



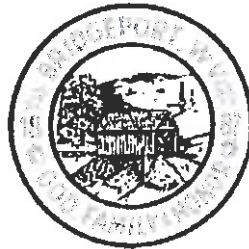
515 West
Main Street
P.O. Box 1310
Bridgeport, WV 26330-6310

Robert L. Greer, Mayor
A. Kim Haws, City Manager
Harry "Hank" Murray, III, Recorder

MUNICIPAL HOME RULE PILOT PROGRAM

2015 Amendment

APPLICATION



City Council:

Diana Cole Marra
John S. Wilson, Sr.
Dustin Vincent
Jeff Smell
LJ Maxey


A. Kim Haws, City Manager


Robert L. Greer, Mayor

*Made available to the public October 19, 2015

*To be submitted to the WV Municipal Home Rule Board January 2016

Municipal Home Rule Pilot Program Phase III

APPLICATION CHECKLIST

SECTION I: APPLICANT INFORMATION	
Page No.	
2	General Information
4	Municipal Classification
5-6	Specific Issue(s) to be Addressed
4	Issue(s) Category: Tax/Organization/Administrative/Personnel/Other

SECTION II: NARRATIVE	
Page No.	
5	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.
5	Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.
5-6	Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include: 1) Proposed solution(s) in one of the five areas (tax/administrative/organization/ personnel/other) 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.

SECTION III: AFFIDAVITS	
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7	Hearing Mandate Verification
9	Publication Mandate Verification
32	Ordinance Authorizing Submission of Plan
N/A	Fiscal Impact Worksheets/Formulas (if revenue related)
34	Attorney Opinion (application complies with statutory requirements)
35	State of West Virginia Fees Statement (none outstanding)



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P.O. BOX 1310 • 515 WEST MAIN ST. • BRIDGEPORT, WEST VIRGINIA 26330-6310
Phone: (304) 842-8225 • Fax: (304) 842-8201 • www.bridgeportwv.com
A. Kim Haws, City Manager

January 4, 2016

West Virginia Municipal Home Rule Board
Attn: Debbie Browning, Executive Assistant
West Virginia Department of Commerce / Development Office
Building 6, Room 553
Charleston, West Virginia 25305-0311

Re: City of Bridgeport Home Rule Application

Dear Home Rule Board:

On behalf of the citizens and elected leaders of Bridgeport, thank you for allowing Bridgeport to participate in the Home Rule Program. The success of the program has been evidenced numerous times by numerous municipalities. Home Rule has afforded municipalities the opportunity to better serve its constituents.

We are submitting an amendment to our Home Rule Application to go before the Home Rule Board on January 11, 2016. The enclosed amended application sets forth the next area of governance where we believe added responsibilities at our city government level can produce positive changes in our efforts to improve the quality of life in our community.

If you have any questions or if I can be of any further assistance, please do not hesitate to contact my office. I can be reached Monday through Friday from 7:30am to 4pm at 304.842.8225 or khaws@bridgeportwv.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Kim Haws".

A. Kim Haws
City Manager

EXECUTIVE SUMMARY

The City of Bridgeport, a Class III Municipal Corporation, Harrison County, West Virginia, having a population of approximately 8,149, was selected as a participant in the West Virginia Home Rule Pilot Program by the West Virginia Municipal Home Rule Board at its meeting held on May 21, 2008, as to all sections of its application. Bridgeport's original application contained four sections, (1) relating to restrictions on municipal participation in public schools; (2) the requirement that a municipality charge license and taxes not to exceed antiquated amounts previously authorized by the State; (3) authorizing the City to annex property to which it is best suited to provide public services under certain circumstances; and (4) authorizing Bridgeport as a Class III municipality to issue its own tax increment financing. The Board, at its meeting held on the 17th day of March, 2011, approved an amendment to the Home Rule authority of the City authorizing fire fees outside of the corporate limits of the City and authorizing a lien for the collection thereof.

In 2014, the Home Rule Board approved the City's amendment to revise its application relating to intergovernmental agreements, civil service as it relates to supervisory personnel, and procurement of engineering and architectural services.

Bridgeport, centrally located at the intersection of U.S. Route 50 and Interstate 79 between Clarksburg and Fairmont, West Virginia, has enjoyed strong population growth and significant economic and commercial development. Bridgeport attributes its growth and economic and commercial development not only to its location but also to its dedication to providing excellent services to its citizens, both residential and commercial. Throughout all of its growth, the residents of Bridgeport have managed to maintain the small community atmosphere. The community is very family-oriented and works together to provide advantages to the area youth, as well as senior citizens.

Bridgeport takes great pride in the quality and efficiency of its administrative staff and believes that the amendments to its Home Rule Plan herein set forth will add to and improve the efficient management of its assets and the efficiency with which it carries forth its municipal purposes. Approval of this plan will ensure that the City can continue improving the services and quality of life provided to its residents.

Permit Local Certification and Supervision of Code Enforcement Officials and Inspectors

The City proposes to permit local certification and supervision of code enforcement officials and inspectors. This amendment will exempt Bridgeport from the code

official/inspector licensing authority delegated to the State Fire Commission under existing statutory law. City personnel are tested and certified by the International Code Commission (ICC) which also provides continuing education for individuals it certifies. The Fire Commission thus adds no additional process and is simply an additional layer of bureaucratic red tape with no added value or efficiency. The city would continue to adopt and follow the State Building Code as defined by the State Fire Commission.

SECTION I: APPLICANT INFORMATION

A. General Information

Name of Municipality: City of Bridgeport

Certifying Official: A. Kim Haws Title: City Manager

Contact Person: A. Kim Haws Title: City Manager

Address: 515 W. Main Street, PO Box 1310

City, State, Zip: Bridgeport, WV 26330

Telephone Number: 304-842-8225 Fax Number: 304-842-8201

E-Mail Address: kim.haws@bridgeportwv.com

2010 Census Population: 8,149

B. Municipal Classification

Class I _____ Class II _____ Class III X Class IV _____

C. Category of Issues to be Addressed

Please identify areas to be addressed through home rule: (Check all that apply)

_____ Taxing X Organization _____ Administrative _____ Personnel

(Please describe-attach additional pages for each category):

Please see a summary description of each category on the following pages.

SECTION II: NARRATIVE

PERMIT LOCAL CERTIFICATION AND SUPERVISION OF CODE ENFORCEMENT OFFICIALS AND INSPECTORS

Introduction: At the heart of North Central West Virginia, Bridgeport has proven to be a major growth area in the state. Bridgeport is continuously recognized for its outstanding schools and as a great place to live, do business and raise a family. In an effort to continue that growth, and to provide a standard of excellence its residents deserve, the City would like to amend its Home Rule Application in the following manner.

The City proposes to permit local certification and supervision of code enforcement officials and inspectors. This amendment will exempt Bridgeport from the code official/inspector licensing authority delegated to the State Fire Commission under existing statutory law. City personnel are tested and certified by the International Code Commission (ICC) which also provides continuing education for individuals it certifies.

Problem: The Fire Commission adds no additional process and is simply an additional layer of bureaucratic red tape with no added value or efficiency. The city would continue to adopt and follow the State Building Code as defined by the State Fire Commission.

Proposed Solution: The specific statutes and regulations from which we will ask the Home Rule Board to exempt the City of Bridgeport are:

1. Subsections (d) and (f) of Section 5b, Article 3, Chapter 29, (§ 29-3-5b(d) and (f) of the code; and
2. Subsection (d) of Section 16, Article 12, Chapter 8, (§ 8-12-16(d)) of the code; and
3. All of the provisions of Title 87, Series 7 of the Code of State Regulations.

By way of explanation, Subsection (d) authorizes and empowers the Fire Commission to “propose legislative rules establishing State standards and fee schedules for the licensing, registration, certification, regulation, and continuing education of persons who will conduct inspections relating to the State Building Code, which include, but are not limited to, building code officials, inspectors, plans, examiners and home inspectors.”

Subsection (f) of § 29-3-5b provides that “for the purposes of this section the term “building code” is intended to include all aspects of safe building construction and mechanical operations and all safety aspects related thereto. In any question of priority (of conflict between any local ordinance and the State Building Code) the decision of the State

Fire Commission determine the relative priority of such state law, county of municipal ordinance or regulation of any agency thereof and determine compliance with the State Building Code by officials of the State, Counties, Municipalities and political subdivisions of the State.”

Based on the above provisions, the State Fire Commission asserts that legislative “pre-emption” of municipalities’ plenary power to regulate the construction, repair of buildings and their closure, demolition or removal under W.Va Code § 8-12-16, and that to fulfill its statutory purpose, the State Fire Commission has been empowered with the ability to review and oversee “all aspects” of every municipality’s code enforcement practices.

Conclusion: The legislature has tasked the State Fire Commission with determining and defining the State Building Code, and with licensure of code officials, inspectors and plans examiners, there is no explicit authority for direct regulation of municipalities. Moreover, while the State Fire Commission is authorized to license code officials and inspectors, the actual testing is generally done through national organizations, such as the International Code Council rather than the State Fire Commission. The City of Bridgeport would like the authority to make the decisions for our municipality.

SECTION III: AFFADAVITS

HEARING MANDATE VERIFICATION

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, after first having been duly sworn, upon her oath, deposes and says:

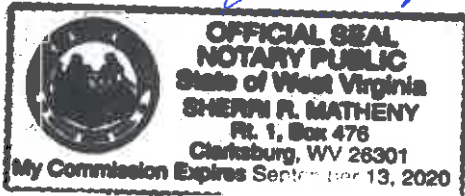
1. That she is the duly appointed and acting City Clerk of the City of Bridgeport, Harrison County, West Virginia;
2. That she is familiar with the Application of the City of Bridgeport, Harrison County, West Virginia, to amend its written Home Rule Plan pursuant to the provisions of West Virginia Code §8-1-5;
3. That notice of a public hearing relating to the proposed amendment was duly published on October 19, 2015 and November 2, 2015:
4. At least thirty (30) days prior to the date of the proposed hearing held on November 23, 2015, as shown by the Certificate of Publication of the Clarksburg Publishing Company attached hereto as Exhibit C;
5. That a copy of the proposed amendment to Bridgeport's written plan was available for inspection at the Bridgeport City Hall for at least thirty (30) days prior to the holding of said hearing in the form attached hereto and made a part hereof as Exhibit C;
6. That a public hearing with respect to the proposed amendment was held at 7:00 p.m. in the Council Chambers of the City of Bridgeport on November 23, 2015, as reflected by the minutes attached hereto as Exhibit B;
7. That zero (0) appeared in person with comments at said public hearing with respect to the proposed amendment;
8. That subsequent to said public hearing an Ordinance authorizing the filing of the Application was duly adopted by the governing body of the City of Bridgeport at a meeting held on December 14, 2015, and a second reading at a meeting held on December 28, 2015, a copy of which Ordinance is attached as Exhibit D;
9. That comments made at the public hearing if any, are reflected in the minutes thereof attached hereto as Exhibit B.

Further affiant saith not.

Andrea Kerr

Andrea Kerr, City Clerk
City of Bridgeport

Taken, subscribed and sworn to before me this 54th day of
January, 2016, by Andrea Kerr, City Clerk of the City of Bridgeport.



Sherril R Matheny
Notary Public in and for Harrison County,
West Virginia

My commission expires:

September 13, 2020

Publication Mandate Verification

about:blank

NOTICE OF PUBLIC HEARING CITY OF BRIDGEPORT HARRISON COUNTY, WEST VIRGINIA HOME RULE PLAN AMENDMENTS

Notice is hereby given that the City of Bridgeport, Harrison County, West Virginia, will hold a public hearing on Monday, November 23, 2015, at 7:00 p.m. in Council Chambers in City Hall at 515 W. Main Street, Bridgeport, West Virginia, 26330. The purpose of the public hearing will be to discuss and hear public comments with respect to the City of Bridgeport's proposed amendments to its written Home Rule Plan and Application for Amendment to such plan to permit local certification and supervision of enforcement officials and code inspectors. This information will be considered by the governing body of the City of Bridgeport. Its Application to be filed with the West Virginia Home Rule Board for the amendments set forth in the Application. The City of Bridgeport's proposed Home Rule Plan Application for Amendments is available for public inspection in the office of the City Manager at Bridgeport City Hall, 515 W. Main Street, Bridgeport, West Virginia, beginning October 19, 2015, Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. Said proposed Home Rule Amendments and Application can also be found on Bridgeport's website at bridgeportwv.com.

All interested citizens are invited to attend the public hearing scheduled on Monday, November 23, 2015 at 7:00 p.m. to present oral or written comments with respect to the proposed amendments to the Home Rule Plan. Until that time written comments may also be presented and addressed to A. Kim Haws, City Manager, City of Bridgeport, 515 W. Main Street, Bridgeport, West Virginia, 26330. After the public hearing, the governing body of the City of Bridgeport will consider on two readings an Ordinance authorizing the Application for Amendments. It is anticipated that the first reading of the Ordinance will be at the regular meeting of council on Monday, December 14, 2015, and the second reading will be at the regular meeting of council on Monday, December 28, 2015. Both readings will take place in Council Chambers at City Hall, City of Bridgeport, 515 W. Main Street, Bridgeport, West Virginia 26330, which meetings are open to the public.

Robert L. Greer, Mayor

PUBLISHER'S CERTIFICATE

I, Loretta Greenhouse, Advertising Manager of THE EXPONENT TELEGRAM, a newspaper of general circulation published in the city of Clarksburg, County and state aforesaid, do hereby certify that the annexed:

NOTICE OF PUBLIC HEARING

was published in THE EXPONENT-TELEGRAM 2 time(s) commencing on 10/19/2015 and ending on 11/02/2015 at the request of

CITY OF BRIDGEPORT.

Given under my hand this 11/10/15.

The publisher's fee for said publication is: \$105.58.

Sarah E. Hurst

Advertising Manager of The Exponent-Telegram

Subscribed to and sworn to before me this 11/10/15

Sarah E. Hurst

Notary Public in and for Harrison County, WV

My commission expires on

The 29th day of August 2017



NOTICE OF
PUBLIC HEARING
CITY OF BRIDGEPORT
HARRISON COUNTY,
WEST VIRGINIA
HOME RULE
PLAN AMENDMENTS

Notice is hereby given that the City of Bridgeport, Harrison County, West Virginia, will hold a public hearing on Monday, November 23, 2015, at 7:00 p.m. in Council Chambers in City Hall at 515 W. Main Street, Bridgeport, West Virginia, 26330. The purpose of the public hearing will be to discuss and hear public comments with respect to the City of Bridgeport's proposed amendments to its written Home Rule Plan and Application for Amendment to such plan to permit local certification and supervision of enforcement officials and code inspectors. This information will be considered by the governing body of the City of Bridgeport, its Application to be filed with the West Virginia Home Rule Board for the amendments set forth in the Application. The City of Bridgeport's proposed Home Rule Plan Application for Amendments is available for public inspection in the office of the City Manager, at Bridgeport City Hall, 515 W. Main Street, Bridgeport, West Virginia, beginning October 19, 2015, Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. Said proposed Home Rule Amendments and Application can also be found on Bridgeport's website at bridgeportwv.com.

All interested citizens are invited to attend the public hearing scheduled on Monday, November 23, 2015 at 7:00 p.m. to present oral or written comments with respect to the proposed amendments to the Home Rule Plan. Until that time written comments may also be presented and addressed to A. Kim Haws, City Manager, City of Bridgeport, 515 W. Main Street, Bridgeport, West Virginia, 26330. After the public hearing, the governing body of the City of Bridgeport will consider on two readings an Ordinance authorizing the Application for Amendments. It is anticipated that the first reading of the Ordinance will be at the regular meeting of council on Monday, December 14, 2015, and the second reading will be at the regular meeting of council on Monday, December 28, 2015. Both readings will take place in Council Chambers at City Hall, City of Bridgeport, 515 W. Main Street, Bridgeport, West Virginia 26330, which meetings are open to the public.

Robert L. Greer, Mayor

City Council Agenda indicating Public Hearing

TO: NEWS MEDIA, CITY DEPARTMENTS & INTERESTED PARTIES
PURPOSE: BRIDGEPORT CITY COUNCIL MEETING AGENDA
DATE: NOVEMBER 23, 2015 **AMENDED**
TIME: 6:15 P.M. WORK SESSION
7:00 P.M. REGULAR SESSION
PLACE: BRIDGEPORT CITY HALL
515 WEST MAIN STREET

AGENDA

**INVOCATION – DR. MICHAEL HOPKINS – SIMPSON CREEK BAPTIST CHURCH
PLEDGE OF ALLEGIANCE**

APPROVE MINUTES OF NOVEMBER 9, 2015 REGULAR COUNCIL MEETING

REPORT BY MAYOR

REPORT BY CITY MANAGER

**PUBLIC HEARING REGARDING HOME RULE ORDINANCES-PERMIT LOCAL
CERTIFICATION AND SUPERVISION OF CODE ENFORCEMENT OFFICIALS AND
INSPECTORS**

AWARDS & PRESENTATIONS:

1. Presentation by WTW Architects on Multi-Sport Complex Study.
2. Resolution in support of the December 12, 2015 Board of Education Levy.

REPORTS:

PUBLIC COMMENT:

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Consider and approve contract between the City of Bridgeport and WTW Architects for a study regarding a Multi-Sport Complex.
2. First Reading of an Ordinance amending, enacting and re-enacting the official code of the City of Bridgeport, Harrison County, West Virginia, by adding to Chapter Three of Part Seven thereof a new article designated Article 742 imposing Municipal Sales and Service Tax and Municipal Use Tax within the corporate limits of the City of Bridgeport, Harrison County, West Virginia in accordance with West Virginia Code §8-1-5a and by repealing Section 737.05 imposing a Business and Occupation Tax on the activity of Manufacturing.

3. Budget Revisions and/or Authorizations.

EXECUTIVE SESSION, If Needed:

To discuss matters involving the sale or lease of property, personnel matters, and advance construction planning which, if made public, might adversely affect the interests of the City, to discuss matters with counsel pursuant to the attorney/client privilege and as to matters not included on this agenda to determine if official action is necessary.

City Council Minutes from Public Hearing

November 23, 2015

BRIDGEPORT CITY COUNCIL MINUTES

City of Bridgeport
County of Harrison
State of West Virginia

REGULAR SESSION:

At 7:02 p.m. Bridgeport City Council met in regular session in the Council Chambers of the Bridgeport Municipal Complex at 515 West Main Street.

COUNCIL MEMBERS PRESENT:

Mayor Robert L. Greer, Recorder Hank Murray, Councilors Diana Cole Marra, Dustin Vincent, Jeff Smell, and John S. Wilson, Sr., LJ Maxey

COUNCIL MEMBER(S) ABSENT:

None

CITY STAFF PRESENT:

City Manager Kim Haws, Assistant City Manager Jimmy Smith, City Clerk Andrea Kerr, Police Chief John Walker, City Attorney Dean Ramsey, Finance Director Monica Musgrave, Parks and Recreation Director Don Burton, Director of Community Development Randy Spellman, Administrative Assistant Crystal Riley,

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Invocation was given by Dr. Mike Hopkins of Simpson Creek Baptist Church, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES:

Minutes of the November 9, 2015 city council meeting were unanimously approved on a motion by Councilor Dustin Vincent; seconded by Councilor Jeff Smell.

REPORT BY MAYOR:

- The Mayor attended the strategic planning meeting and spoke about the summary report given by Piper & Jaffray which gave many financial options for the city.
- The Bridgeport High School football team will hopefully be playing for its third straight State Championship before we meet again at the next city council meeting and they have our support.

REPORT BY CITY MANAGER:

- December 3rd will be our annual tree lighting ceremony (Light Up Night) starting at 6:00 p.m. and the tree lighting will take place at 7:00 p.m.
- The Christmas parade will take place on Saturday, December 5 at 10:00 a.m.

BRIDGEPORT CITY COUNCIL MINUTES

November 23, 2015

Page Two

- Because of the growing crowd at Light Up Night, he asked Council to consider approving the rental of an 8x14 foot screen with speakers and a camera. The cost is around \$4300.00. The CVB is willing to pay \$920.00 and Parks and Recreation can give \$1000.00. That leaves \$2300.00 that can come out of the city's public relations account.
 - Councilor Diana Cole Marra asked if there was a price just for extending speakers down Main Street. Don Burton responded that there was no additional charge for the additional speakers and wires and it would extend across the bridge. There has always been an issue with the sound and people not being able to see what was going on on the main stage near the civic center. The screen would be located near the Fire Department and it will be elevated.
 - Mayor Robert Greer asked if the recommendation of staff is to go forward with the screen and the sound. Don Burton replied, "Yes".
 - City Manager Kim Haws stated that we would move forward with renting the screen and sound.

PUBLIC HEARING REGARDING HOME RULE ORDINANCES-PERMIT LOCAL CERTIFICATION AND SUPERVISION OF CODE ENFORCEMENT OFFICIALS AND INPSECTORS

- City Manager Kim Haws summarized that several years ago legislation required that our Building Inspector Program fall under the State Fire Marshall's Office. We cannot find any benefit to this. There is a bureaucracy that we have to deal with and we have found that they do not understand the intricacies of building inspections and are not able to answer questions. They also initiated a process to where our building inspectors must obtain their certifications spread out over a two year period. That is a problem for us for the training process. It is our recommendation to permit this local certification. We will still be under the International Code Council.
- Director of Community Development Randy Spellman explained that under the State Fire Marshall, you must have 1.5 Continuing Education Units per year and every 3 years you renew. While under the ICC, you need 3 CEU's every 3 years and you can spread the hours out however you like. That makes it easier for us to train someone, while they are able to get their CEU hours and gain their certifications.
- City Manager Kim Haws added that under the State Fire Marshall we are not allowed to help out smaller communities with building code issues. Under the Home Rule change, we would have the flexibility to be able to help out these communities.
- Randy Spellman noted that we would mirror the state building code.
- Mayor Robert Greer noted that there was no public comment.

AWARDS AND PRESENTATIONS:

1. Presentation by Warren Bulseco of WTW Architects on Multi-Sport Complex Study.
 - The feasibility study will be a reality based project and will focus on the community and what it wants.
 - WTW has completed 50 recreation and planning projects in PA, WV, and OH.
 - Projects include Glenville State College, Fairmont State University and West Liberty College.
 - We have partnered with E.L. Robinson Engineering, a local firm.
 - We will balance the design, the budget and the schedule.

BRIDGEPORT CITY COUNCIL MINUTES

November 23, 2015

Page Three

- Discussed the timeline and the process
 - We are not doing the architecture or the engineering for the project; we are providing consulting services and a feasibility study.
 - He gave an example of a live survey.
2. Resolution in support of the December 12, 2015 Board of Education Levy.
- Mayor Robert Greer moved this agenda item to New Business.

REPORTS:

None

PUBLIC COMMENT:

1. Mike Fresa stated that he is against the tax increase and would like for it to be tabled.
2. Steven McElroy wanted to know when the decision would be made as to how much the tax would be. Mayor Greer responded that we have to let the state know on December 31, 2015.
Mr. McElroy announced that he created a Facebook page called Following Bridgeport City Council and invited everyone to like his page and follow him.
3. Mike Conley stated that in 1997 he did a survey about an indoor recreation facility in the city of Bridgeport. He believes that we are raising the tax before we know how much it is going to cost to build the complex.
4. Bud Hess stated that he thinks it is too soon to impose a tax. He said we do not have the infrastructure to build something like this. He also would like to know when the tax will be repealed.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

1. Resolution in support of the December 12, 2015 Board of Education Levy.
 - Councilor Diana Cole Marra made a motion to approve. Motion was seconded by Councilor LJ Maxey and unanimously approved.
 - Mayor Robert Greer asked if there was any discussion.
 - Councilor Diana Cole Marra spoke about how important the Levy is to our community. The levy has been in place in Harrison County for the last 60 years. This is not an increase in the tax rate; it is a continuation of the tax rate that has been in place. The new Johnson Elementary that has been proposed depends upon the passing of this levy.
 - Councilor Dustin Vincent echoed the importance of voting for the levy and added that he thinks the county has done an excellent job in the last 5-6 years addressing the needs of a new Lumberport Middle School, Lumberport Elementary and the phases of repairs to Simpson Elementary. He said they could not have done it without the levy.
 - Mayor Robert Greer stated that a portion of the levy goes towards text books and that most parents could not afford the cost associated with the text books. He stressed the importance of voting for and passing the levy.

BRIDGEPORT CITY COUNCIL MINUTES

November 23, 2015

Page Four

- Councilor LJ Maxey thinks we need to pay attention to whether or not the support of this levy, which is county wide, or levies that the city currently has, will be affected by the proposed sales tax. He said he does fully support the levy.
- Roll call: 7-0. Bridgeport City Council unanimously supports the December 12, 2015 Board of Education Levy.
- 2. Consider and approve contract between the City of Bridgeport and WTW Architects for a study regarding a Multi-Sport Complex.
 - Mayor Robert Greer stated that for clarity of the record, the Assistant City Manager, Jimmy Smith, has been handling this to avoid any appearance of impropriety because City Manager, Kim Haw's son works for E.L. Robinson. City Manager Haws excused himself from the process and has not been involved in the negotiations or the decision making process.
 - Councilor LJ Maxey asked if we could choose a firm to do the study without a concealed bid.
 - Mayor Robert Greer explained that this is not something that would be put out for concealed bid. These people were interviewed and the best option was selected and we entered into a contract negotiation with WTW Architects.
 - Councilor LJ Maxey asked if we received written proposals from the other three.
 - Mayor Robert Greer replied that we did not solicit cost estimates from the other three entities, as this was the preferred firm.
 - Councilor Dustin Vincent explained that this was a quality based selection and cost negotiations came after the selection.
 - Councilor LJ Maxey said that he understands, but would proceed with caution. He thinks the process should have been done by sealed bid.
 - Councilor Diana Cole Marra said to Councilor LJ Maxey that before Bridgeport enacted under Home Rule our modified 5G, this is the states process and every other city, of how not only consultants, but architect and engineering firms are done. We all saw room for improvement in that process and that is why the city, through Home Rule, enacted the modified 5G that now includes price as part of the selection process. It's not just low bid. The hiring of consultants does not fall under 5G. The process that the state has laid out is the quality based selection.
 - Mayor Robert Greer stated that had it gone to bid, the other three bidders had further to travel and did their presentation through video conference. This group logistically appears to be in the position to give us the best price and was at the top of the list of the firms we interviewed.
 - Councilor LJ Maxey said he fully agrees with a feasibility study, but he has reservations about this, but that is what the committee has chosen.
 - Councilor Jeff Smell made a motion to approve. Motion was seconded by Councilor Dustin Vincent. The vote was 6-1, with Councilor LJ Maxey opposed. Motion was approved.

BRIDGEPORT CITY COUNCIL MINUTES

November 23, 2015

Page Five

3. First Reading of an Ordinance amending, enacting and re-enacting the official code of the City of Bridgeport, Harrison County, West Virginia, by adding to Chapter Three of Part Seven thereof a new article designated Article 742 imposing Municipal Sales and Service Tax and Municipal Use Tax within the corporate limits of the City of Bridgeport, Harrison County, West Virginia in accordance with West Virginia Code §8-1-5a and by repealing Section 737.05 imposing a Business and Occupation Tax on the activity of Manufacturing.
 - Mayor Robert Greer stated that we will have a discussion about the wording of the ordinance before a motion is made.
 - Councilor LJ Maxey said he believes that we can adopt the timeline that he proposed earlier and pass the tax, not to be imposed until July 2017, and get a very good read on what the people of Bridgeport desire. He moves that July 2016, be amended and changed to July 2017.
 - Recorder Hank Murray commented that before the Strategic Planning meeting last Wednesday and the Piper Jaffray report, he agreed with Councilor Maxey's timeline. He does not agree now because the timeline Councilor Maxey proposes does not work.
 - Mayor Robert Greer said that we have a commitment to the developer to spend at least six million dollars. The estimates that we have show that we may or may not be able to collect enough from the proposed sales tax to cover that. We won't know how much we have to spend without the track record of receipts from 3-4 or 7-8 quarters.
 - Question from unknown public member: How much money do we have to spend to meet the obligation to the memorandum of understanding? We don't have to spend the 6 million in that time frame, do we?
 - Mayor Robert Greer replied yes.
 - Councilor Dustin Vincent said that we need to have a reserve fund. He said that a bond could be issued on as little as 3 or 4 quarters, but 8 quarters would be 2 years' worth of data. We could save money by having that data on hand by getting a lower rate and the amount of money that it could save us in the long run, throughout the project.
 - Mayor Greer asked for a second to Councilor LJ Maxey's motion. There was no second. He then called for last call. Motion dies for lack of a second.
 - Mayor Robert Greer said that this is a stand-alone, special revenue fund that will be set up to collect these monies. The use of the funds is limited to projects described in the memorandum of understanding with regard to recreational, health, wellness, senior activities, and its operation and maintenance. Sections that 742.07 2(c) have been stricken.
 - Councilor Diana Cole Marra said that for the public's benefit, all language regarding being able to move any of these collected taxes to the General Fund, have been removed. All taxes collected will be separate and only used for the project as it was just described by the Mayor. There was an earlier version that allowed for a transfer of a balance of funds to our General Revenue account and that has been stricken.
 - Councilor Diana Cole Marra made a motion to approve. Motion was seconded by Councilor Jeff Smell. The vote was 6-1, with Councilor LJ Maxey opposed. Motion was approved.
 - Councilor Jeff Smell said that he wants it noted for public record that he is all in favor of rescinding, eliminating or decreasing this tax once we have this project paid off. He thinks this has been the focus, to make sure the funds go to this project. He applauds council's efforts and all the hard work they have put in.

BRIDGEPORT CITY COUNCIL MINUTES

November 23, 2015

Page Five

4. Budget Revision and/or Authorizations.

- Councilor John S. Wilson, Sr. asked that this Budget Revision #2 be tabled or held over until we have a representative for the Veteran's Memorial before us.

Councilor Dustin Vincent said that he wanted to recognize our Bridgeport Middle School Girls' Softball team will be honored in Wheeling during the Super Six games for the WVSSAC Academic Achievement Award. The softball team not only went undefeated and won the championship, but there is only one team in the state in middle school that is selected for that honor. They had a cumulative GPA of 3.995. He would like to congratulate them.

ADJOURNMENT:

Meeting adjourned at 9:11 p.m. on a motion by Councilor LJ Maxey, seconded by Councilor Jeff Smell and unanimously approved.

PREPARED BY:



Andrea Kerr, City Clerk

APPROVED:

12/14/15

Date



MAYOR



RECORDER

City Council Agenda 1st Reading

TO: NEWS MEDIA, CITY DEPARTMENTS & INTERESTED PARTIES
PURPOSE: BRIDGEPORT CITY COUNCIL MEETING AGENDA
DATE: DECEMBER 14, 2015
TIME: 6:15 P.M. WORK SESSION
7:00 P.M. REGULAR SESSION
PLACE: BRIDGEPORT CITY HALL
515 WEST MAIN STREET

AGENDA

**INVOCATION – PASTOR ROBIN RAY – BRIDGEPORT PRESBYTERIAN CHURCH
PLEDGE OF ALLEGIANCE**

APPROVE MINUTES OF NOVEMBER 23, 2015 REGULAR COUNCIL MEETING

REPORT BY MAYOR

REPORT BY CITY MANAGER

AWARDS & PRESENTATIONS:

1. Presentation by Matt Irby, Director of the Tax Account Administration Division regarding sales tax.
2. Proclamation presented to the Bridgeport Middle School Volleyball team for winning the Harrison County Championship.
3. Proclamation presented to the Bridgeport Middle School Football team for winning the Harrison County Championship.

REPORTS:

PUBLIC COMMENT:

UNFINISHED BUSINESS:

1. Second and Final Reading of an Ordinance amending, enacting and re-enacting the official code of the City of Bridgeport, Harrison County, West Virginia, by adding to Chapter Three of Part Seven thereof a new article designated Article 742 imposing Municipal Sales and Service Tax and Municipal Use Tax within the corporate limits of the City of Bridgeport, Harrison County, West Virginia in accordance with West Virginia Code §8-1-5a and by repealing Section 737.05 imposing a Business and Occupation Tax on the activity of Manufacturing.

NEW BUSINESS:

1. First Reading of an Ordinance authorizing submission of an application to the West Virginia Municipal Home Rule Board for amendment to the City's Home Rule plan.

2. First Reading of an Ordinance providing for the purchase of that certain tract or parcel of land containing 2.00 acres, more or less, for municipal stormwater system purposes, situate on Worthington Drive, in Simpson District, Harrison County, West Virginia.
3. Consider and approve an Economic Development Grant for Lodgeville Estates.
4. Consider reappointing Geoff Marshall, Kerry Hess, LJ Maxey and John S. Wilson, Sr. to the Emergency Services Council for a term of three (3) years.
5. Budget Revisions and/or Authorizations.

EXECUTIVE SESSION, If Needed:

To discuss matters involving the sale or lease of property, personnel matters, and advance construction planning which, if made public, might adversely affect the interests of the City, to discuss matters with counsel pursuant to the attorney/client privilege and as to matters not included on this agenda to determine if official action is necessary.

City Council Approved Minutes

December 14, 2015

BRIDGEPORT CITY COUNCIL MINUTES

City of Bridgeport
County of Harrison
State of West Virginia

REGULAR SESSION:

At 7:01 p.m. Bridgeport City Council met in regular session in the Council Chambers of the Bridgeport Municipal Complex at 515 West Main Street.

COUNCIL MEMBERS PRESENT:

Mayor Robert L. Greer, Recorder Hank Murray, Councilors Diana Cole Marra, Dustin Vincent, Jeff Smell, and John S. Wilson, Sr., LJ Maxey

COUNCIL MEMBER(S) ABSENT:

None

CITY STAFF PRESENT:

City Manager Kim Haws, Assistant City Manager Jimmy Smith, City Clerk Andrea Kerr, Police Chief John Walker, City Attorney Dean Ramsey, Parks and Recreation Director Don Burton

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Invocation was given by recorder Hank Murray, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES:

Minutes of the November 23, 2015 city council meeting were unanimously approved on a motion by Councilor Dustin Vincent; seconded by Councilor Diana Cole Marra.

REPORT BY MAYOR:

- We are thrilled for the Board of Education and their efforts in bringing the Johnson Elementary School project to the SBA. The grant was approved today for \$10 million for the construction of a new Johnson Elementary School.
- Chief Walker accepted a check for almost \$300,000 for the reimbursement of funds related to the drug task force and their efforts on behalf of our community and particularly the Bath Salts case.
- The Airport Authority had 22,876 enplanements as of November 2015. Flights will continue to Florida and Myrtle Beach. Bridgeport is on the fringe of obtaining a regional HUB carrier. The economic impact from the airport alone is believed to be \$1 Billion to the North Central area.
- Light up Night – we had nothing but positive comments on the video screen and speakers. The mayor thanked Don Burton for his efforts.
- We are looking forward to recognizing the Bridgeport High School Football team on winning their third State Championship in a row.

REPORT BY CITY MANAGER:

- Delay in the construction of the light on Johnson Ave. due to parts. Pedestal construction is complete and the light will be up and functional this Wednesday.
- The city is moving forward with the bidding of the construction portion of the Veteran's Memorial project. Once there is a firm price and we have a contract in hand, it will be brought back to City Council to be read. We will then bring in Mr. Forren to give his recommendation on the memorial.

BRIDGEPORT CITY COUNCIL MINUTES

December 14, 2015

Page Two

AWARDS AND PRESENTATIONS:

1. Proclamation presented to the Bridgeport Middle School girls Volleyball team for winning the Harrison County Championship.
2. Proclamation presented to the Bridgeport Middle School Football team for winning the Mid 8 Athletic Conference Championship and the Harrison County Championship.
3. Presentation by Matt Irby, Director of the Tax Account Administration Division regarding sales tax.
 - The City of Bridgeport is trying to implement a sales tax increase through Home Rule to take effect on July 1, 2016.
 - State tax department has to have a certified copy of the ordinance to increase the sales tax prior to December 31, 2015.
 - We also require a description of the Municipal boundary in two different formats. One by 5 digit zip code and also the 4 digit extension code and a map by December 31, 2015.
 - We are required by WV law to make notifications to retailers. One is to remote sellers that are not located in the boundaries of West Virginia, but may sell to West Virginia. We have to notify them 120 days in advance of the rate change and where the city is located that is increasing the tax. We also make notice to any in-state business. We are required to notify them 60 days in advance. We send mailings every month prior to the date of the increased tax. We also send electronic notifications and direct them to our website.
 - Sourcing rules: The state of WV has destination based sourcing. This means if you order something online and have it delivered to your home in Bridgeport, the Municipal Sales Tax will apply to that purchase. If you go to a retailer in the city of Bridgeport, the tax will apply. If you purchase something from a business located in Bridgeport, but are shipping the item to a location outside of Bridgeport, the tax will not apply.
 - We do quarterly distribution of money. The first distribution to the city will only be two months' worth of taxes collected. Every quarter after that will be three months' worth.
 - Mayor Greer asked how many other cities in the state are currently collecting or will be coming online by July 1, 2016.
 - Matt Irby answered that there are 16 cities in the state that are currently implementing a 1% sales tax. There are somewhere between 8 and 10 cities that will begin implementing a 1% sales tax on July 1, 2016.

REPORTS:

None

PUBLIC COMMENT:

5. Kay Bowen stated that her personal belief is that Council is imposing a tax that is not agreed with by most of the citizens. She wants to know why City Council does not do a feasibility study first before assessing the tax.
6. Steven McElroy said that he believes the City of Bridgeport's citizens have been victims of deceptions, lies and fear mongering. He quoted a paragraph from the Memorandum of Understanding and pointed out that it says that the construction of an Indoor Recreation Complex can be done in phases and must start by July 31, 2019. He proposed a motion to table the second reading of the sales tax ordinance.
7. Diana Bartlett said she is concerned that the additional sales tax will impact senior citizens in the community that are struggling.

BRIDGEPORT CITY COUNCIL MINUTES

December 14, 2015

Page Three

8. Mike Fresa asked what Bridgeport's bond rating is now.
- Mayor Greer answered that the city does not have a bond rating. Our bond rating is the same as the state's bond rating.
 - Attorney Dean Ramsey stated that cities generally do not have bond ratings unless they regularly issue public created bonds.
 - Mr. Fresa then asked that when Council had their meeting with the bonding company, they are the ones that asked how long it would take to establish a rating.
 - Attorney Dean Ramsey answered that they were here to tell us what the schedule was and what they had to look to in Wheeling and in Charleston in terms of a collection period to establish the period of time that it would take for revenue to be produced, which was four to six quarters. The lenders, as the purchasers of bonds, will establish what your rate will be based upon your financial statements.
 - Mr. Fresa asked if we knew what that rate would be based on Bridgeport's history and financial status?
 - Attorney Dean Ramsey said that your revenue stream would cover the debt service. The purchasers would require a certain amount of coverage, reserve accounts of one year's debt service.
 - Mr. Fresa: The purchaser is going to establish Bridgeport's bond rate?
 - Attorney Dean Ramsey replied that all bond ratings are established by bond purchasers or companies. These are private placements not registered securities. They establish the interest rate and the terms.
 - Mr. Fresa said that the gentleman from the tax department said that if you order something online and it get shipped here, you are going to be susceptible to sales tax. I also thought I heard him say that this tax is going to be the same as state sales tax. Does the state collect tax from stuff you order from Amazon?
 - Mayor Greer replied that you do in fact pay sales tax and it is based upon your address and your zip code. In fact the state of WV has agreements with a clearing house that works with online retailers so they will know if you ship it to 26330, you are shipping it to Bridgeport and you will pay a sales tax. If you are shipping it to Doddridge County, you will not pay that sales tax, but you are still susceptible to the state sales tax.
 - Mr. Fresa said that Mr. McElroy alluded to a change in the first reading of the Ordinance that the funds from this tax will only go towards the recreation center.
 - Mayor Greer said that we do not make it a point to argue with people that speak publicly. There were a number of statements made prior to you coming to the podium that are not factually correct. We are passing an Ordinance to dedicate funds to the creation of a complex to be developed on 27.5 acres that complies with the Memorandum of Understanding that states what its uses can be.
 - Mr. Fresa said that and this tax is going to be dedicated ONLY to this Indoor Recreation Complex?
 - Mayor Greer answered that it doesn't say the word "only" and it is not to his knowledge in the ordinance. It says it's going to comply with the MOU and the MOU states what it will be used for.

BRIDGEPORT CITY COUNCIL MINUTES

December 14, 2015

Page Four

- Attorney Dean Ramsey to Mike Fresa: what the ordinance says is that all revenues from the sales and use tax will be deposited in a special sales and use tax fund and revenues from the sales and use tax fund will be used first to require to satisfy any debt service each fiscal year, on any bonds issues or other obligations incurred by the city from time to time, allocated or tied to such revenue account to finance and indoor/outdoor recreation improvement projects as well as recreation projects and for funding of reserve accounts related in bonds or allocations and second for the operation and maintenance of such project.
- Mr. McElroy stated this wording allows for general fund account spending.
- Attorney Dean Ramsey responded that wording was taken out.
- Mayor Greer said that the Memorandum of Understanding does talk about a minimum expenditure of at least \$6 million. Most of you know that I am on the Municipal League Legislative Committee which met the first week of this month in Charleston. The legislative council had delivered a memorandum labeled "Bridgeport" and it questioned the ordinance and talked about wanting to amend Home Rule to retroactively undo sales taxes that were imposed by municipalities that weren't specifically dedicated to the retirement of pension debt. That isn't what Home Rule was for and that was explained to this Council. This particular legislature is clearly looking at what use Home Rule funds can be used for.

UNFINISHED BUSINESS:

1. Second and Final Reading of an Ordinance amending, enacting and re-enacting the official code of the City of Bridgeport, Harrison County, West Virginia, by adding to Chapter Three of Part Seven thereof a new article designated Article 742 imposing Municipal Sales and Service Tax and Municipal Use Tax within the corporate limits of the City of Bridgeport, Harrison County, West Virginia in accordance with West Virginia Code §8-1-5a and by repealing Section 737.05 imposing a Business and Occupation Tax on the activity of Manufacturing.
 - Mayor Greer asked if there were any further discussions on this final reading.
 - Councilor LJ Maxey spoke about an email received by Mayor Hodge and circulated to council. He asked if it could be made part of the record.
 - Mayor Greer said that he forwarded the email to the clerk and asked that it be made part of this record.
 - Councilor LJ Maxey said he would like to renew his motion from the first reading to postpone this sales tax until July 1, 2017. The public has expressed that they would like to get the information from the consultant that we have hired to know what it will cost us.
 - Mayor Greer asked for a second to the motion.
 - There was no second. Motion dies for lack of second.
 - Councilor Diana Cole Marra made a motion to approve. Motion was seconded by Councilor Jeff Smell. The vote was 6-1, with Councilor LJ Maxey opposed. Motion was approved.

NEW BUSINESS:

1. First Reading of an Ordinance authorizing submission of an application to the West Virginia Municipal Home Rule Board for amendment to the City's Home Rule plan.
 - City Manager Kim Haws explained that we have been discussing this for a number of weeks and what we want to accomplish with this amendment to our Home Rule is to get some relief from some of the red tape and expectations that were imposed when the authorities granted our inspection program to the State Fire Commission. Therefore the staff worked in conjunction with other municipalities to try to develop a process where we still have accountability to the National Building Code which is accepted by the State of West Virginia. There are still training requirements and requirements in terms of process, but there aren't two or three layers of those requirements. We are trying to reduce those layers so we can be more effective in the business that we undertake.
 - Councilor Jeff Smell made a motion to approve. Motion was seconded by Recorder Hank Murray and approved.
2. First Reading of an Ordinance providing for the purchase of that certain tract or parcel of land containing 2.00 acres, more or less, for municipal storm water system purposes, situate on Worthington Drive, in Simpson District, Harrison County, West Virginia.
 - Mayor Greer said this is a matter that comes to us from the Bridgeport Utility Board which recommended this as part of Phase II storm water management plan.
 - Unknown public member asked who they owner of the property is.
 - Mayor Greer replied Ralph Sutton. The purpose is to install a storm water retention pond.
 - Councilor LJ Maxey made a motion to approve. Motion was seconded by Recorder Hank Murray and approved.
3. Consider and approve an Economic Development Grant for Lodgeville Estates.
 - City Manager Kim Haws explained that several months ago, the owners of Lodgeville Estates are proposing construction of some apartments on the flat top above the auto dealership. They requested a B&O Tax grant of in the amount of 75% of B&O tax that would be generated in the construction of that project. The Bridgeport Development Authority approved a 50% with no cap. The Economic Incentive Committee reviewed this and recommended that Council grant up to 50% of B&O tax on the construction project with a \$45,000 cap. It would be stipulated that those dollars be used specifically for the access road to the development site.
 - Councilor Diana Cole Marra explained that the money has to be used on the road.
 - Councilor Jeff Smell made a motion to approve. Motion was seconded by Councilor Diana Cole Marra and approved.
4. Consider reappointing Geoff Marshall, Kerry Hess, LJ Maxey and John S. Wilson, Sr. to the Emergency Services Council for a term of three (3) years.
 - Councilor LJ Maxey and Councilor John S. Wilson Sr. recused themselves from the vote.
 - City Manager Kim Haws said both men are great contributors to this organization.
 - Recorder Hank Murray made a motion to approve. Motion was seconded by Councilor Jeff Smell and approved.

ADDITIONAL COMMENTS FROM CITY COUNCIL:

- Councilor Diana Cole Marra said what an important 72 hours it has been for the City of Bridgeport between passing the levy and Bridgeport receiving this award. She would like to thank the Board of Education members for submitting Johnson Elementary as a replacement. She would like to publicly thank School Building Authority member Victor Gabriel who really championed our case to replace Johnson Elementary.
- Councilor John S. Wilson Sr. spoke about the recent passing of Angelo Koukoulis from the Airport Authority. He was a champion of air services in Harrison County and will be missed in our community. The second is Mrs. Bea Quigley, a volunteer and supporter without bounds. He said with Council's support, that they wish everybody a very Merry Christmas and a very healthy and Happy New Year for 2016.
- Recorder Hank Murray wanted to comment to the City and to Don Burton about what a wonderful job Light Up Night was. Someone commented to him that it was like a scene out of a Christmas movie. When the tree was lit and all the people were around. It is one of Bridgeport's highlights. He asked if the next meeting had been changed.
- Mayor Greer added to what Councilor Wilson said about Mr. Koukoulis is one of only eight members of the West Virginia Aviation Hall of Fame, with Chuck Yeager and John McBride. He is recognized as one of the premier people in that industry and he will be missed. We will meet again on the 28th in work session as well as regular session.
- City Clerk Andrea Kerr stated that if anyone missed Light up Night there is a link on our website for a video on YouTube that you can watch from start to finish.
- City Manager Kim Haws added that he had three or four, non Bridgeport residents, tell him that they thought this was the best event in the state of West Virginia.
- Councilor Dustin Vincent said that Light up Night was a huge success and all comments on social media were very positive. He wished everyone a Merry Christmas. He thanked Councilor Marra for her eight plus years of work she has put in to make the application for the replacement of Johnson Elementary School.

ADJOURNMENT:

Meeting adjourned at 8:34 p.m. on a motion by Councilor LJ Maxey, seconded by Councilor Dustin Vincent and unanimously approved.

PREPARED BY:

Andrea E. Kerr
Andrea Kerr, City Clerk

APPROVED:

12/19/15
Date

Thomas W. Murphy, Jr.
RECORDER

[Signature]
MAYOR

City Council Agenda 2nd Reading

TO: NEWS MEDIA, CITY DEPARTMENTS & INTERESTED PARTIES
PURPOSE: BRIDGEPORT CITY COUNCIL MEETING AGENDA
DATE: DECEMBER 28, 2015
TIME: 7:00 P.M. REGULAR SESSION **AMENDED**
PLACE: BRIDGEPORT CITY HALL
515 WEST MAIN STREET

AGENDA

**INVOCATION – RECORDER HANK MURRAY
PLEDGE OF ALLEGIANCE**

APPROVE MINUTES OF DECEMBER 14, 2015 REGULAR COUNCIL MEETING

REPORT BY MAYOR

REPORT BY CITY MANAGER

AWARDS & PRESENTATIONS:

REPORTS:

PUBLIC COMMENT:

UNFINISHED BUSINESS:

1. Second and Final Reading of an Ordinance authorizing submission of an application to the West Virginia Municipal Home Rule Board for amendment to the City's Home Rule plan.
2. Second and Final Reading of an Ordinance providing for the purchase of that certain tract or parcel of land containing 2.00 acres, more or less, for municipal stormwater system purposes; situate on Worthington Drive, in Simpson District, Harrison County, West Virginia.

NEW BUSINESS:

4. Budget Revisions and/or Authorizations.

EXECUTIVE SESSION, If Needed:

To discuss matters involving the sale or lease of property, personnel matters, and advance construction planning which, if made public, might adversely affect the interests of the City, to discuss matters with counsel pursuant to the attorney/client privilege and as to matters not included on this agenda to determine if official action is necessary.

City Council Minutes (Unapproved)

December 28, 2015

BRIDGEPORT CITY COUNCIL MINUTES

City of Bridgeport
County of Harrison
State of West Virginia

REGULAR SESSION:

At 7:01 p.m. Bridgeport City Council met in regular session in the Council Chambers of the Bridgeport Municipal Complex at 515 West Main Street.

COUNCIL MEMBERS PRESENT:

Mayor Robert L. Greer, Recorder Hank Murray, Councilors Diana Cole Marra, Dustin Vincent, Jeff Smell, and John S. Wilson, Sr., LJ Maxey

COUNCIL MEMBER(S) ABSENT:

None

CITY STAFF PRESENT:

City Manager Kim Haws, City Clerk Andrea Kerr, Police Chief John Walker, City Attorney Dean Ramsey

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Invocation was given by recorder Hank Murray, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES:

Minutes of the December 14, 2015 city council meeting were unanimously approved on a motion by Councilor John S. Wilson, Sr.; seconded by Councilor Diana Cole Marra.

REPORT BY MAYOR:

- He reflected over the past year and spoke about we now have 3 parcels of land to develop, we have a program at our high school that focuses on trying to persuade students from ever trying or using drugs and that came from a strategic planning session with this group of council members. We have also had some stressful times. Tough decisions had to be made, such as raising taxes.
- Bridgeport High School has won 7 State Championships this year. This is a reflection of our community and our expectations.

REPORT BY CITY MANAGER:

- He thanked the city employees that are working during this holiday season. They have come out and worked diligently without complaining. Our employees are wonderful people and are dedicated to the city.

AWARDS AND PRESENTATIONS:

None

REPORTS:

None

BRIDGEPORT CITY COUNCIL MINUTES

December 28, 2015

Page Two

PUBLIC COMMENT:

- Please see the attached "Article A" for public comment from Steven McElroy.

UNFINISHED BUSINESS:

5. Second and Final Reading of an Ordinance authorizing submission of an application to the West Virginia Municipal Home Rule Board for amendment to the City's Home Rule plan.
 - City Manager Kim Haws explained that the legislation that requires our code enforcement to be subject to regulations of the State Fire Marshall is a cumbersome process and we feel it makes sense to give the city more internal control on how the training occurs, and will be in our budget and fit the timelines of the national organization.
 - Councilor Diana Cole Marra made a motion to approve. Motion was seconded by Councilor John S. Wilson, Sr.
6. Second and Final Reading of an Ordinance providing for the purchase of that certain tract or parcel of land containing 2.00 acres, more or less, for municipal storm water system purposes, situate on Worthington Drive, in Simpson District, Harrison County, West Virginia.
 - Mayor Greer stated that this is the land owned by the Sutton's and is part of Phase II of the storm water retention area.
 - Councilor LJ Maxey made a motion to approve. Motion was seconded by Councilor Dustin Vincent.

NEW BUSINESS:

None

ADDITIONAL COMMENTS FROM CITY COUNCIL:

- Mayor Greer said that he and Councilor Wilson attended the annual Christmas luncheon. There was a great turnout. On behalf of City Council he thanks the city employees for their service and their efforts. It was a very nice event.
- Councilor John S. Wilson, Sr. said that on behalf of all of my fellow council persons to all of our community that we wish them a very happy, healthy and prosperous New Year. He also said that with everything the tragedy happening down in Texas and the other states over the last 72 hours, should remind us of how lucky we are in this area. He wants to remind everyone in the community that in 2016, the City will offer a 72 hour preparedness program.
- Councilor Dustin Vincent said that he wanted to show his thanks and appreciation to the city staff for replacing the light along Johnson Ave.
- Recorder Hank Murray said what a wonderful year it's been for him and the city. A lot of great things are happening here and he is looking forward to 2016.

ADJOURNMENT:

Meeting adjourned at 7:21 p.m. on a motion by Councilor LJ Maxey, seconded by Councilor Jeff Smell and unanimously approved.

BRIDGEPORT CITY COUNCIL MINUTES

December 28, 2015

Page Three

PREPARED BY:

Andrea Kerr, City Clerk

APPROVED:

Date

MAYOR

RECORDER


Ordinance Authorizing Submission of Plan

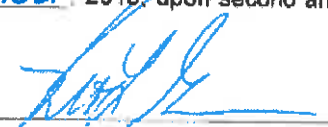
AN ORDINANCE AUTHORIZING SUBMISSION OF AN APPLICATION TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD FOR AMENDMENT TO THE CITY'S HOME RULE PLAN; TO PERMIT LOCAL CERTIFICATION AND SUPERVISION OF CODE ENFORCEMENT OFFICIALS AND INSPECTORS

BE IT **ORDAINED** by the governing body of the City of Bridgeport, Harrison County, West Virginia, that the Mayor, Recorder and City Manager be and they are hereby authorized to submit to the West Virginia Municipal Home Rule Board an Application for approval of an amendment of its Home Rule Plan, as the same may be amended or supplemented, to permit local certification and supervision of code enforcement officials and inspectors.

BE IT **FURTHER ORDAINED**, that the Mayor, Recorder and City Manager be and they are hereby authorized to execute such Application for and on behalf of the City and to certify this Ordinance to the Municipal Home Rule Board of the State of West Virginia in accordance with the rules and regulations applicable thereto and to take any and all action necessary with respect to said Application and to execute such other documents, hearings, notices, certificates, and affidavits as are necessary or convenient to the filing of such Application.

Adopted this 28th day of December, 2015, upon second and final reading.


Recorder


Mayor

Code Official / Inspector Ordinance

Attorney Opinion

Law Offices

WEST & JONES

360 Washington Avenue

P. O. Box 2348

Clarksburg, West Virginia 26302-2348

JAMES C. WEST, JR.
JERALD E. JONES
DEAN C. RAMSEY, PLLC
NORMAN T. FARLEY
MATTHEW W. ALEXANDER

January 5, 2016

TELEPHONE (304) 624-5501
FAX (304) 624-4454
Email: deanramsey@westandjones.com

Municipal Home Rule Board
Building 6, Room 525
Charleston, WV 25305-0311

**RE: Application of the City of Bridgeport, West Virginia,
for Amendment to its Home Rule Plan Authorized
December 2015 – Code Officials and Inspectors**

Ladies and Gentlemen:

We are counsel to the City of Bridgeport, a municipal corporation and political subdivision of the State of West Virginia, "City", in Harrison County of said State. As such counsel, we have examined (i) the Application of the City of Bridgeport, West Virginia for Amendment to its Municipal Home Rule Plan authorized by Bridgeport City Council to be filed by Ordinance adopted on December 28, 2015, (ii) the general information provided in such Application, and the narrative therein provided, (iii) the Affidavit and Verification of the Public Hearing held pursuant to the provisions of Section 5a of Article 1, of Chapter 8 of the West Virginia Code, (iv) the Affidavit of Publication of Notice of said hearing in the Clarksburg Exponent-Telegram, a newspaper of general circulation in Bridgeport, West Virginia, (v) a copy of the Ordinance authorizing submission of the plan adopted on first reading on December 14, 2015, and on second reading on December 28, 2015, subsequent to the aforementioned public hearing, the amendments approved at said meeting, the Affidavit of the City Clerk with respect to notice and hearing with respect to the adoption of the ordinances proposed to be adopted pursuant thereto, and the ordinances attached to said Affidavit.

Based upon the foregoing and upon our examination of such other documents, statutes, and regulations, as we have deemed necessary, we are of the opinion as follows:

1. We are of the opinion that the City has complied with the provisions of West Virginia Code 8-1-5a.

2. That said approved amendments and proposed ordinances comply with the statutory requirements of West Virginia Code 8-1-5a.

3. The Plan does not contain any proposed changes to ordinances, acts, resolutions, rules or regulations that are contrary to the US or WV Constitutions, WV Code Chapter 60 – A Uniform Controlled Substances Act, WV Code Chapter 61 – Crimes and Their Punishment, or WV Code Chapter 62 – Criminal Procedure, and the Plan does not contain any proposed changes to ordinances, acts, resolutions, rules or regulations that would create a defined contribution employee pension or retirement plan for its employees currently covered by a defined benefit pensions plan, or those matters prohibited by the provisions of WV Code §8-1-5a.

4. That to the best of the knowledge and belief of the undersigned there is now pending no litigation, action, suit, proceeding or investigation of law or in equity before any court, public board or body, pending or threatened, wherein an unfavorable decision would prevent the Municipal Home Rule Board from rendering a decision with respect to said Application.

This opinion may be relied upon by the Municipal Home Rule Board with respect to the City of Bridgeport's 2016 Application for Amendment to its Home Rule Plan pursuant to the authority granted by West Virginia Code 8-1-5a.

Very truly yours,



Dean C. Ramsey

State of West Virginia Fees Statement



P.O. BOX 1310 • 515 WEST MAIN ST. • BRIDGEPORT, WEST VIRGINIA 26330-6310
Phone: (304) 842-8225 • Fax: (304) 842-8201 • www.bridgeportwv.com
A. Kim Haws, City Manager

January 4, 2016

West Virginia Municipal Home Rule Board
Attn: Debbie Browning, Executive Assistant
West Virginia Department of Commerce / Development Office
Building 6, Room 553
Charleston, West Virginia 25305-0311

Re: West Virginia Fees Statement

Dear Members of the Home Rule Board:

In regard to Section III: Affidavits Application Checklist requirements, please accept this as the City of Bridgeport's State of West Virginia Fees Statement. This letter is to acknowledge that the City of Bridgeport is current on all fees and has no outstanding fees due to the State of West Virginia.

If you have any questions or if I can be of any further assistance, please do not hesitate to contact my office. I can be reached Monday through Friday from 7:30am to 4pm at 304.842.8225 or khaws@bridgeportwv.com.

Sincerely,

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

A. Kim Haws
City Manager