



City of Ranson  
312 S. Mildred Street  
Ranson, West Virginia 25438

## **West Virginia Municipal Home Rule Pilot Program 2016 Home Rule Plan Amendment Application**

1. An Ordinance Permitting the On-Premises Sale of Wine, Beer and Liquor on Sunday at 7:00 a.m.
2. An Ordinance Permitting the Off-Premises Sale of Wine and Beer on Sunday at 7:00 a.m.
3. An Ordinance Permitting for the Regulation of Feral Cats.
4. And Ordinance Relating to the Certification of Building Inspectors.

### **City Council:**

Mike Anderson  
David Cheshire  
Scott Coulter  
Donnie Haines  
Tony Grant  
Jay Watson

A handwritten signature in black ink, appearing to read 'Andrew P. Blake', is written over a horizontal line.

Andrew P. Blake, City Manager

- Made available to the public on August 1, 2016
- Submitted to the WV Municipal Home Rule Board September 16, 2016



**RANSON**

AT THE CENTER OF OPPORTUNITY.

## City of Ranson

### Office of the City Manager

312 South Mildred Street  
Ranson, West Virginia 25438-1621  
Phone (304) 725-1010 | Fax (304) 728-8579  
[ablake@ransonwv.us](mailto:ablake@ransonwv.us)

**Keith D. Pierson - Mayor**



**Council Members:**

**Mike Anderson**  
**Dave Cheshire**  
**Scott Coulter**  
**Donnie Haines**  
**Tony Grant**  
**James Watson**

September 16, 2016

West Virginia Home Rule Pilot Program  
West Virginia Department of Commerce  
State Capital Complex  
Building 6, Room 525  
Charleston, West Virginia 25303

Re: Home Rule Plan Amendment

Dear Members of the Home Rule Program Committee:

On behalf of my office and the elected officials of the City of Ranson, I extend our continuing appreciation for your confidence in the City of Ranson being a member of the WV Home Rule Pilot Project Program. Enclosed is the City of Ranson's first Home Rule Plan Amendment application for your review and consideration. The amended plan details the added responsibilities we request in the enclosed narrative and application. Our residents have had the opportunity to review and comment on the proposed amendments and City Council has thoroughly discussed the plan.

Thank you for your time and attention to our application. If you have any questions or concerns, please do not hesitate to contact my office. I can be reached Monday through Friday from 8:30 to 5:00 at (304) 724-3872 or by email at [ablake@ransonwv.us](mailto:ablake@ransonwv.us).

Sincerely,

Andrew P. Blake  
City Manager

**MUNICIPAL HOME RULE PILOT PROGRAM**

**APPLICATION CHECKLIST**

<b>Section I: Applicant Information</b>	
Page No.	
	General Information
	Municipal Classification
	Specific Issues to be Addressed
	Issue(s) Category: Tax/Organization/Administrative/Personnel/Other

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

<b>Section III: Affidavits</b>	
Page No.	
	Hearing Mandate Verification
	Publication Mandate Verification
	Ordinance Authorizing Submission of Plan
	Fiscal Impact Worksheets/Formulas (if revenue related)
	Attorney Opinion (application complies with statutory requirements)
	State of West Virginia Fees Statements (none outstanding)



## **Executive Summary**

### **Section I: Applicant Information**

General Information

Municipal Classification

Specific Issue(s) to be Addressed

Issue(s) Category

### **Section II: Narrative**

Introduction

On-Premises Beer, Wine and Liquor Sales on Sunday at 7:00 a.m.

Off-Premises Beer and Wine Sales on Sunday at 7:00 a.m.

Regulation of Feral Cats

Amendment to Certification for Building Inspectors

### **Section III: Application and Affidavits**

Publisher's Certificate Public Hearing

Notice of Public Hearing

Minutes of Public Hearing

Council Agenda 1<sup>st</sup> Reading

City Council Approved Minutes

City Council Agenda 2<sup>nd</sup> Reading/Public Hearing

Ordinance Authorizing Submission of Plan

Attorney Opinion

State of West Virginia Fees Statement (None Outstanding)

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### **Executive Summary:**

The City of Ranson, a Class III Municipal Corporation, Jefferson County, West Virginia, having a population of approximately 4,803, 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 October 6, 2014, as to all sections of its application. Ranson's original application contained five different sections: (1) Expanded Community Enhancement District Authority; (2) Improvements to code citations and public nuisance enforcement; (3) Improvements to the process for address blighted and foreclosed properties; (4) Authority to dispose of property without auction; and (5) the imposition of a 1% sales tax with B&O tax reductions. The City has adopted ordinances related to all aspects of its first Home Rule Plan. This home rule amendment is Ranson's first amendment to its Home Rule Plan and identifies the following new home rule powers:

1. Permitting the On-Premises Sale of Wine, Beer and Liquor on Sunday at 7:00 a.m.
2. Permit the Off-Premises Sale of Wine and Beer on Sunday at 7:00 a.m.
3. Permit for the regulation of feral cats.
4. Modifying the Certification Process of Building Inspectors.

Ranson continues to make great progress since the adoption of our original home rule ordinances, but challenges still remain and we constantly seek solutions to our problems and issues in order to make our community a better place to live and work. We have engaged closely with members of the public, local organizations, our business community, and other partners to address these challenges. We are ready to put reasonable home rule powers into action in order to make even more progress, and we respectfully request that the West Virginia Municipal Home Rule Board to grant the additional authorities within this amendment.

<b>SECTION I: APPLICANT INFORMATION</b>	
<b>A. General Information</b>	
Name of Municipality: City of Ranson	
Certifying Official: Keith "Duke" Pierson	Title: Mayor
Contact Person: Andrew P. Blake	Title: City Manager
Address: 312 S. Mildred Street	
Town, State, Zip: Ranson, WV 25438	
Telephone Number: (304) 724-3872	Fax Number:
E-Mail Address: ablake@ransonwv.us	
2010 Census Population: 4,440	
<b>B. Municipal Classification</b>	
<input type="checkbox"/> Class 1 <input type="checkbox"/> Class II <input checked="" type="checkbox"/> Class III <input type="checkbox"/> Class IV	
<b>C. Category of Issues to be Addressed (please attach descriptions for applicable categories)</b>	
<input type="checkbox"/> Tax <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input checked="" type="checkbox"/> Other	

<b>SECTION II: NARRATIVE (written plan, including the following)</b>
<p>Specific state laws, policies, acts, resolutions, rules or regulations that are preventing the municipality to carry out duties in the most cost effective, efficient, and timely manner.</p> <p>Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.</p> <p>Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include:</p> <p>1) Proposed solution(s) in one of the five areas (tax/administrative/organization/personnel/other)</p> <p>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. <i>Please see attached.</i></p>

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

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**SECTION II: NARRATIVE**

**1. Permit On-Premises (Restaurants, Private Clubs, Taverns and Wineries)  
Alcohol Sales of Beer, Wine and Alcoholic Liquor at 7:00 a.m. on Sunday.  
(Administrative)**

a. **Problem:** West Virginia Code prohibits restaurants and bars from serving alcohol before 1:00 p.m. on Sundays. However, nearby Maryland and Virginia permit sales of alcohol earlier on Sundays. Furthermore, a local restaurant has requested earlier sales of alcohol on Sundays to coordinate with earlier NFL football game start times taking place in Europe. Ranson requests this ordinance to be more competitive with our surrounding states of Maryland and Virginia and to assist our local businesses.

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

c. **Solution:** The City will enact an ordinance permitting any private club licensee, retailer, restaurant, farm, winery, wine specialty shop, private wine bed and breakfast, private wine restaurant or private wine spa licensee or private wine bed and breakfast to serve beer, wine, and alcoholic liquors after the hour of 7:00 a.m. on Sundays to be consistent with the hours on-premises locations can serve on all other days of the week consistent with W. Va. Code § 11-16-18(a)(1).

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**2. Permit Off-Premises Alcohol Sales of Beer and Wine at 7:00 a.m. on Sunday.  
(Administrative)**

a. **Problem:** The West Virginia Code prohibits retail licensees, wineries, and manufacturers from selling off-premises beer and wine before 1:00 p.m. on Sunday. See W. Va. Code 11-16-18(a)(1). Several of the City's retailers (grocery and liquor stores) have informed the City that they are losing business on Sundays – especially between the hours of 11:00 a.m. and 1:00 p.m.

b. **Authority:** The “Nonintoxicating Beer Act,” W. Va. Code 11-16-18(a)(1) states, “it shall be unlawful for any licensee, his, her, its or their servants, agents or employees to sell, give or dispense, or any individual to drink or consume, in or on any licensed premises or in any rooms directly connected therewith, nonintoxicating beer or cooler on weekdays between the hours of two o'clock a.m. and seven o'clock a.m., or between the hours of two o'clock a.m. and one o'clock p.m., on any Sunday, except in private clubs licensed under the provisions of article seven, chapter sixty of this code, where the hours shall conform with the hours of sale of alcoholic liquors.”

W. Va. Code 60-8-34 states, “It shall be unlawful for a retailer, farm, winery, wine specialty shop, retailer, private wine bed and breakfast, private wine restaurant or private wine spa licensee, his or her servants, agents or employees to sell or deliver wine between the hours of two o'clock a.m. and one o'clock p.m. on Sundays, or between the hours of two o'clock a.m. and seven o'clock a.m. on weekdays and Sunday.

c. **Solution:** The City will enact an ordinance permitting any private club licensee, retailer, restaurant, farm, winery, wine specialty shop, private wine bed and breakfast, private wine restaurant or private wine spa licensee or private wine bed and breakfast to serve beer and wine after the hour of 7:00 a.m. on Sundays consistent with the hours off-premises locations can serve on all other days of the week consistent with W. Va. Code § 11-16-18(a)(1).



### 3. Permit the Regulation of Cats (Administrative)

a. **Problem:** The West Virginia Code only allows municipalities to adopt and enforce ordinances as it considers necessary or convenient for the control and management of all dogs. The West Virginia Code does not allow municipalities to adopt and enforcement ordinances as it considers necessary or convenient for the control and management of cats. The City of Ranson has many issues with feral cats and would like to enter into cooperative agreements with non-profits or other agencies to help solve the feral cat issue in Ranson. Feral cats are born and raised in the wild. They can also be stray cats that survived long enough to adapt to feral life. Either way, ferals are wary of humans and will not approach them willingly. Ranson is interested in partnering with a Trap-Neuter-Return (TNR) organization. TNR is the practice of humanely trapping feral cats, spaying/neutering, vaccinating ferals against rabies and then returning the ferals to their colony. TNR often involves eartipping which is not painful but is a method used to identify feral cats that have already been fixed. TNR drastically reduces the birthrate of feral kittens.

b. **Authority:** W. Va. Code 19-20-8 only grants the authority to municipalities to adopt ordinances the City considers necessary or convenient to control and manage to dogs. W. Va. Code § 19-20A-8 is silent as to cats. The statute states, "Dogs or cats vaccinated in compliance with the provisions of this article may run at large in any area or locality: Provided, That the Commissioner of Agriculture may, pursuant to article nine [§§ 19-9-1 et seq.] of this chapter, exercise his discretion to establish a quarantined area or locality and to require all dogs and cats within the limits of any quarantined area or locality to be confined as provided in article nine: Provided, however, That a county commission or a municipality may adopt and enforce ordinances not inconsistent with the provisions of article twenty [§§ 19-20-1 et seq.] of this chapter of the code, as it considers necessary or convenient for the control and management of all dogs in the county, or a portion thereof, vaccinated or not, except as further provided herein: Provided further, That any county commission or municipality may not adopt any ordinance which purports to keep any vaccinated dog from running at large while engaged in any lawful hunting activity; from running at large while engaged in any lawful training activity; or from running at large while engaged in any lawful herding or other farm related activity: And provided further, That the provisions of this section shall not exempt any dog from any quarantine established by or any confinement order required by the commissioner relating to the establishment of a quarantine."

c. **Solution:** The City will enact an ordinance amending W. Va. Code 19-20-6a be amended to allow the City of Ranson to have the same power as the counties to contract with others for the care and control of dogs or cats. W. Va. Code §19-20-6a gives the authority to the county commission to contract with private society, other county or municipality for the care and control of dogs and cats. The statute states, "In addition to the powers granted to county commissions by section six of this article, the county commission of each county may contract with or reimburse any private incorporated society or association, county commission or municipality for the care, maintenance, control or destruction of dogs and cats." Ranson's ordinance would state "the City of Ranson may contract with or reimburse any private incorporated society or association, county commission for the care, maintenance, control, regulation or destruction of dogs and cats."

#### **4. Permit Local Certification and Supervision of Code Enforcement Officials and Inspectors (Administrative and Organizational)**

a. **Problem:** The Eastern Panhandle of West Virginia is experiencing residential and commercial growth – including the City of Ranson. The City of Ranson has adopted the West Virginia State Building Code and many of its appendices. The City of Ranson has on staff a full-time Building Code Official and at times needs to supplement the Building Code Official’s duties with part-time contractual assistance or staff. The City, comparable to the City of Bridgeport and Clarksburg, proposes to permit local certification and supervision of code enforcement and building inspectors. This amendment will exempt Ranson from the code official/inspector licensing authority delegated to the State Fire Commission under the current W. Va. Code. City personnel are tested and certified by the International Code Commission (ICC) which also provides continuing education for individuals it certifies. The Fire Commission’s process is additional layer of bureaucracy which causes smaller cities like Ranson problems obtaining qualified inspectors who have passed the ICC courses but have not met WV Fire Commission requirements. The City of Ranson would continue to adopt and follow the State Building Code.

b. **Authority:** The specific statutes and regulations from which the City of Ranson asks the Home Rule Board to exempt the City from are:

1. Subsections (d) and (f) of Section 5b, Article 3, Chapter 29, (§ 29-3-5b(d) and (f) of the code;
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.

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c. **Solution:** The legislature has tasked the State Fire Commission with determining and defining the State Fire 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 Commission rather than the State Fire Commission. The City of Ranson would like the authority to make the decisions for our municipality. The City of Ranson will adopt an ordinance specifically exempting the City from the laws and regulations cited above in paragraph (b) of this section and will require inspectors and building code officials working for the City of Ranson to be certified by the ICC and maintain the necessary continuing education units.

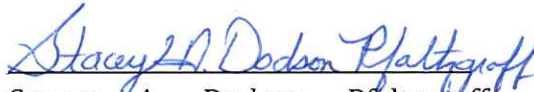
**AFFIDAVIT**

**KNOW ALL MEN THESE PRESENTS:**


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

1. That she is the duly appointed City Clerk of the City of Ranson.
2. That she is familiar with the Application of the City of Ranson to amend its written Home Rule Plan pursuant to the provisions of W. VA. Code 8-1-5.
3. That notice and public hearing relating to the proposed amendment was duly published at least thirty (30) days prior to the date of the proposed hearing held on September 6, 2016, as shown by the Certificate of Publication of the Martinsburg Journal attached hereto as Exhibit A.
4. That a copy of the proposed amendment to Ranson written plan was available for inspection at Ranson City Hall for at least thirty (30) days prior to holding of said hearing in the form attached hereto.
5. That a public hearing with respect to the proposed amendment was held at 7:00 p.m. in Council Chambers of Ranson City Hall on September 6, 2016, as reflected by the minutes attached hereto as Exhibit B.
6. That subsequent to said public hearing, an Ordinance authorizing the filing of the application was duly adopted by the City Council of the City of Ranson at a meeting held on August 16, 2016, and September 6, 2016, a copy of which Ordinance is attached hereto as Exhibit C.
7. No written or oral comments were provided prior to or at the hearing.
8. Council Agendas for August 16 and September 6 are attached as Exhibit D.
9. Public Notice is attached as Exhibit E.
10. Attorney Certification is attached as Exhibit F.

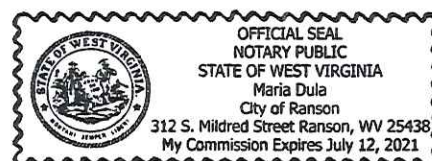
Further affifant saith not.

  
Stacey A. Dodson Pfaltzgraff  
City Clerk

Taken, subscribed and sworn to before me this 15 day of SEPTEMBER 2016 by Stacey A. Dodson Pfaltzgraff, City Clerk of Ranson.

  
\_\_\_\_\_  
Notary Public

My commission expires: July 12, 2021



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**Exhibit A**  
**CERTIFICATE OF PUBLICATION**

**NOTICE OF PUBLIC HEARING  
CITY OF RANSON  
HOME RULE AMENDMENTS**

Notice is hereby given that the City of Ranson, West Virginia, will hold a public hearing on Tuesday, September 6, 2016, at 7:00 p.m. in Council Chambers in City Hall at 312 S.

Mildred Street, Ranson, West Virginia. The purpose of the public hearing will be to discuss and hear public comments with respect to the City of Ranson's proposed amendments to its written Home Rule Plan and Application for Amendment to such plan. The City of Ranson's proposed Home Rule Plan Application for Amendments is available for public inspection in the Office of the City Clerk or at [www.cityofransowv.net](http://www.cityofransowv.net) beginning on August 1, 2016 through the hours of 9:00 to 5:00. The amendments will: 1. Permit the On-Premises Sale of Wine, Beer and Liquor on Sunday at 7:00 a.m.; 2. Permit the Off-Premises Sale of Wine and Beer on Sunday at 7:00 a.m.; 3. Permit the regulation of feral cats; and 4. Modify the Certification Process of City Building Inspectors. All interested citizens are invited to attend the public hearing scheduled for Tuesday, September 6, 2016, 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 Stacey Praltzgraf, City Clerk, City of Ranson, 312 S. Mildred Street, Ranson, WV 25438. After the public hearing, the governing body of the City of Ranson reserves the right to take final action on the Proposed Amendments at the same meeting or subsequent meetings.

Stacey A. Dodson  
Praltzgraf, City Clerk  
City of Ranson

8-1-8 (2t)

**Certificate of Publication**

This is to certify the annexed advertisement

CITY OF RANSON  
NOTICE

appeared for \_\_\_\_\_ consecutive days/weeks in The Journal Publishing Company, a newspaper in the City of Martinsburg, WV in its issue beginning:

8-1-16

and ending

8-8-16

**The Journal**  
207 W. King Street  
Martinsburg, WV 25401

Fee (\$) 81.67

THE STATE OF WEST VIRGINIA  
COUNTY OF BERKELEY

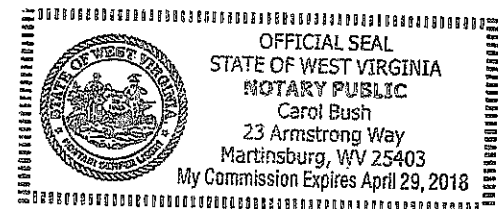
The foregoing instrument was acknowledged

before me this August 10, 2016 by  
Stacey Praltzgraf

My commission expires April 29, 2018

Carol Bush

Notary Public



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**Exhibit B**  
**Minutes of First and Second Reading and**  
**Public Hearing**

**CITY COUNCIL MEETING  
TUESDAY, AUGUST 16<sup>TH</sup>, 2016, 7:00 PM**

**AGENDA ITEM I - CALL TO ORDER:**

Mayor Pierson called this meeting to order at 7:00 p.m.

**AGENDA ITEM II - MEMBERS PRESENT:**

City Clerk Stacey A. Dodson Pfaltzgraff reported all Council Members present, Dave Cheshire, Tony Grant, Donnie Haines, Mike Anderson, and Jay Watson, with the exception of Scott Coulter. Also present were City Manager Andy Blake, Assistant City Manager Edward Erfurt, Chief William Roper, Finance Director Lori Nice, CVB Director Debbie McClure, and Planner Maria Dula.

**AGENDA ITEM III – APPROVAL OF MINUTES – July 19<sup>th</sup>, 2016, Regular Meeting**

Minutes of the **July 19<sup>th</sup>, 2016**, Regular Meeting was presented for approval. There were no objections to the Minutes. Minutes was accepted as submitted.

**AGENDA ITEM IV – CITIZEN'S PRESENTATIONS/PETITIONS**

Citizen Ronald Baumgardner was present to express his concerns regarding the construction of Fairfax Boulevard. City Manager Blake informed Mr. Baumgardner many of the concerns should be remedied after the construction has been completed. However, some issues of concern are already being addressed by staff. Mayor Pierson thanked Mr. Baumgardner for attending the meeting and for bringing his concerns to Council.

**AGENDA V - CITY MANAGER/STAFF REPORTS**

City Manager Andy Blake provided the following report to Council:

**SEWER RATES:**

The City has received notification from the West Virginia PSC that the revised rates approved by the City Council on June 7, 2016, went into effect on July 22, 2016, without protest.

**WV MUNICIPAL LEAGUE:**

I attended the WV Municipal League Conference the first week of August. There is a clear consensus amongst decision makers that West Virginia, as a whole, is going to have some very tough financial choices to make. However, this is no clear consensus of what those decisions should be. Both the Municipal League and the WV City Manager's Association are in total agreement that the State should not look at cities to solve the State's problems that has adopted a platform to defend against any initiative that has the ability to weaken WV cities.

**PROMOTIONS:**

Consistent with the Council's approved 2016/17 budget, personnel evaluations, and recommendations of Department Heads, I am pleased that the following promotions within the confines of the approved organizational chart took place on July 1, 2016:

Leah Schimpf – Assistant Finance Director

Maria Dula – Associate Planner

Keith Pierson – Construction Laborer II

Robert Hawkins – Sewer Labor II

**JOB DESCRIPTIONS:**

Employee job descriptions have all been reviewed, updated and signed by employees. Job descriptions are being reviewed for accuracy every two years.



**PLANNING TECHNICIAN OPENING:**

With the transfer of the City's GIS Analyst and Utility Manager position and salary to the sewer fund, it frees up funds in the Community Development Department. The Assistant City Manager – Community Development has requested that the position be filled with a Planning Technician to support the work of the Community and Economic Development Department. This position is within the approved authorized organizational chart and is adequately funded within the current budget without need for additional funding. Therefore, I recommend that the following job be placed for advertisement on an immediate basis:

**HUD BEDI UTILIZING SEWER FUNDING:**

**MEMORANDUM**

**TO:** Hugh Allen, Paul Webster, Jill Moyer

**FROM:** Project consultant Matt Ward, City Manager Andy Blake, Assistant City Manager for Economic Development Edward Erfurt

**DATE:** August 9, 2016

**SUBJECT:** City of Ranson Proposal for Using HUD BEDI-108 Funding Package

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This memorandum provides what the City of Ranson, WV is a positive and workable proposal for securing and using HUD Section 108 loan and BEDI grant funding first awarded in 2011, to prevent and eliminate slums and blight in Ranson's core brownfields redevelopment area and the Powhatan Place project – and our last effort to make this project work! Ranson requests the ability to meet / call with HUD staff to discuss whether we can move forward on this effort.

**SUMMARY OF APPROACH**

- 1.) ***HUD Funding for Public Facility Improvements:*** The City of Ranson seeks HUD approval of its proposed approach to utilizing a BEDI-Section 108 funding package to support public facilities improvements in the Kidde/Powhatan Place and Beltline Avenue corridor of brownfields and blight.
- 2.) ***Specific Utility/Transportation Facility Improvements Proposed:*** The specific public facilities improvements which will be conducted with the HUD funding package will include \$1,500,000 for the upgrade of two wastewater collection system (sewer) pump station facilities in the project area necessary to provide capacity for economic development, and \$1,500,000 the upgrade of stormwater, streets, sidewalks and streetscapes in the project area.
- 3.) ***No Substantial Change or Amendment:*** Ranson does not believe that these activities represent a substantial change in the project in terms of purpose, scope, location or beneficiaries of the BEDI-108 project, and thus the applications do not need to be amended. We request that HUD enable Ranson to move forward based on the original applications.
- 4.) ***Objective is to Prevent & Eliminate Slums and Blight on an Area Basis:*** This project will fulfill the CDBG national objective of preventing and eliminating slums and blight on an area basis.
- 5.) ***No Secured Development Partner Yet:*** Under its newly acquired home rule authorities granted by the West Virginia Legislature, the City intends to be a master developer of the project. Ranson will plan, install infrastructure, subdivide and sell parcels to the private sector. Ranson does not have a secured private sector redevelopment party for this application, but believes that the project remains worthy of BEDI-108 award, including because it will produce short-term, measurable economic development benefits within 3-5 years, based on Ranson's redevelopment plan and intentions with respect to the project area.

- 6.) **1:1 Loan-to-Grant Ration Proposed:** Ranson seeks a package consisting of the original request/award of \$1,500,000 in BEDI grant funding coupled with a revised Section 108 amount of \$1,500,000 (not \$3 million).
- 7.) **Guidance on Rapid Action:** Ranson seeks guidance on the best, proper process for securing an award and obligation of the BEDI funds prior to September 23, 2016 – including through rapid actions by Ranson to fulfill HUD requirements.

## DETAILED PROPOSAL

### Background:

- 1.) **Brass Foundry Closes:** In 2005, the Kidde Brass Foundry closed permanently, after having cause serious lead contamination on both its own property and several adjacent housing units, businesses, and vacant lots. The City of Ranson obtained several of these contaminated properties and, in an arrangement with the Kidde Corporation, obtained the brass foundry.
- 2.) **Slums & Blight Area Identified:** Other vacant, blighted, contaminated and/or dilapidated properties are arrayed around the Kidde Brass Foundry in the area between George Street on the west and Fairfax Boulevard on the east, north of 7<sup>th</sup> Avenue and south of Beltline Avenue. This area includes the Miller Chemical brownfields, a propane gas storage yard, a burnt restaurant complex, and other properties, each generally arrayed along the Beltline Avenue corridor. The Fairfax Boulevard corridor on the east of these properties is currently underway with an ~\$12 million revitalization project funded by a U.S. DOT TIGER grant, state grants, and local resources.
- 3.) **Ranson Commences Revitalization Planning:** Beginning in the 2009 timeframe, the City of Ranson commenced community planning efforts to revitalize and redevelop this “Beltline Brownfields Corridor”, focused around an envisioned “Powhatan Place” development project on the closed Kidde site (named after the historic name of the brass foundry). In 2010, Ranson secured a “Brownfields Area-Wide Planning Grant” from the U.S. Environmental Protection Agency (EPA) to identify a plan and strategy for revitalization of this blighted area. In 2010, Ranson obtained a TIGER Planning Grant to plan and engineer the reconstruction and improvement of the Fairfax Boulevard corridor through the Beltline area, and in 2010, Ranson obtained a HUD Sustainable Community Challenge grant in order to create a new, form-based code and community plans for, among other things, to revitalize the blighted Beltway Brownfields Corridor. In 2011, Ranson secured an EPA Brownfields Cleanup grant to address contamination in the closed Kidde brass foundry. In 2013, Ranson obtained a DOT TIGER grant for the implementation of its Fairfax Boulevard plans. Altogether, these HUD-DOT-EPA-State-Local funds have been used together to create a strategy for eliminating blight in the Beltline Avenue corridor, and to plan for transportation improvements and mixed-use developments.
- 4.) **BEDI-108 Applications Filed with HUD:** On July 13, 2011, Ranson filed an application for \$3,000,000 in Section 108 Loan Guarantee Assistance to be used for economic redevelopment of the brownfield areas at and around the Kidde Brass Foundry (attached). On July 14, 2011, Ranson submitted an application for \$1,500,000 in HUD Brownfield Economic Development Initiative (BEDI) grant funding, which was awarded by HUD (application attached).
- 5.) **Attempts to Put BEDI-108 Funding to Use:** For the next several years between 2012-2014, Ranson attempted to put the \$4.5 million in BEDI/108 funding into use in the Beltline Brownfield Corridor, by entering into various stages of development agreements with four different private sector development entities. Because Ranson was during those times a weak market for development as it had

not emerged from the great recession, Ranson was not able to attract developers with adequate wherewithal to pursue the project, and all four of these potential development partners backed out of the project.

- 6.) ***Ranson Demolishes Kidde Brass Foundry:*** The vacant and dilapidated Kidde Brass Foundry complex became a public health risk, with several fires, illegal drug activity, squatting by homeless populations, crime, vandalism, and exposure to potential hazardous wastes. Thus, beginning in late 2014, Ranson used U.S. EPA Brownfields cleanup funding and its own resources to demolish the foundry complex as well as the houses/businesses that had been contaminated by the foundry in 2005, remove debris, and remediate hazardous substances brownfield contamination. The remedial project was supervised and approved by the West Virginia Department of Environmental Protection's Voluntary Remediation Program, which is approved for brownfield cleanups under the State's Memorandum of Agreement with the U.S. Environmental Protection Agency.
- 7.) ***Ranson Seeks to Move Forward to Eliminate Slums & Blight and Prepare the Beltline Brownfields Corridor for Economic Development and Community Revitalization:*** Ranson's economic prospects have improved greatly since the city's emergence from the recession, with new commercial, retail, and housing projects moving forward. Ranson still views the reduction of the blight on the Beltline corridor as a top priority, in order to foster mixed-use economic development in this central area of the community. With a pending de-obligation of Ranson's FY2011 BEDI grant coming September 30, 2016, the City provides the proposal below for utilizing the BEDI-108 funding package in productive and eligible ways to reach these goals.

### **Proposal:**

Here are the components of the proposed approach –

- 1.) ***Components of BEDI-Section 108 Project:*** Ranson seeks to use its BEDI-108 package on construction, reconstruction, rehabilitation or installation of public facilities and improvements in and around the Beltline/Powhatan corridor, including:
  - a.) \$1,500,000 in necessary and approved upgrades to two failing wastewater treatment collection system pump stations, one on 4<sup>th</sup> Avenue and one on 12<sup>th</sup> Avenue, to provide sewer capacity to this central city area, including the Powhatan Place/Beltline Corridor development area. The central sewer area has no additional wastewater capacity, which means that economic redevelopment will be stalled without public facility improvements to this utility. The pump station upgrades proposed here would not only increased local capacity to provide wastewater, but also divert 70,000 gallons per day of currently used capacity to another force main area, freeing this capacity for development of the Beltline Brownfields Corridor / Kidde.
  - b.) \$1,500,000 in stormwater, road and streetscape improvements in the project area, including Beltline Avenue between George Street and Fairfax Boulevard, to George Street between 7<sup>th</sup> Avenue and Beltline Avenue, and to 7<sup>th</sup> Avenue between George Street and Mildred Street, all surrounding the Kidde/Powhatan Place project area. A portion of the funds will also be used to construct a new street through the center of the Powhatan Place development site between 7<sup>th</sup> Avenue and Beltline Avenue, to extend the grid-street framework of the center city area onto Powhatan Place, and make it more developable.

Ranson proposes to use BEDI-108 proceeds for design and engineering, environmental clearance, and construction activities for these utility and transportation improvements. These public facilities and improvements are eligible activities under HUD Part 570 Section 201(c). Ranson also believes that

these activities are not substantially these activities were previously described in our original applications, and that Ranson is not substantially changing the purpose, scope, location or beneficiaries of the activities. Specifically, the purpose of the proposed utility and transportation facilities remains, as before, to reduce and eliminate slums and blight through economic redevelopment of the blighted brownfields area including the Kidde site and the Beltline Avenue corridor; that the scope is the same (that is, utility and transportation upgrades), that the location remains on and around Beltline Avenue including the Kidde site; and that the beneficiaries remain the residents and businesses in this central core of the Ranson community. For instance, see this passage describing the project from Ranson's July 2011 BEDI application (p. 26):

BEDI/108 funding will also be used to deploy infrastructure upgrades necessary to enable private investment at the site, including water/sanitary sewer/electrical infrastructure, stormwater management infrastructure to mitigate runoff, the construction of an entry road that will facilitate vehicular and pedestrian access to the site and streetscaping improvements that will increase utilization of the site by adding aesthetic value, pedestrian walkways and landscaping.

2.) ***National Objective – Preventing & Eliminating Slums and Blight on an Area Basis:*** Ranson proposes to conduct eligible activities in the area of the core downtown identified through the city's U.S. Environmental Protection Agency (EPA) Brownfields Area-Wide Planning grant effort. The EPA Brownfields Area-Wide Planning grant is meant to identify strategies for cleaning up vacant and contaminated brownfields, blighted areas, and deteriorated infrastructure in a focused area. An area-wide boundary was established, and a number of blighted, vacant, under-utilized, and contaminated properties were identified for improvement, including the former Kidde Manufacturing Plant located on Beltline Avenue and Mildred Street, the site for the envisioned Powhatan Place development. This area has been designated as blighted under local law by the Ranson City Council's adoption of the Area-Wide Planning boundaries as its focus for blight and brownfields elimination (as depicted in the map below from the EPA Area-Wide plan). Further, Ranson can demonstrate that a substantial number, exceeding 25%, of the properties in the area are characterized by environmental contamination, physically deteriorated buildings and improvements, abandoned properties, chronic high vacancy rates for commercial and industrial buildings, and low and declining property values relative to the broader area. See the two attached maps that show the boundaries of the slums/blight planning area, targeted brownfield sites including Kidde/Beltline, and the location of the two sewer upgrades.

3.) ***No Private Developer Secured at This Time:*** Ranson has not secured a developer for the Kidde/Powhatan Place project or other blighted areas on the Beltline Brownfield corridor at this time and its strategy has changed since the initial award. Ranson believes it is in its best interest to maintain the role as master developer, install infrastructure, plat lots and sell to the private sector. Ranson believes it is necessary to upgrade the capacity of the wastewater treatment system to handle new development, to upgrade the deteriorated street infrastructure, and to remove conditions of slums and blight in this project area in order to attract private sector redevelopment parties.

Although the BEDI program certainly desires projects that have a secured private sector redeveloper involved in the project, it is not a requirement for a BEDI award. HUD's FY2010 BEDI NOFA (Docket No. FR-5415-N-40) (attached) specifies that:

- “A local government may re-loan the Section 108 proceeds and provide BEDI funds . . . [for] the public entity to carry out the program itself.” NOFA Section I.B., p. 3.
- “BEDI funds must be used as the stimulus for local governments . . . to commence redevelopment or continue phased redevelopment efforts of brownfields sites where contamination is present or potentially present and a redevelopment plan exists.” *Id.*
- Of the five (5) Rating Factors used to evaluate BEDI proposals from applicants, Rating Factor 3 provides that higher points may be awarded to an application with “User Agreements” for “returning the site to productive use and producing near-term measurable economic benefits”, and specifies that applicants that do not identify committed private development entities will receive fewer points under this sub factor – but are not prohibited from being awarded a BEDI grant. *Id.* at p. 26.

Ranson’s intent is to move these sites forward into economic revitalization with private sector parties, after needed public facilities improvements are conducted. Ranson intends to reserve the front portion of the Kidde site, along the Mildred Street commercial corridor through downtown Ranson, for commercial and retail development. The rear portion of the site will be reserved for a public park and plaza area, stormwater management and green infrastructure facilities, and future development. Other brownfield and blighted areas along Beltline Avenue, such as the Miller Chemical site, are slated for future commercial development. The utility and roadway improvements proposed here will directly facilitate the elimination of slums and blight in this area, and made 56 acres of prime commercial, retail and mixed-use lands in the core downtown along Beltline Avenue prepared for economic redevelopment, including the Kidde property.

If BEDI-108 funds are awarded and obligated and Ranson is able to conduct these public facility improvements, the City will issue an RFP in late 2017 seeking statements of interest from private sector development parties for development of Kidde/Powhatan and other blighted areas on the Beltline Brownfields corridor.

The HUD FY10 BEDI NOFA states that HUD seeks projects that provide “measurable economic benefits from redevelopment of one or more brownfield sites within five years”, NOFA p. 4 and “near-term, measurable economic benefits, 3 to 5 years after the BEDI award . . .” NOFA p. 26. Ranson is confident that, with BEDI-108 support, we will use our revitalization plan and our investments in 2016-2017 to achieve those measurable results.

4.) ***Ratio for 108-BEDI Funding:*** Ranson’s original application package proposed that Ranson would take Section 108 loan guarantees at a ratio of double the BEDI grant amount, a 2:1 ratio consisting of \$3,000,000 in Section 108 funding and \$1,500,000 in BEDI grant resources. For several important reasons, Ranson is now proposing to now borrow only \$1,500,000 in Section 108 loans, coupled with \$1,500,000 in BEDI grant, or a 1:1 ratio. These reasons include:

- a.) Ranson’s priority public facility improvements, the sewer capacity and road upgrades, are not expected to need any more resources than a total of \$3 million total for design, engineering, environmental clearance, and construction.
- b.) Ranson no longer needs a portion of the Section 108 proceeds to be used for subsidy to the previous developers who were seeking partnership in this project.
- c.) Perhaps most importantly, the State of West Virginia Development Office, the entity that controls the State’s CDBG program and that would have to provide required CDBG collateral for Ranson’s Section 108 loan as the City is a non-entitlement community, has never conducted a Section 108 project and is highly reluctant to collateralize a large loan obligation. Because the \$1.5

million in required sewer capacity upgrades will be secured by local sewer ratepayer fees that have already been passed by City Council, approved by the West Virginia Public Service Commission, and implemented through rates that took effect on July 23, 2016, Ranson has a sure and steady source of revenue repayment for its proposed \$1.5 million Section 108 loan. A pro forma can be provided by the City's CPA can be provided evidencing that the new rates include debt service up to \$2.5 million. This will give the State of West Virginia Development Office a high degree of confidence in the deal, particularly as West Virginia's Consolidated Action Plan has identified sewer upgrades as the top priority for the use of West Virginia's CDBG allocation. In this approach, we can hopefully have West Virginia participate in its first Section 108 initiative, in a way that truly benefits the blighted areas of central Ranson, lining them up for economic development.

**Process:** Ranson seeks the HUD Office of Financial Management's and the HUD Pittsburgh Regional Office's guidance on the proper process to undertake quickly in the coming month to achieve the award and obligation of this Section 108-BEDI package. Specifically, we request guidance on the following matters, and any other issues that HUD determines may be important:

- 1.) Can HUD determine that, because there is no substantial change in the purpose, scope, location or beneficiaries of the Ranson 108/BEDI project, there is no need for an amended application, and no need to re-start the public participation process for this project.
- 2.) If HUD requires a re-submission of its BEDI application and/or pending Section 108 application, Ranson commits to revising and re-submitting both of these applications within seven (7) calendar days of the determination by HUD and Ranson that such re-submissions is necessary. We need guidance on the details of re-submission for this FY2010 application, the mechanism for submitting through [www.Grants.gov](http://www.Grants.gov), and other details.
- 3.) Ranson suggests that the City and the Agency should create a calendar of tasks and deadlines necessary to meet the September 23, 2016 trigger period for obligation, and the September 30, 2016 deadline for obligation of the funding package. We request guidance on whether the Section 108 application must be dealt with in this time period, or only the BEDI application.

Ranson sincerely thanks the Department of Housing and Urban Development for its support and assistance to Ranson. You have been encouraging and flexible on this project from the beginning, and we truly appreciate it.

*Email to WV Development Office (8/10/2016):*

Todd:

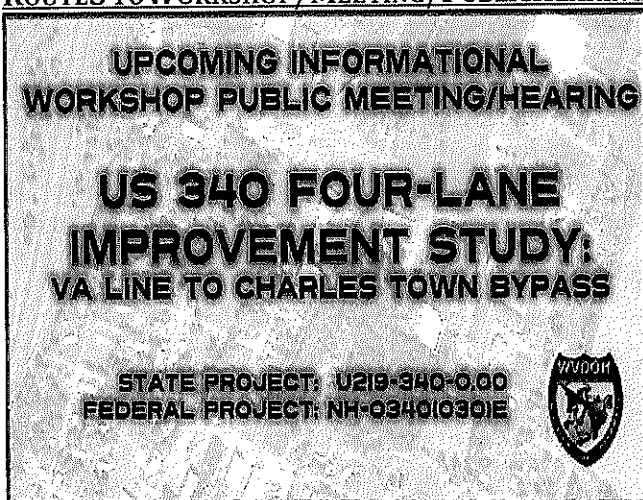
Hope you are having a good week. Other than the project that we really would like to try to seal, there is another long-standing project that we would like to complete. The City of Ranson would like to try, once more and *for the last time*, to put our HUD BEDI-Section 108 funding package to use in order to address slums and blight and promote economic revitalization in the brownfields corridor in the center of the community. We are running up against a hard deadline next month, but believe after talking to HUD yesterday that we may have a slight opening if we can get the State's assistance quickly. We believe we have an approach that works this time and an approach that would make the State extremely more comfortable "co-signing" a \$1.5 million Section 108 loan. As you may recall from a long time ago, Governor Manchin on his way out of office agreed to co-sign a loan that the City was going to delegate to a developer to repay. I was very uncomfortable with this approach and now propose something that I believe can be supported. We would like to tap \$1.5 million of grant awards that the City was awarded in 2011. In order to do

this we have to tap \$1.5 million in Section 108 loans. We are not an entitled CDBG community; thus, we need the state to assist us. We would like to take a \$1.5 million loan to perform sewer upgrades within the brownfields "Old Town" corridor that provides sewer service to the old foundry site. The Council has already passed a new sewer rate in June which went into effect 2 weeks ago that provides up to \$2.7 million in borrowing capacity. We have a pro form that evidences this borrowing capacity. The City is going to borrow \$1.5 million regardless of whether it's Section 108 or other revenue bond financing, but since we have the ability to tap \$1.5 million in free money we would like to take the opportunity to use the Section 108 funds. The repayment would not come from City general funds, but rather the sewer fund backed by revenue payers. Sewer funding is listed as a top priority in the State's CDBG program and the State seems to feel more comfortable with sewer projects than the deal we pitched long ago.

We provide the attached memo that outlines the scope and approach for Ranson's BEDI-108 project ("Ranson Proposal" memo) that we spoke with HUD about yesterday. I also attach Ranson's original BEDI application and its original Section 108 application, two maps that show the project area including slum-blight conditions and proposed public facility improvements, and a copy of the NOFA for the BEDI grant that Ranson originally secured.

In order for this to even have a remote possibility of working, we would need an answer of whether the State would support this in a fairly short time frame. I apologize for creating a time crunch.

**ROUTE 340 WORKSHOP/MEETING/PUBLIC HEARING:**



The West Virginia Division of Highways (WVDOH) will hold an Informational Workshop/Public Hearing on Tuesday, August 30, 2016 in the Council Chambers of Charles Town City Hall located on 101 East Washington Street, Charles Town, Jefferson County, West Virginia on the proposed US 340 – 4 Lane Project from the Virginia Line to the Charles Town Bypass. The project consists of upgrading the existing two lane section of US 340 in Jefferson County from 0.5 miles southwest of the state line to approximately 2 miles north of the community of Rippon in Jefferson County, West Virginia. This will result in constructing a 4-lane divided highway to complete the 2 lane gap section. The total project length is approximately 5 miles. This meeting will update the public on the progress of the US 340 Improvement Study since the last public meeting/hearing in June 2013. Preferred Alternative 4A and the availability of the Supplemental Draft Environmental Impact Statement will be the focus of the workshop. This meeting complies with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act requirements.

The informational workshop is scheduled from 5:00 PM to 8:00 PM and representatives from WVDOH and FHWA will be available to answer questions about the proposed project. The informational workshop is scheduled from 5:00 PM to 8:00



PM and representatives from WVDOH and FHWA will be available to answer questions about the proposed project. **THE PUBLIC HEARING PORTION WILL OCCUR FROM 8:00PM to 10:00PM.** Individuals and representatives of organizations who wish to provide testimony during the Public Hearing may sign the Speakers List at the registration desk from 5:00 PM to 7:45 PM. A five minute time limit will be imposed on testimony to provide all parties the opportunity to comment.

### 24TH ANNUAL AFRICAN AMERICAN CULTURE AND HERITAGE FESTIVAL

The 24th Annual African American Culture and Heritage Festival will be held August 19th through August 21. 24th Annual African-American Culture and Heritage Festival

Charles Town (8/19 + 8/20) and Harpers Ferry, WV (8/21)

#### Complete Schedule

##### Friday, August 19th

- 7:00 – 8:30 PM: Gospel Extravaganza featuring The Gospel Jewels (in the Betty Roper Auditorium, free) sponsored by the Skinner Law Firm
- 7:00 – 10:00 PM: Youth Block Party (on the Festival Grounds, free) sponsored by the NAACP Youth Group

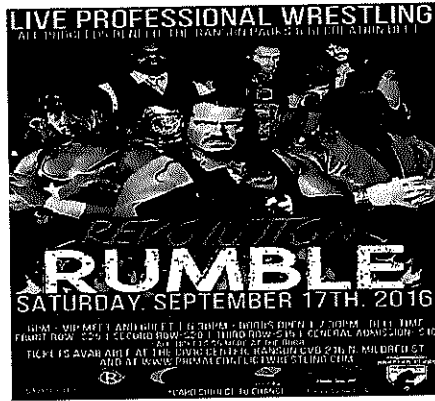
##### Saturday, August 20th

- 10:00 AM – 2:00 PM: Health Fair by Heath Pact, DC (in the Star Lodge Hall, free)
- 11:00 AM – close: Food, Art, and Craft Vendors (on the Festival Grounds)
- 12:00 PM: Parade Kickoff (Charles Town & Ranson)
- 2:00 PM: Opening Ceremony (on the Main Stage)
- 2:00 – 5:00 PM: Youth Moon Bounce (on the Festival Grounds, free)
- 2:00 – 5:00 PM: Youth Pony Ride (on the School Playground, free)
- 2:05 – 2:25 PM: Brief Introduction of Political Candidates
- 2:30 – 3:30 PM: Karl Miller Gospel Revue from Bramwell, WV (gospel duo on the Main Stage)
- 3:30 – 3:40 PM: African American Poetess Keryl Rustin (on the Main Stage)
- 3:45 – 4:45 PM: Over The Top (R&B, Soul, and Jazz on the Main Stage)
- 4:45 – 4:55 PM: Poetry by African-American Poet Charles L. Carey (on the Main Stage)
- 5:10 – 6:00 PM: Over The Top (R&B, Soul, and Jazz on the Main Stage)
- 6:15 – 6:45 PM: Twanna Ellis (Gospel on the Main Stage)
- 7:00 – 9:00 PM: Quiet Fire (Soul on the Main Stage) sponsored by the Hollywood Casino

##### Sunday, August 21st

- 8:00 AM: Memorial Walk to the John Brown Fort Site (Meet at the Murphy Farm)
- 10:00 AM: Ecumenical Memorial Service (at the Curtis Freewill Baptist Church)

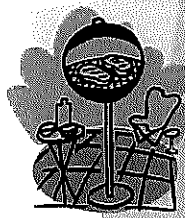




## BBQ COOKOFF

Sponsored by Ranson Parks & Recreation

September 24th from 9am-2pm at the  
Ranson Civic Center's Annual Indoor Yard Sale



THINK YOU ARE A PIT MASTER?  
WE'LL GIVE YOU YOUR CHANCE TO  
PROVE IT! COOK YOUR BEST  
CHICKEN, PORK, AND BEEF BBQ  
AND SEE WHO WILL BE  
CROWNED KING OR QUEEN OF  
THE FIT!

\$20 Registration Fee  
Registration Deadline Sept. 9th  
Registration Forms Available By  
Contacting Kim or Howard

Contact the following for more information:

Kim Hawkins at [khawkins@ransonwv.us](mailto:khawkins@ransonwv.us)

Howard Harder at [hharder@ransonwv.us](mailto:hharder@ransonwv.us)

Ranson Civic Center, 431 W. 2nd Ave, Ranson, WV

304-725-2437, Office Number

Be Sure to Like Us on Facebook!!



Sponsored by Ranson Parks & Recreation

Saturday, Sept. 24, 2016 from 7AM-2PM

Inside the Ranson Civic Center

431 W. 2nd Avenue, Ranson, WV

\$15 per space or \$20 per space if you wish to set-up your  
space on Friday. All spaces are approximately 10x10 with  
one table and 2 chairs provided. You are able to bring  
additional tables, racks, etc.

A BBQ Cookoff will also be taking place and food will  
be available for purchase!

To register, please contact Kim Hawkins at  
[khawkins@ransonwv.us](mailto:khawkins@ransonwv.us) or visit the Ranson Civic Center or  
Ranson City Hall. Registrations due by Sept. 9th. Please make  
all checks payable to Ranson Parks & Rec.



## 2016 JEFFERSON COUNTY FAIR

SCHEDULE OF EVENTS

-SUBJECT TO CHANGE-

Sat. July 9th

9:00 AM

- Orientation: Little Miss Jefferson Co. Fair and Junior Miss Jefferson Co. Fair

10:30 AM

- Orientation: Miss Jefferson Co. Fair

Sat July 30th

6:30 PM

- Livestock Exhibitor's Meeting & Deadline for Livestock Exhibitors

Sat. Aug 20th

7:00 AM

- Fairgrounds Open to Livestock

9:00 AM – Noon

- Horses Entered
- 9:00 AM – 2:00 PM
- Livestock Entered & Scales Open
  - TBA – Lambs Tail Measuring
- at Show Barn
- TBA – Market Hogs Weighed
  - TBA – Market Lambs Weighed
  - TBA – Market Goats Weighed
  - TBA – Market Steers & Feeder Calves Weighed
  - TBA – Scales Closed

- 10:00 AM – 3:00 PM
- All Exhibits Entered

- 4:00 PM
- Grading of Livestock Animals

- 6:00 PM
- Meeting of Livestock Exhibitors & Parents

- 6:30 PM
- Stage – Miss Jefferson County Fair Contest

- 11:00 PM
- Fairgrounds Close

**Sun. Aug 21st**

- 9:00 AM -10:30AM
- Exhibitor's Breakfast (Open to all exhibitors)

- 9:00 AM
- Rabbit Judging

Open Class followed by 4-H & FFA

- 10:30 AM
- S. Barn Church Service

- 11:00 AM – 4:00 PM
- Jefferson Co. Fair Summer Cruise-in

- 12:30 PM
- Stage New Hopewell Center for the Arts

- 1:00 PM
- Flag Raising
  - Exhibit Buildings Open
  - Lawn & Garden Tractor Pull Part 1 – Antique Tractor Area

- 1:30 PM
- Tractor Driving Contest
  - Stage – Little Miss Jefferson Co. Fair Contest

- 3:00 PM
- Arena – Tractor & 4 Wheel Drive Pull – One Interstate Class
  - Sheep Judging, Fitting & Showing
  - Market Animals

- 5:30 PM
- Stage – Kids In Motion

- 6:00 PM
- Stage – Panhandle Square Dance Club Exhibition Team

- 6:30 PM
- Stage – Junior Miss Jefferson Co. Fair Contest

- 7:30 PM
- Slow Tractor Race – Antique Tractor Area
  - Arena – Dirt Drag Racing

- 11:00 PM
- Fairgrounds Close

**Mon. Aug 22nd**

- 8:30 AM
- Jeff Co 4-H & FFA Horse Showmanship

- 10:00 AM
- Sheep Judging – Breeding Animals & Fiber Show

- Poultry Judging

1:00 PM

- Beef Showmanship & Judging – Steers & Feeder Calves

3:00 PM

- Exhibit Buildings Open
- Jefferson CEOS Bake Sale

5:30 PM

- Stage – Shepherdstown Middle School Band

6:00 PM

- Carnival Area Open to Public – Family Night – One Price – Ride All Night!

6:15 PM

- Stage – Wildwood Middle School Band

6:30 PM

- Kiddie Tractor Pull – Antique Tractor Area
- 4-H Demonstration-Exhibit Building #1
- Arena – Tractor & 4 Wheel Drive Pull – One Interstate Class

7:00 PM

- Stage – Jefferson High School Jazz Band
- S. Barn – Bubble Gum Blowing Contest
- Apple Eating Contest
- Marshmallow Eating Contest

11:00 PM

- Fairgrounds Close

**Tues. Aug 23rd**

9:00 AM

- Swine Judging – Fitting & Showing

1:00 PM

- Fitting & Showing & Market Goat Show

3:00 PM

- Exhibit Buildings Open
- Jefferson CEOS Bake Sale

4:30 PM

- Sheep Dog Demonstration – Horse Ring

5:30 PM

- Stage – Harpers Ferry Middle School Band

6:15 PM

- Stage – Charles Town Middle School Band

6:30 PM

- Antique Tractor Pull
- S. Barn 4-H, FFA & FCCLA Bake Auction

7:00 PM

- Stage – Washington High School Band

7:30 PM

- Arena – Bull Riding

8:00 PM

- Stage CornHole Tournament

8:15 PM

- S. Barn – Watermelon Eating Contest
- S. Barn – Doughnut Eating Contest
- S. Barn – Pudding Eating Contest

11:00 PM

- Fairgrounds Close

**Wed. Aug 24th**

11:00 AM

- Exhibit Buildings Open

11:00 AM – 3:00 PM

- Senior Citizens Matinee – Free Admission – Age 55 & Over

Noon – 2:00 PM

- Ruritan Roast Beef Lunch Special

2:00 PM

- Meat Goat Breeding Classes
- Dairy Goat Judging & Fitting & Showing

6:00 PM

- Carnival Area Open to Public – Family Night – One Price – Ride All Night

6:30 PM

- Kiddie Tractor Pull – Antique Tractor Area
- 4-H Demonstration-Exhibit Building #1

7:00 PM

- Arena – Figure 8 Demolition Derbies  
4 and 6 Cylinders

- Demolition Derbies – Cars & Trucks

7:30 PM

- Stage – Band – Daryl Singletary
- S. Barn – Funny Fitting & Showing Contest

7:45 PM

- S. Barn – Corn Eating Contest
- Ice Cream Eating & Milk Drinking Contests

11:00 PM

- Fairgrounds Close

### **Thurs. Aug 25th**

10:00 AM

- Dairy Cattle Judging – Fitting & Showing

1:00 PM

- Beef Judging – Commercial & Purebred

3:00 PM

- Exhibit Buildings Open

4:00 PM

- South Jefferson Ruritan Chicken BBQ

6:00 PM

- Carnival Area Open to Public

6:30 PM

- Stage – Horse Pulling Contest
- Lawn & Garden Tractor Pull Part 2 – Antique Tractor Area

7:00 PM

- Arena – Tuff Truck & Car Contest – 2 and 4 Wheel Drive
- Magic of Michael T – Show Barn

8:30 PM

- Cow Chip Bingo

11:00 PM

- Fairgrounds Close

### **Fri. Aug 26th**

9:00 AM-4:30 PM

- Open Horse Show – Combined Show

3:00 PM

- Exhibit Buildings Open

4:00 PM

- South Jefferson Ruritan Chicken BBQ

4:30 PM – 6:30 PM

- Entertainment for Children Jovialll

6:00 PM

- Carnival Area Open to Public

6:30 PM

- Kiddie Tractor Pull – Antique Tractor Area
- 4-H Demonstration-Exhibit Building #1
- Arena – Meet & Greet – Monster Truck Drivers

7:00 PM

- S. Barn – Fashion/Style Show

7:30 PM

- Stage – Timber Sports Competition
- S.Barn – 3 Legged Race
- Water Balloon Toss
- Hay Bale Toss

8:00 PM

- Arena – Monster Truck Show

11:00 PM

- Fairgrounds Close

**Sat. Aug 27th**

9:00 AM-4:30 PM

- Western Gymkhana Horse Show

10:00 AM – 4:00 PM

- Horse Area – Civil War Living History Program by Mark Dudrow & His Horse “Eve”

10:00 AM

- Exhibit Buildings Open
- Arena – Mud Bog

11:30 AM

- Livestock Wash Area Closed

12 Noon

- Sale of 4-H & FFA Livestock Animals

12:30 PM

- Pet Show – Stage Area

2:00 PM – 5:00 PM

- Kiddie Matinee – Carnival Reduced Prices

5:30 PM

- Stage – Jefferson High Pop Singers

6:00 PM

- Carnival Area Open to Public

6:30 PM

- S. Barn – Special Awards Ceremony
- Stage – Washington High Vocal Fusion
- Arena – Tractor & 4 Wheel Drive Pull – Three Interstate Classes

7:30 PM

- Mutton Busting – Horse Ring  
& Greased Pig Contests

8:00 PM – 11:00 PM

- S. Barn – Karaoke Shepherd Enterprises

8:30 PM

- Arena – Egg Toss
- Exhibit Buildings Close

9:30 PM

- Arena – Tractor & 4 Wheel Drive Pull Continued – One Interstate Class
- Exhibits to be Removed

11:00 PM

- Fairgrounds Close

No special permission will be given to let an exhibitor remove their entry early

**Sun. Aug 28th**

1:00 AM

- Release of All Livestock

9:00 AM -11:00 AM

- Livestock Exhibitors Group Clean Up

2:00 PM – 3:00 PM

- Exhibits to be Removed

Chief William Roper provided the following report to Council:

Staff attended the following meetings: UPS Store status, City Insurance Agent, Jefferson County Health Department to continue Narcan discussion, planning for the next Annual Ranson Festival, City of Charles Town Police Chief Kutcher to discuss Body Worn Camera Grant, Ranson Elementary 5<sup>th</sup> Grade Graduation Ceremony, planning for the Hispanic Festival October 1<sup>st</sup>, 2016, at the Ranson Civic Center, 5K Race for Cancer Awareness September 17<sup>th</sup>, 2016, WV Chiefs of Police Annual Fall Conference in Parkersburg, WV September 16<sup>th</sup> – 18<sup>th</sup>, 2016, Tri-State meeting in Winchester, VA to discuss the ongoing heroin epidemic, Eastern Panhandle Transit Authority representative to discuss relocation of the bus stop located at the Ranson Dairy Queen, City School Crossing Guards, Chief's meeting in Parkersburg, WV August 29<sup>th</sup> and 30<sup>th</sup>, 2016, met with citizen at E. 11<sup>th</sup> Avenue to discuss concerns with neighbor, met with citizens regarding submitted Special Activity Permits, Staff has completed and will be completing the following training: 40 hour seminar regarding Managing Budgets in Harrisburg, VA, 16 hour seminar regarding White Collar Crimes Investigations in Morgantown, WV, National Guard Training, Bi-Annual Firearms Qualifications, and Police Academy thru October 3<sup>rd</sup>, 2016. All landscaping at the Police Department has been completed. Staff is working on scheduling a Car Seat Inspection and Installation Program. All Annual Employee Evaluations have been completed for 2016. Staff is working on converting Policies, Procedures, and Memorandums to a digital format. First Graders from Ranson Elementary School participated in a field trip at the Police Department. A planned Disaster Drill has been scheduled for September 17<sup>th</sup>, 2016. New cameras have been installed for the department. Staff has recommended car #10 a 2004 Ford be sold as the condition of the vehicle is not fit for use by staff. The NAACP Parade will take place August 20<sup>th</sup>, 2016 at 12:00 pm and the Drive-In Car Show has been scheduled for September 2<sup>nd</sup>, 2016, from 6:00 pm until 8:00 pm on Fairfax Boulevard from Lancaster Circle to E. 2<sup>nd</sup> Avenue. Staff submitted all Statistic Reports for June and July to Council for review.

#### AGENDA VI - COMMUNICATIONS WITH THE CITY MANAGER

None

#### AGENDA ITEM VII – COMMUNICATIONS FROM THE MAYOR

1. Correspondence - PSC – 2015 Annual Report Review
2. Notes of Appreciation – Mini Grant Program
  - a. Boy Scouts of America
  - b. Pythian Sisters
  - c. Shepherdstown Public Library

#### AGENDA ITEM VIII – COUNCIL BUSINESS

1. **Ordinance #2016-288 – 2<sup>nd</sup> READING AND PUBLIC HEARING** of an Ordinance of the City Council of Ranson, West Virginia, Vacating, Abandoning and Annulling a Paper Right-of-Way Known as Boundary Street, Extending and Running Diagonal Distance from 13<sup>th</sup> Avenue to N. Mildred Street and Adjacent Alley, Not Used Nor Useful for Street Purposes, as Specifically Shown by Attached Plat - A paper right-of-way known as Boundary Street, extending and running diagonal from 13<sup>th</sup> Avenue to N. Mildred Street and adjacent alley, in the City of Ranson, Jefferson County, West Virginia, and as laid down, designated and dedicated to the public use as a street on a map or plat, as shown on the Exhibit hereto attached, is not useful for street purposes, is not needed for street purposes, nor for any other public uses and purposes and it further appears that it is in the interests of the City of Ranson and of the public generally that the right-of-way shown on aforesaid Exhibit be vacated, abandoned and annulled

as a public street within the City of Ranson, and is further appearing that the property of no person, firm or corporation will be injured or damaged thereby, and that the owner of the property abutting on said right-of-way has petitioned the City Council to vacate, abandon and annul said portion of the street. The abandoned street will be utilized for economic development purposes. **1<sup>st</sup> READING was approved July 19<sup>th</sup>, 2016.** Mayor Pierson opened the **PUBLIC HEARING** for comment. There were no comments from the public. Mayor Pierson closed the **PUBLIC HEARING**. Motion was made by Council Member Anderson to approve the **2<sup>nd</sup> READING of Ordinance #2016-288.** Motion was seconded by Council Member Haines. Motion carried unanimously.

2. **Ordinance #2016-289 – 1<sup>st</sup> READING** of an Ordinance of the City Council of Ranson, West Virginia Authorizing the Mayor to Submit a 2016 Home Rule Plan Amendment to the Municipal Home Rule Board in Accordance with W. Va. Code 8-1-5a - The City of Ranson, a Class III Municipal Corporation, Jefferson County, West Virginia, having a population of approximately 4,803, 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 October 6, 2014, as to all sections of its application. Ranson's original application contained five different sections: (1) Expanded Community Enhancement District Authority; (2) Improvements to code citations and public nuisance enforcement; (3) Improvements to the process for address blighted and foreclosed properties; (4) Authority to dispose of property without auction; and (5) the imposition of a 1% sales tax with B&O tax reductions. The City has adopted ordinances related to all aspects of its first Home Rule Plan. This home rule amendment is Ranson's first amendment to its Home Rule Plan and identifies the following new home rule powers:

1. Permitting the On-Premises Sale of Wine, Beer and Liquor on Sunday at 7:00 a.m.
2. Permit the Off-Premises Sale of Wine and Beer on Sunday at 7:00 a.m.
3. Permit for the regulation of feral cats.
4. Modifying the Certification Process of Building Inspectors.

Ranson continues to make great progress since the adoption of our original home rule ordinances, but challenges still remain and we constantly seek solutions to our problems and issues in order to make our community a better place to live and work. We have engaged closely with members of the public, local organizations, our business community, and other partners to address these challenges. We are ready to put reasonable home rule powers into action in order to make even more progress, and we respectfully request that the West Virginia Municipal Home Rule Board to grant the additional authorities within this amendment. Motion was made by Council Member Cheshire to approve the **1<sup>st</sup> READING of Ordinance #2016-289.** Motion was seconded by Council Member Watson. Motion carried unanimously.

3. **Ordinance #2016-290 – 1<sup>st</sup> READING** of an Ordinance of the City Council of Ranson, West Virginia Amending Chapter 4, Article I of the Code of Ranson, West Virginia by adding Section 4-28 "Dog Tethering" A Dog Tethering Ordinance patterned after Jefferson County was provided to Council for review. This ordinance would give authority to both Jefferson County Animal Control and the Ranson Police Department to enforce. This ordinance makes it unlawful to restrain a dog outside for more than fourteen hours in any twenty-four hour period and sets out specific requirements that must be met when a dog is tethered. This ordinance comes before Council with the recommendation of Jefferson County Animal Control. Motion was made by Council Member Grant to approve the **1<sup>st</sup> READING of Ordinance #2016-290.** Motion was seconded by Council Member Haines. Motion carried unanimously.

4. **Resolution #2016-25** - A Resolution of the City Council of Ranson, West Virginia Authorizing the Mayor or his Designee to Negotiate and Execute a Contract for the Purpose of Asphaltting Streets Consistent with the City's 2016/2017 Capital Improvement Budget with Jefferson Asphalt. Two (2) bids were received for asphalt resurfacing for designated street projects: Jefferson Asphalt \$157,715.00 W-L Construction \$417,000.00

The City Manager has reviewed the documents of both bids. Both bids are in order and staff recommended that Council accept the lowest bid by Jefferson Asphalt. The following streets will be resurfaced:

1. W. 5<sup>th</sup> Avenue – From George Street to McDonald Street (1155 LF; 20 ft. wide)
2. W. 3<sup>rd</sup> Avenue - From Buchannan Street to McDonald Street (950 LF; 20 ft. wide)
3. Marl Drive – From McDonald Street to End (250 LF; variable)
4. Buchannan Street – From 3<sup>rd</sup> Avenue to 4<sup>th</sup> Avenue (305 LF; 20 ft. wide)
5. E. 3<sup>rd</sup> Avenue – From Preston Street to Railroad Avenue (1370 LF; 34 ft. wide)
6. Reymann Street – 10<sup>th</sup> Avenue to Beltline Avenue (530 LF; 20 ft. wide)
7. W. 7<sup>th</sup> Avenue – From Mildred Street to George Street (750 LF; 20 ft. wide)
8. E. 14<sup>th</sup> Avenue – Boundary Street to Marshall Street (1180 LF; 20 ft. wide)
9. 11<sup>th</sup> Avenue – From Preston Street to Mildred St (575 LF; 20 ft. wide)

Motion was made by Council Member Grant to approve **Resolution #2016-25**. Motion was seconded by Council Member Cheshire. Motion carried unanimously.

5. **Resolution #2016-26** – A Resolution of the City Council of Ranson, West Virginia Revising Full-Time and Part-Time Authorized Positions and Titles. The City Council is the authority for authorizing positions and funding. In June, City Council adopted a sewer rate revision which allows for the GIS Analyst/Utility Manager to be transferred more appropriately to the sewer fund. The Authorized Positions document was revised in April through the General Fund Budget adoption for July 2016 promotions, but the sewer rates were not approved until after the General Fund budget was adopted. After consultation with the Public Works Director, staff recommended to move the GIS Analyst/Utility Manager position to Assistant Public Works Director – Utilities paid for out of the Sewer Fund but housed within Public Works – Utilities Division. The GIS Analyst/Utility Manager was originally housed in the Department of Community Development. After being in the position for a year, it became obvious that the employee belonged with Public Works and has been working side-by-side with the Director of Public Works. This transfer allows for funding to be freed within the Department of Community Development to fund a Planning Technician. The attached revised position chart will allow the City Manager to officially move the GIS Analyst / Utility Manager into Public Works with a more accurate job description. The net effect to the general fund salaries decreases with this transfer and replacement because of the wage difference.

*Authorized Positions*

**Full-Time and Permanent Part-Time**

**Fiscal Year 2016/2017**

Function/Position	FY 2013/2014	Status
<b>Administration</b>		
City Manager	1.0	Full-time
City Clerk	1.0	Full-time (but working P/T)
Total Administration:	2.0 Full-time	



<b>Finance</b> Finance Director Assistant Finance Director Licensing Clerk (P/T) Accounts Payable Clerk (P/T)  Total Finance:	1.0 1.0 1.0 1.0  2.0 Full-Time 2.0 Part-Time	Full-time Full-time Permanent Part-time Permanent Part-time
<b>Community Development</b> Assistant City Manager – Community Development Associate Planner Community Development Specialist / Planning Tech. Building Code Official Administrative Assistant Building Inspector  Total Community Development:	1.0 1.0 1.0 1.0 1.0 1.0  5.0 Full-Time 1.0 Part-Time	Full-time Full-time Full-time Full-time Full-time Part-time or Contractual
<b>Public Works / Utilities</b> Public Works Director Construction Foreman Streets Foreman Construction Laborer II Streets Laborer II Shop/ Fleet Manager  <b>Public Works – Utilities Division</b> Public Works Assistant Director – Utilities / GIS Sewer Foreman Sewer Laborer II  Total Public Works:	1.0 1.0 1.0 1.0 3.0 1.0  1.0 1.0 1.0  11.0 Full-time	Full-time Full-time Full-time Full-time Full-time Full-time  Full-time Full-time Full-time
<b>Police</b> Chief Captain Lieutenant Corporal Sergeant Patrolman Administrative Assistant Secretary Housekeeping  Total Police:	1.0 1.0 1.0 2.0 2.0 7.0 1.0 1.0 1.0  15.0 Full-time 3.0 Part Time	Full-time Full-time Full-time Full-time Full-time Full-time Full-time Permanent Part-time Part-time
<b>Parks and Recreation (Not funded by General Fund)</b>  Parks and Recreation Director Recreation / Facility Coordinator  Parks and Recreation Total:	1.0 1.0  2.0 Full-time 5.0 Part-time On-Call	Full-time Full-time
<b>CVB (Not funded by General Fund)</b>  CVB Director Intern	1.0 1.0	Full-time Part-time
<b>TOTAL FULL-TIME POSITIONS (City)</b>	38.0 Full-time	
<b>TOTAL PERMANENT PART-TIME POSITIONS (City)</b>	7.0 Part-time	
<b>TOTAL PART-TIME POSITIONS (Parks)</b>	5.0 Part-time on call.	

Motion was made by Council Member Grant to approve **Resolution #2016-26**.  
Motion was seconded by Council Member Watson. Motion carried unanimously.

6. **Special Activity Permit** – Ministry of Hope - Boot Drive September 17, 2016, 9:00 am – 1:00 pm on N. Mildred Street. Motion was made by Council Member Haines to approve said **Special Activity Permit**. Motion was seconded by Council Member Cheshire. Motion carried unanimously.
7. **Partnership with Partnership for Affordable Housing** - The City has been a long-standing participant of the Jefferson County Partnership for Affordable Housing. Debbie McClure currently sits on the board. The Partnership for Affordable Housing (PAH) was launched in 2005 to address the urgent and unfulfilled need for affordable housing in Jefferson County, West Virginia. PAH was put into motion through the hard work, dedication, and concern of a nucleus of caring citizens, organizations, and businesses. PAH mission is to ensure access to safe and affordable housing through advocacy, education, and the development of housing resources. PAH is organized and is operated exclusively for charitable and educational purposes.

PAH has been approved for the adoption of the National Industry Standards for Homeownership Education and Counseling. Adoption demonstrates an organization's commitment to implement and follow the Standards for Homeownership Education and Counseling in daily business operations. Organizations are encouraged to strive to exceed the benchmarks. The PAH offers the following: (1) homebuyer education courses, which are required for some USDA, WVHDF mortgage loans and other homebuyer assistance programs; (2) homebuyer education seminars; (3) homebuyer credit counseling; (4) homebuyer assistance providing first time homebuyers in Jefferson County with a deferred no-interest loan for down payment and closing cost; and (4) Jefferson County rental assistance.

City staff has been in conversations with the new administrator of PAH, Nan Stevens, about strengthening the City's partnership with PAH to provide more opportunities to the City of Ranson residents. PAH is looking for a new location. There is currently a vacant office on the third floor of City Hall next to the City Manager's office. Permitting PAH to utilize this vacant office space could be a real benefit to the City and an opportunity to expand affordable housing in the City. Right now, PAH has several programs with funding that needs to be distributed. Providing this office and our social media marketing would greatly assist in the distribution of these funds. They can also help support our rental registration program and code enforcement actions when we need to relocate tenants.

The Partnership provides a homebuyer education class once a month on the third Saturday – from approximately 9:00 am to 4:00 pm. PAH staff would be in early to set up and would probably be out of the office by 5:00 after cleaning-up. The part-time employee also meets with clients one-on-one and strives to accommodate their schedules which means in all likelihood the employee would have clients in the office later in the afternoon.

The administrator is also part-time and works mostly out of her home, but if PAH does have the opportunity to relocate to Ranson she would be in a day or so a week.

The Board meets the first Wednesday of each month - with an executive committee meeting at 6:30 p.m. followed by the full board meeting at 7:00 p.m. Generally the Board is finished by 8 -8:30 p.m. PAH also has several committees and would be using the office to host their meetings.

City Hall would only be open to the public during normal business hours. During times that individual counseling sessions occur, City Hall would be locked and PAH staff would open the door and escort clients in the building. The

administrator of PAH and part-time employee of PAH would be issued an access card controlled by the City

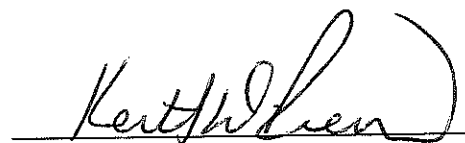
8. **July 2016 Finance Report** - Finance Director and City Manager provided an overview of July financials.

#### AGENDA ITEM IX - ADJOURNMENT

Motion was made by Council Member Anderson to adjourn. Motion was seconded by Council Member Grant. The Regular Council Session adjourned at 7:41 pm. The next Regular Council meeting was scheduled for Tuesday, September 6<sup>th</sup>, 2016, at 7:00 pm.



Stacey A. Dodson Pfaltzgraff  
City Clerk



Keith D. Pierson  
Mayor

**CITY COUNCIL MEETING  
TUESDAY, SEPTEMBER 6<sup>TH</sup>, 2016, 7:00 PM**

**AGENDA ITEM I - CALL TO ORDER:**

Mayor Pierson called this meeting to order at 7:00 p.m.

**AGENDA ITEM II - MEMBERS PRESENT:**

City Clerk Stacey A. Dodson Pfaltzgraff reported all Council Members present, Dave Cheshire, Tony Grant, Donnie Haines, Jay Watson, and Scott Coulter with the exception of Mike Anderson. Also present were City Manager Andy Blake, Assistant City Manager Edward Erfurt, Chief William Roper, and CVB Director Debbie McClure.

**AGENDA ITEM III – APPROVAL OF MINUTES – August 16<sup>th</sup>, 2016, Regular Meeting**

Minutes of the **August 16<sup>th</sup>, 2016**, Regular Meeting was presented for approval. There were no objections to the Minutes. Minutes was accepted as submitted.

**AGENDA ITEM IV – CITIZEN'S PRESENTATIONS/PETITIONS**

Aaron Watson – Independent Fire Co. – Mr. Watson was present to thank Council for their support and to give each Council Member an Independent Fire Co. patch.

Robert Shefner – Jefferson County Community Ministries - Executive Director Robert Shefner was present to discuss Categories of Emergency Assistance, which included, Food Pantry; Clothing Closet; Limited Financial Assistance for: Utility Terminations and Rental Evictions; Fuel for Heating & Cooking; Automobile Gasoline; Medications; Motels; Miscellaneous Services; and Emergency Cold Weather Shelter. He continued his presentation by discussing the following Life Skill Opportunities, which individuals have access to thru the ministry: Financial Sense; Employment; Housing; Life Skill Coaching; Parenting; and Health & Well-Being. Mr. Shefner concluded his presentation by reviewing Four Clusters of Opportunities, which included Housing; Communications; Employment; and Health & Well-Being. Mr. Shefner explained the importance of providing opportunities for those in need to become self-sufficient in a safe and supportive community. Mayor Pierson thanked Mr. Shefner for providing updates on the latest happenings in the Jefferson County Community Ministries.

**AGENDA V - CITY MANAGER/STAFF REPORTS**

City Manager Andy Blake provided the following report to Council:

**FOUNDRY:**

Our goal is to finalize the foundry site by winter. We have been waiting on more free dirt. Each load of dirt is approximately \$300 and we need around an estimated 200 loads. Thus, we have tried to use patience. Today, IStar (new owner of Freeman property) granted the City permission to take dirt from the pile on its site. This will now allow us to load and haul dirt to the foundry site.

**FAIRFAX BOULEVARD:**

Fairfax Boulevard from 12<sup>th</sup> Avenue to Liberty Street is starting to wrap up. Final pavement has been installed. Over the next few weeks, striping, signs, punch list items and landscaping will be completed.

**FAIRFAX CROSSING:**

Fairfax Crossing, LLC has executed a Right-of-Entry to allow bond work to be completed within Fairfax Crossing. The right-of-entry agreement and exhibits showing the work to be completed is attached to this report.

Fairfax Crossing LLC filed a motion to sell the land free and clear. Dan Ryan entered into a \$1.5 million contract to purchase the land. A hearing was set for last Thursday on the merits of the contract. On Wednesday, an upset bid was submitted by Mike Goode, Jr. for \$1.6 million and objections were filed by the Estate of Lloyd and by Village at Fairfax Crossing, LLC (which consists of Christopher Shultz and Dave Campbell). The bankruptcy court postponed the hearing on the purchase contract and held a status hearing instead.

**SHENANDOAH SPRINGS:**

The City met with K-Hovanian Homes on Friday. K-Hovanian is performing its due diligence to construct homes within Phase 1 of Shenandoah Springs. Because of the work of the developer, the City was able to answer all of K-Hovanian's questions in the affirmative.

**ISTAR:**

Istar has hired a new property manager for the former Freeman property. The following is correspondence from the new property manager:

I am the property manager for the above referenced Owners' Association and I am currently working on maintenance items cited by the city. The following items are being addressed immediately:

- Shrubs over 18 inches along the traffic circle entrance – met with landscaper on Friday and shrubs will be removed this week; will replace with smaller shrubs/plants.
- We continue to clear trash/debris from around the site but I believe this will be an ongoing battle until we can make it clear dumping is not permitted/tolerated

- 
- Vacant pad sites were cleared. Met with contractor regarding old lease signs; anticipate them to be removed within the next week. See attached pictures
  - Met with asphalt contractor and they will need to investigate storm water box culvert further. Additionally, I need to find out if the city will require a permit for this repair
  - Plywood from storm water management area will be removed within the next week
  - Notice will be sent to Bob Evans on behalf of the association
  - Electrician is investigating electric conduit along Fairfax Boulevard for additional street lights. Landscaper believes the white pipes are markers for trees – will have trees added along that area

#### **FIFTH AVENUE:**

Today, I met with Rob Pennington, from the Charleston headquarters of WVDOH regarding 5<sup>th</sup> Avenue. He apologized and stated that he was placing the project back on the burner. Rob requested the meeting after we requested our funds to be returned. We explained our most basic design concept is pretty simple for 5<sup>th</sup> Avenue – assuming a 60 foot right-of-way is correct:

2 – 11 foot travel lanes  
2 – 8 foot parking lanes  
2 – 5 foot sidewalks

That totals 48 feet without curb. This allows space between the curb and sidewalk of approximately 5-6 feet to play which hopefully eliminates utility conflicts.

Where the road narrows to 35 feet – it would be 2-5 foot sidewalks with curb adjacent to travel lanes and 2-11 foot travel lanes.

#### **STORMWATER:**

City staff has asked for proposal from Appalachian Surveys for scope to engineer and design a stormwater project focusing on Mildred Street and Beltline. Beltline is the geographic center of the historic core of Ranson. The wide right of way could allow for numerous capital improvements to meet the needs of our City. This east-west corridor is the historic transportation corridor, but lacks sidewalks. It is a break point for stormwater but lacks conveyance. It is also in the area of the City that lacks public open space. All of this has led Staff to explore the possibility of engineering a linear stormwater park within the Beltline right of way.

A linear stormwater feature could store, convey, clean, and outfall it to the west and into the USDA canal. This is the natural path for this water, so several minor projects would direct the water out of the street and off of private properties. In conjunction with this work, these swales could also be designed into a parklike look with either a sidewalk or walking trail.

**Project Objectives in Order of Priority as a Phased Project:**

1. Create a Conveyance System connecting the outfall on Fairfax Boulevard along Beltline to the USDA Canal
2. Provide the maximum amount of storage and water quality within the Beltline right of way within a linear stormwater park utilizing innovative stormwater design
  - a. State Stormwater Permits Required
  - b. Calculations for existing development run-off
  - c. Calculation for future development stormwater management
3. Beltline Alignment
  - a. Align Beltline to the northerly right of way boundary a minimum 14 feet from the property lines with a cross slope toward the stormwater feature, between Fairfax and Mildred
  - b. Align Beltline to the southerly right of way boundary a minimum 14 feet from the property lines with a cross slope toward the stormwater feature, between Mildred and George
4. Provide a paved (porous, paver, asphalt, concrete, or combination) trail a minimum of 8 feet wide, that could be straight or meandering, from Fairfax Boulevard to George Street. The Trail should be incorporated into the linear stormwater
5. Provide a 5 foot sidewalk, curbing, and 8 foot parking parallel parking stalls along the right of way not adjacent to the stormwater feature
6. Installation of street lighting at intersections and along Beltline that consistent with the City approved fixtures
7. Accommodate parallel parking stalls adjacent to the linear stormwater

Region 9 is meeting with staff tomorrow. Region 9 has 50-50 match stormwater grant funds available which would assist the City completing this project.

**RANSON RENTAL REGISTRATION:**

Notices were sent to licensed landlords two weeks ago advising them of the requirement to register their rental units with the City in order to receive a Certificate of Rental Occupancy. In 2000, the Ranson City Council adopted the Rental Dwelling Unit Registration Ordinance to promote health and safety standards for rental housing and to secure and preserve the integrity and character of residential districts within the city. These standards relate to the condition, maintenance and occupancy of rental dwelling units and are intended to ensure that rental housing is safe, sanitary and suitable in accordance with applicable provisions of the state building code and other regulations as adopted by the city. (Chapter 5, Article IX)

*Sec. 5-203 An owner or operator shall not rent or offer for rent any dwelling unit for use in whole or in part for human habitation unless a written application for a certificate of use and occupancy has been filed for such dwelling unit or a valid certificate of use and occupancy has been issued for such dwelling unit by the code*



*official indicating that inspection found the premises to be in substantial compliance with the state building code.*

Upon receiving an application for Rental Dwelling Unit Registration, the City's building code official shall schedule an inspection of the dwelling unit(s) and shall issue a certificate of use and occupancy within ten days following inspection if said unit is found to be in substantial compliance with the state building code. This certificate is then valid for 2 years. The owner shall post a copy of the certificate of use and occupancy in a conspicuous location in the interior of the premises or near the interior electrical fuse or circuit box of each dwelling unit.

28 applications representing over 100 rental units have been submitted to the City. We have inspected over 25 units, and have approximately 100 more units to inspect. These numbers represent 1/3 of the landlords with business licenses in the City. Through this program, we have found additional non-licensed landlords and property management companies operating in the City. We have also heard that landlords are completing pre-inspections which is resulting in safer and healthier living conditions in our City.

**CITIZEN ACCESS PORTAL TO PERMITS, INSPECTIONS AND PLANS:**

We are pleased to announce the launch of a Citizen Access Portal to monitor the status of building permits, plans and inspections. Individuals can search for permits and plans and see daily scheduled inspections. Online permit submissions will be coming soon. The link is on our city's website or directly at: <https://energocitizenaccess.tylertech.com/Ranson/CAP/Site/Public/Main>

**VALLEY HEALTH:**

Valley Health is scheduling a groundbreaking for its new urgent care in Ranson. It was originally scheduled for the 26<sup>th</sup>, but scheduling conflicts are requiring postponement. We will let you know of the new date and time once it is confirmed.

**9/11 REMEMBRANCE CEREMONY:**

Independent Fire Company will host its 15th Annual 9/11 Remembrance Ceremony on Sunday, 9/11/2016, at 9:58 a.m. The ceremony will take place at the fire station at 200 W. 2nd Avenue, Ranson. The guest speaker is Theodore (Ted) Plucinski, Lieutenant Colonel, USAF (Ret.)

The commemoration will occur between the times the World Trade Center towers collapsed. The victims at the Pentagon, in Shanksville, PA, and in the War on Terror will also be honored. Assisting will be members of the Jefferson High School Cougar Air Force Junior ROTC and the Washington High School Patriot Voices. Bagpipe music will be presented by Joe Kent.



The public his encouraged to attend to remember with us. Available police, fire, EMS and military personnel are requested to attend in uniform, if possible.

**ECONOMIC DEVELOPMENT COUNCIL FALL CONFERENCE:**

The Jefferson County Development Authority will be hosting the West Virginia Economic Development Council (WVEDC) Fall Conference on September 18-20, 2016 at the Hollywood Casino at Charles Town Races. Economic developers from throughout the state, as well as many state officials, will be attending this important gathering of economic development professionals. As the City intends to send staff to the event, the City of Ranson is one of the co-sponsors of the event.

The conference agenda includes a federal legislative update from U.S. Senators Shelley Moore Capito and Joe Manchin, an education and economic development panel discussion including officials from West Virginia University, Shepherd University, American Public University, and Blue Ridge Community and Technical College, and a site selection panel with national consultants.

**RESIDENCES AT JEFFERSON CROSSING:**

The State Fire Marshal's Office and the City of Ranson issued a Certificate of Occupancy to Uniwest's first apartment building. The first residents moved in last week.

**MARSHALL'S SITE PLAN:**

A site plan has been submitted by Marshall's to be constructed to the west side of Kohls.

**PUBLIC WORKS EXPANSION:**

Property appraisals have been ordered for public works expansion.

**FIRST TIME HOMEBUYER ASSISTANCE LOANS AVAILABLE**

Income-eligible first time homebuyers in Jefferson County can apply for a deferred no-interest loan for down payment and closing costs through the Homebuyer Assistance Program or HAP. HAP provides gap financing to make the home loan affordable to the buyer.

The amount of the loan depends on the buyer's need for assistance but cannot exceed \$14,500.00. The term of the loan is 5-years and carries a zero interest with no repayment if the buyer remains in the home. Qualifying applicants must meet federal requirements for household size income and the sales price of the home. The house must also undergo a HAP property maintenance code inspection and meet local property codes. Repairs must be made prior to closing. Applicants must provide at least \$500 of their own funds towards the purchase of the home and provide documented proof.

All applicants are required to complete a homebuyer education course through an approved housing counseling program and obtain a certificate of completion. Homebuyer education and credit counseling is offered through the Partnership for Affordable Housing, Inc. - (304) 7256189 and the Telamon Corporation - (304) 263-0916.

The funding source for the HAP program is the federal HOME Investment Partnership Program which is administered by the City of Martinsburg. The Eastern Panhandle HOME Consortium of West Virginia is the participating jurisdiction under the HOME Act which encourages housing assistance in compliance with HUD regulations and the local Consolidated Plan of the member jurisdictions.

Applications are accepted at any time, however, funds are limited and are on a first-come first served basis. Currently there is \$ 65,480 of funding available in Jefferson County; \$0 in Berkeley County; \$6,285.00 in the City of Martinsburg; and \$3,495.00 in Morgan County. For complete program guidelines and application forms please visit the Partnership for Affordable Housing's website [www.pahwv.org](http://www.pahwv.org)

**HISPANIC HERITAGE FESTIVAL:**

The Ranson CVB will be hosting a Hispanic Heritage Festival on 10/1 at the Ranson Civic Center from 10 – 5. The event is free and open to the public. The event includes free children's activities, DJ, band and vendors. For more information, visit <https://www.facebook.com/RansonHispanicHeritage/?fref=ts>

**REVOLUTION RUMBLE PROFESSIONAL WRESTLING BENEFITING RANSON PARKS:**

Professional wrestling presented by Primal Conflict Wrestling will be held on 9/17 at the Ranson Civic Center. Tickets are still on sale and can be bought at [www.primalconflictwrestling.com](http://www.primalconflictwrestling.com).

**SOURCE WATER PROTECTION PLAN PUBLIC HEARING NOTICE FOR CHARLES TOWN:**

DHHR to Host Public Hearing on Proposed Source Water Protection Plans for Charles Town Utilities, Corporation of Harpers Ferry and Corporation of Shepherdstown

CHARLESTON, W.Va. – The West Virginia Department of Health and Human Resources (DHHR), Bureau for Public Health's Office of Environmental Health Services will hold a public hearing on Thursday, September 8, 2016 to discuss draft Source Water Protection Plans (SWPPs) for Charles Town Utilities, Corporation of Harpers Ferry and Corporation of Shepherdstown Water Treatment Plants.

The intent of a Source Water Protection Plan is to identify strategies to minimize potential threats to source water and prepare for spills or other emergencies that could affect water service. If approved, the Plan would be valid for three years.

The public hearing will be held on Thursday, September 8, 2016, 6:00 p.m., at the Jefferson County Health Services Center, 1948 Wiltshire Rd., Kearneysville, WV. Please use Entrance B.

Public comments, which will be considered by DHHR during the review process, may be submitted during the September 8 hearing or in writing by September 22, 2016 via mail, fax or email. Written comments should include the name, address and telephone number of the writer and a concise statement of the nature of the issues being raised. Issues should be kept relevant to the draft plan.

Persons interested in submitting comments may do so by using one of the following means:  U.S. Mail: West Virginia Department of Health and Human Resources, Bureau for Public Health, Office of Environmental Health, 350 Capitol Street, Room 313, Charleston, WV 25301-3713 Attn: Source Water Protection Program  Fax: 304-558-4322 with "Protection Plan Comments" written near the top  Email: EEDSourceWaterProtection@wv.gov with "Protection Plan Comments" in the subject line

Questions regarding how to submit comments for the public hearing may be directed to (304) 356-4270.

To download a copy of Charles Town Utilities, Corporation of Shepherdstown and Corporation of Harpers Ferry SWPPs, visit <http://www.region9wv.com/plans---studies.html> Please note that the Corporation of Shepherdstown SWPP may not be posted until after August 26.

**NATIONAL PREPAREDNESS MONTH:**

September is recognized as National Preparedness Month (NPM) which serves as a reminder that we all must take action to prepare, now and throughout the year, for the types of emergencies that could affect us where we live, work, and also where we visit. Due to the success of last year's theme, "Don't Wait, Communicate. Make Your Emergency Plan Today," will be returning for this September with a continuing emphasis on preparedness for youth, older adults, and people with disabilities and others with access and functional needs.

**EMERGENCY BLOOD SHORTAGE:**

JCHSEM, reminds us that there is an Emergency Blood Shortage in our country right now and there is always a need for an adequate blood supply. Please go to [www.redcrossblood.org](http://www.redcrossblood.org) and insert your Zip code, in the upper right you will find a list of nearby blood drives. While thousands of people from across the country have responded to the emergency request for blood and platelet donations issued by the Red Cross last month, a critical blood shortage remains. All eligible donors are encouraged to make and keep blood and platelet donation appointments to help ensure blood is available to meet patient needs. Trauma victims, surgery patients,

those with cancer and many others count on lifesaving blood donations every day. Give now. Your donation is critical.

#### AGENDA VI - COMMUNICATIONS WITH THE CITY MANAGER

None

#### AGENDA ITEM VII – COMMUNICATIONS FROM THE MAYOR

1. The National Humane Education Society – Letters of Support for Dog Tethering Ordinance
2. West Virginia Make It Shine Community Award Program
3. Affordable Housing Summit
4. 911 Ceremony – Independent Fire Co. – 9:58 am – 10:58 am
5. Condolences to the family of staff member Elizabeth Stroop in the passing of her mother, along with prayers for Charles Town City Manager Dave Mills
6. Expressions of appreciation to the Jefferson County NAACP for a plaque presented to the City acknowledging the 2016 African American Cultural & Heritage Festival
7. Expressions of appreciation to Ranson CVB Director Debbie McClure for another successful Cruise-In

#### AGENDA ITEM VIII – COUNCIL BUSINESS

1. **Ordinance #2016-280 – 2<sup>nd</sup> READING** of an Ordinance Accepting Deed of Dedication for Certain Street, Rights-of-Way and Utility Easements within Shenandoah Springs to the City of Ranson and Opening Said Streets to Public Use - Shenandoah Springs, LLC, is desirous of dedicating said streets and rights-of-way to the City of Ranson. The recorded plat for Shenandoah Springs depicts all streets and rights-of-way within the subdivision as being dedicated for public use. The Developer has completed construction of certain streets and rights-of-way within the subdivision as being dedicated for public use. The City Council has agreed to officially accept the proposed dedication of these streets and rights-of-way through a Deed of Dedication. The **1<sup>st</sup> READING** was approved **April 5<sup>th</sup>, 2016**. Motion was made by Council Member Watson to approve the **2<sup>nd</sup> READING** of **Ordinance #2016-280**. Motion was seconded by Council Member Cheshire. Motion carried unanimously.
2. **Ordinance #2016-289 – 2<sup>nd</sup> READING** and **PUBLIC HEARING** of an Ordinance of the City Council of Ranson, West Virginia Authorizing the Mayor to Submit a 2016 Home Rule Plan Amendment to the Municipal Home Rule Board in Accordance with W. Va. Code 8-1-5a - The City of Ranson, a Class III Municipal Corporation, Jefferson County, West Virginia, having a population of approximately 4,803, 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 October 6, 2014, as to all sections of its application. Ranson's original application contained five different sections: (1) Expanded Community Enhancement District Authority; (2) Improvements to code citations and public nuisance enforcement; (3) Improvements to the process for addressing blighted and foreclosed properties; (4) Authority to dispose of property without auction; and (5) the imposition of a 1% sales tax with B&O tax reductions. The City has adopted ordinances related to all aspects of its first Home Rule Plan. This Home Rule amendment is Ranson's first amendment to its Home Rule Plan and identifies the following new Home Rule powers:

1. Permitting the On-Premises Sale of Wine, Beer and Liquor on Sunday at 7:00 a.m.
2. Permitting the Off-Premises Sale of Wine and Beer on Sunday at 7:00 a.m.
3. Permitting for the regulation of feral cats.
4. Modifying the Certification Process of Building Inspectors.

Ranson continues to make great progress since the adoption of our original Home Rule ordinances, but challenges still remain and we constantly seek solutions to our problems and issues in order to make our community a better place to live and work. We have engaged closely with members of the public, local organizations, our business community, and other partners to address these challenges. We are ready to put reasonable Home Rule powers into action in order to make even more progress, and we respectfully request the West Virginia Municipal Home Rule Board to grant the additional authorities within this amendment. Mayor Pierson opened the **PUBLIC HEARING** for comment. There were no comments. Mayor Pierson closed the **PUBLIC HEARING**. Motion was made by Council Member Haines to approve the **2<sup>nd</sup> READING** of **Ordinance #2016-289**. Motion was seconded by Council Member Grant. Motion carried unanimously.

3. **Ordinance #2016-290 – 2<sup>nd</sup> READING** of an Ordinance of the City Council of Ranson, West Virginia Amending Chapter 4, Article I of the Code of Ranson, West Virginia by adding Section 4-28 “Dog Tethering” A Dog Tethering Ordinance patterned after Jefferson County was provided to Council for review. This ordinance would give authority to both Jefferson County Animal Control and the Ranson Police Department to enforce. This ordinance makes it unlawful to restrain a dog outside for more than fourteen hours in any twenty-four hour period and sets out specific requirements that must be met when a dog is tethered. This ordinance comes before Council with the recommendation of Jefferson County Animal Control. Motion was made by Council Member Cheshire to approve the **2<sup>nd</sup> READING** of **Ordinance #2016-290**. Motion was seconded by Council Member Coulter. Motion carried unanimously.
4. **Resolution #2016-27 – A Resolution of the City of Ranson Supporting Utility Reorganization in Jefferson County - The staff of Charles Town and Ranson have**

been meeting to resolve utility service challenges in Jefferson County. Staff recommended the acquisition of the Jefferson County PSD by Charles Town and Ranson. Due diligence is required and the staff of both Cities do not want to engage in due diligence until both Councils provide initial and conceptual support from both Councils. Preliminary support from Jefferson County is needed prior to proceeding with due diligence. Letters from the City Manager of Ranson and the City Manager of Charles Town in support of this acquisition were provided to Council for review. City Manager Blake explained the full scope of due diligence and what would be required in this process. Motion was made by Council Member Cheshire to approve **Resolution #2016-27**. Motion was seconded by Council Member Grant. Motion carried unanimously.

5. **Resolution #2016-28** – A Resolution of the City Council of Ranson, West Virginia Setting a Day and Time for Halloween Trick-or-Treating - The time and date for Halloween Trick-or-Treating within the City of Ranson shall be set for **Monday, October 31, 2016, from 6:00 pm until 8:00 pm**. Chief Roper stated The Bridge will be having their Fall Festival on October 29<sup>th</sup>, 2016, on Fairfax Boulevard. Motion was made by Council Member Haines to approve **Resolution #2016-28**. Motion was seconded by Council Member Coulter. Motion carried unanimously.
6. **Resolution #2016-29** – A Resolution of the City Council of Ranson, West Virginia Authorizing the Mayor or His Designee to Execute a Renewal Contract with Frontier for Phone Service - The Mayor or his designee is authorized to negotiate and execute any and all documents necessary to enter into a contract with Frontier. Motion was made by Council Member Grant to approve **Resolution #2016-29**. Motion was seconded by Council Member Cheshire. Motion carried unanimously.
7. **Jefferson Asphalt Contract** – Motion was made by Council Member Haines to approve the 2016 Jefferson Asphalt Contract. Motion was seconded by Council Member Coulter. Motion carried unanimously.

#### AGENDA ITEM IX - ADJOURNMENT

Motion was made by Council Member Cheshire to adjourn. Motion was seconded by Council Member Haines. The Regular Council Session adjourned at 8:19 pm. The next Regular Council meeting was scheduled for Tuesday, September 20<sup>th</sup>, 2016, at 7:00 pm.

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Stacey A. Dodson Pfaltzgraff  
City Clerk

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Keith D. Pierson  
Mayor

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**Exhibit C**  
**Ordinance Authorizing Submission of Plan**



ORDINANCE #2016-289

**AN ORDINANCE OF THE CITY OF RANSON AUTHORIZING THE MAYOR TO SUBMIT A  
2016 HOME RULE PLAN AMENDMENT TO THE MUNICIPAL HOME RULE BOARD IN  
ACCORDANCE WITH W. VA. CODE § 8-1-5a.**


**BE IT ORDAINED** by the City Council of the City of Ranson, Jefferson County, West Virginia, that the Mayor, City Clerk 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.

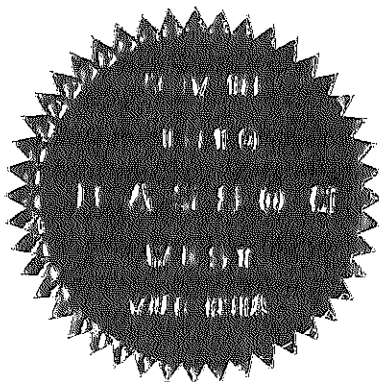
**BE IT FURTHER ORDAINED**, that the Mayor, City Clerk and City Manager be and they are hereby authorized to execute such Application for and on behalf of the City and to certify this Ordinance to the Municipal Home Rule Board of the State of West Virginia in accordance with the rules and regulations 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 by the City Council of the City of Ranson after a 1<sup>st</sup> reading on August 16, 2016, and a 2<sup>nd</sup> reading on September 6, 2016 by a vote of 6 in the affirmative, 0 in the negative with 0 abstentions.

  
Keith "Duke" Pierson  
Mayor

ATTEST:

  
Stacey A. Dodson Pfaltzgraff  
City Clerk





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**Exhibit D**  
**Council Agendas**  
**August 16 and September 6**

A



**RANSON**

**RANSON CITY COUNCIL**  
**TUESDAY, AUGUST 16<sup>th</sup>, 2016**  
**7:00 PM**  
Council Chambers  
312 South Mildred Street  
Ranson, West Virginia 25438

**Mayor Keith "Duke" Pierson**  
**Mayor Pro Tem Jay Watson**  
**Council Member Mike Anderson**  
**Council Member Scott Coulter**  
**Council Member David Cheshire**  
**Council Member Tony Grant**  
**Council Member Donnie Haines**

G

I. CALL TO ORDER – Mayor

II. ROLL CALL OF MEMBERS – City Clerk

III. APPROVAL OF MINUTES – July 19<sup>th</sup>, 2016, Regular Meeting

E

IV. CITIZEN'S PRESENTATIONS/PETITIONS

V. CITY MANAGER/STAFF REPORTS

VI. COMMUNICATIONS WITH THE CITY MANAGER

VII. COMMUNICATIONS FROM THE MAYOR

N

VIII. COUNCIL BUSINESS

1. **Special Activity Permit** – Ministry of Hope. Boot Drive. September 17, 2016 9:00 – 1:00 p.m.

2. **Ordinance #2016-288 – 2<sup>nd</sup> READING and PUBLIC HEARING** of an Ordinance of the City Council of Ranson, West Virginia, Vacating, Abandoning and Annulling a Paper Right-of-Way Known as Boundary Street, Extending and Running Diagonal Distance from 13<sup>th</sup> Avenue to N. Mildred Street and Adjacent Alley, Not Used Nor Useful for Street Purposes, as Specifically Shown by Attached Plat.

3. **Ordinance #2016-289 – 1<sup>st</sup> READING** of an Ordinance of the City Council of Ranson, West Virginia Authorizing the Mayor to Submit a 2016 Home Rule Plan Amendment to the Municipal Home Rule Board in Accordance with W. Va. Code 8-1-5a.

D

A

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4. **Ordinance #2016-290 – 1<sup>st</sup> READING** of an Ordinance of the City Council of Ranson, West Virginia Amending Chapter 4, Article I of the Code of Ranson, West Virginia by adding Section 4-28 “Dog Tethering.”
  5. **Resolution #2016-25** - A Resolution of the City Council of Ranson, West Virginia Authorizing the Mayor or his Designee to Negotiate and Execute a Contract for the Purpose of Asphaltting Streets Consistent with the City’s 2016/2017 Capital Improvement Budget with Jefferson Asphalt.
  6. **Resolution #2016-26** – A Resolution of the City Council of Ranson, West Virginia Revising Full-Time and Part-Time Authorized Positions and Titles.
  6. **City’s Partnership with the Partnership for Affordable Housing**
  7. **Financial Report** – July 2016

IX. ADJOURNMENT

**RANSON CITY COUNCIL**  
**TUESDAY, SEPTEMBER 6<sup>th</sup>, 2016**  
**7:00 PM**  
Council Chambers  
312 South Mildred Street  
Ranson, West Virginia 25438

**Mayor Keith "Duke" Pierson**  
**Mayor Pro Tem Jay Watson**  
**Council Member Mike Anderson**  
**Council Member Scott Coulter**  
**Council Member David Cheshire**  
**Council Member Tony Grant**  
**Council Member Donnie Haines**



- A**
- G**
- E**
- N**
- D**
- A**
- I. CALL TO ORDER – Mayor
  - II. ROLL CALL OF MEMBERS – City Clerk
  - III. APPROVAL OF MINUTES – **August 16<sup>th</sup>, 2016**, Regular Meeting
  - IV. CITIZEN'S PRESENTATIONS/PETITIONS
    1. Robert Shefner – Jefferson County Community Ministries
  - V. CITY MANAGER/STAFF REPORTS
  - VI. COMMUNICATIONS WITH THE CITY MANAGER
  - VII. COMMUNICATIONS FROM THE MAYOR
  - VIII. COUNCIL BUSINESS
    1. **Ordinance #2016-280 – 2<sup>nd</sup> READING** of an Ordinance Accepting Deed of Dedication for Certain Street, Rights-of-Way and Utility Easements within Shenandoah Springs to the City of Ranson and Opening Said Streets to Public Use
    2. **Ordinance #2016-289 – 2<sup>nd</sup> READING and PUBLIC HEARING** of an Ordinance of the City Council of Ranson, West Virginia Authorizing the Mayor to Submit a 2016 Home Rule Plan Amendment to the Municipal Home Rule Board in Accordance with W. Va. Code 8-1-5a

3. **Ordinance #2016-290 – 2<sup>nd</sup> READING** of an Ordinance of the City Council of Ranson, West Virginia Amending Chapter 4, Article I of the Code of Ranson, West Virginia by adding Section 4-28 “Dog Tethering.”
4. **Resolution #2016-27** – A Resolution of the City of Ranson Supporting Utility Reorganization in Jefferson County
5. **Resolution #2016-28** – A Resolution of the City Council of Ranson, West Virginia Setting a Day and Time for Halloween Trick-or-Treating
6. **Resolution #2016-29** – A Resolution of the City Council of Ranson, West Virginia Authorizing the Mayor or His Designee to Execute a Renewal Contract with Frontier for Phone Service

## IX. ADJOURNMENT

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**Exhibit E**  
**Notice of Public Hearing**

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**NOTICE OF PUBLIC HEARING  
CITY OF RANSON HOME RULE AMENDMENTS**

Notice is hereby given that the City of Ranson, West Virginia, will hold a public hearing on Tuesday, September 6, 2016, at 7:00 p.m. in Council Chambers in City Hall at 312 S. Mildred Street, Ranson, West Virginia. The purpose of the public hearing will be to discuss and hear public comments with respect to the City of Ranson's proposed amendments to its written Home Rule Plan and Application for Amendment to such plan. The City of Ranson's proposed Home Rule Plan Application for Amendments is available for public inspection in the Office of the City Clerk or at [www.cityofransowv.net](http://www.cityofransowv.net) beginning on August 1, 2016 through the hours of 9:00 to 5:00. The amendments will: 1. Permit the On-Premises Sale of Wine, Beer and Liquor on Sunday at 7:00 a.m.; 2. Permit the Off-Premises Sale of Wine and Beer on Sunday at 7:00 a.m.; 3. Permit for the regulation of feral cats; 4. Modifying the Certification Process of City Building Inspectors.

All interested citizens are invited to attend the public hearing scheduled for Tuesday, September 6, 2016, 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 Stacey Pfaltzgraff, City Clerk, City of Ranson, 312 S. Mildred Street, Ranson, WV 25438. After the public hearing, the governing body of the City of Ranson reserves the right to take final action on the Proposed Amendments at the same meeting or subsequent meetings.

Stacey A. Dodson Pfaltzgraff, City Clerk  
City of Ranson

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**Exhibit F**  
**Attorney Certification**





**RANSON**

AT THE CENTER OF OPPORTUNITY.

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## City of Ranson

### Office of the City Manager

312 South Mildred Street  
Ranson, West Virginia 25438-1621  
Phone (304) 725-1010 | Fax (304) 728-8579  
[ablake@ransonwv.us](mailto:ablake@ransonwv.us)

**Keith D. Pierson - Mayor**



**Council Members:**

**Mike Anderson**  
**Dave Cheshire**  
**Scott Coulter**  
**Donnie Haines**  
**Tony Grant**  
**James Watson**

September 15, 2016

West Virginia Home Rule Board  
Attn: Debbie Browning  
West Virginia Development Office  
Building 6, Room 553  
State Capitol Complex  
Charleston, WV 25305-0311

Dear Ms Browning:

This letter is to certify that the enclosed ordinances submitted by the City of Ranson to the West Virginia Home Rule Board for its December 1, 2014, meeting complies with W. Va. Code § 8-1-5a. I make this certification as a licensed attorney licensed to practice law in the State of West Virginia.

Please let me know if you have any questions or concerns.

Sincerely,

Andrew P. Blake, Esq.  
City Manager  
WVSB # 9405

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**Exhibit G**  
**DRAFT ORDINANCES**

**ORDINANCE 2016 - \_\_\_\_**

**AN ORDINANCE AMENDING THE CITY OF RANSON MUNICIPAL CODE, CHAPTER 4, ARTICLE I, BY RENUMBERING 4-11 "VIOLATIONS" TO 4-12 "VIOLATIONS" AND ADDING SECTION 4-11 "REGULATION OF CATS."**

**WHEREAS**, on October 3, 2016, the West Virginia Municipal Home Rule Board approved the amendment to the City of Ranson's Municipal Home Rule application to allow for the regulation of cats, and;

**WHEREAS**, the City Council wishes to amend and reenact the current City ordinances relating to the regulation of cats.

**NOW THEREFORE**, be it ordained by the City Council of the City of Ranson that:

**Section 1:** Sec. 4-11 be adopted as follows:

**Sec. 4-11. – Regulation of Cats.**

The City of Ranson may contract with or reimburse any private incorporated society or association, county commission for the care, maintenance, control, regulation or destruction of cats.

**Section 2.**

The currently codified 4-11 be codified as 4-12.

**Section 3. (Uncodified in published ordinances).**

(a) Savings Clause. The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, word, section or provision is declared void or unenforceable for any reasons by any court of competent jurisdiction, such declaration shall not affect any portion of the Ordinance other than said part or portion thereof.

(b) Repeal. All ordinances in conflict with this Ordinance are hereby repealed.

(c) Effective Date. This Ordinance shall become effective immediately upon adoption. Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

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Adopted by the City Council of the City of Ranson after a 1<sup>st</sup> reading on \_\_\_\_\_, 2016 and a 2<sup>nd</sup> reading on \_\_\_\_\_, 2016 by a vote of \_\_\_\_ in the affirmative, \_\_\_\_ in the negative with \_\_\_\_ abstentions.

\_\_\_\_\_  
Keith D. Pierson  
Mayor

ATTEST:

\_\_\_\_\_  
Stacey A. Dodson Pfaltzgraff  
City Clerk

AFFIX CITY SEAL

ORDINANCE 2016 - \_\_\_\_

**AN ORDINANCE AMENDING THE CITY OF RANSON MUNICIPAL CODE, CHAPTER 3, ALCOHOLIC BEVERAGES BY AMENDING AND REENACTING SECTIONS 3-35 AND ADDING SECTION 3-35A TO ALLOW FOR SUNDAY "ON-PREMISES" ALCOHOL SALES AFTER 7 A.M.**

**WHEREAS**, on October 3, 2016 , the West Virginia Municipal Home Rule Board approved the amendment to the City of Ranson's Municipal Home Rule application to allow for the sale of on-premises alcohol beverages after 7:00 a.m. on any Sunday by certain licensees, and;

**WHEREAS**, the City Council wishes to amend and reenact the current City ordinances relating to the sale of alcoholic beverages to permit certain licensees to sell alcoholic beverages after 7:00 AM on any Sunday, and to enact a new section clarifying that certain licensees shall be permitted to sell alcoholic beverages after 7:00 AM on any Sunday.

**NOW THEREFORE**, be it ordained by the City Council of the City of Ranson that:

Sec. 3-35. - Unlawful acts of licensees; penalties.

(a) It shall be unlawful:

- (1) For any licensee under West Virginia Code Article 11-16, his, her, its or their servants, agents or employees to sell, give or dispense, and no individual shall drink or consume, in or on any licensed premises or in any rooms directly connected therewith, nonintoxicating beer or cooler on weekdays between the hours of 2:00 a.m. and 7:00 a.m., or between the hours of 2:00 a.m. and 1:00 p.m. on any Sunday, except in private clubs licensed under the provisions of West Virginia Code Article 60-7 and except as specifically provided in Section 3-35A of the Ranson Municipal Code under municipal home rule powers, where the hours shall conform with the hours of sale of alcoholic liquors.

~~For any licensee or servant, agent or employee of a licensee to sell, give or dispense, or any individual to drink or consume, in or on any licensed premises or in any rooms directly connected therewith, nonintoxicating beer on weekdays between the hours of 2:00 a.m. and 7:00 a.m., or between the hours of 2:00 a.m. and 7:00 a.m. 1:00 p.m. on any Sunday, except in private clubs licensed under the provisions of this chapter, where the hours shall conform with the hours of sale of alcohol liquors as provided in W. Va. Code, Chapter 60 and Section 3-35(A) of the Ranson Municipal Code.~~

- (2) For any person licensed under W. Va. Code Article 60-7, or his agent, employee or member thereof, on such licensee's premises to sell, give or dispense nonintoxicating beer, wine or alcoholic liquors in or on any licensed premises or in any rooms directly connected therewith, between the hours of 3:00 a.m. and 1:00

p.m. on Sunday except as specifically provided under Section 3-35A of the Ranson Municipal Code under municipal home rule powers.

- (3) For any licensee, servant, agent or employee of a licensee to sell, furnish or give any nonintoxicating beer to any person visibly or noticeably intoxicated, or to any insane person, or to any habitual drunkard, or to any person under the age of 21 years.
- (4) For any licensee to allow such licensee's servants, agents, or employees not of the age of 21 years to sell, furnish, or give any intoxicating liquor. Nothing in this article shall prevent or be deemed to prohibit any licensee from employing any person who is at least 18 years of age to serve in any licensee's lawful employment, including the sale or delivery of nonintoxicating beer, as defined in W. Va. Code, Ch. 11.
- (5) For any distributor to sell or offer to sell, or any retailer to purchase or receive, any nonintoxicating beer except for cash. Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for packages or containers returned by original purchaser as a credit on any sale, or from refunding to any purchaser the amount paid or deposited for such containers when title is retained by the vendor.
- (6) For any brewer or distributor or any agent of a brewer or distributor to transport or deliver nonintoxicating beer to any retail licensee on Sunday.
- (7) For any brewer or distributor to give, furnish, rent or sell any equipment, fixtures, signs or supplies directly or indirectly or through a subsidiary or affiliate to any licensee engaged in selling products or the brewing industry at retail or to offer any prize, premium, gift, or other similar inducement, except advertising matter of nominal value, to either trade or consumer buyers; provided, that nothing contained herein shall prohibit a distributor from offering for sale or renting tanks of carbonic gas.
- (8) For any licensee to transport, sell, deliver or purchase any nonintoxicating beer or product of the brewing industry upon which there shall appear a label or other informative data which in any manner refers to the alcoholic content of such beer or product of the brewing industry or upon the label of which there appears the word or words "strong," "full strength," "extra strength," "prewar strength," "high test" or other similar expressions bearing upon the alcoholic content of such product of the brewing industry, or which refers in any manner to the original alcoholic strength, extract or balling proof from which such beverage was produced, except that such label shall state the alcoholic content thereof.
- (9) For any licensee to permit in such licensee's premises any lewd, immoral or improper entertainment, conduct or practice.
- (10) For any licensee, except the holder of a license to operate a private club issued under the provisions of this chapter, to possess a federal license, tax receipt or other permit entitling, authorizing or allowing such licensee to sell liquor or alcoholic drinks.

- (11) For any licensee to obstruct the view of the interior of such licensee's premises by enclosure, lattice, drapes or any means which would prevent plain view of the patrons occupying such premises. The interior of all licensed premises shall be adequately lighted at all times; provided, that provisions of this subsection shall not apply to the premises of a class B retailer or to the premises of a private club licensed under the provisions of this chapter.
- (12) For any licensee to manufacture, import, sell, trade, barter, possess, or acquiesce in the sale, possession or consumption of any alcoholic liquors on the premises covered by such license or on premises directly or indirectly used in connection therewith; provided, that the prohibitions contained in this subsection (a) with respect to the selling or possessing or to the acquiescence in the sale, possession or consumption of alcoholic liquors shall not be applicable with respect to the holder of a license to operate a private club issued under the provisions of this chapter.
- (13) For any licensee to print, paint or place upon the door, window, or in any other public place in or about the premises the word "saloon" or word of similar character or nature; or for the word "saloon" or similar words to be used in any advertisement by the licensee.
- (14) For any retail licensee to sell or dispense nonintoxicating beer purchased or acquired from any source other than a licensed distributor or brewer under the laws of this state.
- (15) For any licensee to permit loud, boisterous or disorderly conduct of any kind upon such licensee's premises or to permit the use of loud musical instruments if either or any thereof may disturb the peace and quietude of the community wherein such business is located; provided, that no licensee shall have in connection with such licensee's place of business any loudspeaker located on the outside of the licensed premises that broadcasts or carries music of any kind.
- (16) For any person whose license has been revoked, as provided in this chapter, to obtain employment with any retailer within the period of one year from the date of such revocation, or for any retailer to employ knowingly any such person within such time.
- (17) For any distributor to sell, possess for sale, transport or distribute nonintoxicating beer except in the original container.
- (18) For any licensee to permit any act to be done upon the licensed premises the commission of which constitutes a crime under the laws of this state.
- (19) For any class B retailer to permit the consumption of nonintoxicating beer upon such retailer's licensed premises.
- (20) For any licensee, or any servant, agent, or employee of a licensee, or for any licensee by or through such servants, agents or employees to allow, suffer or permit any person under the age of 18 years to loiter in or upon any licensed premises; except, however, that the provisions of this subsection shall not apply where such

person under the age of 18 years is in or upon such premises in the immediate company of such minor's parent, or where and while such person under the age of 18 years is in, on or upon such premises for the purpose of and actually making a lawful purchase of any items or commodities therein sold, or for the purchase of and actually receiving any lawful service therein rendered, including the consumption of any item of food, drink or soft drink therein lawfully prepared and served or sold for consumption on such premises.

(21) For any licensee to sell nonintoxicating beer to which wine, spirits, or alcohol has been added.

(b) The word "licensee" as used in this section shall mean any person paying a license tax to the city pursuant to this article.

**Sec. 3-35A Sale of On-Premises Alcohol on Sundays.**

A) "On-Premise Licensee" shall be defined to mean any person who holds one of the following Class A licenses issued by the West Virginia Alcohol Beverage Control Administration to sell alcoholic beverages:

- i. Private Club (less than 1,000 members) - liquor, wine & non-intoxicating beer;
- ii. Private Club (1,000 or more members) - liquor, wine & non-intoxicating beer;
- iii. Fraternal Club (Non-Profit) - liquor, wine & non-intoxicating beer;
- iv. Fraternal Club (Non-Profit) - non-intoxicating beer;
- v. Tavern - non-intoxicating beer;
- vi. Private Wine Restaurant - wine only;
- vii. Private Wine Restaurant - wine & non-intoxicating beer only;
- viii. Private Wine Spa - wine only;
- ix. Private Wine Bed & Breakfast - wine only;
- x. Brew Pub (Resident Brewer/Importer License Required);
- xi. Special Events (Fairs and Festivals) - wine & non-intoxicating beer;
- xii. Special Events (Fairs and Festivals) - wine only;
- xiii. Special Events (Fairs and Festivals) - non-intoxicating beer only; or
- xiv. Growler.

B) "Person" shall be defined to mean an individual, firm, corporation, association, partnership, limited partnership, limited liability company or other entity, regardless of its form, structure or nature.

C) Notwithstanding anything to the contrary contained in the Code of the City of Ranson, Code of West Virginia, or Code of State Rules of West Virginia, any On-Premise Licensee, as defined above, shall be permitted to sell alcoholic beverages pursuant to the terms of its license, but beginning at seven o'clock a.m. (7:00 AM) on any Sunday.



**Section 2. (Uncodified in published ordinances).**

- (a) Savings Clause. The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, word, section or provision is declared void or unenforceable for any reasons by any court of competent jurisdiction, such declaration shall not affect any portion of the Ordinance other than said part or portion thereof.
- (b) Repeal. All ordinances in conflict with this Ordinance are hereby repealed.
- (c) Effective Date. This Ordinance shall become effective immediately upon adoption. Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

Adopted by the City Council of the City of Ranson after a 1<sup>st</sup> reading on \_\_\_\_\_, 2016 and a 2<sup>nd</sup> reading on \_\_\_\_\_, 2016 by a vote of \_\_\_\_ in the affirmative, \_\_\_\_ in the negative with \_\_\_\_ abstentions.

\_\_\_\_\_  
Keith D. Pierson  
Mayor

ATTEST:

\_\_\_\_\_  
Stacey A. Dodson Pfaltzgraff  
City Clerk

AFFIX CITY SEAL

**ORDINANCE 2016 - \_\_\_\_**

**AN ORDINANCE AMENDING THE CITY OF RANSON MUNICIPAL CODE, CHAPTER 3, ALCOHOLIC BEVERAGES BY AMENDING AND REENACTING SECTIONS 3-35 AND ADDING SECTION 3-35B TO ALLOW FOR SUNDAY "OFF-PREMISES" ALCOHOL SALES AFTER 7 A.M.**

**WHEREAS**, on October 3, 2016, the West Virginia Municipal Home Rule Board approved the amendment to the City of Ranson's Municipal Home Rule application to allow for the sale of off-premises alcohol beverages, with the exception of liquor, after 7:00 AM on any Sunday by certain licensees, and;

**WHEREAS**, the City Council wishes to amend and reenact the current City ordinances relating to the sale of alcoholic beverages to permit certain licensees to sell alcoholic beverages after 7:00 AM on any Sunday, and to enact a new section clarifying that certain licensees shall be permitted to sell alcoholic beverages, with the exception of liquor, after 7:00 AM on any Sunday.

**NOW THEREFORE**, be it ordained by the City Council of the City of Ranson that:

**Sec. 3-35. - Unlawful acts of licensees; penalties.**

(a) It shall be unlawful:

- (1) For any licensee under West Virginia Code Article 11-16, his, her, its or their servants, agents or employees to sell, give or dispense, and no individual shall drink or consume, in or on any licensed premises or in any rooms directly connected therewith, nonintoxicating beer or cooler on weekdays between the hours of 2:00 a.m. and 7:00 a.m., or between the hours of 2:00 a.m. and 1:00 p.m. on any Sunday, except in private clubs licensed under the provisions of West Virginia Code Article 60-7 and except as specifically provided in Section 3-35A and Section 3-35B of the Ranson Municipal Code under municipal home rule powers, where the hours shall conform with the hours of sale of alcoholic liquors.
- (2) For any person licensed under W. Va. Code Article 60-7, or his agent, employee or member thereof, on such licensee's premises to sell, give or dispense nonintoxicating beer, wine or alcoholic liquors in or on any licensed premises or in any rooms directly connected therewith, between the hours of 3:00 a.m. and 1:00 p.m. on Sunday except as specifically provided under Section 3-35A and Section 3-35B of the Ranson Municipal Code under municipal home rule powers.
- (3) For any licensee, servant, agent or employee of a licensee to sell, furnish or give any nonintoxicating beer to any person visibly or noticeably intoxicated, or to any insane person, or to any habitual drunkard, or to any person under the age of 21 years.

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- (4) For any licensee to allow such licensee's servants, agents, or employees not of the age of 21 years to sell, furnish, or give any intoxicating liquor. Nothing in this article shall prevent or be deemed to prohibit any licensee from employing any person who is at least 18 years of age to serve in any licensee's lawful employment, including the sale or delivery of nonintoxicating beer, as defined in W. Va. Code, Ch. 11.
  - (5) For any distributor to sell or offer to sell, or any retailer to purchase or receive, any nonintoxicating beer except for cash. Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for packages or containers returned by original purchaser as a credit on any sale, or from refunding to any purchaser the amount paid or deposited for such containers when title is retained by the vendor.
  - (6) For any brewer or distributor or any agent of a brewer or distributor to transport or deliver nonintoxicating beer to any retail licensee on Sunday.
  - (7) For any brewer or distributor to give, furnish, rent or sell any equipment, fixtures, signs or supplies directly or indirectly or through a subsidiary or affiliate to any licensee engaged in selling products or the brewing industry at retail or to offer any prize, premium, gift, or other similar inducement, except advertising matter of nominal value, to either trade or consumer buyers; provided, that nothing contained herein shall prohibit a distributor from offering for sale or renting tanks of carbonic gas.
  - (8) For any licensee to transport, sell, deliver or purchase any nonintoxicating beer or product of the brewing industry upon which there shall appear a label or other informative data which in any manner refers to the alcoholic content of such beer or product of the brewing industry or upon the label of which there appears the word or words "strong," "full strength," "extra strength," "prewar strength," "high test" or other similar expressions bearing upon the alcoholic content of such product of the brewing industry, or which refers in any manner to the original alcoholic strength, extract or balling proof from which such beverage was produced, except that such label shall state the alcoholic content thereof.
  - (9) For any licensee to permit in such licensee's premises any lewd, immoral or improper entertainment, conduct or practice.
  - (10) For any licensee, except the holder of a license to operate a private club issued under the provisions of this chapter, to possess a federal license, tax receipt or other permit entitling, authorizing or allowing such licensee to sell liquor or alcoholic drinks.
  - (11) For any licensee to obstruct the view of the interior of such licensee's premises by enclosure, lattice, drapes or any means which would prevent plain view of the patrons occupying such premises. The interior of all licensed premises shall be adequately lighted at all times; provided, that provisions of this subsection shall not apply to the premises of a class B retailer or to the premises of a private club licensed under the provisions of this chapter.

- (12) For any licensee to manufacture, import, sell, trade, barter, possess, or acquiesce in the sale, possession or consumption of any alcoholic liquors on the premises covered by such license or on premises directly or indirectly used in connection therewith; provided, that the prohibitions contained in this subsection (a) with respect to the selling or possessing or to the acquiescence in the sale, possession or consumption of alcoholic liquors shall not be applicable with respect to the holder of a license to operate a private club issued under the provisions of this chapter.
- (13) For any licensee to print, paint or place upon the door, window, or in any other public place in or about the premises the word "saloon" or word of similar character or nature; or for the word "saloon" or similar words to be used in any advertisement by the licensee.
- (14) For any retail licensee to sell or dispense nonintoxicating beer purchased or acquired from any source other than a licensed distributor or brewer under the laws of this state.
- (15) For any licensee to permit loud, boisterous or disorderly conduct of any kind upon such licensee's premises or to permit the use of loud musical instruments if either or any thereof may disturb the peace and quietude of the community wherein such business is located; provided, that no licensee shall have in connection with such licensee's place of business any loudspeaker located on the outside of the licensed premises that broadcasts or carries music of any kind.
- (16) For any person whose license has been revoked, as provided in this chapter, to obtain employment with any retailer within the period of one year from the date of such revocation, or for any retailer to employ knowingly any such person within such time.
- (17) For any distributor to sell, possess for sale, transport or distribute nonintoxicating beer except in the original container.
- (18) For any licensee to permit any act to be done upon the licensed premises the commission of which constitutes a crime under the laws of this state.
- (19) For any class B retailer to permit the consumption of nonintoxicating beer upon such retailer's licensed premises.
- (20) For any licensee, or any servant, agent, or employee of a licensee, or for any licensee by or through such servants, agents or employees to allow, suffer or permit any person under the age of 18 years to loiter in or upon any licensed premises; except, however, that the provisions of this subsection shall not apply where such person under the age of 18 years is in or upon such premises in the immediate company of such minor's parent, or where and while such person under the age of 18 years is in, on or upon such premises for the purpose of and actually making a lawful purchase of any items or commodities therein sold, or for the purchase of and actually receiving any lawful service therein rendered, including the consumption of any item of food, drink or soft drink therein lawfully prepared and served or sold for consumption on such premises.

(21) For any licensee to sell nonintoxicating beer to which wine, spirits, or alcohol has been added.

(b) The word "licensee" as used in this section shall mean any person paying a license tax to the city pursuant to this article.

**Sec. 3-35(B) Sale of Off-Premises Alcohol on Sundays.**

A) "Off-Premise Licensee" shall be defined to mean any person who holds one of the following Class B licenses issued by the West Virginia Alcohol Beverage Control Administration to sell alcoholic beverages:

- i. Liquor Retail Outlet – Class A (Free Standing) or Class B (Mixed Retail);
- ii. Wine;
- iii. Wine Specialty;
- iv. Wine Specialty/Tasting;
- v. Wine Sampling (only available to Wine Specialty licensees);
- vi. Wine Tasting (Farm Winery);
- vii. Non-Intoxicating Beer;
- viii. Growler;

B) "Person" shall be defined to mean an individual, firm, corporation, association, partnership, limited partnership, limited liability company or other entity, regardless of its form, structure or nature.

C) Notwithstanding anything to the contrary contained in the Code of the City of Ranson, Code of West Virginia, or Code of State Rules of West Virginia, any Off-Premise Licensee shall be permitted to sell alcoholic beverages pursuant to the terms of its license, but beginning at seven o'clock a.m. (7:00 AM) on any Sunday, and with the exception that Liquor Retail Outlet Class A (Free Standing) and Class B (Mixed Retail) retail licensees may not sell liquor on Sundays and Christmas day consistent with W. Va. Code § 60-3A-18.

**Section 2. (Uncodified in published ordinances).**

(a) Savings Clause. The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, word, section or provision is declared void or unenforceable for any reasons by any court of competent jurisdiction, such declaration shall not affect any portion of the Ordinance other than said part or portion thereof.

(b) Repeal. All ordinances in conflict with this Ordinance are hereby repealed.

(c) Effective Date. This Ordinance shall become effective immediately upon adoption.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

Adopted by the City Council of the City of Ranson after a 1<sup>st</sup> reading on \_\_\_\_\_, 2016 and a 2<sup>nd</sup> reading on \_\_\_\_\_, 2016 by a vote of \_\_\_\_ in the affirmative, \_\_\_\_ in the negative with \_\_\_\_ abstentions.

\_\_\_\_\_  
Keith D. Pierson  
Mayor

ATTEST:

\_\_\_\_\_  
Stacey A. Dodson Pfaltzgraff  
City Clerk

AFFIX CITY SEAL