



CITY OF LEWISBURG

National Register Historic District

942 Washington Street, West • Lewisburg, West Virginia 24901
(304) 645-2080 • Fax (304) 645-2194

June 27, 2016

Municipal Home Rule Board
c/o Ms. Debbie Browning
West Virginia Development Office
Building 6, Room 53
Charleston, WV 25305-1311

Re: Proposed Written Plan Amendment by the City of Lewisburg

Dear Committee Members:

Enclosed with this letter, please find the following documents for the Board's consideration at its July meeting:

- a) A proposed amendment to the City of Lewisburg's written plan pursuant to the Home Rule Pilot Program, along with the proposed Ordinance authorizing submission of the proposed amendment that will be approved on July 5, 2016.
- b) A publisher's certification showing the public notice and inspection requirements for the proposed plan amendment have been completed;
- c) A copy of the City Council agendas for June 21, 2016 and July 5, 2016.
- d) A letter from the City Attorney certifying the proposed amendment complies with W. Va. Code §8-1-5a.

I am mailing to you the required original and 8 copies of the above listed items. A copy of the approved Ordinance along with a recording of the council meeting of July 5, 2016 will be emailed to you the evening of the 5th.

If I may be of any additional assistance in this matter, please contact me.

Sincerely,

John Manchester
Mayor

JM/bys

CITY OF LEWISBURG
Home Rule Plan Amendment

Introduction

In 2008 the Home Rule board selected four municipalities to participate in the original West Virginia Home Rule Pilot Program. In Phase III of the Home Rule Pilot Program application process, Lewisburg made application and was accepted as a Home Rule City.

Under WV State Code Section 8-1-5a(k), municipalities participating in the Municipal Home Rule Pilot Program may amend their written plans. For the reason set forth herein, Lewisburg is now requesting that the Home Rule Board authorize the following amendment to Lewisburg's approved written plan.

Problem: The West Virginia Code restrains restaurants and hotels during brunch hours by prohibiting the serving of alcohol before the hour of one o'clock p.m. on Sundays.

Solution: Lewisburg will enact an ordinance permitting any private club licensee or private bed and breakfast, hotels or restaurant to serve beer, wine and alcoholic liquors after the hour of 10:00 a.m. on Sundays.

Supporting Notes: A "brunch bill" to achieve this result was passed by the West Virginia Legislature, with support from the delegation representing Lewisburg, as well as restaurants in the City, but with the requirement that each county hold a vote to determine whether alcohol may be sold in that county prior to 1:00 p.m. on Sunday. Because it is unclear whether a county would choose to put this on a ballot for a vote by the citizens, the City requests the authority through Home Rule to regulate the time, on Sundays, at which restaurants may serve beer, wine and liquor. The ability to serve alcohol before 1:00 p.m. on Sundays should attract business to local establishments stimulating tourism and the local economy.

“AN ORDINANCE AUTHORIZING THE CITY OF LEWISBURG TO SUBMIT TO THE MUNICIPAL HOME RULE BOARD A PROPOSED AMENDMENT, ATTACHED HERETO AS EXHIBIT A, TO THE CITY OF LEWISBURG MUNICIPAL HOME RULE PLAN CONSISTENT WITH W.V STATE CODE SECTION 8—1-5A, REQUESTING APPROVAL TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN ALCOHOL BEVERAGE CONTROL ADMINISTRATION CLASS “A” LICENSE HOLDERS BEGINNING AT 10:00 A.M. ON SUNDAYS.”

- WHEREAS, the owners of restaurants and hotels in the City have indicated that there is a market for brunch services on Sundays, and that current restrictions on hours of Sunday alcohol service imposed by State law stifle Sunday morning brunch attendance; and
- WHEREAS, the Greenbrier County Convention and Visitor’s Bureau and its Board of Directors, which is composed of civic leaders and people involved in the City’s hospitality and tourism industries, fully support the City’s use of Home Rule to allow earlier Sunday alcohol service in Lewisburg thereby enabling restaurants and hotels in the City to be fully operational on Sunday to enhance the City’s image in the eyes of business and leisure travelers and enrich the experiences of visitors to Lewisburg; and
- WHEREAS, the city has determined that allowing alcohol sales at Sunday morning brunch service within the City will produce more revenue and strengthen state sales tax revenues, and increase earnings for servers and other employees working in the hotels and restaurants in the City; and
- WHEREAS, the City’s Comprehensive Plan envisions the reinforcement of Lewisburg’s position as the Greenbrier Valley region’s entertainment and cultural destination, and the active promotion of Lewisburg as a city that offers a range of lifestyle choices in order to attract new residents to the City and retain its current residents; the establishment of an earlier Sunday alcohol service is another way for the City to meet these goals and strengthen its social vitality;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEWISBURG, WEST VIRGINIA;

That, on behalf of City of Lewisburg, the Mayor, the City Attorney and the City Administration are hereby authorized and requested to submit to the Municipal Home Rule Board a proposed amendment, attached hereto as Exhibit A, to the City of Lewisburg Municipal Home Rule Plan consistent with W.V. State Code Section 8-1-5a, requesting approval to allow the sale of alcoholic beverages by certain Alcohol Beverage Control Administration Class “A” license holders beginning at 10:00 a.m. on Sundays.

Mayor John Manchester

Attest:

Shannon Beatty, CMC, Recorder

EXHIBIT 1

AFFIDAVIT

This affidavit certifies support letters for enacting a Brunch Bill are from the following individuals or businesses:

Jennifer "Tootie" Jones
Tamera Pence
John Foster
Arthur Forgette
Debbie Porter
Josh Adamo
Brandon Johnson
Crystal Tawny
Kris Tawny
Shannon Rousenberger
Bryan Rousenberger
Angus Peyton
Nathan Butler
Alan Lee
Paula Thomas
Colin Rose
Jennifer Orr
Katie Kilcollin
Nick Carson
Mary H. Hamilton
Calvin Sutphin
Robert Hamilton
Aaron Huffman
Sparrow Huffman
John D. (Jody) Wooton, Jr.
Tara Wooton
John Wooton
Judy Wooton
Robert A. Little
Brandi Sherwood
Eric Hall
Jessica Hall
Aaron Maxwell
John Hirt

I certify letters or emails of support were received by the above named individuals.



Shannon Beatty, Recorder

6-21-16

Date

EXHIBIT 2

The West Virginia Daily News
PO Box 471
Lewisburg, WV 24901
PHONE: (304) 645-1206

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA
COUNTY OF GREENBRIER,
TO WIT:

PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held at a special session of Lewisburg City Council on Tuesday, July 5, 2016 at 6:00 PM, in the Council Chamber, 1st floor, City Hall, Lewisburg, West Virginia, on Ordinance Number 261, authorizing an amendment to the City's Home Rule Plan to allow the sale of alcoholic beverages by certain Alcohol Beverage Control Administration Class "A" license holders beginning at 10:00 AM, on Sundays.

Interested parties may appear at the Public Hearing and be heard with respect

to Ordinance Number 261 and the proposed amendment to the City's Home Rule Plan.

A copy of Ordinance Number 261 and the proposed amendment to the City's Home Rule Plan may be inspected in the City Recorder's Office beginning, June 3, 2016, between the hours of 8:30 AM and 4:30 PM, Monday through Friday.
(3,10jn)

I, Kristie Boone,
one of the editors of The West Virginia Daily News, a daily newspaper of general circulation published at Lewisburg, West Virginia, in the County of Greenbrier, State of West Virginia, do certify that publication of the advertisement or advertisements attached hereto was made in two (2) issues of said newspaper, dated

June 3 2016

June 10 2016

Given under my hand this 10th day
of June, 2016
Kristie Boone
Editor or Publisher

Subscribed and sworn to before me this 10th day of June, 2016

My commission expires Sept 11, 2020.

Judy Steele, Notary Public

Publication Fee: \$ 36.75

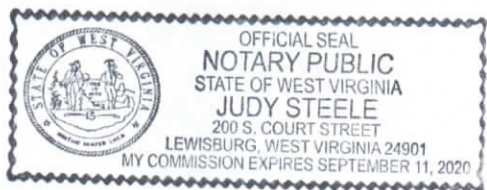


EXHIBIT 3

JESSE O. GUILLS, JR. PLLC
Attorney at Law

117 North Court Street
Lewisburg, West Virginia 24901-1101

Phone: (304) 645-3313 Fax: (304) 645-3314
Email: www.info@guillslaw.com

June 30, 2016

Municipal Home Rule Board
c/o Ms. Debbie Browning
West Virginia Development Office
Building 6, Room 553
Charleston, West Virginia 25305-1311

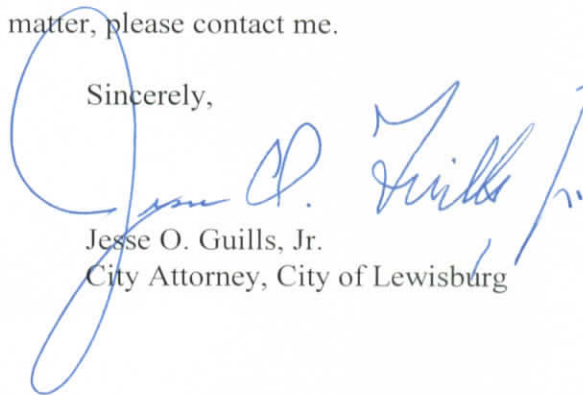
RE: Proposed Ordinance of the City of Lewisburg

Dear Committee Members:

In accordance with the procedures established by the Municipal Home Rule Board, I write to certify that the proposed written plan amendment included with this letter complies with W.Va. Code §8-1-5a.

If I may be of any additional assistance in this matter, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jesse O. Guills, Jr.", is written over the typed name and title. The signature is stylized and includes a large loop at the end.

Jesse O. Guills, Jr.
City Attorney, City of Lewisburg

JOG/cac

EXHIBIT 4

LEWISBURG CITY COUNCIL MEETING

Tuesday, June 21, 2016

At Lewisburg City Hall – 942 Washington Street West

In the Paul R. Cooley Council Chamber

Regular Session Agenda –

7:30 p.m.

- 1) Call to Order Mayor Manchester
- 2) Invocation Recorder Beatty
- 3) Pledge of Allegiance Councilmember White
- 4) Visitors Reports (10-minute limit per subject not on the agenda) From the Floor
- 5) Approval of Minutes: Recorder Beatty
 - Regular Session May 18, 2016
 - Special Session May 10, 2016
- 6) Communications from the Mayor
 - New State of WV fireworks regulations
- 7) Proclamations:
 - Elder Abuse Awareness Day
- 8) Ordinances:
 - Ordinance 257 Cable Franchise Agreement renewal, 2nd reading and public hearing
 - Ordinance 258, Home Rule, On Spot Citations, 1st reading
 - Ordinance 259, Update Codified Ordinances, 1st reading.
 - Ordinance 260, Amend Tree Board, 1st reading
 - Ordinance 261, Home Rule, Brunch bill, 1st reading
- 9) Communications from City Council members
- 10) Communications from Boards and Commissions
 - Planning Commission Report Zoning Officer Smith
 - Report from the June 2, 2016 meeting
 - Old Stone Presbyterian Church, 140 Lightner Avenue, Lot Line Adjustment, Greenbrier County Deed Book 278, Page 5 and Deed Book 273, Page 25
 - Parks Commission Report Councilmember Baldwin
 - Report from the June 7, 2016 meeting
- 11) Communications from the Police Department Chief of Police Stover
 - Report from Chief Stover
- 12) Communications from the Fire Department Fire Chief Pennington
 - Report from Chief Pennington
- 13) Communications from Council Committees Councilmember Etten
 - Finance Committee*
 - Report from the June 14, 2016 meeting
 - South Court Street Sidewalk Project bid review/approval
 - Wildlife Control Specialties contract renewal
 - Michael Mills contract renewal
 - Doug Hylton contract renewal
 - Tim Stranko contract approval for changes to the City Charter
 - Fire Test Pit Bid Approval
 - Lynch Property Purchase Agreement approval
 - Art & Humanities Grant Program guideline approval
 - Public Works Committee* Public Works Director Pence
 - Report from the June 14, 2016 meeting
 - Downtown snow removal policy
 - Public Safety Committee* Councilmember Lutz
 - Report from the June 13, 2016 meeting
- 14) Adjournment

Members of City Council

Mayor John Manchester, Recorder Shannon Beatty

Councilmembers Josh Baldwin, Heather Blake, Mark Etten, Joseph Lutz and Beverly White

NOTICE OF SPECIAL COUNCIL MEETING

The City Council of the City of Lewisburg will meet Tuesday, July 5, 2016 at 6:00 p.m. in the Paul R. Cooley Council Chamber at Lewisburg City Hall, 942 Washington Street, West. The following topics are scheduled for discussion:

1. Call to order
2. Ordinance 261, Home Rule, brunch bill, 2nd reading and public hearing.
3. Ordinance 262, Update Building Code, 1st reading
4. Adjournment