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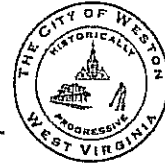
**Municipal  
Home Rule  
Application**

**City of Weston, WV**

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# City of Weston



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Weston, WV 26452  
Phone: 304-269-6141 Fax: 304-269-7842 TTY: 304-269-2413

Julia Spelsberg, Mayor

Kristin Droppleman, City Clerk, City Manager  
Randall Z. Posey, Chief of Police  
Kenneth James, Fire Chief  
Elizabeth Snead, Special Counsel  
John Hogan, Public Works Director  
Bryan Reed, Building Inspector  
Dodie Arbogast, Finance Director

City Council:  
John Wyllie, Ward I  
Eric Dever, Ward II  
Richard Flanigan, Ward III  
Justin Roy, Ward IV

June 29, 2016

Dear Home Rule Board,

*First, I would like to apologize for the City's absence at your April 2016 meeting to present our Home Rule application. It was a failure on my part and I am sorry for my miscommunication. With this application, the City has made some small adjustments. At the time we created the application in March, we did not have a Finance Manager. Since that time, we have hired a manager with 30 years of financial experience who adjusted our application for the one percent sales tax tables. If you had perused our March application, I wanted you to know that the only changes are the financial tables, this letter, and an affidavit from our City Attorney.*

I have served the people of Weston since 2007 and together with some very dedicated employees we have faced many problems, which can occur in running a small town.

The first Council, with which I was affiliated, was elected in 2007 relatively inexperienced. We relied on the experience of the paid staff at the City Building for guidance. However, we came to realize that we had serious financial issues. Those issues culminated with the Internal Revenue Service seizing all of our money in the bank in April 2009. When the dust cleared, we owed the IRS, the State Tax Department, and PEIA a total of \$800,000! Some very difficult decisions were made but after four years the debt was completely paid and we could start anew. Like many other small West Virginia towns, we try to provide services but know that easy money from the federal or state governments is long gone.

However, we are working to create a progressive path forward. During the past four years we have collaborated with West Virginia University on a number of projects. Recently, the WVU Law School helped us create our Comprehensive Plan which we are using in our future planning. The Law School has continued that collaboration and our current project is the creation of a zoning plan, something which Weston has never had. We are also working with the WVU Brownfields group to work on the dilapidated buildings within the city, numbered at over 100, and to figure out a plan for reuse or demolition. Our next step in that area will be the creation of an Urban Renewal Committee.

Other pro-active efforts have been the creation of a Fairs and Festivals Committee to provide special events for our downtown which has brought a renewed interest in Weston. The City has collaborated with Stonewall Jackson Memorial Hospital to create playgrounds throughout Weston as a result of our Comprehensive Plan. One of our crowning achievements will be a "natural playground" scheduled for construction this summer. Because of this effort, the City created a Parks and Recreation Committee to oversee our playgrounds. In the next few months, our next efforts will be to provide healthy eating for local residents with the creation of community gardens and an urban orchard. We are also planning a special "Farm to Table" dinner in July to start funding a real farmer's market for our downtown. All of these accomplishments which we have achieved have been done without any money, but with the dedication of some wonderful volunteers.

Our application for Home Rule is the result of our past experiences with regulations mandated by the state. For example, some of our financial issues began in 2003. We had financial officers deducting tax contributions from the employee paychecks but failing to send those contributions to the IRS and State Tax Department. Though the State had performed audits, we weren't satisfied with the experience of the auditor and felt that there were issues that we might have caught with a better audit... thus our request for Home Rule and the ability to hire our own auditor at an appropriate rate. I know it is a hard job, but the state auditor did not qualify statements of the finance officer with fact. She asked whether payments were made and took the word of the manager that payments were made... and they weren't. Most recently, we have an auditor who audited three years of a group (now disbanded) without all of the records. When told that records were missing, her reply was "It won't matter anyway." I am not an accountant but for an auditor to make this sort of statement is baffling. We are in much better finance shape but we want to keep those finances perfect.

Another issue requested in home rule is the ability to recruit veteran police officers. As a small city with little money we find that many times we have recruited and trained police officers, who are then "stolen" by other agencies with more money. In the past several years, there has been at least two occasions when the age of the policemen we wished to recruit was an impediment because of their age. We wish to increase that age limit to 45 so that we can recruit more policemen.

Along with the issue of dilapidated buildings is the ability of our building inspector to provide immediate citations for problem buildings/owners. It is difficult for our police officers to go out and ticket people for trash and garbage around their homes, which is the way our system works now. Thanks to our efforts, we have been able to hire a full time building inspector, who has passed testing mandated by the State Fire Marshall...another achievement for our city. Providing him with the tools to expedite serious issues would provide our residents with the safe environment, which they deserve. Probably one of the most numerous complaints about the city are those residents who do not keep their properties respectable.

We did have a fourth goal of imposing a one percent sales tax...however, we have run into a problem with that issue. When we began this application, we had a finance manager. In January, the Council chose NOT to reappoint her. Until we have a new finance manager, and we are in that process, it would be prudent on our part to put a hold on the one-percent tax request. We have a great need for this tax, but presently, we are looking to be accepted into the home rule program without the tax.

I would like to point out that during our Public Meeting on Home Rule, there were two vocal opponents. As in any small town, there is a small group of people who really dislike me. The one fellow at the public meeting drilling down on me was the husband of my former mayoral opponent. I won by only twelve votes in a hotly contested race this past June. The other person unhappy with the Home Rule request was one of his friends. If you have ever been involved in small town government, this is what you run into, and you should know the background of the meeting. I think there were fourteen people at the hearing and of the three people opposed to Home Rule, two don't even live in Weston, and they are involved in opposition to me.

I don't mean to be too wordy, but our employees and volunteers have worked hard to bring Weston "out of the wilderness" and the approval of Home Rule would be another achievement for our little town.

We look forward to a positive reply from your Committee so that we can celebrate our 200<sup>th</sup> anniversary in 2018 with a positive outlook for the next 200 years.

Sincerely,

Julia Spelsberg  
Mayor of Weston, WV

## Municipal Home Rule Pilot Program Phase III

### APPLICATION CHECKLIST

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

<b>SECTION II: NARRATIVE</b>	
Page No.	
<b>10</b>	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.
<b>10 to 18</b>	Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.
<b>10 to 18</b>	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 the worksheet or formula used to determine "X" amount.</li> </ol>

<b>SECTION III: AFFIDAVITS</b>	
Page No.	
<b>21</b>	Hearing Mandate Verification
<b>19</b>	Publication Mandate Verification
<b>39</b>	Ordinance Authorizing Submission of Plan
<b>40</b>	Fiscal Impact Worksheets/Formulas (if revenue related)
<b>42</b>	Attorney Opinion (application complies with statutory requirements)
	State of West Virginia Fees Statement (none outstanding)

# Municipal Home Rule Pilot Program Phase III

## APPLICATION

<b>SECTION I: APPLICANT INFORMATION</b>	
<b>A. General Information</b>	
Name of Municipality: Weston, WV	
Certifying Official: Julia Spelsberg	Title: Mayor
Contact Person: Kristin Droppleman	Title: City Clerk
Address: 102 West Second Street	
City, State, Zip: Weston, WV 26452	
Telephone Number: 304-269-6141	Fax Number: 304-269-7842
E-Mail Address: mayorjulia26452@aol.com	
2010 Census Population: 4,1000	
<b>B. Municipal Classification</b>	
<input type="checkbox"/> Class I <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>	
X Tax <input type="checkbox"/> Organization                      X Administration                      X Personnel <input type="checkbox"/> Other	

<b>SECTION II: NARRATIVE (written plan, including the following)</b>
Specific state laws, policies, acts, resolutions, rules or regulations that are preventing the municipality to carry out duties in the most cost effective, efficient, and timely manner.  Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.  Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include: 3) Proposed solution(s) in one of the five areas (tax/administrative/organization/personnel/other) 4) 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. Attached

<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) Attached



**MUNICIPAL HOME RULE PILOT PROGRAM PHASE III  
Draft Application**

**Section I: Applicant Information**

**A. General Information**

*Name of Municipality: City of Weston*

*2010 Census Population: 4,110*

**B. Municipal Classification**

*Class: III*

**C. Category of Issues to Be Addressed:**

*Tax: Imposition of a Sales Tax (and Reduction of Business and Occupation Tax)*

*Administration:*

*(i) Streamlining Resolution of Municipal Violations on Residential or Commercial Properties ("On-the-Spot" Citations, Issuance by Police Officers, the City's Remedying of Violations, and the Use of Tax Liens to Recoup City Costs)*

*(ii) Payment and Selection of Auditors*

*Personnel: Increasing the Eligibility Age for Municipal Police Officers*

*Tax: Applying a one percent consumer sales tax*

## Section II: Narrative

### A. TAX – Imposition of a Sales Tax

The city of Weston was created on January 1, 1818 by the Virginia Assembly (and formally incorporated in 1846). It is a Class III city and the county seat of Lewis County.

A state law that currently prevents the City of Weston from cost-efficiently, effectively, and timely carrying out its municipal duties and in particular its related and ongoing land use planning is W.Va. Code §8-13C-1, et seq., which allows a municipality to impose a sales and use tax of up to one percent (1%), but only in the event that the municipality not just reduces but fully repeals its business and occupation (“B&O”) tax.

#### *The Pressing Challenge to the City:*

Weston is facing several problems that challenge its general responsibility to at the very least sustain and wherever feasible enhance the quality of life of its residents. In 1960, its population stood at over 8,000; today, its population stands at just over 4,000 – a 50% decrease over the last 50 years. Also in that time it witnessed the decline and closing down of what had been its major manufacturing enterprise – the nationally known and acclaimed Weston glass industry. The diversity of the downtown business area has likewise diminished, and what new business development there has been in recent years has mostly occurred outside city limits along Route 33 East out to the I-79 junction. In tandem, numbers of residential properties are suffering from a lack of needed upkeep and repair. Today, there are nearly 100 houses – most abandoned and beyond the point of preserving – that will have to be demolished, probably at the city’s cost (the total cost presently estimated at over \$500,000). Meanwhile, several properties dating back to the 19th century and thus having great historical worth, though they are being actively and carefully maintained, are also suffering the effects of time and will require ever greater attention in the future in order to be protected. And sad to say, there are a handful of others that have been lost in the last two decades due to spotty, unregulated commercial development. Finally, as indicated, while some commercial growth has continued to occur in this area, that growth is destined in the current circumstances of population loss and residential decline to stall as the local market area becomes saturated and stagnated.

While Weston is obviously not the only city in West Virginia to have such problems, both its need and its practical ability to address these problems sooner rather than later can only be described as critical. Time itself is becoming the problem that overarches all other problems, for it is apparent to the city’s officials and residents that in terms of the city’s economy, culture, infrastructure, and basic identity and history, there is a real point of no return looming in the fairly near future beyond which the city cannot realistically expect to continue to recall – and even more importantly keep hoping to approach again – that particular City of Weston in its heydays of the late 19th and early 20th centuries. In just a few years, Weston will mark its 200th birthday, and Westonians are resolved to do what is needed to mark that milestone as the start of a promising renewal.

*The Impediment to Ongoing and Further Needed Action by the City:*

Over the last several years, Weston has taken certain constructive steps by which it can begin to address and remedy its several problems. It has passed an ordinance that will facilitate the demolition of abandoned or dilapidated buildings. In 2014, it adopted a comprehensive plan that calls for a number of initiatives from zoning and annexation to streetscape and façade improvement programs to promotion of tourism and creation of new recreational sites such as local parks. In sum, the city is prepared and has begun to remake itself, seeking by all these measures to render itself more attractive, convincing newcomers to settle here and inspiring entrepreneurs to start new businesses here.

But, as will come as no surprise, the greatest obstacle to the rejuvenation of Weston is its limited finances. The current city budget is barely sufficient to cover basic public services, let alone fund the several initiatives of the comprehensive plan. Clearly the city must look for ways to increase its revenues. Of course one way is to try to annex some areas just beyond its boundaries, especially those commercial areas that were noted previously. But while annexation may hold the promise of growing Weston's revenue stream, the process of annexation is not guaranteed to be successful, particularly where one of the main objections that would certainly be raised by any opponents – and most likely by the business interests that would be affected – is that they simply do not want to be “unfairly burdened” by then having to pay the current B&O tax (which is probably what led those businesses to choose to locate outside the city in the first place).

As matters stand, Weston's predicament looks to be a proverbial “Catch-22”: in order to enhance its quality of life, it must be able to afford the means to renovate its infrastructure and to create new residential and business opportunities, but it can only afford to do all that by renovating its infrastructure and creating the new residential and business opportunities that will ultimately generate the necessary revenue.

*The Only Practical and Responsible Way Forward for the City:*

The only guaranteed solution is to rethink and reform its taxation. But raising the B&O tax would only prove self-defeating as it will only transfer the burden onto existing downtown businesses that by and large are, like the city, worried about how well they can sustain themselves in an area that has been and still is losing precious population. On the other hand, for the city to replace its B&O tax with a – at most 1% – sales tax is a nonstarter as well, since it would wholly fail to generate as much revenue as the B&O tax presently does and thus would be insufficient. No, there is only one way forward, and that is for the city to continue to have a B&O tax – but reduced in order to give some relief to downtown businesses and to tamp down some of the fears of those businesses outside the city whose property could be annexed – and to adopt a sales tax. Both taxes would then produce a modestly increased revenue stream that would provide the city with sufficient financial means over a not-too long period of time to fully implement its comprehensive plan and thereby improve its prospects and, most importantly in the short term, give new hope and indeed a new confidence to its residents that they and their children will see their overall quality of life improve as they would want and should expect. At least the city will have

that greater chance when, right now, it has little foreseeable chance as its future precariously hangs in the balance.

*The City's "Home Rule" Proposal:*

In full accordance with West Virginia Code §8-1-5a(i)(14), the City of Weston should be authorized to enact an ordinance instituting a one percent (1%) sales tax, which legal authorization and the then validity and subsequent enforcement and collection of such sales tax are to be conditioned upon the city's also acting to reduce, and to maintain the reduction of, its present B&O taxation. Such a sales tax will not apply to sales of motor vehicles or motor fuel or any other category of sales exempted under state law.

Further, the city will use the services of the West Virginia State Tax Department to administer, enforce, and collect such tax in the same manner as the state consumer sales and service tax and use tax under the provisions of applicable state law. Concurrently with the institution of the above-mentioned sales tax, the city will by ordinance reduce its present rates of B&O taxation for the following categories of the tax:

**Lost Economic Impact**

The area to the east of Weston is expanding with commercial development, outside of our city limits. It is increasingly more difficult to entice business owners and developers to develop within the city limits due to the perceived negative impact of our business and occupation taxes. This is a very serious problem since we already provide that area of the county with several of our services including sewage, fire protection and police protection. Wal-mart, Burger King, a large strip mall, and plethora of franchise restaurants are outside of our jurisdiction and the trading of a municipal sales tax, eventually for a business and occupation tax would seem to be more palatable to those businesses. Plus, businesses outside of our city limits would enjoy a ten percent reduction in their sewage service if they came into the city. Our B&O rates are the lowest possible rates and have not been increased since their creation more than a decade ago. With the current B&O taxes, the City of Weston will not be able to survive at the current level of services.

**Projected Sales Tax Impact**

It is estimated that an additional 1% sales tax on products would create an additional \$221,000 in receipts for the City. To reduce the tax burden on City businesses, reductions in the B&O tax rates of on several categories would be enacted. The reduction of .25% in manufacturing; .40% in amusements; .50% in restaurants; and .90% in rental services would create a \$13,800 reduction for businesses.

The table below depicts the current B&O tax rate; maximum allowable B&O rates by WV law; projected B&O tax rate reductions by the city and projected net change in revenues to the City. These are projections created to the best of our ability.

TABLE

B&O Category	Current City Rate	Maximum Allowable Rate	Proposed Reduced Rates	Projected Reduced B&O Revenue
Amusements	.50%	.50%	.40%	\$300
Restaurants & Other Services	.60%	.50%	.50%	\$12,000
Manufactured Products	.05%	.30%	.25%	\$500
Rentals	1.00%	1.00%	.90%	\$1,000
Total Projected Reduced Revenue				\$13,800
Estimated Consumer Sales & Use Tax Revenue				\$235,000
Net Change in Revenue				\$212,200

**Administration of Sales/Use Tax**

Any additional sales/use tax introduced would be administered, collected, and enforced by the State Tax Commission pursuant to West Virginia Code Sections 18-13C-6, 8-13C-7, 11-15B-33, 11-15B-34. The City of Weston will be responsible for coordinating the provision of needed information to the State Tax Commission for its administration of the additional sales/use tax. It is understood that the State Tax Commission may include an administration fee to process the sales/use tax.

For the sake of the city's remaining at all times fiscally sound and legally and actually capable of meeting all of its present and ongoing financial responsibilities, the timing and effect of these planned reductions of its B&O taxation must of course be coordinated with the timing and effect of the receipt by the city of the revenues collected by the state under the new sales tax.

*Feasibility and Fairness of the New Tax Structure:*

Based on the foregoing chart, the proposed new tax structure for the City of Weston will produce further revenue that can be productively and timely applied to the realization of several of the city's pending land use planning needs and goals. In addition, the new tax structure will grant a number of downtown businesses a welcome degree of tax relief compared to prior years, which should allow them a greater financial wherewithal not only to maintain themselves but – it is always to be hoped – to expand the products and/or services they offer to the public. As well, a lower B&O tax will make the prospect of annexation for businesses currently outside the city less burdensome, and therefore easier to accept as – what is really – an inevitable development in the life and growth of virtually any city in this country. Without question, though, the new sales tax will place a new financial obligation on consumers in general, both within and without the city, but analogous to the case of annexation, the fairest tax system is arguably that

which tries to spread the responsibility for the general upkeep of society over all those persons and entities that are or should be properly concerned with that upkeep. In all these respects, then, the City of Weston believes it has proposed both a workable and beneficial new tax plan that will allow the city to fulfill its fiduciary obligations to its residents, and that also takes fair account of the general regard the city should have for those who, though they may not presently reside in the city, are yet dependent upon it for their livelihoods or at the very least for their pride of place and general peace of mind.

**B. ADMINISTRATION – Streamlining Resolution of Municipal Violations on Residential or Commercial Properties (“On-the-Spot” Citations, Issuance by Police Officers, the City’s Remedying of Violations, and the Use of Tax Liens to Recoup City Costs)**

Another state law that hampers the City of Weston in cost-efficiently, effectively, and most of all timely carrying out its municipal duties and enforcing present (and future) ordinances that regulate the upkeep of residential and commercial properties within the city is W.Va. Code §8-12-1, et seq., and in particular §8-12-5, which concerns a number of general powers that a municipality may exercise (especially clauses (10) – preventing the accumulation and mandating the removal of garbage; (13) – preventing injury or annoyance due to anything dangerous, offensive, or unwholesome; (15) – guarding against danger or damage by fire; (23) – eliminating hazards to public health and abating public nuisances; and (44) – protecting and promoting public morals, safety, health, welfare, and good order), and §8-12-16, which concerns the elimination of conditions that are “unsafe, unsanitary, dangerous or detrimental to the public safety or welfare” on property that contains a dwelling or building that is unfit for human habitation.

*The Problems and the Solutions:*

1. Both §8-12-5 and §8-12-16 – the first impliedly and the second expressly – requires that a municipality follow cumbersome procedural rules that can take numbers of days if not weeks before any legal process can effectively require a property owner or some other responsible party in the circumstances to remedy a related violation of municipal law. The City of Weston wants to initiate a formal legal process at once by having the authority to issue citations – similar to citations for traffic violations that impose a scale of fines – regarding such violations and to do so “on-the-spot”, meaning the right and power of a city official to serve upon a property owner or other responsible party a formal citation of a violation at the time that violation is first observed.

2. Both §8-12-5 and §8-12-16 are unclear which city officials can be authorized to enforce related ordinances, and by extension whether a city’s police force can be so authorized to issue the aforementioned “on-the-spot” citations for related violations.

Given their city-wide responsibilities and therefore frequent presence in the public domain, police officers should often be able to observe all such violations. In these circumstances, and in addition to other city officials, the City of Weston wants to authorize its police force to issue appropriate “on-the-spot” citations for these violations.

3. §8-12-5 is unclear as to whether a city has the right to enter upon a given property in order, at its own cost, to remedy violations of related ordinances, especially where, in contrast to that same right granted a city under §8-12-16, the property does not have any dwellings or buildings that are unfit for human habitation. The City of Weston wants the right to enter upon a given property to remedy violations of related ordinances regardless of the presence or the condition of any dwellings or buildings on that property.

4. Both §8-12-5 and §8-12-16 are unclear as to the timing of any right a city has to enter upon a given property and, at its own cost, remedy the conditions that violate related ordinances. The City of Weston wants the absolute authority to remedy such violations once a reasonable time has elapsed following the issuance of any citation and during which time the owner of the property or other responsible party has failed or refused to remedy the given violation.

5. Both §8-12-5 and §8-12-16 are also unclear about what kind of liens a city may place on such property as a means, if necessary, to recoup the city's costs in remedying violations. A general lien could in theory sit on the property for years without being satisfied except when the property is eventually sold, and even then there are legal means to defeat such a lien. However, a property tax lien, based upon the provisions of §8-16-18 that allow a city to impose "equitable charges" relating to its actual improvement and protection of property, would provide the city with a more effective means of recovering its costs. Where it has acted to remedy a violation on a given property, the City of Weston wants the authority to place a tax lien on the property in the amount of the costs the city has incurred for the betterment of that property, which should allow for a more expeditious recoument of those costs.

*The City's "Home Rule" Proposal:*

In order to address the foregoing problems and issues, the City of Weston should be authorized to do the following:

1. Enact an ordinance that allows the city to issue "on-the-spot" citations, similar in form and substance to the ordinance that the City of Huntington has enacted, or in the alternative amend currently existing city ordinances that address and regulate the general upkeep of residential and commercial property within city limits to allow the city to issue "on-the-spot" citations for violations of such ordinances.
2. Include in the foregoing new ordinance and/or add by amendment to currently existing city ordinances that address and regulate the general upkeep of residential and commercial property within city limits the authorization of the city's police force as well as other city officials to issue "on-the-spot" citations.
3. Include in the aforementioned new ordinance and/or add by amendment to currently existing city ordinances that address and regulate the general upkeep of residential and commercial property within city limits the general authorization for the city to enter onto property for the purpose of remedying violations of such ordinances.

4. Include in the aforementioned new ordinance and/or add by amendment to currently existing city ordinances that address and regulate the general upkeep of residential and commercial property within city limits the specific authorization for the city to enter onto property for the purpose of remedying violations of such ordinances following the city's issuance of a citation for any such violations and the failure of the property owner or other responsible party, after a time certain, to remedy such violations.
  
5. Include in the aforementioned new ordinance and/or add by amendment to currently existing city ordinances that address and regulate the general upkeep of residential and commercial property within city limits the authorization for the city, after incurring costs and expenses in entering onto property for the purpose of remedying violations of such ordinances, to place a related property tax lien on the property in order to recoup such costs and expenses.

#### C. ADMINISTRATION – Payment and Selection of Auditors

Another state law that hampers the City of Weston in cost-efficiently, effectively, and timely carrying out its municipal duties and facilitating state-mandated audits is W.Va. Code §6-9-8, pertaining to the maximum costs allowed to be paid by a city for such audits conducted by the state tax commissioner in his capacity as chief inspector, by another official in his office, or by an independent Certified Public Accountant who has been approved by the chief inspector.

##### *The Problems and the Solutions:*

Currently under §6-9-8 the maximum cost allowed per audit is \$2,000, and an additional \$2,000 per audit of a city's utility or park system. Unfortunately, such cost "ceilings" have proven insufficient to allow the City of Weston to facilitate the carrying out of careful, thorough audits that, in the city's judgment, are essential to insure that all agencies and officials of its government are managing and employing public funds in full accordance and compliance with each of their and the city's overall fiduciary obligations.

Accordingly, the city seeks to have the authority to determine its own maximum amounts that are in its judgment sufficient for the carrying out of audits in these regards.

Also, the city believes that in wanting to use an independent CPA to conduct such audits it should not be limited to only those CPAs who have been approved by the chief inspector's office. The city believes that it itself is better situated as a practical matter to choose from among competent CPAs – who have garnered regional praise and have the necessary experience – to perform the required audits at a reasonable, responsible, and efficient cost.



*The City's "Home Rule" Proposal:*

The City of Weston should be authorized to enact or otherwise amend an existing ordinance that (1) allows the city to set its own maximum costs for any state-mandated audit, and (2) allows the city to solicit and obtain the services of an independent CPA who the city itself has determined is qualified to carry out that audit, whether or not that CPA has otherwise been approved by the state tax commissioner.

**D. PERSONNEL – Increasing the Eligibility Age for Municipal Police Officers**

Another state law that hampers the City of Weston in cost-efficiently, effectively, and timely carrying out its municipal duties is W.Va. Code §8-14-12(c), which pertains to the policemen's civil service commission and specifies that no person may apply for admission to a competitive examination for appointment to and hiring by a municipal police force where that person is less than 18 or more than 40 years of age as of the date of the application.

*The Problem and the Solution:*

The City of Weston adopted an ordinance establishing its Police Civil Service Commission. It is accordingly bound by state law regarding police civil service as set forth in §8-14-1, et seq. (which otherwise applies only to Class I and Class II cities).

The Weston Police Department has struggled in recent years to fill vacancies in its police force. The difficulty is due to several factors: a higher than average turnover rate, higher salaries paid by other cities' police departments, failure to pass examinations, and would-be applicants who are older than 40 years of age. This last factor is due to the provisions of state law, previously noted.

The City of Weston believes that this age limit is arbitrary and unreasonable. First, the corresponding upper age limit imposed by state law with regard to sheriff's deputies (§7-14-8) is 45 years. Second, some would-be applicants who have wanted to join Weston's police force but were ineligible because of their age were in fact otherwise well-qualified both in terms of their physical condition and prior experience and would clearly have made for capable and competent police officers. In point of fact, that they were deemed ineligible simply as a legal matter for being in their early 40s rather than, say, their late 30s worked against, not in favor of, the city's best interests.

The city should be allowed to accept otherwise well-qualified applicants up to and through the age of 45, the same limit that exists for a county's sheriff's deputies.

*The City's "Home Rule" Proposal:*

The City of Weston should be authorized to enact or otherwise amend an existing ordinance that increases the maximum eligibility age for an applicant for its police force from 40 through 45 years of age.

Fiscal Impact Worksheet Formula and Plan to Adopt Municipal Sale Tax

It is estimated that an additional 1% sales tax on products that already have a state sales tax would create an additional \$221,200 in revenue to the City. To reduce the tax burden on City businesses, reductions in the B&O tax rates on amusements, manufacturing, rentals, services/restaurants, and wholesalers would be enacted, saving the businesses about \$18,200 per year. The reductions on amusements, services, and rentals, and manufacturers will reduce the B&O Taxes by \$13,800. The average B&O taxes received by the City of Weston have average \$480,000 over the past three years.

B&O Category	Current City Rate	Maximum Allowable Rate	Proposed Reduced Rates	Projected Reduced B&O Revenue
Amusements	.50%	.50%	.40%	\$300
Restaurants & Other Services	.60%	.50%	.50%	\$12,000
Manufactured Products	.05%	.30%	.25%	\$500
Rentals	1.00%	1.00%	.90%	\$1,000
Total Projected Reduced Revenue				\$13,800
Estimated Consumer Sales & Use Tax Revenue				\$235,000
Net Change in Revenue				\$212,200





Regular Session of Council

January 4, 2015

City of Weston  
102 W2nd Street  
Weston, WV 26452  
Phone 304-269-6141 Fax 304-269-7842 TTY 304-269-2314

January 4, 2015  
6:00 pm  
Weston Fire Department  
Mayor Julia Spelsberg

Mayor Julia Spelsberg asked Chief Posey to lead the Pledge of Allegiance.

Mayor Julia Spelsberg asked for roll call and present at the meeting was Councilman John Wyllie, Councilman Eric Dever, Councilman Richard Flanigan, Councilman Justin Roy, City Manager Michelle Allen, Fire Chief Kenny James, Building Inspector Bryan Reed, Public Works Director John Hogan Sanitary Board Director Dee Evans and Police Chief Randy Posey.

Absent - Sanitary Board Director Dee Evans

#### Visitor's Section

Vickie Kerrigan - Ms. Kerrigan came before council to give an update on where the Law Enforcement pageant queens were on the fundraising for the Law Enforcement Memorial.

#### Approval of Minutes

Councilman Justin Roy made a motion to approve the minutes from the regular session of council held on December 7, 2015; Councilman John Wyllie seconded the motion and it carried 4 ayes to 0.

#### Finance/City Manager's Report -

Mayor Julia Spelsberg asked finance manager, Michelle Allen, about the SAFER grant. Michelle said that she would get a spreadsheet together for the next work session.

#### Council/Commission Reports

**Planning Commission** - Council was informed that there was not enough members at the last meeting to hold a legal meeting.

**Historical Landmarks Commission** - Junior Kelley said that he needed to get his plat map back for Arnold Cemetery from the ladies on the landmarks commission.

**Arts Council** - Jill Stewart spoke on behalf of the Arts Council and informed council of their upcoming project to place a glass blower statue by the Welcome to Weston signs. They are currently looking for someone to make the statue. Also, informed council of their plans for the annual garden tours. Jill then gave each council member a financial statement.

**Fairs and Festival's Committee** - Mayor Julia Spelsberg informed council of the upcoming events. She said they wanted to do a Spring Solstice and they are planning for the 200<sup>th</sup> Anniversary of Weston

**Parks and Recreation** - Mayor Spelsberg said there was no meeting.

**Better Buildings** - Mayor Spelsberg said they are planning a meeting for Wednesday.

### Department Head Reports

**Sanitary Board** - Dee Evans Sanitary Board Director, was excuse from the meeting.

**Police Department** - Chief Posey informed council that Shawn Carlton was at the academy and he had no additional information.

**Public Works Director** - John Hogan, public works director, said that the Christmas are refurbished and they looked good.

**Fire Department** - Chief James said they were doing maintenance for the winter. He also said they currently have a fireman enrolled in the class Fire officer 1.

**Building Inspector** - Bryan Reed, building inspector, informed Council that this past month was a quiet month. He said if anyone had any questions for him let him know. Mayor Spelsberg congratulated Bryan on passing all of his tests for his certifications.

**Attorney** - Mayor Julia Spelsberg asked about petition from Weston Ford to annex. Michelle Allen said she would find out what is going on with that

Councilman John Wyllie made a motion to approve all the department head reports; Councilman Eric Dever seconded the motion and it carried 4 ayes to 0.

### Old Business

**Corp of Engineers Resolution** - Councilman Justin Roy made a motion to approve the resolution with corrections; Councilman John Wyllie seconded the motion and it carried 4 ayes to 0.

### New Business

**Library Request** - Karen from the Library asked about placing a light on the electric pole near their building to help with keeping people away from the Library after hours. The location they are wanting is on a City right of way but the light itself will be placed on the electric pole. Councilman John Wyllie made a motion to approve the library's request; Councilman Justin Roy seconded the motion and it carried 4 ayes to 0.

**Municipal Pensions Oversight Board** - Blair Taylor - Finance Manager, Michelle Allen, said that the reports from Blair are not ready yet.

**Home Rule Application** - Councilman John Wyllie made a motion to proceed with the Home Rule application; Councilman Eric Dever seconded the motion and it carried 4 ayes to 0.

**Approval of Committee/Commission Application** - Councilman Eric Dever made a motion to approve the application; Councilman Justin Roy seconded the motion and it carried 4 ayes to 0.

**Approval for Police Civil Service to test for Corporal** - Councilman John Wyllie made a motion to approve the fire civil service to test; Councilman Justin Roy seconded the motion and it carried 4 ayes to 0.

**Approval of Drug Policy for City Personnel Policy** - Councilman Richard Flanigan made a motion to table the drug policy; Councilman Justin Roy seconded the motion and it carried 4 ayes to 0.

**Reappointment of Department heads** - Councilman Justin Roy made a motion to go into executive session for personnel at 7:20pm; Councilman Richard Flanigan seconded the motion and it carried 4 ayes to 0.

Councilman Justin Roy made a motion to come out of executive session for personnel at 8:24pm; Councilman Richard Flanigan seconded the motion and it carried 4 ayes to 0.

Councilman John Wyllie made a motion to not reappoint Michelle Allen as City Manager; Councilman Richard Flanigan seconded the motion and it carried 3 ayes to 1 (Councilman Justin Roy opposed)

Councilman Richard Flanigan made a motion to not reappoint Michelle Allen as Finance Manager and to offer a one (1) month severance pay; Councilman John Wyllie seconded the motion and it carried 3 ayes to 1 (Councilman Justin Roy was opposed)

Councilman John Wyllie made a motion to reappoint Kristin Droppleman as City Clerk; Councilman Richard Flanigan seconded the motion and it carried 4 ayes to 0.

Councilman Eric Dever made a motion to reappoint Randy Posey as Police Chief; Councilman Justin Roy seconded the motion and it carried 4 ayes to 0.

Councilman Justin Roy made a motion to reappoint Kenny James as Fire Chief; Councilman Richard Flanigan.

Councilman John Wyllie made a motion to reappoint Bryan Reed as Building Inspector; Councilman Justin Roy seconded the motion and it carried 4 ayes to 0.

Councilman Justin Roy made a motion to reappoint John Hogan as Public Works Director; Councilman John Wyllie seconded the motion and it carried 4 ayes to 0.

Ward Reports

Ward I - Councilman John Wyllie had no additional information.

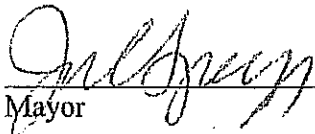
Ward II - Councilman Eric Dever asked John Hogan about some issues on Jonathan and Broad Street. John Hogan said he would gravel it. Councilman Dever congratulated Bryan on passing his certifications for building inspector.

Ward III - Councilman Richard Flanigan thanked John Hogan for all his work in his ward.

Ward IV - Councilman Justin Roy congratulated Bryan on passing his certifications. He also said that John Hogan's department was doing a good job. As well as the police and fire departments.

Mayor - Mayor Julia Spelsberg had no additional information.

Councilman John Wyllie made a motion to adjourn the meeting at approximately 8:30pm;  
Councilman Justin Roy seconded the motion and it carried 4 ayes to 0.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk





## City of Weston

102 W. Second Street  
Weston, WV 26452

Phone: 304-269-6141 Fax: 304-269-7842 TTY: 304-269-2413

*Julia Spelsberg, Mayor*

*Michelle Allen, City Manager - Finance*



*Kristin Droppleman, City Clerk  
Randall Z. Posey, Chief of Police  
John Hogan, Public Works Director  
Kenneth James, Fire Chief  
Elizabeth Snead, City Attorney  
Bryan Reed, Building Inspector*

*City Council:  
John Wyllie, Ward I  
Eric Dever, Ward II  
Richard Flanigan, Ward III  
Justin Roy, Ward IV*

### Agenda Regular Session of Council March 7, 2016- 7pm Weston Volunteer Fire Department

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Visitor's Section**
  - a. 1376 Rider's Group Main Avenue Event
- V. Approval of Regular Session of Council Minutes for February 1, 2016**
- VI. Commission/Council Reports**
  - a. Planning Commission
  - b. Historic Landmarks Commission
  - c. Arts Council
  - d. Fairs and Festivals Committee
  - e. Parks and Recreation
  - f. Better Buildings Committee
- VII. Department Head Reports**
  - a. Sanitary Board Report
  - b. Police Department Report
  - c. Public Works Director's Report
  - d. Fire Department Report
  - e. Building Inspector's Report
  - f. City Attorney's Report
    - i. Annexation
- VIII. Old Business**
  - a. Update on City Finances
- IX. New Business**
  - a. First Reading of the Home Rule Ordinance
  - b. Write a letter of request to the WV State Police for an investigation of the city's financial matters
  - c. Appoint Bryan Reed Safety Officer for the Sanitary and Street Department
  - d. Appoint Bryan Reed Complaint Liaison for Street Department
  - e. Proclamation to Remember the late Robert "Bob" Piercy
  - f. Proclamation for Pulmonary Rehabilitation Week
  - g. West Virginia Conservation Agency, Karen Sticklely - Renew Sponsorship for the Polk Creek Watershed in Lewis County with an annual amount of \$2,500 for the flood control dams and the Polk Creek Channel in the amount of \$2,500.00
  - h. Endorsement of FEMA assistance to Firefighter's grant
  - i. USDA Grant
  - j. Approval to promote James D. Clevenger to Sergeant



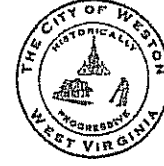
## City of Weston

102 W. Second Street  
Weston, WV 26452

Phone: 304-269-6141 Fax: 304-269-7842 TTY: 304-269-2413

*Julia Spelsberg, Mayor*

*Kristin Droppleman, Interim City Manager*



*Kristin Droppleman, City Clerk*  
*Randall Z. Posey, Chief of Police*  
*John Hogan, Public Works Director*  
*Kenneth James, Fire Chief*  
*Elizabeth Shead, City Attorney*  
*Bryan Reed, Building Inspector*

*City Council:*  
*John Wylie, Ward I*  
*Eric Dever, Ward II*  
*Richard Flanigan, Ward III*  
*Justin Roy, Ward IV*

### Agenda Special Session of Council March 14, 2016- 6pm City Building

**\*Interview's for Finance Manager's position will be conducted before the meeting**

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Old Business**
  - a. 2<sup>nd</sup> Reading of the Home Rule Ordinance**
- v. New Business**
  - a. 128 Bennett Avenue
  - b. Communicate with Lisa Thornburg the completion of the Audit for the WEDA
  - c. 2016-2017 Budget
  - d. Fireman Scheduling
- VI. Adjourn**

Special Session of Council

March 14, 2016

City of Weston  
102 W2nd Street  
Weston, WV 26452  
Phone 304-269-6141 Fax 304-269-7842 TTY 304-269-2314

March 14, 2016  
6:00 pm  
City Building  
Mayor Julia Spelsberg

Mayor Julia Spelsberg asked for roll call and present at the meeting was Councilman Eric Dever, Councilman Richard Flanigan, Councilman Justin Roy, Public Works Director John Hogan and, Fire Chief Kenny James

Via Phone - Councilman John Wyllie

**Old Business**

2<sup>nd</sup> Reading of the Home Rule Ordinance - Councilman John Wyllie made a motion to have the 2<sup>nd</sup> reading by title only; Councilman Richard Flanigan seconded the motion and it carried 4 ayes to 0.

Councilman Richard Flanigan made a motion to approve the 2<sup>nd</sup> reading of the Home Rule Ordinance by title only; Councilman Eric Dever seconded the motion and it carried 3 ayes to 1 (Councilman Justin Roy opposed)

**New Business**

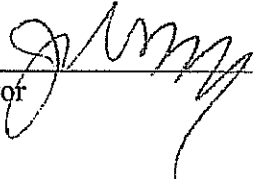
128 Bennett Avenue - Nancy Woodford - Councilman Justin Roy made a motion to deny her request to do repairs on her driveway post that was damaged; Councilman Richard Flanigan seconded the motion and it carried 4 ayes to 0.

Communicate with Lisa Thornburg the completion of the Audit for the WEDA - Councilman Justin Roy made a motion to contact Lisa Thornburg and request the completed audit; Councilman Richard Flanigan seconded the motion and it carried 4 ayes to 0.

Fire Department Scheduling - Chief James went over some scheduling changes with Council.

2016-2017 Budget - Interim City Manager, Kristin Droppelman, said that we need to have a meeting to discuss the budget.

Councilman Justin Roy made a motion to adjourn the meeting at approximately 6:24pm; Councilman Richard Flanigan seconded the motion and it carried 3 ayes to 0.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

Public Hearing

March 2, 2016

City of Weston  
102 W2nd Street  
Weston, WV 26452

Phone 304-269-6141 Fax 304-269-7842 TTY 304-269-2314

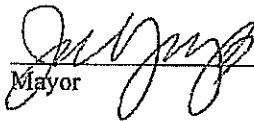
March 2, 2016

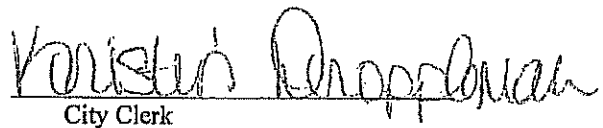
7:00 pm

City Building  
Mayor Julia Spelsberg

City Attorney Beth Snead opened the meeting. She explained to the public present how she felt about Home Rule and what she felt were the benefits of it. She then opened the floor to the City of Weston employees to explain how Home Rule would help their departments.

Attached is a list of those present at the public hearing. Those that spoke at the public hearing were concerned where the money would be used. One individual asked why we were focusing so much on the financial aspect of Home Rule and if that is what we wanted then we needed to annex. Another resident wanted to know how much the current council knew about Home Rule. It was also brought up that Weston was being compared to cities much larger and wanted to know how we compared to them as far as business population as well as how many will be effected by the 1% sales tax. It was also asked how much of a difference did it make in the City's income if the B&O was lowered and the 1% sales tax was added.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

# Public Hearing Sign In

MARCH 2, 2016

1. Brenda Reed 226 Cottage Ave // Weston, WV 26452
2. Julia Zalky Cutler/Weston
3. Justin Roy City Council
4. ~~Theresa~~ " "
5. Shelsa Lyons City
6. Ryan Reel Homes/Building Inspector
7. IRACI CAINE 331 Edwards Weston 26452
8. Cindy Rowan 124 Blaine St. Weston 26452
9. Agnes Queen 109 Walnut Dr. Weston WV 26452
10. Cindy Whetsell 24 Dogwood Dr. Weston WV 26452
11. Beth Sneed - Attorney
12. Det Underwood - Governor's Office
13. Nick Harrison - 212 E. 5th St. Weston
14. Jim Oldaker - 124 Cottage Ave. Weston 26452
15. John Reen Broad Run Jane Lew
16. Bruce Adler

**Public Hearing on Home Rule  
Wed., March 2, 2016**

1. Brenda Reed, 226 Cottage Avenue, Weston
2. Julia Spelsberg, 426 Center Avenue, Weston
3. Justin Roy
4. John Wyllie
5. Sheila Sayre
6. Bryan Reed, Horner
7. Tracy Caine, 331 Edwards Street, Weston
8. Cindy Rowan, 124 Bland Street, Weston
9. Agnes Queen, 109 Walnut Dr., Weston
10. Cindy Whetzell, 24 Dogwood Dr., Weston
11. Beth Snead, Attorney
12. Dot Underwood, Governor's Office
13. Dick Harrison, 216 East 5<sup>th</sup> Street, Weston
14. Jim Oldaker, 124 Cottage Ave., Weston
15. John Breen, Jane Lew
16. Bruce Adler, Old Jackson's Mill Road, Weston

From Facebook

Julia Speisberg

March 3 at 7:25pm • Weston, WV, United States •

If you want some background on Home Rule, this is from the State's website...it is quite obvious that any progressive city in the state is taking this step...we don't want to be left behind and there are only 4 spots left for Class III cities. We need to apply now.

On October 6, 2014, the Home Rule Board accepted the following cities into the Pilot Program: Bluefield, Buckhannon, Charles Town, Clarksburg, Dunbar, Fairmont, Martinsburg, Milton, Morgantown, Nitro, Parkersburg, Ranson, Shinnston, South Charleston, Vienna, and Weirton.

2007, the West Virginia Legislature created the Municipal Home Rule Pilot Program and the Municipal Home Rule Board to oversee the program. The pilot program lasted five years and offered broad-based home rule authority to participating municipalities by allowing them to implement ordinances, acts, resolutions, rules and regulations without regard to state laws, with the exception that proposals had to comply with the U.S. Constitution, the West Virginia Constitution, federal law, chapters sixty-a ("uniform Controlled Substance Act"), sixty-one ("Crimes and Their Punishment"), and sixty two (Criminal Procedure") of the West Virginia Code. The 2007 legislation authorized up to five municipalities to participate in the program and the Home Rule Board approved the cities of Bridgeport, Charleston, Huntington, and Wheeling as participants.

In 2013, the West Virginia Legislature extended the Municipal Home Rule Pilot Program and the Municipal Home Rule Board for an additional five years and expanded the number of participating municipalities to 20. The Legislature found that the program brought innovative rules and novel municipal ideas to the local communities that participated in the program, and that it afforded participating municipalities greater flexibility to operate in a more cost-effective, efficient and timely manner. The Legislature set June 1, 2014, as the deadline for participating municipalities to withdraw from the program. Municipalities interested in becoming new home rule participants submitted their applications to the Municipal Home Rule Board by June 1, 2014, in accordance with the requirements set forth in the authorizing legislation.

On March 14, 2015, the West Virginia Legislature passed Senate Bill 323 permitting 14 additional cities in the Home Rule Pilot Program, four of which must be Class IV municipalities.

Like

---

Like

Love

Haha

Wow

Sad

Angry  
[Comment](#)  
[Share](#)

[12Bonnie Blake-Rogers, Sheri Murray and 10 others](#)

Comments



---

[Bonnie Blake-Rogers](#) I have thought for years that Home Rule would be a great idea for the City of Weston.

[Like](#) • [Reply](#) • [March 3 at 7:43pm](#)



[Melissa Loder](#) Go for it Weston!!

[Like](#) • [Reply](#) • [March 3 at 8:34pm](#)



[Barbara Reed](#) This to me is a step in the right direction for Weston. Thank you [Julia Spelsberg](#) for all you do!

[Like](#) • [Reply](#) • [March 4 at 7:36pm](#)



[Julia Spelsberg](#) I do hope everyone would look at what it provides...there are pro's and con's but we will be left behind if we don't do it.

[Like](#) • [Reply](#) • [2](#) • [March 6 at 9:27am](#)



Write a comment...

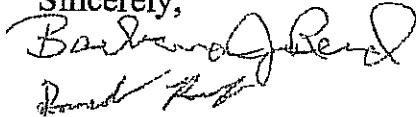


March 16, 2016

To The Home Rule Board,

Having been involved with the Weston Fire Department for 27 years, I know that the City of Weston has struggle with finding the money to keep the city running. We are fortunate in that the City does have a paid Fire Department, as well as a street and police departments for the City. We are also fortunate that the City has been able to keep its head up above water on the financial end. But as in anything, the cost of everything is rising and to keep the good services which Weston now enjoys means a new tax is needed. Home Rule will make this as well as the on-site citations a good thing for the City. So please, don't hesitate to call with any questions for us.

Sincerely,

Handwritten signatures of Barbara and David Reed. The signature for Barbara is written in a cursive style, and the signature for David is also cursive and positioned below Barbara's.

David and Barbara Reed

Weston

304-269-7081

I am writing this letter in support of the City of Weston's application for home rule. I am all too familiar with the problems and think that Home Rule would solve many of the problems our city is facing. The one percent sales tax might be difficult for some people to accept but it is a reality that we need the money.

Thanks,  
  
David Clevenger  
  
Weston

**March 18, 2016**

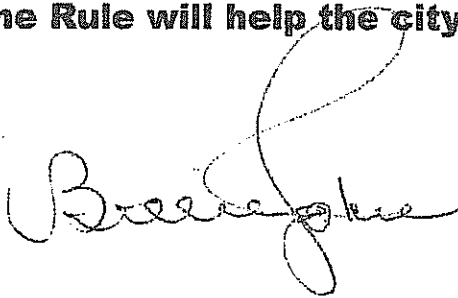
**Dear Home Rule,**

**I am a lifelong resident of Weston and my mother served on city council for years and I know all too well the difficulties of running a small city with very little money. There are many things that Home Rule will help the city so much ... thanks for listening**

**BJ Lee**

**Weston, WV**

**304-300-0748**

A handwritten signature in cursive script, appearing to read "BJ Lee". The signature is written in black ink and is positioned to the right of the typed name.

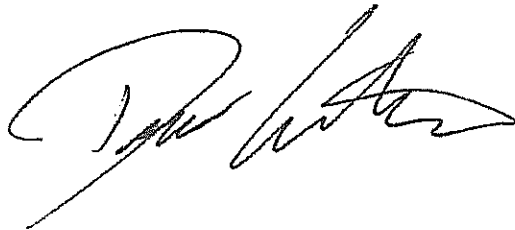
To Whom It May Concern,

Since Mayor Spelsberg has explained Home Rule to me, I see no reason why we would not apply for it. I understand that we are going to wait and apply at a later time for a part to tax people. For now, the things that the city is requesting seem to me to be a no brainer. Please consider this a letter of support and you can call me at my home number.

Thanks ,

Drew Lothes

304-940-6488

A handwritten signature in black ink, appearing to read "Drew Lothes". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.



Bennett Home & Auto Supply, Inc.  
126 Main Avenue  
Weston, WV 26452  
304-269-1522

01 March 2016

To: Mayor Julia and Weston City Council

Subject: Home Rule

Bennett Home and Auto Supply, Inc. has been a viable retail business in the city for over 58 years. Every year it is more difficult to operate a profitable company with the already increasing expenses we have. We pay municipal fees, fire fees, County taxes, B & O taxes, insurance increases and now an increase in the minimum wage.

I realize the City has financial problems, but feel the increase in sales tax would deter people from purchasing merchandise locally and put us on an uneven playing field with those businesses outside the City.

Why would other new stores want to come into the City to start a business? This would also decrease our property value in that no one would want to occupy business real estate in the City. There is very little room available for new business to move within the City and they would not want to have to add extra tax on their products and thus locate outside the City. The smaller independent businesses has the higher tax burden to deal with. All the Companies within the County needs to share the burden so that we are all on the same playing field.

I am afraid that this 1% increase in sales tax would deter customers from buying within the City. Without as many established businesses staying, the population would further decrease. Employees would go elsewhere to live and work.

Sincerely,

A handwritten signature in cursive script that reads "Larry L. Bennett".

Larry L. Bennett  
President

AN ORDINANCE AUTHORIZING THE CITY OF WESTON TO MAKE APPLICATION TO THE MUNICIPAL HOME RULE BOARD TO PARTICIPATE IN THE HOME RULE PILOT PROGRAM UNDER WEST VIRGINIA CODE §8-1-5a

WHEREAS, the City of Weston is seeking to improve its economic, social, and cultural prospects, and in general enhance the overall quality of life of its residents; and

WHEREAS, the City of Weston finds that certain West Virginia statutes, policies, and rules are making the City's efforts in these regards overly difficult and cumbersome; and

WHEREAS, in 2015, the West Virginia Legislature expanded the Municipal Home Rule Pilot Program, established under West Virginia Code §8-1-5a, in order to allow additional municipalities to participate in said Program; and

WHEREAS, the City of Weston is defined to be a Class III city under state law, and so is eligible to participate in said Program; and


WHEREAS, the City of Weston's participation in the Municipal Home Rule Pilot Program would allow the City a reasonable legal flexibility to efficiently, effectively, and responsibly pursue and achieve its aforementioned goals;

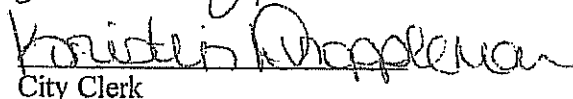
NOW, THEREFORE, BE IT ORDAINED BY THE WESTON CITY COUNCIL:

1. Upon its passage, this Ordinance shall be titled and officially known as the "Home Rule Authorization Ordinance".
2. The Mayor and Recorder and City Clerk of Weston are hereby authorized to complete and submit, consistent with the form of Home Rule Plan attached hereto and otherwise in accordance with the provisions of West Virginia Code §8-1-5a, a formal Application and a proposed Home Rule Plan to the Municipal Home Rule Board for its consideration and approval.
3. This Ordinance shall take effect immediately upon its adoption following its second reading.

First Reading: March 7, 2016

Second Reading and Adoption: March 14, 2016

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

Fiscal Impact Worksheet Formula and Plan to Adopt Municipal Sale Tax

It is estimated that an additional 1% sales tax on products that already have a state sales tax would create an additional \$221,200 in revenue to the City. To reduce the tax burden on City businesses, reductions in the B&O tax rates on amusements, manufacturing, rentals, services/restaurants, and wholesalers would be enacted, saving the businesses about \$18,200 per year. The reductions on amusements, services, and rentals, and manufacturers will reduce the B&O Taxes by \$13,800. The average B&O taxes received by the City of Weston have average \$480,000 over the past three years.

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Restaurants & Other Services	.60%	.50%	.50%	\$12,000
Manufactured Products	.05%	.30%	.25%	\$500
Rentals	1.00%	1.00%	.90%	\$1,000
Total Projected Reduced Revenue				\$13,800
Estimated Consumer Sales & Use Tax Revenue				\$235,000
Net Change in Revenue				\$212,200

### Administration of Sales/Use Tax

Any additional sales/use tax introduced would be administered, collected, and enforced by the State Tax Commission pursuant to West Virginia Code Sections 18-13C-6, 8-13C-7, 11-15B-33, 11-15B-34. The City of Weston will be responsible for coordinating the provision of needed information to the State Tax Commission for its administration of the additional sales/use tax. It is understood that the State Tax Commission may include an administration fee to process the sales/use tax.





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Mary Elizabeth Snead  
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DATE: June 28, 2016

APPLICANT: The City of Weston, West Virginia

RE: The City of Weston Municipal Home Rule Proposal

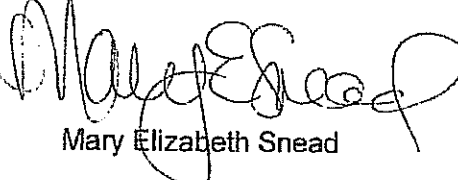
To Whom It May Concern:

As City Attorney for the City of Weston I have reviewed West Virginia Code §8-1-5a, Municipal Home Rule Pilot Program Application Guidelines, the proposed City of Weston Municipal Home Rule Plan and other documents related thereto as necessary for purposes of this opinion.

Based upon the examination and review of those documents and my understanding of the intent and purposes of the proposed provisions contained within the Plan it is my opinion that the Plan complies with the statutory requirements within §8-1-5a, including those requirements contained within §8-1-5a (i) and (j), which prohibits certain acts.

The Municipal Home Rule Board may rely upon this opinion.

Respectfully submitted,



Mary Elizabeth Snead



**City of Weston**  
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Weston, WV 26452

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*Julia Spelsberg, Mayor*

*Kristin Droppelman, City Clerk, City Manager*  
*Randall Z. Posey, Chief of Police*  
*Kenneth James, Fire Chief*  
*Elizabeth Snead, Special Counsel*  
*John Hogan, Public Works Director*  
*Bryan Reed, Building Inspector*  
*Dodie Arbogast, Finance Director*

*City Council:*  
*John Wyllie, Ward I*  
*Eric Dever, Ward II*  
*Richard Flanigan, Ward III*  
*Justin Roy, Ward IV*

## Payments to State of WV

The City of Weston does not owe any taxes or other payments to the State of West Virginia.

**Julia Spelsberg**  
**Mayor of Weston, WV**