
City of Grafton

Municipal Home Rule Program Written Plan Amendment 1



Made Available to the Public - October 14, 2016

Public Hearing - November 15, 2016

First Reading Ordinance – November 15, 2016

Second Reading and Public Hearing – February 7, 2017

Submitted to the WV Municipal Home Rule Board – March 2017

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Municipal Home Rule Pilot Program Phase III APPLICATION CHECKLIST

SECTION I: APPLICANT INFORMATION	
Page No.	
Pg. 3	General Information
Pg. 3	Municipal Classification
Pg. 4	Executive Summary & Specific Issue(s) to be Addressed
	Issue(s) Category: Tax/Organization/Administrative/Personnel/Other

SECTION II: NARRATIVE (written plan, including the following) See Attachments	
Page No.	
	Specific state laws, policies, acts, resolutions, rules or regulations that are preventing the municipality to carry out duties in the most cost effective, efficient, and timely manner.
	Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.
	Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include: <ol style="list-style-type: none"> 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 – See Attachments	
Page No.	
X	Hearing Mandate Verification
X	Publication Mandate Verification
X	Ordinance Authorizing Submission of Plan
X	Fiscal Impact Worksheets/Formulas (if revenue related)
X	Attorney Opinion (application complies with statutory requirements)
X	State of West Virginia Fees Statement (none outstanding)

Municipal Home Rule Pilot Program Phase III

APPLICATION

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

SECTION II: NARRATIVE (written plan, including the following) See Attachments
<p>Specific state laws, policies, acts, resolutions, rules or regulations that are preventing the municipality to carry out duties in the most cost effective, efficient, and timely manner.</p> <p>Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.</p> <p>Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include:</p> <ol style="list-style-type: none"> 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 See Attachments
Hearing Mandate Verification Publication Mandate Verification Ordinance Authorizing Submission of Plan Fiscal Impact Worksheets/Formulas (if revenue related) Feasibility Study (if taxes are proposed) Attorney Opinion (application complies with statutory requirements) State of West Virginia Fees Statement (none outstanding)

Executive Summary

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

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

Contained within Grafton's home rule application, the West Virginia Home Rule Board will observe seven (7) proposals that at the core exemplify the meaning and desire of home rule in West Virginia. The following proposals focus on five (5) central themes:

1. Allocation and Enhancement of Public Safety Resources.
2. Economic and Community Development and Tax Incentives.
3. Regulating of Speed Limits on State Maintained Roads.
4. Party Affiliation on Various City Boards.
5. Authority to Sell Municipal Property Without Public Auction.

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

1.	Fire Civil Service Employment - Expanding Applicants’ Maximum Age & Hiring Part-Time Firemen. (Personnel)
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Specific Legal Barrier

- West Virginia Code §8-15-17
- West Virginia Code §8-15-21

Specific Problem Caused by Barrier

The City of Grafton has, like many cities are finding it more difficult to hire and retain paid firemen due to the cost and time in training. By expanding the Fire Civil Service provisions, the City would be able to hire full or part-time firemen under the age of 45. This benefits the city and its residents with adequate fire protection. Some individuals have other full/part-time jobs are only able to work 1 day per week. Finally, West Virginia Code §8-14-17 states *“(h) Any applicant for original appointment must have been a resident for one year, during some period of time prior to the date of his or her application, of the municipality in which he or she seeks to become a member of the paid fire department: Provided, That if the commission determines it necessary it may consider for original appointment applicants who are not residents of the municipality but who have been residents of the county in which the municipality or any portion of the territory thereof is located for a period of at least one year.”*

Proposed Solution

Grafton’s City Council adopted an ordinance establishing Fire Civil Service on December 18, 1967. The City proposes the hiring of part-time firemen under the age of 45 to assist its full-time paid department consisting of a Fire Operations Chief and staff. Additionally, the City proposes to increase the maximum age of hire of its full-time firemen to 45 years of age, and finally to remove the residency requirement for original appointment.

The proposed Grafton model will not affect civil service protection for current or future fulltime paid firemen of the Grafton Fire Department. Grafton will continue to fully adhere to all requirements of the West Virginia Code applicable to Fire Civil Service protections. The

authorization would expand West Virginia Code §8-14-17 and West Virginia Code §8-14-21 and provide for half-time trained firemen to serve longer than the three month provisional, but not to exceed 1800 hours during a calendar year.

The City of Grafton would adopt an ordinance under Home Rule allowing part-time trained firemen to be hired by the Grafton Fire Department up to and including the age of 45 who would serve a maximum of 1800 hours annually regardless of their residence at time of hire.

The approved model under Home Rule would permit the City of Grafton to increase the maximum hiring age of full time firemen limit from 35 years of age to 45. During the last fire civil service examination 2 applicants where over the age of 35.

Small cities in West Virginia continue to struggle in their search for qualified applicants regardless of maximum age limitations, but these limitations do have a profound impact on re-advertising and the rejection of qualified firemen.

Fiscal and Economic Benefit of Proposed Solutions:

A full-time fireman in Grafton currently results in an average annual cost of approximately \$36,000.0 which includes base salary, overtime, and benefits. The hiring of two additional, full-time paid firemen would cost the City over \$72,000.00 annually. The hiring of three half-time (24 hours per week), trained firemen, i.e., the half-time firemen would result in a combined cost incurrence to the City of \$108,000 annually. Upon approval, this model will result in more firemen assisting in structure fires and automobile accidents.

2.	Removal of party affiliation on various City Boards and Appointments (Administrative)
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This subsection explains why the City of Grafton seeks the authority to eliminate requirements that political party membership be taken into account for appointments to civil service and building commissions.

Specific Legal Barrier

Various sections of state code stipulate the political party membership of certain election officials, civil service commissioners, and municipal building commissioners, as follows:

- W. Va. Code §8-15-12 and §8-14-7 provide that not more than two members of either a firefighters or police civil-service commission may be “adherents of the same political party.”
- W. Va. Code §8-33-3 provides that “no more than two thirds of the total number of members of the board of each [building] commission shall be from the same political party.”

Specific Problem Caused by Legal Barrier

Suitability for service in any of the above capacities is unaffected by political-party membership, so imposing party-membership requirements is irrational and needlessly restricts the pool of available candidates. In some instances, the best candidate might not be chosen because of this arbitrary requirement. Further, party politics have no place—and can even be detrimental to the public good—in a city, such as Grafton, that explicitly operates non-partisan elections.

Proposed Solution

Grafton seeks authority to enact ordinances eliminating all of the party-membership requirements listed in subsection “Specific Legal Barrier”, above. These changes would allow Grafton to make selections for all of the positions listed in subsection “Specific Legal Barrier”, above, based entirely on qualifications, with no need to inquire as to the party membership of potential candidates.

3.	Creation of Enterprise & Redevelopment Zones – Municipal Real and Personal Property Rebates and B&O Tax Exemptions. (Tax)
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Specific Legal Barrier

- West Virginia §8-13A
- West Virginia §8-38

Specific Problem Caused by Barrier:

With the escalation in competition to attract new commercial and industrial businesses as well as retain and/or expand existing business has become a major challenge for all cities in West Virginia. With interstate competition and economic development incentives offered by other cities in North Central West Virginia has created a substantial limitation in attracting new economic growth in the City of Grafton. Municipalities in other neighboring states have the ability to offer a variety of tax incentives that municipalities in West Virginia do not have the ability to offer and/or are limited under West Virginia State Code.

Without the ability to offer tax incentives similar to other municipalities in surrounding states, the City of Grafton and the State of West Virginia will continue to decline in business development.

Proposed Solution

Under Home Rule, the City of Grafton will be authorized to designate developmental areas within the municipal corporate limits to be an “Enterprise or Redevelopment Zone”, and therefore be enabled to provide qualifying businesses with municipal real and personal property tax rebates together with B&O tax exemptions of up to 100% for a period of up to five years.

The City’s goals in establishing the Enterprise or Redevelopment Zone is to create new opportunities, new jobs, and retain existing jobs, and redevelop existing neighborhoods within the City; to encourage business development, increase other local revenues; and generally improve the economic and residential climate of the City. The benefits for an eligible company will be a multi-year scaled rebate in their municipal real and personal property and exemptions in their B&O taxes which may be applied to assist the start-up or expansion costs. The primary purpose of this program is to encourage both new and existing commercial or industrial businesses to invest within the City of Grafton by lessening the tax burden on real and personal property tax and B&O tax.

Regarding Redevelopment Zone, the benefits for an eligible citizen will be a multi-year scaled rebate in their municipal real property which would assist in their construction or remodeling cost. The primary purpose of this program is to encourage both new construction and remodeling existing residential homes within the City of Grafton by lessening the tax burden on real property tax.

The addition of the “Grafton Enterprise Zone” will provide the City of Grafton with an even better ability to attract new business to the community, while rewarding the expansion of existing businesses through introduction of substantial, economic development tax incentives. Through home rule, the City of Grafton will expand on those existing economic development incentives already permitted in West Virginia, e.g., pursuant to WV Code Chapter 8, Article 13A (Business Improvement Districts) and WV Code Chapter 8, Article 38 (Municipal Economic

Opportunity Development Districts). The Grafton Enterprise Zone will simply expand tax incentives for business to locate or expand in Grafton.

The property tax “rebate” will not require any special or additional services to be performed by any other agency or government. The Taylor County Assessor, Sheriff’s Office, nor shall any state agency be tasked with any additional duties. Upon presentation to the City of Grafton of proof of property tax payment by a business whose location or expansion plan had been previously filed and officially approved by Grafton City Council, and further following the City’s receipt of its distributive share of ad valorem taxes from Taylor County, then, that business taxpayer pursuant to a formula approved by the City Council would realize a full refund from the City of the municipal tax portion only of the business’s total property tax bill paid. The duration of this “rebate” program could be for as long as five years depending upon the quantity of investment in facilities constructed or expanded, and jobs created within the City. The rebate program would be capped at a maximum of five years up with a maximum annual rebate percentage of 100% pending the eligibility of the business and contingent upon said business meeting the qualifying requirements and adhering to the terms.

In addition to the property tax “rebate” on real and personal property, the City of Grafton proposes that B&O tax exemption incentive be provided to new and/or expanding commercial and industrial businesses. The City of Grafton’s B&O tax exemption incentive would include a similar formula as the one established in the property tax “rebate”. The B&O tax incentive under the Grafton Enterprise Zone would effectively provide a business with 100% annual tax exemption for a maximum of five years pending the eligibility of the business and contingent upon said business meeting the qualifying requirements and adhering to the terms. This tax exemption would include all B&O classifications as prescribed under West Virginia Code.

Different from the property tax “rebate” discussed above, the municipal B&O tax is assessed, collected, and administered entirely by Grafton’s municipal government pursuant to the City’s B&O tax ordinances, without any involvement by any county or state agency, other than occasional administrative consultation or information sharing with the West Virginia Department of Tax and Revenue. Some business enterprises would benefit for more from the B&O tax exemption versus the property tax rebate.

For instance, a business entity might consider locating in Grafton whose business plan does not require a large investment in property acquisition or development of structures, but whose capital investment is more directed toward employee training and/or startup inventory acquisition. A maximum five year, full exemption of municipal B&O taxes may well prove the difference in especially new enterprises being able to sustain themselves and grow their businesses. Application for the municipal B&O exemption further could be made by existing businesses seeking to substantially expand their operations within the City.

Eligible Projects

Eligible property tax rebated and B&O tax exempted property may include buildings, structures, vehicles, machinery and equipment, site improvements, office and related property (if occupying leased premises) necessary for operation of the facility.

Modernization for the purpose of replacing or upgrading existing facilities that increase the production input or output, or that updates technology or substantially lowers the unit cost of the operation or that is sustainable, i.e., “green friendly” initiatives, may be considered and in fact will be encouraged.

TERMS

When municipal, real and personal property tax rebates and/or B&O tax exemptions are available, they will be offered pursuant to the following, general limits and guidelines:

- For typical commercial and industrial property tax rebates and/or B&O tax exemptions, the City will negotiate a credit scale and duration of rebates and/or exemptions based primarily upon the investment level and job creation. Each project will be evaluated individually, and the tax incentives tailored to an analysis based upon such factors as industry competitive disadvantages, quantifiable economic impacts, and furthering other public purposes in unique ways. Applicants then would be required to submit an economic impact analysis using reliable modeling tools.

Depending on the analysis of such factors and data, the City then would evaluate the appropriate level and duration of tax rebates and exemptions;

- The City would be inclined to offer more favorable consideration to applicants committing to other community benefits, such as the city’s Minority and Women/Disadvantaged Business Enterprise Program, local purchasing, i.e., within Taylor County, of materials, vehicles, and equipment, construction and permanent employment job opportunities within a reasonably defined area, and employee health care benefits, and for energy conscious and environmentally sustainable programs;
- An annual extended rebate and tax exemption of up to 100% for an additional two years might be considered for targeted industry clusters, such as those in biotechnology, information technology, aerospace, energy, natural resources and other industries that the City from time to time identifies as having a particularly positive impact on the Taylor County economy.
- Any business whose application for property tax rebate and B&O tax exemption has been formally approved by the City Council shall be required thereafter to file a quarterly report during each year of the term approved by the City Council demonstrating that the project is meeting the goals set forth in the previously approved application.

- If during any quarterly report filing, it is determined in the exclusive discretion of the City Council that a successful applicant's project then has failed to satisfy the business's approved application, or if the business defaults on any terms, conditions or warranties contained in the rebate/exemption agreement with the City, and fails to cure such default after reasonable notification by the City, then the tax rebate/exemption agreement will be deemed as terminated and the city shall be entitled to recapture up to 100% of all taxes rebated or exempted for that current year of failure or default, and the application will be immediately terminated respecting all future years as initially had been approved by the City.

4.	Police Civil Service Hiring – Residence at time of reinstatement. (Personnel)
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Specific Legal Barrier W. Va. Code

- **West Virginia Code 8-14-12**

(d) Notwithstanding the requirements established in this section, if an applicant formerly served upon the paid police department of the city to which he or she makes application, for a period of more than his or her probationary period, and resigned from the department at a time when there were no charges of misconduct or other misfeasance pending against the applicant, within a period of two years next preceding the date of his or her application, and at the time of his or her application resides within the corporate limits of the city in which the paid police department to which the individual seeks appointment by reinstatement is located, then the individual shall be eligible for appointment by reinstatement in the discretion of the policemen's civil service commission. The applicant may be over the age of forty years. The applicant, providing his or her former term of service so justifies, may be appointed by reinstatement to the paid police department without a competitive examination, but the applicant shall undergo a medical examination. The applicant shall be the lowest in rank in the department next above the probationers of the department. *Note: WV Code updated with legislation passed through the 2015 Regular Session*

Specific Problem Caused by Barrier

The City of Grafton has, like many cities witnessed an increase in crime primarily due to drug related problems and would greatly benefit from increasing the number of its police officers. For small towns, it is becoming increasingly difficult to hire and maintain full-time police officers due to budgetary constraints and competing careers. The above stated code requirement is for individuals seeking to be reinstated to a municipal police department. Those seeking reinstatement must be residents of the municipality. Individuals who originally apply for a position in a municipal police department are not required to be residents of the municipality. Recently, the city had a previous law enforcement officer with the City of Grafton seeking reinstatement to the Grafton Police Department. This individual had to take and pass the required written examination again and hope that an adequate number of individuals (3) passed the exam before they could be hired. This process to advertise for potential applicants to the Grafton Police Department, schedule and administer a written police civil service examination, and evaluate the results can take at least 2 months. This lengthy process creates an undue hardship on the city and the current law enforcement officers.

Proposed Solution

Grafton City Council would adopt an ordinance stating that individuals seeking to be reinstated to the Grafton Police Department who previously left employment under good standing and approved by the City of Grafton Police Civil Service Commission at the time of his or her application would not be required to reside within the corporate limits of the City of Grafton.

5.	Police Civil Service Hiring – Reducing the minimum number of eligibles from certified list of Police Civil Service Board (Personnel)
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Specific Legal Barrier W. Va. Code

- **West Virginia Code 8-14-15**

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

Specific Problem Caused by Barrier

The City of Grafton has an extremely difficult time in finding three applicants for the Grafton Police Department to pass the civil service commission written examination and agility examination. Many times 5-8 individuals will take the examination, and after background checks and agility examinations are performed only 1 or 2 will pass.

During 2015, the City of Grafton Police Civil Service Commission had to conduct 3 written examinations before 3 qualified applicants passed the examination, background checks and agility examination. This process took 6 months to hire one individual. Each test requires job postings in 3 area newspapers (Grafton, Fairmont, Clarksburg), typically a time frame of 4 weeks for the application deadlines, and then another 2 weeks before a test can be administered. After the written examination an agility test is performed for those individuals who passed the written examination. This process takes approximately 2 months or longer each time. The City of Grafton cannot afford to have a large number of law enforcement officers on staff so when a vacancy occurs it does not put strains on manpower. When a vacancy occurs overtime can put severe strains on budgets and officers become “burnt out” and exhausted due to the lengthy process in filling open positions.

Proposed Solution

The City of Grafton will pass an ordinance that sets a standard hiring practice for the Grafton Civil Service Commission from a list of eligibles. “The commission shall forthwith certify, from the eligible list, the names of three individuals, if available thereon who received the highest averages at a preceding competitive examination held under the civil service provisions of this article within a period of three years next preceding the date of the prospective appointment. The appointing officer shall, thereupon, with sole reference to the relative merit and fitness of the candidates, make an appointment from the three names, if available so certified.”

6.	Regulating of Speed Limits and Traffic Control Devices on State Maintained Roads within the City of Grafton. (Personnel)
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Specific Problem Caused by Barrier

Several areas of the City of Grafton are conducive to operation of vehicles passing through at excessive speeds. The authority governing the city's ability to set or alter speed limits and otherwise place restrictions upon roadways is conflicting, and the city wishes to reduce the speed limits in certain areas within the Grafton's corporate limits and create other restrictions on roadways, such as implementing traffic calming devices.

Specific Authority

Grafton has plenary power and authority "(4) to regulate the use of streets, avenues, roads, alleys, ways, sidewalks, crosswalks and public places belonging to the municipalities . . . (13) to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome. . . [and] (23) to provide for the elimination of hazards to public health and safety" W. Va. Code § 8-12-5. Grafton has the power to reduce the speed limit at an intersection based upon an engineering and traffic investigation. W. Va. Code § 17C-6-3(a). Additionally, Grafton may decrease the 25 mph limitation in local dedicated rights-of-way in a residential district or portions thereof. W. Va. Code § 17C-6-3(d). However, in either case, the alteration of a limit on state highways or extensions thereof must be approved by the commissioner of highways. W. Va. Code § 17C-6-3(e). W. Va. Code § 17C-7-12(a) permits local authorities to place certain restrictions over roadways under those authorities' jurisdictions, but does not permit such restrictions to be placed over roadways under the jurisdiction of the State. Further, Grafton has the ability to "provide for the opening and excavation of . . . crosswalks . . ." pursuant to W. Va. Code § 8-12-5(2).

Proposed Solution

The City of Grafton will pass an ordinance providing it with the authority to set speed limits on state roadways within municipal boundaries, and change, modify, or impose other restrictions such as placement of road signs and crosswalks, and implementation of traffic calming devices. Locally elected officials, who are more aware of facts and circumstances that may result in dangerous roadways, can have a greater hand in determining the appropriate speed limits for

roads within the city. Further, coordination with the commissioner of highways will no longer be necessary, permitting any necessary changes to occur in a more efficient and expedient manner.

Other Notes

Nitro, Weirton, and Shepherdstown also included in their Home Rule applications requests for clarification of the authority granted to municipalities to regulate speed within the municipalities and place other restrictions upon roadways.

7.	Authority to allow Grafton to sell municipal property without public auction, when deemed for public purpose after public notice, and sold for adequate value (Administrative).
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Specific Legal Barrier

- §8-12-18, Sale, lease or disposition of other municipal property.

(b) In all other cases involving a sale, any municipality is hereby empowered and authorized to sell any of its real or personal property or any interest therein or any part thereof for a fair and adequate consideration, the property to be sold at public auction at a place designated by the governing body, but before making any sale, notice of the time, terms and place of sale, together with a brief description of the property to be sold, shall be published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code and the publication area for the publication shall be the municipality. The requirements of notice and public auction shall not apply to the sale of any one item or piece of property of less value than one thousand dollars and under no circumstances shall the provisions of this section be construed as being applicable to any transaction involving the trading in of municipally owned property on the purchase of new or other property for the municipality and every municipality shall have plenary power and authority to enter into and consummate any trade-in transaction.

Problem Created by the Law

Section 8-12-18 of the West Virginia Code provides that except in limited circumstances involving sales to the United States, or a state or instrumentality thereof, municipalities may only sell their real or personal property for fair and adequate consideration at public auction with sufficient legal advertisement. Similarly, municipalities may lease real or personal property, but only for fair and adequate consideration approved by resolution of the municipality's governing body.

Proposed Solution

The City of Grafton will consider and approve an ordinance: 1. Allowing the sale of real and personal property by the City at fair market value to private purchasers without auction in such a manner that promotes economic development or provides a service for the public good; 2. Allowing the lease of real and personal property by the City to private lessees for less than fair market value if the private lessees will use the property in such a manner that promotes economic development or provides a service for the public good; 3. Allowing the sale of real and personal property by the City at less than fair market value to nonprofit corporations with a 501(c)(3) determination letter from the Internal Revenue Service without auction; and 4. Allowing the lease of real and personal property by the City at less than fair market value to nonprofit corporations with a 501(c)(3) determination letter from the Internal Revenue Service. The ordinance will provide that all such transactions may be approved by resolution of the City Council, without the need for a public hearing.

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

Hearing Mandate Verification

HEARING MANDATE VERIFICATION

I, the undersigned Clerk of the City of Grafton, West Virginia, do hereby certify that on November 15, 2016, at 1:00 p.m., a Public Hearing was held during the Regular Council Meeting of the City of Grafton, the subject of said hearing being An Ordinance Authorizing the mayor of the City of Grafton to submit an Amendment to the City of Grafton's Written Home Rule Plan to the West Virginia Municipal Home Rule Board in accordance with West Virginia Code §8-1-5a. A quorum of the Grafton City Council was present for this hearing and the hearing was in compliance with West Virginia Code §8-1-5a.

The attached are true, correct, and complete copies of the Regular Session of the Grafton City Council Agenda, November 15, 2016, evidencing the Public Hearing. No written comments pertaining to the City of Grafton's proposed Home Rule Plan and application were submitted to the City Clerk between the advertised dates of October 14, 2016 through October 21, 2016. The public hearing was opened for public comments; no citizens appeared to speak either in favor of, or against, an ordinance authorizing the Mayor of the City of Grafton to submit a Home Rule Proposal to the West Virginia Municipal Home Rule Board in accordance with West Virginia Code §8-1-5a.

Witness the signature of the undersigned City Clerk of the City of Grafton, West Virginia, and the seal of the City of Grafton, this 7th day of February, 2017.



Larry M. Richman
City Clerk

Publication Mandate Verification (Affidavit of Publication)

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

CITY OF GRAFTON
 1 W MAIN ST
 GRAFTON WV 26354

LEGAL ADVERTISEMENT INVOICE

ACCT# 802 LEGAL# 2990

DESCRIPTION Home Rule Program
 PO 10-16-40

PUBLICATION DATES	PUBLICATION COST
10/14/2016	\$ 59.00
10/21/2016	\$ 44.25
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
AFFIDAVIT FEE	\$ 2.00
TOTAL	\$ 105.25

Legal Rate: .11 1/5 cents per word space for the first publication;
 75% of the first cost for each additional publication

AFFIDAVIT

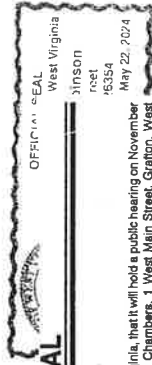
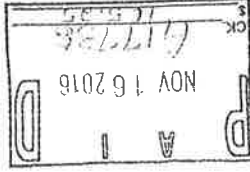
STATE OF WEST VIRGINIA, COUNTY OF TAYLOR,
 TAMMY A LYONS, PUBLISHER of the MOUNTAIN STATESMAN
 a Newspaper Published in Grafton in said county,
 do hereby certify that the annexed

Was published once a week for
 weeks in said Mountain Statesman a Newspaper as aforesaid,
 commencing on the 14th day of October
 2016

Publisher: Tammy A Lyons

WEST VIRGINIA, TAYLOR COUNTY, TO WIT:
 Subscribed and sworn before me this 31st
 day of October, 2016

Notary Public: Margaret C. Redburn
 My commission expires July 31, 2017



LEGAL

PUBLIC HEARING NOTICE
 CITY OF GRAFTON, WEST VIRGINIA
 HOME RULE PROGRAM
 Notice is hereby given by the City of Grafton, West Virginia, that it will hold a public hearing on November 15, 2016, at the Grafton Municipal Building, Council Chambers, 1 West Main Street, Grafton, West Virginia.

The purpose of this public hearing is to discuss the City of Grafton's proposed Amended Home Rule Number 1 written plan and application. This information will be utilized by the City of Grafton in its application to the West Virginia Home Rule Program, Phase III, which was established by Senate Bill 323. The City of Grafton's proposed Amended Home Rule Program Number 1 and application is available for public inspection in the Office of the City Clerk, as well as the Office of the City Manager, Grafton Municipal Building, Grafton, West Virginia beginning on Friday, October 14, 2016, Monday through Friday, between the hours of 8:00 a.m. and 4:00 p.m.
 All interested citizens are invited to attend the public hearing scheduled on Tuesday, November 15, 2016, at 1:00 p.m., and to present oral or written comments concerning Grafton's proposed Home Rule Amended Number 1 plan and application. Written comments may be addressed to Larry M. Richman, City Clerk, City of Grafton, West Virginia, Council Chambers, 1 West Main Street, Grafton, West Virginia. The public hearing will be held in the Council Chambers, 1 West Main Street, Grafton, West Virginia, on Tuesday, November 15, 2016 at 1:00 p.m., at the Grafton Municipal Building, Council Chambers, 1 West Main Street, Grafton, West Virginia.

Larry M. Richman
 City Clerk

Legal 2990
 10/14, 10/21/16

Publication for Public Hearing

LEGAL

Mountain Statesman, Friday, October 14, 2016

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

Notice is hereby given by the City of Grafton, West Virginia, that it will hold a public hearing on November 15, 2016, at the Grafton Municipal Building, Council Chambers, 1 West Main Street, Grafton, West Virginia.

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Larry M. Richman
City Clerk

Legal 2990
10/14, 10/21/16

LEGAL

Mountain Statesman, Friday, October 21, 2016

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

Notice is hereby given by the City of Grafton, West Virginia, that it will hold a public hearing on November 15, 2016, at the Grafton Municipal Building, Council Chambers, 1 West Main Street, Grafton, West Virginia.

The purpose of this public hearing is to discuss the City of Grafton's proposed Amended Home Rule Number 1 written plan and application. This information will be utilized by the City of Grafton in its application to the West Virginia Home Rule Program, Phase III, which was established by Senate Bill 323.

The City of Grafton's proposed Amended Home Rule Program Number 1 and application is available for public inspection in the Office of the City Clerk, as well as the Office of the City Manager, Grafton Municipal Building, Grafton, West Virginia beginning on Friday, October 14, 2016, Monday through Friday, between the hours of 8:00 a.m. and 4:00 p.m.

All interested citizens are invited to attend the public hearing scheduled on Tuesday, November 15, 2016, at 1:00 p.m., and to present oral or written comments concerning Grafton's proposed Home Rule Amended Number 1 plan and application. Written comments may be addressed to Larry M. Richman, City Clerk, City of Grafton, 1 West Main Street, Grafton, West Virginia. The first reading of the ordinance approving the City of Grafton's Home Rule Amendment Number 1 plan application November 15, 2016 1:00 p.m., at the Grafton Municipal Building, Council Chambers, 1 West Main Street, Grafton, West Virginia.

Larry M. Richman
City Clerk

Legal 2990
10/14, 10/21/16


City of Grafton Council Agenda for Public Hearing



AGENDA

CITY OF GRAFTON
Grafton City Council – Grafton, West Virginia
Grafton Municipal Building Council Chambers
Tuesday, November 15, 2016 – 1:00 p.m.

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Set Council Agenda
6. Approval of Minutes
 - A. Regular Council Meeting October 18, 2016
7. Citizens Voice
8. City Manager's Report
9. Communications, Board, Project and Conference Reports
 - A. September 2016 Financial Report
 - B. October 2016 Police Department Report
 - C. October 2016 Fire Department Report
 - D. October 2016 Code Enforcement Department Report
 - E. Grafton-Taylor County Board Health Minutes 9/16/16
 - F. Grafton Housing Authority Minutes 5/25/16, 6/14/16
10. Appointments
11. Proclamations and Resolutions
12. Unfinished Business
 - A. Second Reading Ordinance No. 849
An Ordinance Permitting US Cellular Tower Construction
 - B. Fire Department Rescue Truck Replacement
Discussion/Consideration/Bid Approval
13. New Business
 - A. Payment of the Bills November 15, 2016
 - B. 2016 Christmas One Time Pay Increase/Employees
 - C. Public Hearing Grafton Home Rule Program
Amended Number 1 Application Authorization
 - D. First Reading Ordinance No. 850
Grafton Home Rule Program Application
Amended Number 1 Authorization
 - E. Grafton Public Television Station No. 15
Equipment Replacement Consideration
 - F. Public Works 2001 Dodge Truck Replacement/Bid Consideration
 - G. Discussion/Consideration Realty Conveyance
Well Evangelical Methodist Church
St. John's United Methodist Church
116 Saint John Street
Tax Map 10, Parcel 120
14. Council Member's Hearing
15. Adjournment


City Clerk
November 10, 2016

**Minutes of November 15, 2016 Regular City Council Meeting- Public Hearing for
the 30 Day Comment Period**

**Grafton City Council
2016-2017 Year: Regular Meeting Number 8
Tuesday, November 15, 2016
Grafton Municipal Building Council Chambers**

1. CALL TO ORDER

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

2. INVOCATION

The invocation was given by Councilman Isner.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance, led by Councilman G. Bartlett, was recited by all in attendance.

4. ROLL CALL

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

5. SET COUNCIL AGENDA

Motion was made by Vice Mayor Thompson, second by Councilman Isner, to approve the November 15, 2016 meeting agenda as submitted. Roll call vote: E. Bartlett: Yes; Isner: Yes; G. Bartlett: Yes; Thompson: Yes; and Barney: Yes. Motion carried.

6. MINUTES OF REGULAR COUNCIL MEETING OCTOBER 18, 2016

Motion was made by Councilman E. Bartlett, second by Councilman Isner, to approve the October 18 2016 Regular Council Meeting Minutes. Roll call vote: E. Bartlett: Yes; Isner: Yes; G. Bartlett: Yes; Thompson: Yes; and Barney: Yes. Motion carried.

7. CITIZENS VOICE

No one registered to speak.

8. CITY MANAGER'S REPORT

No written report submitted.

9. COMMUNICATIONS/COMMISSION, COMMITTEE, BOARD, REPORTS

A. Financial Reports:

September 2016 City of Grafton Financial Report submitted.

B. Police Department:

October 2016 Police Department Report submitted.

C. Fire Department Report:

October 2016 Fire Department Report submitted.

- D. Code Enforcement Department Report:
October 2016 Code Enforcement Report submitted.
- E. Grafton-Taylor County Board of Health Minutes:
September 16, 2016 Minutes submitted.
- F. Grafton Housing Authority Minutes:
May 25, 2016 Minutes submitted.
June 14, 2016 Minutes submitted.

10. APPOINTMENTS

None.

11. PROCLAMATIONS, RESOLUTIONS, CERTIFICATES

None.

12. UNFINISHED BUSINESS

- A. Second Reading Ordinance No. 849
An Ordinance Permitting US Cellular Tower Construction:

<p>ORDINANCE NO. 849 AN ORDINANCE PERMITTING CONSTRUCTION OF US CELLULAR COMMUNICATION TOWER</p>
--

Report has not been received from the Grafton City Hospital Board of Trustees relating to the interference from the height of a Cellular Tower and the emergency access by a helicopter to the Grafton City Hospital. A written report regarding the cellular tower radio frequency transmission with the entry by a helicopter to the Grafton City Hospital was prepared and submitted by Councilman G. Thomas Bartlett, III. The consideration for the second reading and passage of Ordinance No. 849 was tabled; the second reading will be placed on the December 13, 2016 Council Meeting Agenda.

- B. Fire Department Rescue Truck Replacement
Discussion/Consideration/Bid Approval:

Fire Operations Chief David P. Crimm discussed the consideration for the need to purchase a new #1500 GPM Triple Combination Rescue Pumper mounted on a Freightliner M2-106 Commercial Chassis Truck for the Grafton Fire Department. He submitted specifications for a truck, which included construction of the chassis and the rescue equipment, with the cost being approximately \$369,846.00; discussed and reviewed the consideration to purchase the truck through a lease-purchase plan from the Pierce Manufacturing Company and to increase the monthly fire fee by \$3.00 per month to support the lease purchase of said truck.

Motion was made by Vice Mayor Thompson, second by Councilman Isner, to authorize the City Clerk to publish a Class II Legal Advertisement and to mail requests to vendors selected by the Fire Operations Chief and City Manager for bid requests to purchase a new Fire Department Rescue Pumper/Commercial Chassis Truck. Roll call vote: E. Bartlett: Yes; Isner: Yes; G. Bartlett: Yes; Thompson: Yes; and Barney: Yes. Motion carried.

Meeting recessed at 2:04 p.m.
Meeting back in session at 2:15 p.m.

13. NEW BUSINESS

A. Payment of Bills:

1. Regular 2016-2017 Budgetary Bills - Year Listing No. 8

Bluemont Cemetery Fund	\$	1,889.38
Coal Severance Fund	\$	3,295.85
General Fund	\$	96,909.54
Water Operations Fund	\$	86,053.95
Sewer Service Fund	\$	34,261.84
Total	\$	222,410.56

Motion was made by Vice Mayor Thompson, second by Councilman Isner, to pay the Regular Bills, November 15, 2016, in the amount of \$222,410.56. Roll call vote: E. Bartlett: Yes; Isner: Yes; G. Bartlett: Yes; Thompson: Yes; and Barney: Yes. Motion carried.

B. 2016 Christmas One Time Pay Increase/Employees:

Motion was made by Councilman E. Bartlett, second by Councilwoman Thompson, to authorize a *Christmas one-time only pay increase* for the employees of the City of Grafton, City Attorney, City Judge, and Director of the Sewer Department, with the consideration being 125.00 (One Hundred Twenty-Five Dollars) for full time employees and \$70.00 (Seventy Dollars) for part time employees. Roll call vote: E. Bartlett: Yes; Isner: Abstained; G. Bartlett: Yes; Thompson: Yes; and Barney: Yes. Motion carried.

C. Public Hearing Grafton Home Rule Program

Amended Number 1 Application Authorization:

CLASS II LEGAL PUBLIC HEARING NOTICE
CITY OF GRAFTON, WEST VIRGINIA
HOME RULE PROGRAM

Publish Dates: Friday, October 14, 2016 - Friday, October 21, 2016

Notice is hereby given by the City of Grafton, West Virginia, that it will hold a public hearing on November 15, 2016, at the Grafton Municipal Building, Council Chambers, 1 West Main Street, Grafton, West Virginia.

The purpose of this public hearing is to discuss the City of Grafton's proposed Amended Home Rule Number 1 written plan and application. This information will be utilized by the City of Grafton in its application to the West Virginia Home Rule Program, Phase III, which was established by Senate Bill 323.

The City of Grafton's proposed Amended Home Rule Program Number 1 and application is available for public inspection in the Office of the City Clerk, as well as the Office of the City Manager, Grafton Municipal Building, Grafton, West Virginia, beginning on Friday, October 14, 2016, Monday through Friday, between the hours of 8:00 a.m. and 4:00 p.m.

All interested citizens are invited to attend the public hearing scheduled on Tuesday, November 15, 2016, at 1:00 p.m., and to present oral or written comments concerning Grafton's proposed Home Rule Amended Number 1 plan and application. Written comments may be addressed to Larry M. Richman, City Clerk, City of Grafton, 1 West Main Street, Grafton, West Virginia. The first reading of the ordinance approving the City of Grafton's Home Rule Amendment Number 1 plan application November 15, 2016, 1:00 p.m., at the Grafton Municipal Building, Council Chambers, 1 West Main Street, Grafton, West Virginia.

Mayor Barney opened the floor for anyone from the public attendance wishing

to speak for or against the consideration for City of Grafton to submit Home Rule Program Amendment (Amended Number 1) to the West Virginia Home Rule Board, to approve Amendment Number 1 relating to the City of Grafton. No one spoke and the Mayor closed the public hearing.

D. First Reading Ordinance No. 850

Home Rule Program Application Authorization:

ORDINANCE NO. 850
AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRAFTON TO
SUBMIT HOME RULE PLAN ADMENDMENT TO THE
WEST VIRGINIA MUNICIPAL HOME RULE BOARD.

Motion was made by Councilman Isner, second by Vice Mayor Thompson, to approve the first reading of Ordinance No. 850. Roll call vote: E. Bartlett: Yes; Isner: Yes; G. Bartlett: Yes; Thompson: Yes; and Barney: Yes. Motion carried.

E. Grafton Public Television Station No. 15

Equipment Replacement Consideration:

City Manager discussed the necessity to replace the communication equipment supporting the functions of the Grafton Public Television Station No. 15, which is operating from the Grafton Municipal Building, costs estimated to be approximately \$14,000.00. Council requested additional information relating to the type of equipment which will be used in the continual support of the station. No action taken.

F. Public Works 2001 Dodge Truck Replacement/Bid Consideration:

The consideration to replace Public Works Truck-2001 Dodge (Sewer Department No. 5) vehicle identification #3B7KF26631M550869, with more than 110,000 miles, was again discussed, issue deferred from the October 18, 2016 council meeting. Said truck was parked in the Grafton Municipal Parking lot next door/adjacent to the council chambers to give council members the opportunity to examine the condition of the truck during the 2:04 p.m.-2:15 p.m. meeting recess; and it was the general consensus of council the truck needs to be replaced.

Motion was made by Councilman Isner, second by Councilman G. Bartlett, to authorize the City Clerk to publish a Class II Legal Advertisement in the Mountain Statesman newspaper and to mail requests to vendors selected by the Public Work Director and City Manager for bid requests to purchase a new Public Works Truck. Roll call vote: E. Bartlett: Yes; Isner: Yes; G. Bartlett: Yes; Thompson: Yes; and Barney: Yes. Motion carried.

G. Discussion/Consideration Realty Conveyance

Well Evangelical Methodist Church

St. John's United Methodist Church

Tax Map 10, Parcel 120:

The Well Evangelical Methodist Church, formerly St. John's United Methodist Church, 116 St. John Street – corner of East Boyd and St. John's Street, adjacent to the Mother's Day Shrine park/grounds, has closed and the General Conference of the Evangelical Methodist Church, indicated in a letter, November 7, 2016, and recorded as part of the minutes, page seven, wishes to convey the property to the City of Grafton, as the church building is part of the history of Grafton. The stained glass

windows, register with the "American Census of Stained Glass Windows 1845-1945" in the building are the oldest in Taylor County and some of the oldest in West Virginia.

The church was constructed in 1885 by the First Methodist Protestant Church of Grafton, renamed in 1938 St. John's Methodist Protestant Church and after several Methodist nation-wide denominational mergers, the church eventually became St. John's United Methodist Church.

St. John's United Methodist Church consolidated with the Church of the Good Shepherd United Methodist during year 2012 and the church building (realty-Tax Map 10, Parcel 120) was given to the Well Evangelical Methodist Church. The Well Church closed its doors in September 2016.

The Horizon's Church, now meeting in the building (former A&P Supermarket, Ben Franklin Store, Rite-Aid Store, etc.) across the street from City Hall, is interested in moving their congregation to the Well/St. John's building, as indicated by Rev. Fred Guidi, minister in the Evangelical Methodist Church denomination.

Discussion was the consideration for the utilization of the former Well Evangelical Methodist Church/St. John's United Methodist Church as a community building to be used for a variety of civic/public activities which would include concert/theatrical plays. Council scheduled a general workshop which will include a walking tour of the church building for Monday, November 21, 2016, beginning at 10:00 a.m. No action taken.

14. COUNCIL MEMBER'S HEARING

Mayor Peggy Knotts Barney:

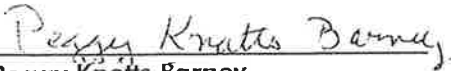
Thanked Vice Mayor Thompson for her leadership relating to the 2016 Veterans Day Parade and Grafton National Cemetery service.

Councilman G. Thomas Bartlett, III:

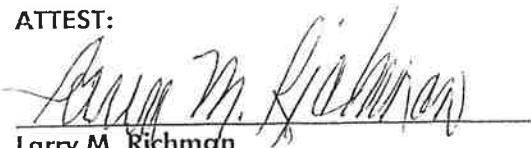
Requested the City Manager to prepare a written City Manager's Report, which could be recorded as part of the council minutes, as opposed to giving a verbal report. Mr. Bartlett stated there is good information in the report which needs to be recorded and preserved for the official record.

15. ADJOURNMENT

Mayor Barney adjourned the meeting at 3:48 p.m.


Peggy Knotts Barney
Mayor

ATTEST:


Larry M. Richman
City Clerk



The
General Conference
of the
Evangelical Methodist
Church

Office of the General Conference
Secretary-Treasurer

REV. JAMES A. COULSTON

Phone: (317) 780-8017

E-mail:
generalsecretary@emchurch.org

EVANGELICAL METHODIST
CHURCH INTERNATIONAL
HEADQUARTERS

PO Box 17070
Indianapolis, Indiana 46217

Shipping address:
6838 South Gray Road
Indianapolis, Indiana 46237

Phone: 317-780-8017
Fax: 317-780-8078
Email:
Headquarters@emchurch.org

Dr. Edward W. Williamson,
General Superintendent

Phone: (317) 780-8017

E-mail: generalsuperintendent@
emchurch.org

November 7, 2016

Rev. Fred Guidi
61 Centre Court Drive
Grafton, WV 26354

Dear Rev. Guidi,

The Well Evangelical Methodist Church has closed and the property is being conveyed to the General Conference. It is the wish of the General Conference to extend to the city of Grafton the property at 116 St. John Street. The property (Taylor County, West Virginia, Tax Map 10, Parcel 120) is a part of the history of the community.

We would ask that you work with the city on the conveyance of the property on behalf of the Evangelical Methodist denomination. Thank you for your assistance.

Sincerely,

Rev. James A. Coulston
General Secretary-Treasurer

City Clerk Verification on Ordinance Authorizing Submission of Plan

ORDINANCE AUTHORIZING SUBMISSION OF THE AMENDED HOME RULE PLAN

I, the undersigned Clerk of the City of Grafton, West Virginia, do hereby certify that the foregoing is a true, correct, and complete copy of An Ordinance Authorizing the Mayor of the City of Grafton to submit a Home Rule Proposal to the West Virginia Municipal Home Rule Board in Accordance with West Virginia Code §8-1-5a, enacted by the Council of the City of Grafton on February 7, 2016.

Witness the signature of the undersigned City Clerk of the City of Grafton, West Virginia, and the seal of the City of Grafton, this 7th day of February, 2017.



Larry M. Richman
City Clerk

Ordinance Authorizing the Submission of the Plan

ORDINANCE NO. 850

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

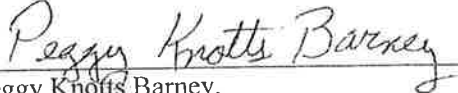
WHEREAS, an Ordinance authorizing the submission of a proposed City of Grafton Municipal Home Rule Plan Amendment, attached as an Exhibit hereto, to the West Virginia Municipal Home Rule Board consistent with WV Code §8-1-5a, is required in order to amend the City's Home Rule Plan; and

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


WHEREAS, as required by law, the City of Grafton has published the appropriate public hearing notice on October 14, 2016 and October 21, 2016, made its Home Rule Plan Amendment available for public review, and has conducted a public hearing to accept comments regarding its proposed Home Rule Plan Amendment during the regular Grafton City Council Meeting on November 15, 2016.

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

This Ordinance shall be effective upon date of passage.


Peggy Knotts Barney,
Mayor

Attest:


Larry M. Richman,
City Clerk

First Reading: November 15, 2016
Second Reading: February 7, 2017
Public Hearing February 7, 2017
Passage: February 7, 2017
Publication: January 20, 2017
January 27, 2017

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

Attorney Opinion

Date: August 18, 2015

Applicant: City of Grafton

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

Ladies & Gentlemen of the WV Municipal Home Rule Board:

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

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

The Municipal Home Rule Board may rely upon this opinion.

Sincerely,



Shawn D. Nines, Esq.
WV State Bar #9570
222 West Main Street
Grafton, WV 26354

State of West Virginia Fees Statement

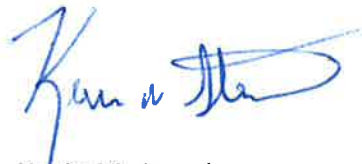
March 22, 2017

Municipal Home Rule Board
Building 1, Room W-314
State Capitol Complex
Charleston, West Virginia 25305

To Whom It May Concern:

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

Sincerely,



Kevin M. Stead
City Manager