Use Tax to contribute to a capital improvements fund in order to account for regular maintenance, replacements, upgrades, and construction projects associated with these two departments.

Project Cost: \$100,000.00 Annually

Revenue Impact:

The City of Spencer, which has some of the lowest Business and Occupation Tax Rates in the state, proposes to reduce B&O taxes by approximately \$49,438.16 annually. Retail will be separated into two tax brackets depending on gross quarterly earnings, both at a reduction, from the currently very low rate of 0.002. Contractors grossing less than \$10,000.00 quarterly will be reduced by 75%. Businesses in the Service category will receive a 20% reduction across the board.

B&O Tax Reduction: Table 1

B&O Category Figures based on 2019 Gross Revenue	Current Rate	New Rate	Reduction based on 2019 Gross Revenue
Retail (\$4,341,896.23) (reducing businesses that gross under \$100K quarterly)	0.002	0.001	\$4,341.89
Retail (\$112,854,938.80) (reducing businesses that gross over \$100K quarterly)	0.002	0.0018	\$22,570.99
Service (\$19,521,266.21)	0.005	0.004	\$19,521.27
Contracting (\$200,207.64) (reducing businesses that gross \$10K and under quarterly)	0.02	0.005	\$3,004.01
Total B&O Reduction			\$49,438.16

Table 2 outlines how our Taxable Gross Retail Total was determined by removing estimated exemptions. It illustrates the estimated revenue generated by the 1% sales tax, less the 5% administrative fee to the state. This also considers the exemptions for car dealers, pharmacies, groceries, gas, etc. based figures provided by retailers who sell tax exempt products and estimates of exempt volume.

Net 1% Sales Tax Revenue: Table 2

Category and % Exempt	Gross Retail	Amount of Gross Exempt
Auto Sales & Fuel (100%)	\$13,563,065.41	\$13,563,065.41
Convenience Stores (90%)	\$12,938,002.97	\$11,644,202.67
Pharmacies (95%)	\$8,860,524.34	\$8,417,498.12
Grocery/Pharmacy (80%)	\$47,385,930.72	\$37,908,744.58
Grocery (95%)	\$4,561,962.00	\$4,333,863.90
<i>Totals</i>	\$87,309,485.44	\$75,867,374.68
Gross Retail B&O less Exemptions		\$41,329,460.35
1% Sales Tax of Gross Retail B&O		\$413,294.60
Sales Tax Revenue Less 5% State Admin Fee		-\$20,664.73
1% Estimated Tax Revenue		\$392,629.87

Table 3 illustrates the total revenue change netted by the 1% sales tax, less the reduced B&O Revenue.

Net Change in Revenue: Table 3

Estimated 1% Sales Tax Revenue	\$392,629.87
Less Estimated Reduced B&O Tax Revenue	-\$49,438.16
Net Change in Total Revenue	\$343,191.71

Issue 2: Sale of Municipal Property Without an Auction (Category - Administrative)

Specific Barrier:

West Virginia State Code § 8-12-18(b).

Specific Problems created by law:

WV Code § 8-12-18(b) states that a municipality must sell property at a public auction. The process of selling all property at public auction is a very involved process that often creates extra work on departments that are running at maximum capacity of workload. There is also the risk of losing potential revenue from property that undersells at an auction.

Proposed Solution:

The City of Spencer desires to sell personal or real property of any value by negotiation and transfer without the requirement for public auction, if the sale is deemed to be for a public purpose by municipal resolution, adequate notice is provided to the public, and the sale is for adequate consideration, which may consider fair market value.

Issue 3: On the Spot Nuisance Citations (Category - Administrative)

Specific Barrier:

West Virginia State Code § 8-12-16.

Specific Problems created by law:

WV Code § 8-12-16 requires Code Enforcement Officers to post public notice 10 days prior and to apply for and receiving approval from the municipal courts before a citation can be issued for any public nuisance, including rundown properties. The process is inefficient and leads to an extended delay between identification of a public nuisance and compliance from the property owner.

Proposed Solution:

The City of Spencer desires to clean up "Slum & Blight Properties" throughout the city. Gaining the authority to allow the Code Enforcement official to issue a citation directly to the property owner at the site and time of violation, without having to go through the process currently required, is much more effective and will help to remove eyesores from our city like the abandoned house pictured in Section 3 under Exhibits. The City of Spencer would establish a Municipal Court to give citizens who have been issued a citation due process to dispute their citation.

SEE EXHIBITS A & B

Section 3:

PHOTO EXHIBITS:

Exhibit A1-4 – Bad Houses

Exhibit B1-2 – Trash Sites

Exhibit C1-4 – Bad Sidewalks

Exhibit A1 – Bad Houses



Exhibit A2 – Bad Houses



Exhibit A3 – Bad Houses



Exhibit A4 – Bad Houses



Exhibit B1 – Trash Sites



Exhibit B2 – Trash Sites



Exhibit C1 – Bad Sidewalks



Exhibit C2 – Bad Sidewalks



Exhibit C3 – Bad Sidewalks



Exhibit C4 – Bad Sidewalks



**PUBLIC HEARING NOTICE
CITY OF SPENCER,
WEST VIRGINIA
HOME RULE PROGRAM**

Notice is hereby given by the City of Spencer, West Virginia, that it will hold a public hearing on September 3, 2020, in the Council Chambers at Spencer Municipal Building, 116 Court Street, Spencer, West Virginia.

The purpose of this public hearing is to discuss the City of Spencer's proposed Home Rule written plan application. Information from this hearing will be utilized by the City of Spencer in its application to the West Virginia Home Rule Program. The City of Spencer's proposed Home Rule plan application is available for public inspection at the Mayor's Office, Spencer Municipal Building, Spencer, West Virginia, beginning July 31, 2020, during regular office hours, 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 September 3, 2020 at 6:00 p.m., and to present oral and written comments concerning Spencer's Home Rule plan and application. Written comments may be addressed to Mayor Terry A. Williams, City of Spencer, 116 Court Street, Spencer, West Virginia 25276.

Spencer City Council will consider all public comments in preparing the final draft of the plan application and in deciding to proceed with an ordinance authorizing the City to submit the plan to the West Virginia Home Rule Board for its consideration and approval.

The first reading of an ordinance approving submission of the City of Spencer's Home Rule plan application may take place September 3, 2020, during the Spencer City Council meeting beginning at 6:00 p.m., in the Council Chambers at Spencer Municipal Building, 116 Court Street, Spencer, West Virginia.
2t 7/23-30/20 B

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA, COUNTY OF ROANE, To-wit: I, Starr Hedges, do solemnly swear that I am Legal Advertising Manager of Spencer Newspapers Inc., a corporation, publisher of the newspaper entitled the Roane County Reporter, a Democratic newspaper; that I have been duly authorized to execute this affidavit of publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published weekly, for at least fifty weeks during the calendar year, in the Municipality of Spencer, Roane County, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in Article 3, Chapter 59 of the Code of West Virginia, 1931, as amended, within the publication area of the aforesaid municipality and county and adjoining counties; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matters, advertisements, and other notices; that the annexed notice of

HOME RULE

was published TWO time(s) in said newspaper on the following dates:

JULY 23 AND 30, 2020

and the cost of publishing this said notice was \$72.45

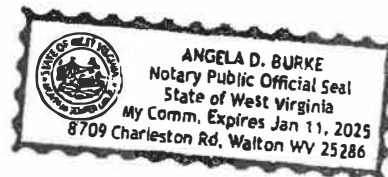


Legal Advertising Manager

Subscribed and sworn to before me in my said county this 30th day of July, 2020



Notary Public of Roane County, West Virginia



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CITY OF SPENCER,
WEST VIRGINIA
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217/23-30/20 B

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STATE OF WEST VIRGINIA, COUNTY OF ROANE, To-wit: I, Starr Hedges, do solemnly swear that I am Legal Advertising Manager of Spencer Newspapers Inc., a corporation, publisher of the newspaper entitled **The Times Record**, a Republican newspaper; that I have been duly authorized to execute this affidavit of publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published weekly, for at least fifty weeks during the calendar year, in the Municipality of Spencer, Roane County, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in Article 3, Chapter 59 of the Code of West Virginia, 1931, as amended, within the publication area of the aforesaid municipality and county and adjoining counties; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matters, advertisements, and other notices; that the annexed notice of

HOME RULE

was published TWO time(s) in said newspaper on the following dates:

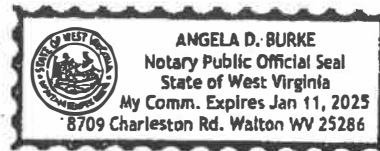
JULY 23 AND 30, 2020

and the cost of publishing this said notice was \$72.45

Starr Hedges
Legal Advertising Manager

Subscribed and sworn to before me in my said county this 30th day of July, 2020

Angela D. Burke
Notary Public of Roane County, West Virginia



City of Spencer

116 COURT STREET
SPENCER, WEST VIRGINIA 25276

TELEPHONE 304-927-1640

Terry A. Williams, Mayor

HEARING MANDATE VERIFICATION

I, the undersigned Clerk of the City of Spencer, West Virginia, do hereby certify that on September 3, 2020, at 6:00 p.m., a Public Hearing was held at the start of the Regular Council Meeting of the City of Spencer, the subject of said hearing being An Ordinance Authorizing the Mayor of the City of Spencer to submit a Written Home Rule Plan Proposal to the West Virginia Municipal Home Rule Board in accordance with the West Virginia Code 8-1-5a. A quorum of the Spencer 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 of the Spencer City Council Agenda, September 3, 2020, evidencing the Public Hearing. No written comments pertaining to the City of Spencer's proposed Home Rule plan and application were submitted to the City Clerk between the advertised dates of July 23, 2020 through September 3, 2020. The public hearing was opened for comments; citizens appeared to speak in favor of and a letter of support was read; one citizen signed both sign in sheets as undecided but did not speak for or against; no citizens spoke against the ordinance authorizing the Mayor of the City of Spencer 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 Spencer, West Virginia, and the seal of the City of Spencer, this 4th day of September, 2020.



Tammy C. White
City Clerk

Ordinance Authorizing Submission of Plan

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SPENCER ADOPTED PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE 8-1-5A AUTHORIZING THE CITY OF SPENCER TO SUBMIT A WRITTEN HOME RULE PLAN TO THE MUNICIPAL HOME RULE BOARD IN ORDER TO PERMIT THE CITY OF SPENCER'S PARTICIPATION IN THE MUNICIPAL HOME RULE PROGRAM.

WHEREAS, in 2019, the West Virginia Legislature has made the Municipal Home Rule Pilot Program a Permanent Program created pursuant to the provisions of West Virginia Code 8-1-5a to allow participation by all municipalities; and

WHEREAS, the City of Spencer desires to participate in said program and has prepared a written home rule plan, which plan complies with the provisions of the aforementioned code section; and

WHEREAS, a public hearing on the said plan was scheduled for September 3, 2020 at 6:00 p.m., or as soon thereafter as the matter could be heard at 116 Court Street, Spencer, WV 25276 and a notice of said public hearing was published as a Class II legal advertisement in the Times Record and the Roane County Reporter, newspapers of general circulation and of opposite politics in Spencer and Roane County, West Virginia on July 23, 2020 and July 30, 2020, all as required by the aforementioned code section; and

WHEREAS, all other general notice requirements relating to said public hearing were satisfied; and

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPENCER, WEST VIRGINIA, that the Mayor is hereby authorized and directed to submit a home rule proposal to the Municipal Home Rule Board in accordance with West Virginia Code 8-1-5a in order for the City of Spencer to be included in this program. A copy of said proposal and application is attached hereto.

EFFECTIVE DATE: This Ordinance shall take effect immediately after adoption.



Terry A. Williams
Mayor

ATTEST:



Tammy C. White
City Clerk

Publications: July 23, 2020
July 30, 2020
Public Hearing: September 3, 2020
First Reading: September 3, 2020
Second Reading: September 17, 2020
Adopted: September 17, 2020

City of Spencer

116 COURT STREET
SPENCER, WEST VIRGINIA 25276

TELEPHONE 304-927-1640

Terry A. Williams, Mayor

Fiscal Statement

The costs and liabilities involved in the City of Spencer's Home Rule Plan include the estimated decrease in business and occupation tax revenue of \$49,438.16, the administration fee from the West Virginia Tax Department for administering, collecting, and enforcing the municipal sales and use tax revenue on the City's behalf of an estimated \$20,664.73, and the annual assessment owed to the Municipal Home Rule Board by all Home Rule cities of \$2,000.00.

The estimated revenue from implementation of the municipal sales and use tax is \$413,294.60.

The City will have a net revenue gain of \$341,191.71. As such, the City can cover all anticipated costs and liabilities associated with the Home Rule Program.



Tammy C. White
City Clerk

Grover F. Hedges (1885-1955)
G.F. Hedges, Jr. (1914-1986)

Orton A. Jones
Christine M. Hedges

Thomas N. Whittier, *Of Counsel*

Hedges Jones Whittier & Hedges

Attorneys at Law

216 Market Street, Suite 201
First Neighborhood Bank Building
Post Office Box 7
Spencer, West Virginia 25276

Telephone (304) 927-3790
Facsimile (304) 256-6888

August 19, 2020

Honorable Terry A. Williams, Mayor
City of Spencer
116 Court Street
Spencer, WV 25276

Re: City Home Rule Application

Dear Mayor Williams:

Pursuant to your request, as city attorney for the City of Spencer, I have reviewed the City of Spencer Home Rule Application. You have also asked that I render a legal opinion as to whether or not the said City of Spencer Application for Home Rule complies with West Virginia Code Chapter 8 Articles 1-5.

Based upon my review of the application provided to me by Marc Pauley, it is my legal opinion that the City of Spencer Application for Home Rule complies with the statutory requirements of West Virginia Code Chapter 8 Articles 1-5 governing request for municipal home rule.

Yours truly,



Thomas N. Whittier

TNW/dj



STATE OF WEST VIRGINIA
 State Tax Department, Taxpayer Services Division
 P.O. Box 885
 Charleston, WV 25323-0885



Dale W. Steager, State Tax Commissioner

TERRY WILLIAMS MAYOR
 SPENCER CITY OF
 116 COURT ST
 SPENCER WV 25276-1404

Letter Id: L0310880288
 Issued: 07/16/2020

West Virginia State Tax Department

Statement of Good Standing

EFFECTIVE DATE: July 16, 2020

A review of tax accounts indicates that SPENCER CITY OF is in good standing as of the effective date of this document. Please note, this Statement of Good Standing expires on **October 14, 2020**.

The issuance of this Statement of Good Standing shall not bar any audits, investigations, assessments, refund or credits with respect to the taxpayer named above and is based only on a review of the tax returns and not on a physical audit of records.

Sincerely,

Nicole Grant, Tax Unit Supervisor
 Taxpayer Services Division

City of Spencer

116 COURT STREET
SPENCER, WEST VIRGINIA 25276

TELEPHONE 304-927-1640

Terry A. Williams, Mayor

September 18, 2020

Dear Members of the Home Rule Board:

This letter certifies the City of Spencer does not have any outstanding fees owed to the State of West Virginia.

Thank you,



Terry A. Williams
Mayor



Tammy C. White
City Clerk

City of Spencer
116 COURT STREET
SPENCER, WEST VIRGINIA 25276

TELEPHONE 304-927-1640

Terry A. Williams, Mayor

City Clerk Verification on Ordinance Authorizing Submission of Plan

ORDINANCE AUTHORIZING SUBMISSION OF PLAN

I, the undersigned Clerk of the City of Spencer, 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 Spencer to Submit a Home Rule Proposal to the West Virginia Municipal Home Rule Board in accordance with West Virginia Code 8-1-5a, enacted on the second and final reading by the Council of the City of Spencer on September 17, 2020.

Witness the signature of the undersigned City Clerk of the City of Spencer, West Virginia, and the seal of the City of Spencer, this 18th day of September, 2020.



Tammy C. White
City Clerk

**SPENCER CITY COUNCIL
AGENDA
September 3, 2020
6:00 PM**

1. Call to Order, Prayer and Pledge
2. Approval of Minutes of Regular Meeting of August 6, 2020.
3. Mayor Williams presented items:
 - (a) Public Hearing for comments relating to the submission of a written Home Rule Plan for the City of Spencer.
 - (b) Approve submission of Home Rule Ordinance to WV Home Rule Board
 - (c) Sewer Project 2019 – Drawdown #7
4. Mark Pauley, City Marketing Director
5. Approve Financial Statements from the City of Spencer and Spencer Waterworks for the month of July 2020.
6. Adjournment

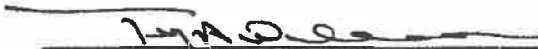
Notes

2nd Public Hearing - Thursday, September 17, 2020 for Home Rule at 6:00 pm

Paving Projects

CERTIFICATION

I, the undersigned authority do hereby certify that this agenda was posted on the bulletin board in the foyer of the Municipal Building located at 116 Court Street, Spencer, WV on August 31, 2020 at 3:00 pm until the public hearing was held.



Terry A. Williams, Mayor

**SPENCER CITY COUNCIL
REGULAR & PUBLIC MEETING
September 3, 2020**

The regular monthly meeting of council was held at the City of Spencer Municipal Building on September 3, 2020.

The Public meeting was called to order at 6:02 pm followed by opening prayer by Council Member David Holland and the Pledge of Allegiance was led by Council Member Aaron Richardson.

Those present were Mayor Terry A. Williams, Council Members Toby Ford, David Holland, Stephen Hughes, Aaron Richardson and Robin Stump. Others present were Jim Cooper, Dennis Carpenter, Aaron Cottle, Jackie Nichols, Mark Pauley, Trenton Lanier and Tammy White.

Council approved the Minutes of the Regular Meeting of August 6, 2020. A motion was made to approve by Stephen Hughes seconded by Robin Stump and approved by all.

Mayor Williams presented items:

(a) The floor was open for the Public Hearing for comments relating to the submission of a written Home Rule Plan for the City of Spencer.

Mayor Williams expressed to Council and to those present his opinion of how valuable the acceptance into and the adoption of the Home Rule Plan could be for the City of Spencer to continue to succeed and progress. Mayor Williams said Home Rule would allow us to do things we can't do now including better addressing dilapidated and un-kept properties, junk cars and trash. Additional funds generated by enacting a 1% sales and use tax could be used directly to fund specific projects and give the city the ability to secure large USDA loans for others while reducing B&O taxes for business owners, service providers and contractors operating in the City of Spencer.

Dennis Carpenter, Spencer resident and Member of the City of Spencer Planning Commission, addressed the meeting in favor of adopting the Home Rule Plan for the City of Spencer. Carpenter said while serving on the Planning Commission and working on the adoption of a Comprehensive Plan he has become aware of some of the needs and tools it takes to make improvements and Spencer needs to be a part of Home Rule to help in being able to get things done.

Jackie Nichols, Spencer resident, addressed the meeting saying she had some questions in regard to Home Rule. One of her questions was how extra revenue would be generated with the 1% sales and use tax while at the same time reducing B&O taxes with what seems to be less business's open in the downtown area. Mayor Williams responded by saying that revenues generated with the 1% sales and tax more than offset the revenue reduction from the decrease in B&O taxes and that retail sales had actually increased every year in the last 20 years. Nichols also asked how Home Rule would help in cleaning up un-kept and dilapidated properties and if acquired properties would be sold at public auction. Williams said that Home Rule allows the city to be first in line instead of usually being close to last on liens on dilapidated properties and acquired properties would not have to be sold at public auction and with the adoption of a Municipal Court it will be easier for citations to be issued and for city codes to be enforced.

Aaron Cottle, Spencer resident, addressed the meeting saying from everything he had seen and heard he was very much in favor of the adoption of Home Rule. Cottle said with the list of nearly 60 cities that have already adopted Home Rule it would seem we would be in good company. Cottle added, that one part of the plan he was most excited about was it being able to help the city in addressing dilapidated properties. He said nothing reflects more on our entire community.

Public Works Director, Rob Miller unable to attend this meeting submitted a letter addressed to Mayor Williams and Spencer City Council in support of Spencer becoming a Home Rule City. The letter was read in its entirety by Council Member David Holland and Miller's support of adopting Home Rule will be placed into the record.

Council Member David Holland addressed the meeting in support of the adoption of Home Rule. Holland said that not only does it help to address the needs that we have right now but will be good for our city for many years to come.

Council Member Aaron Richardson addressed the meeting in support of the adoption of Home Rule and asked the question what happens if the city's needs in regard to Home Rule changes in the future. Mayor Williams said changes would be addressed to the Home Rule Board for their consideration.

Council Member Robin Stump addressed the meeting in support of the adoption of Home Rule. Stump, who also serves on the Planning Commission, says her time on the commission has helped her more understand the issues and needs that the city will face in the future and Home Rule will help address those needs.

No one present or by letter expressed an opinion of being against the adoption of Home Rule.

(b) After the reading of in its entirety by Council Member Aaron Richardson, council approved on its First Reading an Ordinance authorizing the The City of Spencer to submit a written Home Rule Plan to the Municipal Home Rule Board. A motion was made to approve by David Holland and seconded by Toby Ford approved by all.

The Second Reading and Second Public Hearing on the Ordinance will be held on Thursday, September 17, 2020 at 6:00 pm.

(c) Council approved Drawdown #7 on the Wastewater Improvements Project 2019 in the amount of \$1,478.84 coming from USDA-Rural Development. A motion was made to approve by Aaron Richardson and seconded by Stephen Hughes and approved by all.

Council also learned funding was being sought from the West Virginia Infrastructure Council to cover 50% of the cost of repairing and replacing the water main involved with the slip in the Summit Street area and to repair a slip that is threatening the underground water storage tank at the water treatment plant. The estimated cost of the repairs is \$240,000.

Mark Pauley, City Marketing Director gave updates on City Events and Projects. Pauley told council the majority of his time in recent weeks has been spent on the Home Rule application. Pauley told council the city has just received approval on the Washington Park Improvements Project Grant in the amount of \$89,825 from the National Park Service Land and Water Conservation Fund. The \$180,000 project will include a new sidewalk from the corner of the tennis courts to Park Avenue, a new ADA handicap access shelter, new fencing, new Victorian Style lighting and new landscaping. Council also learned additional Cares Act Funding for the month of July is estimated to be \$20,000 to \$22,000 and an outside movie is planned for September 10th at either The Spencer Parking Plaza or Washington Park sponsored by Westbrook.

Council approved Financial Statements from the City of Spencer and Spencer Waterworks for the month of July 2020. A motion was made to approve by Robin Stump seconded by Stephen Hughes and approved by all.

A motion was made by Toby Ford to adjourn the meeting at 7:30 pm.

Recorder

Mayor

Date: September 3, 2020
To: Mayor Williams & Spencer City Council
From: Rob Miller
RE: Home Rule

I am unable to be at tonight's meeting but wanted to express my support for Spencer to become a Home Rule City. Home Rule will allow Spencer to solve problems we deal with daily. A great deal of time is spent addressing calls from our citizens concerned about vacant and unkept properties. Often, it is a big task just to determine who owns the property. For us to attract new homeowners, we must work hard to keep our neighborhoods clean, safe, and attractive. Having a Municipal Court will certainly give us better direction and ability to solve these issues hurting our communities. Having the ability to write a warning or an on-site citation to resolve the issues will certainly help improve our city.

We are fortunate we own our water and sanitary sewer systems. As you know the needs that face us every year are huge. We have done an excellent job with our utility systems but the work ahead of us is very expensive. The city has done well by obtaining grants, low percentage loans, and using our workforce to make many improvements; however, the cost of replacing existing old cast iron lines is approximately 2.5 million. The cost of the Miletree Lake Project, as directed by DEP is approximately \$450,000. The cost of refurbishing the stock pen tank and Hassock Hill tank is approximately \$600,000. The Sanitary Board also has many projects. They need to make improvements on inflow and infiltration issues, main line, and work at the sewage treatment plant.

Some of the sales and use tax should be dedicated to the paying of loans for our utility improvement projects I have mentioned. By dedicating a few thousand dollars each month it will save our customers additional rate increases, which would cause them to spend more money annually on their water and sewer bills than they will spend paying a 1% sales tax on certain items.

Thank you for listening and I support your endeavor.

Sincerely,

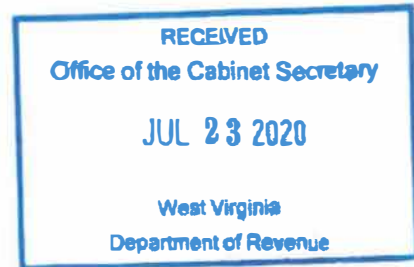


Rob Miller
Public Works Director

**SPENCER CITY COUNCIL
SPECIAL & PUBLIC MEETING
AGENDA
September 17, 2020
6:00 PM**

1. Call to Order, Prayer and Pledge
2. Mayor Williams presented item:
 - (a) Second Public Hearing for comments relating to the submission of a written Home Rule Plan for the City of Spencer.
 - (b) Second vote to approve submission of Home Rule Ordinance to WV Home Rule Board
3. Adjournment

City of Spencer
116 COURT STREET
SPENCER, WEST VIRGINIA 25276
TELEPHONE 304-927-1640



Terry A. Williams, Mayor

July 20, 2020

Dave Hardy, Secretary & Chairman
Department of Revenue
West Virginia Municipal Home Rule Board
1900 Kanawha Blvd East
Building 1, W-300
Charleston, WV 25305

Dear Mr. Hardy,

Please find enclosed a copy of the City of Spencer's Public Hearing Notice as intent to submit a Home Rule Application.

If you have any questions, please feel free to contact my office at 304-927-1640.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry A. Williams".

Terry A. Williams
Mayor

PUBLIC HEARING NOTICE
CITY OF SPENCER, WEST VIRGINIA
HOME RULE PROGRAM

Notice is hereby given by the City of Spencer, West Virginia, that it will hold a public hearing on September 3, 2020, in the Council Chambers at Spencer Municipal Building, 116 Court Street, Spencer, West Virginia.

The purpose of this public hearing is to discuss the City of Spencer's proposed Home Rule written plan application. Information from this hearing will be utilized by the City of Spencer in its application to the West Virginia Home Rule Program. The City of Spencer's proposed Home Rule plan application is available for public inspection at the Mayor's Office, Spencer Municipal Building, Spencer, West Virginia, beginning July 31, 2020, during regular office hours, 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 September 3, 2020 at 6:00 p.m., and to present oral and written comments concerning Spencer's Home Rule plan and application. Written comments may be addressed to Mayor Terry A. Williams, City of Spencer, 116 Court Street, Spencer, West Virginia 25276.

Spencer City Council will consider all public comments in preparing the final draft of the plan application and in deciding to proceed with an ordinance authorizing the City to submit the plan to the West Virginia Home Rule Board for its consideration and approval.

The first reading of an ordinance approving submission of the City of Spencer's Home Rule plan application may take place September 3, 2020, during the Spencer City Council meeting beginning at 6:00 p.m., in the Council Chambers at Spencer Municipal Building, 116 Court Street, Spencer, West Virginia.

**SPENCER CITY COUNCIL
REGULAR & PUBLIC MEETING
September 3, 2020**

The regular monthly meeting of council was held at the City of Spencer Municipal Building on September 3, 2020.

The Public meeting was called to order at 6:02 pm followed by opening prayer by Council Member David Holland and the Pledge of Allegiance was led by Council Member Aaron Richardson.

Those present were Mayor Terry A. Williams, Council Members Toby Ford, David Holland, Stephen Hughes, Aaron Richardson and Robin Stump. Others present were Jim Cooper, Dennis Carpenter, Aaron Cottle, Jackie Nichols, Mark Pauley, Trenton Lanier and Tammy White.

Council approved the Minutes of the Regular Meeting of August 6, 2020. A motion was made to approve by Stephen Hughes seconded by Robin Stump and approved by all.

Mayor Williams presented items:

(a) The floor was open for the Public Hearing for comments relating to the submission of a written Home Rule Plan for the City of Spencer.

Mayor Williams expressed to Council and to those present his opinion of how valuable the acceptance into and the adoption of the Home Rule Plan could be for the City of Spencer to continue to succeed and progress. Mayor Williams said Home Rule would allow us to do things we can't do now including better addressing dilapidated and un-kept properties, junk cars and trash. Additional funds generated by enacting a 1% sales and use tax could be used directly to fund specific projects and give the city the ability to secure large USDA loans for others while reducing B&O taxes for business owners, service providers and contractors operating in the City of Spencer.

Dennis Carpenter, Spencer resident and Member of the City of Spencer Planning Commission, addressed the meeting in favor of adopting the Home Rule Plan for the City of Spencer. Carpenter said while serving on the Planning Commission and working on the adoption of a Comprehensive Plan he has become aware of some of the needs and tools it takes to make improvements and Spencer needs to be a part of Home Rule to help in being able to get things done.

Jackie Nichols, Spencer resident, addressed the meeting saying she had some questions in regard to Home Rule. One of her questions was how extra revenue would be generated with the 1% sales and use tax while at the same time reducing B&O taxes with what seems to be less business's open in the downtown area. Mayor Williams responded by saying that revenues generated with the 1% sales and tax more than offset the revenue reduction from the decrease in B&O taxes and that retail sales had actually increased every year in the last 20 years. Nichols also asked how Home Rule would help in cleaning up un-kept and dilapidated properties and if acquired properties would be sold at public auction. Williams said that Home Rule allows the city to be first in line instead of usually being close to last on liens on dilapidated properties and acquired properties would not have to be sold at public auction and with the adoption of a Municipal Court it will be easier for citations to be issued and for city codes to be enforced.

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Public Works Director, Rob Miller unable to attend this meeting submitted a letter addressed to Mayor Williams and Spencer City Council in support of Spencer becoming a Home Rule City. The letter was read in its entirety by Council Member David Holland and Miller's support of adopting Home Rule will be placed into the record.

Council Member David Holland addressed the meeting in support of the adoption of Home Rule. Holland said that not only does it help to address the needs that we have right now but will be good for our city for many years to come.

Council Member Aaron Richardson addressed the meeting in support of the adoption of Home Rule and asked the question what happens if the city's needs in regard to Home Rule changes in the future. Mayor Williams said changes would be addressed to the Home Rule Board for their consideration.

Council Member Robin Stump addressed the meeting in support of the adoption of Home Rule. Stump, who also serves on the Planning Commission, says her time on the commission has helped her more understand the issues and needs that the city will face in the future and Home Rule will help address those needs.

No one present or by letter expressed an opinion of being against the adoption of Home Rule.

(b) After the reading of in its entirety by Council Member Aaron Richardson, council approved on its First Reading an Ordinance authorizing the The City of Spencer to submit a written Home Rule Plan to the Municipal Home Rule Board. A motion was made to approve by David Holland and seconded by Toby Ford approved by all.

The Second Reading and Second Public Hearing on the Ordinance will be held on Thursday, September 17, 2020 at 6:00 pm.

(c) Council approved Drawdown #7 on the Wastewater Improvements Project 2019 in the amount of \$1,478.84 coming from USDA-Rural Development. A motion was made to approve by Aaron Richardson and seconded by Stephen Hughes and approved by all.

Council also learned funding was being sought from the West Virginia Infrastructure Council to cover 50% of the cost of repairing and replacing the water main involved with the slip in the Summit Street area and to repair a slip that is threatening the underground water storage tank at the water treatment plant. The estimated cost of the repairs is \$240,000.

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Council approved Financial Statements from the City of Spencer and Spencer Waterworks for the month of July 2020. A motion was made to approve by Robin Stump seconded by Stephen Hughes and approved by all.

A motion was made by Toby Ford to adjourn the meeting at 7:30 pm.



Recorder



Mayor

**SPENCER CITY COUNCIL
SPECIAL & PUBLIC MEETING
September 17, 2020**

The special meeting of council was held at the City of Spencer Municipal Building on September 17, 2020.

The Public meeting was called to order at 6:02 pm followed by opening prayer by Council Member David Holland and the Pledge of Allegiance was led by Council Member Aaron Richardson.

Those present – Mayor Terry A. Williams, Council Members David Holland, Stephen Hughes, Aaron Richardson and Robin Stump. Council Member Toby Ford was absent. Others present were Jim Cooper, Aaron Cottle and Mark Pauley.

Mayor Williams presented items:

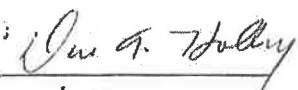
(a) The floor was open for the Second Public Hearing for comments relating to the submission of a written Home Rule Plan for the City of Spencer.

Mayor Williams offered a review of the Home Rule application as it will be presented to the West Virginia Home Rule Board. Williams review included highlights of the West Virginia Code that Home Rule allows. Our proposal provides B&O Tax Reductions, Projects that include Capitol Fund improvements, dilapidated and un-kept properties, the creation of a Municipal Court and Net 1% Sales & Use Tax revenue. Williams expressed to those present how valuable the acceptance into Home Rule would be for our city in allowing us to get more things done including keeping our city cleaner, safer and more attractive.

No one present or by letter expressed an opinion of being against the adoption of Home Rule.

(b) After the reading of in its entirety by Mayor Williams, council approved on its Second Reading an Ordinance authorizing the The City of Spencer to submit a written Home Rule Plan to the WV Home Rule Board. A motion was made to approve by Robin Stump and seconded by Stephen Hughes approved with 4 yeas.

A motion was made by David Holland to adjourn the meeting at 6:28 pm.


Recorder


Mayor

City of Spencer

116 COURT STREET
SPENCER, WEST VIRGINIA 25276

TELEPHONE 304-927-1640

Terry A. Williams, Mayor

July 20, 2020

C. Edward Gaunch, Secretary
West Virginia Department of Commerce
1900 Kanawha Blvd East
Building 3, Suite 600
Charleston, WV 25305

Dear Mr. Gaunch,

Please find enclosed a copy of the City of Spencer's Public Hearing Notice as intent to submit a Home Rule Application.

If you have any questions, please feel free to contact my office at 304-927-1640.

Sincerely,



Terry A. Williams
Mayor

City of Spencer

116 COURT STREET
SPENCER, WEST VIRGINIA 25276

TELEPHONE 304-927-1640

Terry A. Williams, Mayor

July 20, 2020

Austin Caperton, Secretary
West Virginia Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304

Dear Mr. Caperton,

Please find enclosed a copy of the City of Spencer's Public Hearing Notice as intent to submit a Home Rule Application.

If you have any questions, please feel free to contact my office at 304-927-1640.

Sincerely,



Terry A. Williams
Mayor

City of Spencer

116 COURT STREET
SPENCER, WEST VIRGINIA 25276

TELEPHONE 304-927-1640

Terry A. Williams, Mayor

July 20, 2020

Jeff Sandy, Secretary
West Virginia Department of Military Affairs & Public Safety
1900 Kanawha Blvd, East
Building 1, W-400
Charleston, WV 25305

Dear Mr. Sandy,

Please find enclosed a copy of the City of Spencer's Public Hearing Notice as intent to submit a Home Rule Application.

If you have any questions, please feel free to contact my office at 304-927-1640.

Sincerely,



Terry A. Williams
Mayor

City of Spencer

116 COURT STREET
SPENCER, WEST VIRGINIA 25276

TELEPHONE 304-927-1640

Terry A. Williams, Mayor

July 20, 2020

Dennis Davis, Secretary
West Virginia Department of Transportation
1900 Kanawha Blvd East
Building 5, Room 205
Charleston, WV 25305

Dear Mr. Davis,

Please find enclosed a copy of the City of Spencer's Public Hearing Notice as intent to submit a Home Rule Application.

If you have any questions, please feel free to contact my office at 304-927-1640.

Sincerely,



Terry A. Williams
Mayor