

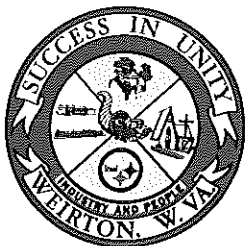
Municipal Home Rule Pilot Program Phase II

APPLICATION CHECKLIST City of Weirton

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

SECTION II: NARRATIVE pages 3-8	
Page No.	
3-8	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.
3-8	Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.
3-8	Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include: 1) Proposed solution(s) in one of the five areas (tax/administrative/organization/ personnel/other) 2) If revenue related, estimate(s) for proposed solution(s) and how the fiscal impact was determined. Example: Estimated reduction of administrative time and costs = X. Please attach the worksheet or formula used to determine "X" amount.

SECTION III: AFFIDAVITS Pages 9-31	
Page No.	
9-15	Hearing Mandate Verification
16-19	Publication Mandate Verification
20-27	Ordinance Authorizing Submission of Plan
N/A	Fiscal Impact Worksheets/Formulas (if revenue related)
N/A	Feasibility Study (if taxes are proposed)
28-29	Attorney Opinion (application complies with statutory requirements)
30-31	State of West Virginia Fees Statement (none outstanding)



CITY OF WEIRTON OFFICE OF THE MAYOR

GEORGE J. KONDIK
Mayor

200 Municipal Plaza
Weirton, West Virginia
Telephone: 304-797-8501
Fax: 304-797-8598

April 16, 2014

West Virginia Home Rule Pilot Program
West Virginia Development Office
State Capitol Complex, Building 6, Room 553
Charleston, West Virginia 25305-0311

Dear Members of the Home Rule Board,

On behalf of myself, the Weirton City Council, administrative staff and the Citizens of Weirton I thank you for your review and consideration of our Home Rule application and plan. We are excited about the opportunities this phase II of the Municipal Home Rule Pilot Program will afford us if given the status of a Home Rule Municipality. If afforded the opportunity we understand that the plan terminates on June 30, 2019. Also, the City of Weirton will cooperate fully with any performance review conducted by the Joint Committee on Government and Finance.

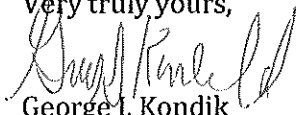
Our application includes four areas that we believe summarize the top issues that currently hinder our abilities to carry out duties in the most efficient and timely manner in these areas. We believe we have explained the problems and offered realistic and attainable solutions that will allow us to make positive changes in our community; reflective in the areas of public safety and crime, health and sanitation, curb appeal and self-sufficiency.

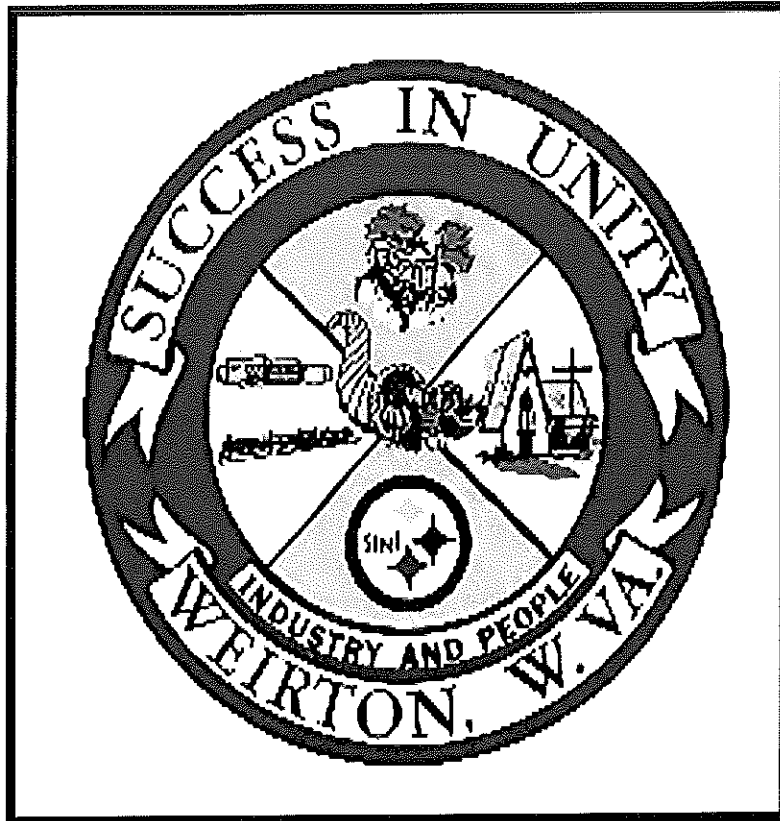
As you review the application you will learn more about these areas and we believe you will recognize why we chose them as our priorities. We are ready and self-determined to take on these areas of added responsibility because we believe they will make a positive impact in our community. We also believe that other communities may want to replicate our ideas once they see the positive changes in Weirton.

If chosen, we will proudly accept the responsibilities and welcome and appreciate the opportunity to be a West Virginia Home Rule Municipality. We commit to follow all the Procedural Rules and Regulations, and to keep the Community and the Board well informed along the way.

Thank you for your time and consideration and for your role on the Board; you represent West Virginia's commitment to more efficient government at all levels. Please do not hesitate to contact me with any questions or comments.

Very truly yours,


George J. Kondik
Mayor of Weirton



CITY OF WEIRTON

2014

MUNICIPAL HOME RULE

APPLICATION

Municipal Home Rule Pilot Program Phase II APPLICATION

SECTION I: APPLICANT INFORMATION		
A. General Information		
Name of Municipality: CITY OF WEIRTON		
Certifying Official:	Valerie A. Means <i>Valerie A. Means</i>	Title: City Manager
Contact Person:	Valerie A. Means	Title: City Manager
Address: 200 Municipal Plaza		
City, State, Zip: Weirton, WV, 26062		
Telephone Number:	304-797-8503	Fax Number: 304-797-8598
E-Mail Address: citymanager@cityofweirton.com		
2010 Census Population: 19,746		
B. Municipal Classification		
◆Class II		
C. Category of Issues to be Addressed		
◆Administrative		

SECTION II: NARRATIVE (written plan)
(see plan details section of application for full written plan)

SECTION III: AFFIDAVITS (see all affidavits under section III)
<ul style="list-style-type: none"> ✓ Hearing Mandate Verification ✓ Publication Mandate Verification ✓ Ordinance Authorizing Submission of Plan N/A Fiscal Impact Worksheets/Formulas (if revenue related) N/A Feasibility Study (if taxes are propose) ✓ Attorney Opinion (application complies with statutory requirements) ✓ State of West Virginia Fees Statement (none outstanding)

SECTION II NARRATIVE
CITY OF WEIRTON
HOME RULE PLAN DETAILS

CITY OF WEIRTON MUNICIPAL HOME RULE PLAN

THE PLAN- Pursuant to WV State Code § 8-1-5a, the City of Weirton proposes the following Municipal Home Rule plan:

Issue 1- Probationary Employment of Uncertified Building/Zoning Code Officials-

(Administrative Category)

Problematic State Regulation- Title 87 Legislative Rules of the State Fire Commission, Series 7-Standards for the certification and continuing education of Municipal County, and other Public Sector Building Code Officials, Building Code Inspectors and Plans Examiners.

Problem- The City of Weirton employs a multi-person building and zoning code department and is considered a "Multi-person Jurisdiction" under the above mentioned State regulation definition §87-7-2.1.1. The City of Weirton has several Certified Code Officials and due to the further language found in §87-7-6.1- Alternative for probationary Employment of Uncertified Officials, the City is in jeopardy and hardship when the situation arises where we lose personnel. Because we cannot show that "there is a lack of certified persons available to serve" in this job function under City employ, we are denied provisional status of a new hire because the State Fire Marshal regulation does not consider this a hardship. This provisional status is desperately needed in order to efficiently continue operations of the department. With the required testing schedule, it can take 18 to 24 months for an official to obtain all the required certifications for the work the City of Weirton's inspection department performs. To obtain minimum certification for property maintenance and single family inspections alone the time frame is 12 months; therefore, without the provisional status, the City does not have the necessary manpower to effectively operate. We are currently experiencing this hardship, as we lost an employee recently. We have replaced the individual, but due to the current regulation, we can only use this new employee in a very limited fashion. This equates to spending 14 weeks on salary and benefits for this individual without utilizing them for the job for which they were hired. (14 weeks is a best case scenario for property maintenance licensure only) We then must also incur overtime for our current

certified officials who quickly become overburdened, and are likely to seek employment elsewhere; therefore, setting the cycle over.

Solution- The City proposes to establish through an ordinance a two-year provisional status for a new hire Code Official. The City does not intend on changing the actual requirements and certifications needed; we will continue to follow the rules and regulations as promulgated by the State Fire Commission and obtain a State license. But the provisional status will allow the City to hire and get the employee in the field being productive as they are obtaining their certifications. The City will establish in the ordinance all the details under which the provisional employee will work and establish a robust over site program. The City believes that this combined training program of provisional status field work and simultaneous study preparation for certifications gives the most productive and cost effective scenario for this position.

Issue 2-Building/Zoning Code Officials Enforcement Provisions-

(Administrative Category)

Problematic State Code- WV State Code § 8-12-16- Ordinances regulating the repair, closing, demolition, etc., of dwellings or buildings unfit for human habitation; procedures.

Problem- Although the above WV code section offers much assistance to the City building enforcement by the City's Inspection Department, it does not provide clear authority for the City's Building and Zoning Code Officials to issue "on site" citations for external property maintenance, building structure and zoning violations. The City has been faced with challenge when attempting to pursue this type of enforcement. Sections of WV Code § 8-12-16, for example, state "all orders issued by the enforcement agency shall be served in accordance with the law of this state concerning the service of process in civil actions, and, be posted in a conspicuous place on the premises affected by the complaint or order", as well as "no ordinance may be adopted without providing for the right to apply to the circuit court for a temporary injunction restraining the enforcement agency pending final disposition of the cause", and lend credence to those who would believe that the City would have wrongfully attempted enforcement. These code sections create a stagnate and long-term process for the City, in most cases months, for successful prosecution and correction of the issues. Also, it requires Police personnel to issue the warrants, as well as Municipal Court time. It also fosters, most especially to the repeat offenders, an environment where they can successfully manipulate enforcement of their violations by partial improvements or promises to get their case dismissed or assessed a minor fine. They then repeat the violation or commit new ones only to know the clock starts over affording them additional time. The City ends up with streets and sometimes entire neighborhoods detracted and citizens in an

uproar, believing the City has done nothing to enforce corrections to the violation. While the City does expend additional manpower in the current repetitive process, and this is certainly important, it is more about the public safety and beatification concerns that make this issue one of our top priorities. It is extremely difficult to attract new businesses and residents when a city lacks curb appeal and the Citizens and business owners believe these are not a high priority for the City.

Solution- The City proposes to establish authority by ordinance granting the City's Building and Zoning Code officials the power to issue City-wide citations for exterior sanitation and common nuisance eyesore violations, including such violations as trash, high grass, weeds, unlawfully situated motor vehicles, dilapidated buildings, broken windows and other structure violations, sidewalk and driveway maintenance issues, etc. pertaining to occupied as well as vacant properties. This will allow for expedited service and court processing of the violations, reduced manpower and an increased positive public perception that the City administration does consider this a major issue and does take the necessary steps to resolve the matters as quickly as possible.

Issue 3-Police Officers Enforcement Provisions in Alcohol Beverage Control Commission (ABCC) Establishments-

(Administrative Category)

Problematic State Code- WV State Code § 11-16-4- Responsibility of alcohol beverage control commissioner; administrators, employees and agents; administration and enforcement expenses

Problem- The above WV code section does not provide clear authority for the City's Police Officers to enter a ABCC regulated establishment for investigation or the prevention of crime without the presence of one of the limited number of ABCC special investigators. The code § 11-16-4 (b) states specifically "The commissioner shall appoint an adequate number of competent persons to serve as administrators, employees and agents of the commissioner" and goes on to state "such administrators, employees and agents shall have the right to enter any licensed premises in the state in the performance of their duties at any hour of the day or night when beer is being sold or consumed on such licensed premises". The number of these ABCC investigators is also limited by further language in the same code section that states "That the commissioner may employ up to eleven special investigators". Because of the City of Weirton's location bordering the State of Ohio and the Commonwealth of Pennsylvania, we encounter situations that are a direct reflection of our location. One such situation is the increase in criminal activity the City sees between the hours of 2AM (the time bars and nightclubs close in bordering states) and 4AM (closing time in WV). The City's

Police department is hindered in its ability to investigate criminal activity and leads by not having the legal means to enter these establishments without ABCC personnel. Timing is critical to successful apprehension of individuals suspected of criminal activity; it is not in the best interest of public safety to wait.

Solution- The City proposes to establish authority by ordinance granting the City's Police officers the ability to enter an ABCC regulated establishment for investigation or the prevention of crime without the presence of one of the limited number of ABCC special investigators. Direct access to these establishments will greatly improve the City Police department's law enforcement of suspected criminal activity such as narcotics distribution and use. Also, the City believes a Police presence would cut down on violent crimes involving suspected gang members and firearms. Direct access would give the Weirton Police Department another public safety tool to use especially in these early morning hours. The City respects the work of the ABCC special investigators and fully intends on continuing to work in conjunction with their efforts as well.

Issue 4-Municipal Authority to place restrictions on streets and highways within City limits-

(Administrative Category)

Problematic State Code- WV State Code §17C-17-12. when state road commission or local authorities may restrict right to use highways.

Problem- The above WV code section does not provide clear authority for the City Council to regulate by ordinance or resolution all streets and highways within the City limits. §17C-17-12 (a) states "local authorities with respect to highways under their jurisdiction may by ordinance or resolution" place certain restrictions, but for those that are under the City's jurisdiction only, thereby excluding State jurisdiction roads and highways. This causes problems and delays for the City when attempting to address issues it deems to be of public safety and welfare in regard to streets and highways within City limits. The City has responsibility to meet the needs of its citizens and business owners and to ensure that road and highway concerns such as traffic flow, stop and other road signs, traffic lights, speed limits, weight restrictions, closings, etc. within its limits are assessed and taken care of quickly and by local decision. The City recognizes that any requests made to the State for consideration of such items must meet certain State standards for approval. While the City respects that general standards must be applied State wide and as equitable as possible, sometimes an issue is more pressing or concerning to a localized area within the City. The City believes that

in such cases, it should be the City Council that determines the best course of action, even if by the State's standards it would be denied.

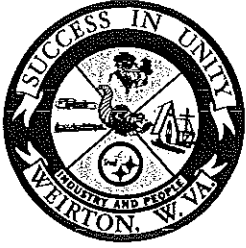
Solution- The City proposes to establish authority by ordinance granting the City Council the right to change, modify and or impose certain restrictions such as; but not limited to, traffic flow, stop and other road signs, traffic lights, speed limits, weight restrictions, closures, etc. that it deems necessary to certain streets and highways under the State's jurisdiction but within the City limits. This authority will enable City Council to quickly address issues and concerns that are a high priority to its citizens and business owners and which they believe is in the best interest of public safety and welfare. The ordinance will specify in detail what changes are allowed as well as which State jurisdiction streets or highways are to be considered covered by the Ordinance. It will also make clear that the costs and maintenance of any such changes will be the responsibility of the City of Weirton.

Issue 4 concludes the City of Weirton's plan issues for the 2014 Municipal Home Rule Application.

The plan terminates on June 30, 2019.

The City of Weirton will cooperate fully with any performance review conducted by the Joint Committee on Government and Finance.

SECTION III
AFFIDAVITS
CITY OF WEIRTON
HOME RULE



CITY OF WEIRTON

200 Municipal Plaza
Weirton, West Virginia 26062

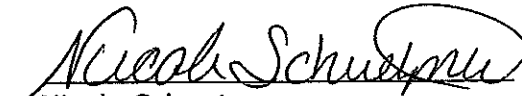
To whom it may concern:

I, Nicole Schuetzner the undersigned City Clerk of the City of Weirton, West Virginia, do hereby certify that on April 7, 2014 at 6:00pm, prior to the regular meeting of the Weirton City Council, a Public Hearing was held. The subject of said hearing was to accept public statements regarding the City of Weirton's application for consideration of its Home Rule Plan to the West Virginia Municipal Home Rule Board.

Thirty day notice of said public hearing was published in Class II legal ad on February 24 and March 3, 2014.

The attached are true, correct and complete copies of the two written statements that were submitted by City of Weirton residents for Council consideration, the sign in sheet showing no one wished to make verbal comments, and the minutes of the Public Hearing.

Witness the signature of the undersigned City Clerk of the City of Weirton, West Virginia, and the seal of the City, this 22nd day of April, 2014.


Nicole Schuetzner
City Clerk

Seal

WEIRTON CITY COUNCIL

PUBLIC HEARING TO ACCEPT CITIZEN COMMENTS ON THE CITY OF WEIRTON'S APPLICATION FOR HOME RULE PLAN

MONDAY, APRIL 7, 2014 6:00 P.M.

A public hearing to accept citizen comments on the City of Weirton's application for Home Rule Plan was held on Monday, April 7 at 6:00 P.M. in the Weirton Municipal Building.

Council members present were Ronnie Jones, Chuck Wright, George Gaughenbaugh, and Terry Weigel. Also in attendance were City Manager Valerie Means, City Attorney Vince Gurrera, and City Clerk Nicole Schuetzner.

Mayor Kondik opened the Public Hearing and called for citizen's comments.

City Clerk Schuetzner advised there were no citizens signed in to speak. Two written statements were submitted.

Mayor Kondik adjourned the Public Hearing.

BARONE REALTY SERVICE CO.



*Real Estate and Insurance
Brokers and Builders*

3350 MAIN STREET PHONE - WEIRTON 748-1350

P.O. BOX 1000 - COVE STATION

WEIRTON, W.V. - 26062

SERVING YOU SINCE 1923

April 3, 2014

FIRE & CASUALTY INSURANCE



Valerie Means, Weirton City Manager
City of Weirton
200 Municipal Plaza
Weirton WV 26062

Dear MS Means:

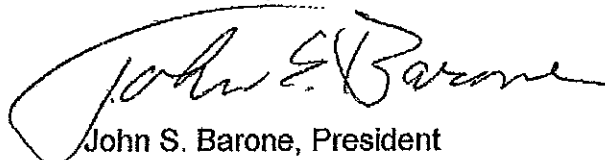
Regarding the public hearing on the city's Home Rule application being held April 7, 2014, as I will be at a seminar in Charleston starting early Tuesday morning, April 8, 2014, and I am leaving Monday afternoon, I cannot attend in person. My motel and seminar reservations were made more than a month ago.

My comment concerns the provision for citations as to property maintenance or lack thereof; and I do not know how this would apply to high grass and weed matters. I can understand how the city is concerned about dilapidated structures, but I will point out the city owned and maintained the dilapidated Cove School building in my back yard, for over 10 years. In the past, certain city employees or officials have complained unnecessarily, even amounting to harassment and terrorizing, regarding vacant lots and even puddles at my parking on Freedom Way; and I hope this does not mean more of the same. I am aware that my company and I have been singled out. It has further influenced me not to develop and open new streets. We have been in business since 1923, done our part for the community and been good citizens and paid taxes, and resent being branded a law breaker.

You cannot legislate against due process and constitutional provisions and protections, ordinances are already on the books, and enforcement has been strict. Are you trying to be even more strict?

Very truly yours,

Barone Realty Service Co.



John S. Barone, President

JSB:mb

HOME RULE COMMENT: APRIL 7, 2014

Here we are again trying to pass Home Rule. To me the *main objective is to raise money for government and not to save money.* We can see the State has a problem of passing a good min wage law without flaws and what do you think will happen at the city level if they start making their laws.. You can see from the first cities that had Home Rule it all boils down to raising money off the citizen and businesses to increase the size of local government. Do we add a penny to sales taxes or do we put in a B&O taxes across the board or do we come up with new fees to raise money.

Remember how casino and café or the gas and oil industry were going to benefit everyone in the state. You can see we have spent everything and not saved for the future. Now the State wants to let the cities have new taxes and fees because the State over spent and does not want to share their funds at the city level.

In general this Council has done a good job of controlling some spending and need to keep up the good work.

If the city wants the power of Home Rule I think, first they should be able to abide by the Open Meeting Laws and Executive Session Law to show everything is above board. I am not saying it is a not above board or a cover-up but rather a good view of government actions are needed to change attitudes. You must project everything is above board. The Council Committee on Home Rule was having meetings and refused to allow the public to see the process of coming up with the first four issues or are these just for starters and taxes and fee are act two?

Notice no one talks about the Pension obligation of the city and what is the need in the future for even more funds. The first four issues might seem ok but what about the next four and maybe the next council that is pro business or pro citizen? What will they come up with to raise fees and taxes or to change due process for the citizens?

Some cities charge rental property by unit, not building or parcel since they consider them commercial and at a higher fee. If the fees are not paid a lien is put on the property, could this be a change in the future. See how Home Rule might be more problems and division than it helps.

The people or firms with money historically have made every effort to keep out business that they did not want or was not what they wanted. This is history and it is repeating itself... Very few show up at Council Meetings but the special interest are taken care of because they are part of a special group. Maybe regular Town Hall Meetings would be better than Home Rule to move Weirton to the future. But, I can understand no one

wants to air the laundry or take the heat to change the future.

Too many feel they have no say whether it is good or bad and feel ignored. Notice all the money sent on Internet equipment and we do not even have the Council Meeting Agenda posted before each Council Meeting on the Internet. Why? It takes the whole city to bring about changes to move forward not a few businesses or people.

What we need is more private growth by independent groups like the Maryland Heights Pool Group that did not expand government but did a great job for the future development of the community at little cost.

No Home Rule at this time is needed and some people cannot afford the extra cost. We can spend but we are faced with a declining population of Weirton from being a one industry city. You can spend more but reinventing Weirton will take the whole community not just elected and special group doing it their way.

No HR

Submitted by:

Lester McHenry 4-7-2014

Lester McHenry APRIL 7, 2014

Citizen of Weirton 67 yearsn

Vietnam Veteran

BS in Business WLSC (WLU)

Certificates in Programming

Retire Weirton Steel 38 yrs

Cost Analyst—Process Control Analyst

ex Small Business Owner

Concern Citizen for Open Government.

**STATE OF WEST VIRGINIA
COUNTIES OF HANCOCK AND
BROOKE**

I, LISA VARGO, bookkeeper for the publisher of THE WEIRTON DAILY TIMES a newspaper in the City of Weirton, State of West Virginia, hereby certify that the annexed publication was inserted in said newspaper on the following date:

Date: 2-24, 2014

Given under my hand this 23rd day of

April, 2014

Lisa Vargo

////////////////////////////////////

Sworn to and subscribed before me on this 23rd day of April, 2014
in and for **HANCOCK COUNTY,
WEST VIRGINIA**

AMOUNT: \$165.00
ACCT.# S1951

NOTARY:



NANCY KAUFMANN
NOTARY PUBLIC
STATE OF OHIO
MY COMMISSION EXPIRES
JUNE 9, 2017

Nancy Kaufmann

**PUBLIC HEARING NOTICE
CITY OF WEIRTON; WEST VIRGINIA
HOME RULE PROGRAM**

Notice is hereby given by the City of Weirton, Brooke and Hancock Counties, WV, that it will hold a public hearing on Monday, April 7, 2014 at 6:00 p.m. in Room 201 of the Weirton Municipal Building, 200 Municipal Plaza, Weirton, WV 26062.

The purpose of this public hearing is to discuss the City of Weirton's proposed Home Rule written plan. This information will be utilized by the City of Weirton in its application to the State for the Home Rule Program.

The City of Weirton's proposed Home Rule Program is available for public inspection in the Office of the Weirton City Manager, 200 Municipal Plaza, Weirton, WV 26062 beginning on March 7, 2014, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

All interested citizens are invited to attend the public hearing scheduled on Monday, April 7, 2014, and to present oral or written comments concerning the City's proposed Home Rule plan at that time. Written comments may be addressed to Valerie Means, Weirton City Manager, City of Weirton, 200 Municipal Plaza, Weirton, WV 26062. The first reading of the ordinance approving the City of Weirton's Home Rule plan application will be held at the regularly scheduled Weirton City Council meeting at 7:30 p.m. on Monday, April 7, 2014 in Council Chambers of the Weirton Municipal Building 200 Municipal Plaza, Weirton, WV 26062.

Valerie A. Means
Weirton City Manger
February 24, 2014
March 3, 2014

**STATE OF WEST VIRGINIA
COUNTIES OF HANCOCK AND
BROOKE**

I, LISA VARGO, bookkeeper for the publisher of THE WEIRTON DAILY TIMES a newspaper in the City of Weirton, State of West Virginia, hereby certify that the annexed publication was inserted in said newspaper on the following date:

Date: 3-4, 2014

Given under my hand this 23rd day of

April, 2014

Lisa Vargo

////////////////////////////////////

Sworn to and subscribed before me on this 23rd day of April, 2014
in and for **HANCOCK COUNTY,**
WEST VIRGINIA

AMOUNT: \$165.00
ACCT.# S1951

NOTARY



NANCY KAUFMANN
NOTARY PUBLIC
STATE OF OHIO
MY COMMISSION EXPIRES
JUNE 9, 2017

Nancy Kaufmann

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

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Valerie A. Means
Weirton City Manager
February 24, 2014
March 3, 2014

Our Opinion

Home rule could provide opportunities

Residents of Weirton may be wary upon learning city council is attempting to gain more powers and authorities through West Virginia's home rule program.

The program would allow approved municipalities to enact powers, through ordinance, which otherwise would not be allowed to them under state law. A pilot program has been in place with five select cities and, for the most part, has had positive results.

At first glance, however, it appears as if most of the regulations being proposed will have little impact on the day-to-day lives of Weirton's citizens. Many may not even realize they are in place — that is, of course, if they are approved by the state.

That's one of the things we must all keep in mind with this home rule program; just because the city wants to enact these powers, it doesn't mean any of them are guaranteed. There is a state board which still must give its approval.

The city is proposing four changes which otherwise it would be unable to do under existing state law:

- Allowing probationary employment of inspections officials while providing them time to obtain their certification
- Allowing "on site" citations for external property maintenance issues
- Providing city police officers with the power to enter into Alcohol Beverage Control Commission certified businesses to investigate or prevent a crime without having an ABCC agent accompany them
- Allow the city to move forward with select traffic issues — including lights, signage, speed limits — on state roads in the city, without having to get approval from the state Department of Highways.

Weirton is among more than a dozen municipalities in the state applying to be a part of this program. There is sure to be a mix of results depending upon the needs of each community, and, fortunately, there are layers of oversight.

We thank the Weirton city officials for moving forward with this opportunity and hope it pays off for the community.

Furthermore, we encourage all Weirton residents to learn more about the proposal and express your thoughts to city council before it is voted on.

Our Opinion

Voice your thoughts on home rule

The City of Weirton is in the process of implementing new regulations and abilities under the state's Home Rule program.

The proposed program, which must be approved by a state panel in order to go into effect, would include four items:

- Allowing probationary employment of inspections officials while providing them time to obtain their certification
- Allowing "on site" citations for external property maintenance issues
- Providing city police officers with the power to enter into Alcohol Beverage Control Commission certified businesses to investigate or prevent a crime without having an ABCC agent accompany them
- Allow the city to move forward with select traffic issues — including lights, signage, speed limits — on state roads in the city without having to get approval from the state Department of Highways.

Beginning today, Weirton residents will have an opportunity to view the proposed home rule program by visiting the city manager's office anytime from 9 a.m. to 5 p.m. Monday through Friday.

A public hearing will be held at 6 p.m. April 7, during which time residents will be able to speak on the issue or present written comments.

Written comments also can be sent to: Valerie Means, Weirton City Manager, 200 Municipal Plaza, Weirton, WV 26062.

The point of the Home Rule program is provide municipalities with an opportunity to have some new abilities they otherwise would be unable to use under state law.

While some cities have used the program to set up new fee structures or taxes, there currently are no such plans included in Weirton's application.

Either way, this is all new ground for Weirton, and the thoughts of the city's residents need to be heard on the issues being proposed.

We encourage Weirton's citizens to study the proposal carefully and let city council know their thoughts before officials move forward.

Weirton Daily Times - 3/7/14

ORDINANCE NO. 1772

**AUTHORIZING CITY OF WEIRTON TO SUBMIT MUNICIPAL HOME RULE PLAN
APPLICATION TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD**

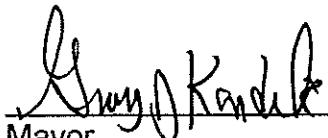
WHEREAS, an Ordinance authorizing the submission of a proposed City of Weirton Municipal Home Rule Plan, attached as an Exhibit hereto, to the West Virginia Municipal Home Rule Board consistent with WV Code § 8-1-5a, is required in order to be considered for participation the West Virginia Home Rule Pilot Program; and,

WHEREAS, the City of Weirton is an eligible municipality to participate in such program; and,

WHEREAS, as required by law, the City of Weirton has published the appropriate public hearing notice on February 24, 2014 and March 3, 2014, made its Home Rule Plan available for public review, and has conducted a public hearing to accept comments regarding its proposed Home Rule Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEIRTON, BROOKE AND HANCOCK COUNTIES, WEST VIRGINIA, that the City Manager is hereby required and authorized to submit, on behalf of the City of Weirton, a City of Weirton Municipal Home Rule Plan, a copy of which is attached hereto, to the West Virginia Home Rule Board, consistent with WV Code § 8-1-5a, in order to be considered for participation in the West Virginia Home Rule Pilot Program.

Public Hearing: April 7, 2014
First Reading: April 7, 2014
Publication: May 9, 2014
Second Reading: May 12, 2014



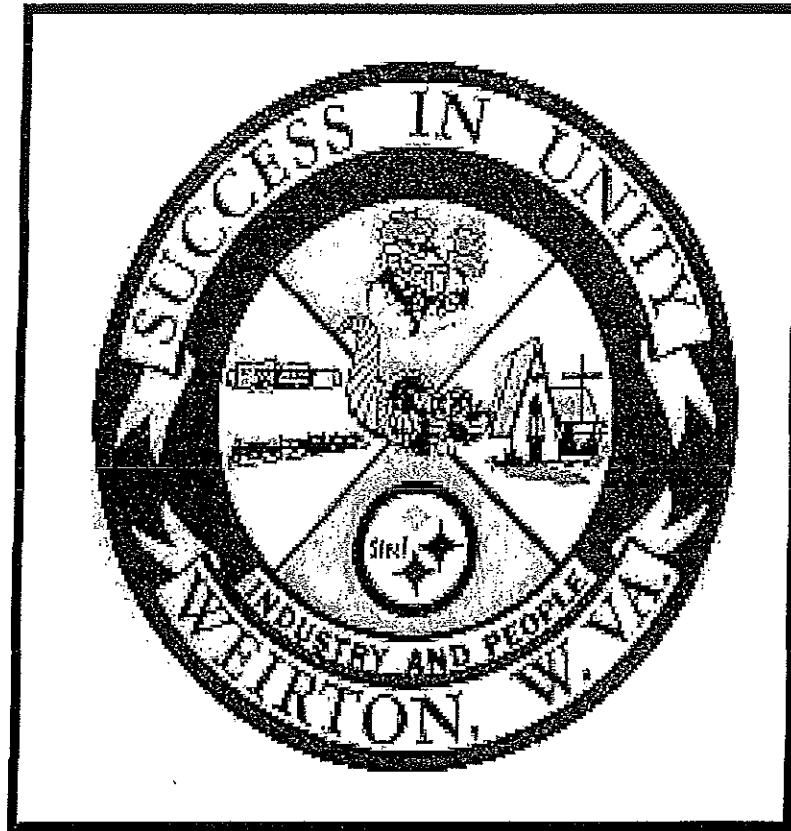
Mayor

ATTEST:



City Clerk

Sponsored by Weirton City Manager Valerie Means



CITY OF WEIRTON

2014

MUNICIPAL HOME RULE

PLAN

**SECTION II NARRATIVE
CITY OF WEIRTON
HOME RULE PLAN DETAILS**

CITY OF WEIRTON MUNICIPAL HOME RULE PLAN

THE PLAN- Pursuant to WV State Code § 8-1-5a, the City of Weirton proposes the following Municipal Home Rule plan:

Issue 1- Probationary Employment of Uncertified Building/Zoning Code Officials- **(Administrative Category)**

Problematic State Regulation- Title 87 Legislative Rules of the State Fire Commission, Series 7-Standards for the certification and continuing education of Municipal County, and other Public Sector Building Code Officials, Building Code Inspectors and Plans Examiners.

Problem- The City of Weirton employs a multi-person building and zoning code department and is considered a "Multi-person Jurisdiction" under the above mentioned State regulation definition §87-7-2.1.1. The City of Weirton has several Certified Code Officials and due to the further language found in §87-7-6.1- Alternative for probationary Employment of Uncertified Officials, the City is in jeopardy and hardship when the situation arises where we lose personnel. Because we cannot show that "there is a lack of certified persons available to serve" in this job function under City employ, we are denied provisional status of a new hire because the State Fire Marshal regulation does not consider this a hardship. This provisional status is desperately needed in order to efficiently continue operations of the department. With the required testing schedule, it can take 18 to 24 months for an official to obtain all the required certifications for the work the City of Weirton's inspection department performs. To obtain minimum certification for property maintenance and single family inspections alone the time frame is 12 months; therefore, without the provisional status, the City does not have the necessary manpower to effectively operate. We are currently experiencing this hardship, as we lost an employee recently. We have replaced the individual, but due to the current regulation, we can only use this new employee in a very limited fashion. This equates to spending 14 weeks on salary and benefits for this individual without utilizing them for the job for which they were hired. (14 weeks is a best case scenario for property maintenance licensure only) We then must also incur overtime for our current

certified officials who quickly become overburdened, and are likely to seek employment elsewhere; therefore, setting the cycle over.

Solution- The City proposes to establish through an ordinance a two-year provisional status for a new hire Code Official. The City does not intend on changing the actual requirements and certifications needed; we will continue to follow the rules and regulations as promulgated by the State Fire Commission and obtain a State license. But the provisional status will allow the City to hire and get the employee in the field being productive as they are obtaining their certifications. The City will establish in the ordinance all the details under which the provisional employee will work and establish a robust over site program. The City believes that this combined training program of provisional status field work and simultaneous study preparation for certifications gives the most productive and cost effective scenario for this position.

Issue 2-Building/Zoning Code Officials Enforcement Provisions-

(Administrative Category)

Problematic State Code- WV State Code § 8-12-16- Ordinances regulating the repair, closing, demolition, etc., of dwellings or buildings unfit for human habitation; procedures.

Problem- Although the above WV code section offers much assistance to the City building enforcement by the City's Inspection Department, it does not provide clear authority for the City's Building and Zoning Code Officials to issue "on site" citations for external property maintenance, building structure and zoning violations. The City has been faced with challenge when attempting to pursue this type of enforcement. Sections of WV Code § 8-12-16, for example, state "all orders issued by the enforcement agency shall be served in accordance with the law of this state concerning the service of process in civil actions, and, be posted in a conspicuous place on the premises affected by the complaint or order", as well as "no ordinance may be adopted without providing for the right to apply to the circuit court for a temporary injunction restraining the enforcement agency pending final disposition of the cause", and lend credence to those who would believe that the City would have wrongfully attempted enforcement. These code sections create a stagnate and long-term process for the City, in most cases months, for successful prosecution and correction of the issues. Also, it requires Police personnel to issue the warrants, as well as Municipal Court time. It also fosters, most especially to the repeat offenders, an environment where they can successfully manipulate enforcement of their violations by partial improvements or promises to get their case dismissed or assessed a minor fine. They then repeat the violation or commit new ones only to know the clock starts over affording them additional time. The City ends up with streets and sometimes entire neighborhoods detracted and citizens in an

uproar, believing the City has done nothing to enforce corrections to the violation. While the City does expend additional manpower in the current repetitive process, and this is certainly important, it is more about the public safety and beatification concerns that make this issue one of our top priorities. It is extremely difficult to attract new businesses and residents when a city lacks curb appeal and the Citizens and business owners believe these are not a high priority for the City.

Solution- The City proposes to establish authority by ordinance granting the City's Building and Zoning Code officials the power to issue City-wide citations for exterior sanitation and common nuisance eyesore violations, including such violations as trash, high grass, weeds, unlawfully situated motor vehicles, dilapidated buildings, broken windows and other structure violations, sidewalk and driveway maintenance issues, etc. pertaining to occupied as well as vacant properties. This will allow for expedited service and court processing of the violations, reduced manpower and an increased positive public perception that the City administration does consider this a major issue and does take the necessary steps to resolve the matters as quickly as possible.

Issue 3-Police Officers Enforcement Provisions in Alcohol Beverage Control Commission (ABCC) Establishments-

(Administrative Category)

Problematic State Code- WV State Code § 11-16-4- Responsibility of alcohol beverage control commissioner; administrators, employees and agents; administration and enforcement expenses

Problem- The above WV code section does not provide clear authority for the City's Police Officers to enter a ABCC regulated establishment for investigation or the prevention of crime without the presence of one of the limited number of ABCC special investigators. The code § 11-16-4 (b) states specifically "The commissioner shall appoint an adequate number of competent persons to serve as administrators, employees and agents of the commissioner" and goes on to state "such administrators, employees and agents shall have the right to enter any licensed premises in the state in the performance of their duties at any hour of the day or night when beer is being sold or consumed on such licensed premises". The number of these ABCC investigators is also limited by further language in the same code section that states "That the commissioner may employ up to eleven special investigators". Because of the City of Weirton's location bordering the State of Ohio and the Commonwealth of Pennsylvania, we encounter situations that are a direct reflection of our location. One such situation is the increase in criminal activity the City sees between the hours of 2AM (the time bars and nightclubs close in bordering states) and 4AM (closing time in WV). The City's

Police department is hindered in its ability to investigate criminal activity and leads by not having the legal means to enter these establishments without ABCC personnel. Timing is critical to successful apprehension of individuals suspected of criminal activity; it is not in the best interest of public safety to wait.

Solution- The City proposes to establish authority by ordinance granting the City's Police officers the ability to enter an ABCC regulated establishment for investigation or the prevention of crime without the presence of one of the limited number of ABCC special investigators. Direct access to these establishments will greatly improve the City Police department's law enforcement of suspected criminal activity such as narcotics distribution and use. Also, the City believes a Police presence would cut down on violent crimes involving suspected gang members and firearms. Direct access would give the Weirton Police Department another public safety tool to use especially in these early morning hours. The City respects the work of the ABCC special investigators and fully intends on continuing to work in conjunction with their efforts as well.

Issue 4-Municipal Authority to place restrictions on streets and highways within City limits-

(Administrative Category)

Problematic State Code- WV State Code §17C-17-12. when state road commission or local authorities may restrict right to use highways.

Problem- The above WV code section does not provide clear authority for the City Council to regulate by ordinance or resolution all streets and highways within the City limits. §17C-17-12 (a) states "local authorities with respect to highways under their jurisdiction may by ordinance or resolution" place certain restrictions, but for those that are under the City's jurisdiction only, thereby excluding State jurisdiction roads and highways. This causes problems and delays for the City when attempting to address issues it deems to be of public safety and welfare in regard to streets and highways within City limits. The City has responsibility to meet the needs of its citizens and business owners and to ensure that road and highway concerns such as traffic flow, stop and other road signs, traffic lights, speed limits, weight restrictions, closings, etc. within its limits are assessed and taken care of quickly and by local decision. The City recognizes that any requests made to the State for consideration of such items must meet certain State standards for approval. While the City respects that general standards must be applied State wide and as equitable as possible, sometimes an issue is more pressing or concerning to a localized area within the City. The City believes that

in such cases, it should be the City Council that determines the best course of action, even if by the State's standards it would be denied.

Solution- The City proposes to establish authority by ordinance granting the City Council the right to change, modify and or impose certain restrictions such as; but not limited to, traffic flow, stop and other road signs, traffic lights, speed limits, weight restrictions, closures, etc. that it deems necessary to certain streets and highways under the State's jurisdiction but within the City limits. This authority will enable City Council to quickly address issues and concerns that are a high priority to its citizens and business owners and which they believe is in the best interest of public safety and welfare. The ordinance will specify in detail what changes are allowed as well as which State jurisdiction streets or highways are to be considered covered by the Ordinance. It will also make clear that the costs and maintenance of any such changes will be the responsibility of the City of Weirton.

Issue 4 concludes the City of Weirton's plan for the 2014 Municipal Home Rule Application.

City Attorney's Office

City of Weirton, West Virginia

200 Municipal Plaza, Weirton, West Virginia 26062
Telephone (304) 723-3861 Facsimile (304) 723-3871
EMAIL: esq87@hotmail.com

April 9, 2014

Municipal Home Rule Board

Re: City of Weirton Municipal Home Rule Plan/Application

Ladies and Gentlemen,

As City Attorney for the City of Weirton, I have reviewed West Virginia Code §8-1-5a, the Municipal Home Rule Pilot Program Phase II Guidelines, and the proposed City of Weirton Municipal Home Rule Plan/Application. I have used these documents collectively for the purpose of providing this opinion.

Based upon the examination of the documents and my understanding of the intent of the proposed provisions contained in the City of Weirton's Municipal Home Rule Plan/Application, it is my opinion that the plan complies with the required statutory requirements in that:

1. The plan does not include any changes to ordinances, acts, resolutions, rules, and regulations that are contrary to:
 - a. Environmental laws.
 - b. Bidding on government construction and other contracts.
 - c. Freedom of Information Act.
 - d. Open meetings.
 - e. Wages for construction of public improvements (prevailing wage, etc.).

- f. The provisions of W. Va. Code § 8-1-5a.
 - g. The written plan of the municipality.
2. The plan does not include any changes to ordinances, acts, resolutions, rules, and regulation or resolution pertaining to:
- a. Federal law, or crimes and punishment.
 - b. Chapters 60a, 61 and 62 of the Code of West Virginia or state crimes and punishment.
 - c. Pensions or retirement plans.
 - d. Annexation.
 - e. Taxation: except up to a one percent sales tax, if it eliminates or reduces its Business and Occupation (B&O) Tax.
 - f. Tax Increment Financing (TIF).
 - g. Extraction of natural resources.
 - h. Persons or property outside the municipal boundaries, subject to a municipality's powers under other sections of this chapter, other chapters, or court decisions.
 - i. Marriage and divorce laws.
 - j. An occupation tax, fee or assessment payable by a non-resident.

The Municipal Home Rule Board may rely upon this opinion.

Sincerely,



Vincent S. Gurrera
City Attorney-City of Weirton



CITY OF WEIRTON
OFFICE OF THE FINANCE DIRECTOR

THOMAS J. MAHER, JR.
Finance Director

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Weirton, West Virginia 26062
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April 21, 2014

MEMORANDUM

TO: Valerie A. Means, City Manager
SUBJECT: West Virginia Municipal Home Rule – State Obligations Fees Statement

Please use this as confirmation that based upon my contact with Mr. Stuart Stickel of the West Virginia State Auditor's Office and with the West Virginia State Tax Department, I have been informed that the City of Weirton is in good standing and current with any and all obligations which would be due to the State of West Virginia.

Please contact me if you need any additional information.

Thank you.

Enclosures:

West Virginia State Tax Department – Statement of Good Standing
Email Message – West Virginia State Auditor's Office – Stuart Stickel



Earl Ray Tomblin, Governor

Mark W. Matkovich, Acting Tax Commissioner

CITY OF WEIRTON
200 MUNICIPAL PLAZA
WEIRTON WV 26062-4527

Letter Id: L1884632128

Issued: 01/29/2014

West Virginia State Tax Department Statement of Good Standing

EFFECTIVE DATE: January 29, 2014

A review of tax accounts indicates that the above named taxpayer is in good standing as of the effective date of this document.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy J. Wells".

Timothy J. Wells
Acting Excise and Support Unit Manager
Tax Account Administration Division