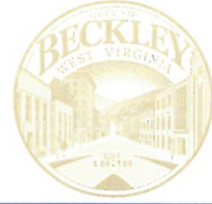


CITY OF BECKLEY



P. O. BOX 2514 • BECKLEY, WEST VIRGINIA 25802-2514

ROBERT R. RAPPOLD

Mayor

Phone: (304) 256-1750

Fax: (304) 256-1767

Email: robert.rappold@beckley.org

September 27, 2016

Ms. Debbie Browning
Executive Assistant/Commerce Privacy Officer
WV Department of Commerce/Development Office
Building 6, Room 504
State Capitol Complex
Charleston, WV 25305-0311

**RE: CITY OF BECKLEY AMENDED HOME RULE PLAN
OCTOBER 3, 2016 HOME RULE BOARD MEETING**

Dear Ms. Browning:

At the Common Council meeting held on September 27, 2016, Common Council adopted an Ordinance approving the attached Amendment to the City of Beckley's Home Rule Plan seeking authorization to adopt the "Brunch Bill".

Enclosed, please find the original and eight (8) copies of the amended Plan. The City of Beckley requests that it be placed on the Municipal Home Rule Board Agenda for Monday, October 3, 2016.

If you have any questions or desire further information, please do not hesitate to contact me at 304-256-1750.

Thank you for your assistance in this matter.

Very truly yours,

Robert R. Rappold, MAYOR

RRR/rlw

Cc: Members of Common Council
Billie Trump, Recorder-Treasurer
William H. File III, City Attorney
Barry Cales, Controller

Enclosures

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THE CITY OF BECKLEY, WEST VIRGINIA

Executive Summary

The City of Beckley is a Class II city located in Raleigh County, West Virginia. Beckley is the regional hub for Raleigh County and Southern West Virginia.

The City of Beckley was accepted into the Home Rule Program by the Home Rule Board on September 10, 2015. The City has implemented all of the proposals from the original application.

The City proposes to amend its Home Rule Program application by seeking authorization to enact an ordinance permitting any private club licensee or private wine bed and breakfast or restaurant to serve beer, wine, and alcoholic liquors starting at 10:00 a.m. on Sundays.

**Municipal Home Rule Pilot Program Amendment To
Approved Plan
APPLICATION**

Section I: Applicant Information

A. General Information	
Name of Municipality: City of Beckley, West Virginia	
Certifying Official: Robert R. Rappold	Title: Mayor
Contact Person: Billie Trump	Title: Recorder-Treasurer
Address: 409 South Kanawha Street	
City, State, Zip: Beckley, West Virginia 25801	
Telephone Number: (304) 256-1768	Fax Number: (304) 256-1769
E-Mail Address: billie.trump@beckley.org	
2010 Census Population: 17,607	
B. Municipal Classification	
<input type="checkbox"/> Class I <input checked="" type="checkbox"/> Class II <input type="checkbox"/> Class III <input type="checkbox"/> Class IV	
C. Category of Issues to be Addressed (please attach description for applicable categories)	
Tax <input type="checkbox"/> Organization <input type="checkbox"/> Administration <input type="checkbox"/> Personnel <input checked="" type="checkbox"/> Other	

Section II: Narrative

See page 3

Section III: Affidavits

See page 5

Section II: Narrative

Introduction

The City of Beckley is the hub of southern West Virginia, resulting in thousands of visitors annually seeking to enjoy the many amenities offered in the City. Tourism is extremely important to the hotels and restaurants located within Beckley and the City seeks to provide any assistance it can to the businesses located within the city. Some visitors and current residents would enjoy being able to have an alcoholic beverage with their meal on Sunday mornings. If restaurants are permitted to offer alcoholic beverages on Sunday mornings (starting at 10:00 a.m.) the restaurants and hotels will be able to attract more customers and increase their business which in turn directly benefits the City.

Mayor:

Robert R. Rappold

Common Council:

Sherrri A. Hunter	Councilmember at Large
Tim R. Berry	Councilmember at Large
Tom Sopher	Councilmember, Ward 1
Ann W. Worley	Councilmember, Ward 2
Frank Williams	Councilmember, Ward 3
Kevin W. Price	Councilmember, Ward 4
Janine O. Bullock	Councilmember, Ward 5

Recorder-Treasurer	Billie Trump
--------------------	--------------

Specific Problems and Solutions to be addressed by Beckley's Home Rule Plan Amendment

A. Regulate When Restaurants and Bars May Serve Alcohol to Become a Sunday Brunch Destination.

i. Problem: West Virginia Code prohibits restaurants and bars from serving alcohol before 1:00 p.m. on Sundays. However, some neighboring states permit sales of alcohol prior to 6:00 p.m. on Sundays. Potential visitors who enjoy beverages with their Sunday brunches are not visiting Beckley when they can cross the state line to enjoy that amenity. Local residents are not frequenting local restaurants on Sundays as often as they may if alcoholic beverages were an option on Sunday mornings.

ii. Authority: W. Va. Code § 60-7-12(a)(5) prohibits any private club licensee, or agent, employee or member thereof, from selling beer, wine, or alcoholic liquor between the hours of 3:00 a.m. and 1:00 p.m. on Sundays. Further, W. Va. Code § 60-8-34 prohibits a private wine bed and breakfast or restaurant from selling wine between the hours of 2:00 a.m. and 1:00 p.m. on Sundays. W. Va. Code § 11-16-18(a)(1) provides that it shall be unlawful for any licensee to sell beer between 2:00 a.m. and 1:00 p.m. on Sundays (except that private clubs licensed under Article 7, Chapter 60 of the West Virginia Code shall operate within hours conforming with the hours of sale of alcoholic liquor). The Governor recently signed SB 298 that authorizes County Commissions to authorize a referendum to allow alcohol sales prior to 1:00 p.m. on Sunday.

iii. Solution: The City will enact an ordinance permitting any private club licensee or private wine bed and breakfast or restaurant to serve beer, wine, and alcoholic liquors starting at 10:00 a.m. on Sundays.

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

The above-mentioned solution will allow for sustained improvement to the City of Beckley.

AFFIDAVIT OF PUBLIC HEARING

**STATE OF WEST VIRGINIA,
COUNTY OF RALEIGH, TO-WIT:**

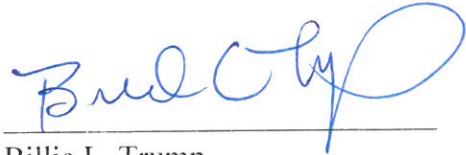
I, Billie C. Trump, having been duly sworn, do hereby state as follows:

1. I am over 18 years of age and am employed by the City of Beckley as the Recorder-Treasurer.

2. A copy of the City of Beckley's proposed amendment to its Home Rule Plan, contained within its application to the WV Municipal Home Rule Pilot Program Phase II, was made available for public inspection at Beckley City Hall, 409 South Kanawha Street, Beckley, West Virginia, each business day during regular business hours, beginning August 10, up to, and including September 12, 2016.

3. A public hearing was properly noticed and held at the aforementioned Beckley City Hall on the City of Beckley's proposed Amendment to its Home Rule Plan on September 12, 2016.

Further Affiant sayeth not.

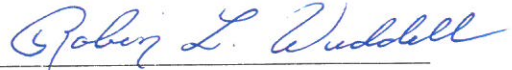


Billie L. Trump

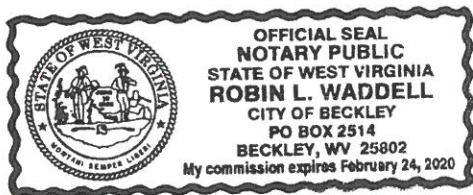
Taken, subscribed and sworn to before me this 13th day of September, 2016.

My commission expires:

February 24, 2020



Notary Public



Home Rule Public Hearing

September 12, 2016

5:00 P. M.

City of Beckley Council Chambers

Attendees

Robert Rappold, Mayor

Billie L. Trump, Recorder-Treasurer

William H. File III – City Attorney

Tom Sopher – City Council Member

Kevin Price – City Council Member

Wendy Holdren – Register/Herald Reporter

No one attended from the public.

AFFIDAVIT OF PUBLICATION

BECKLEY NEWSPAPERS

BECKLEY, WEST VIRGINIA 25801

AUGUST 18, 2016

STATE OF WEST VIRGINIA
 COUNTY OF RALEIGH, to wit:

I, Tara Meyer, being duly sworn upon my oath, do depose and say that I am Legal Advertising Manager for Beckley Newspapers, a corporation, publisher of the newspaper entitled The Register-Herald, an Independent newspaper; that I have been duly authorized by the board of directors of such corporation to execute this affidavit of publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published daily for at least fifty weeks during the calendar year, in the municipality of Beckley, Raleigh County, West Virginia; that such newspaper is a newspaper of "general circulation" as that term is defined in article three, chapter fifty-nine of the Code of West Virginia, 1931, as amended, within the publication area or areas of the aforesaid municipality and county; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price of consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matters, advertisements and other notices; that the annexed notice

of PUBLIC HEARING NOTICE
 (Description of notice)

was duly published in said newspaper once a week for TWO successive

weeks (Class II), commencing with the issue of the 10TH day of

AUGUST, 2016, and ending with the issue

of the 18TH day of AUGUST, 2016, that said annexed

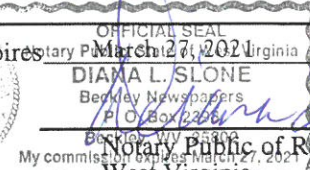
notice was published on the following dates: _____

AUGUST 10, 11, 17 AND 18, 2016 and that the

cost of publishing said annexed notice as aforesaid was \$ 221.73

Signed *Tara Meyer*
 Tara Meyer
 Legal Advertising Manager
 Beckley Newspapers

Taken, subscribed and sworn to before me in my said county this:

AUGUST 18, 2016
 My commission expires March 27, 2021

 DIANA L. SLONE
 Notary Public of Raleigh County,
 West Virginia

COPY OF PUBLICATION

PUBLIC HEARING NOTICE CITY OF BECKLEY WEST VIRGINIA HOME RULE PROGRAM

Notice is hereby given by the City of Beckley, WV, that it will hold a public hearing on Monday, September 12, 2016, at 5:00 p.m., at Beckley City Hall, Council Chambers, 409 South Kanawha Street, Beckley, WV 25801.

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

The City of Beckley's proposed Amendment to its Home Rule Program is available for public inspection in the office of the Recorder - Treasurer in City Hall, 409 South Kanawha Street, beginning August 10, 2016, Monday thru Friday between the hours of 8:30 a.m. and 4:30 p.m.

The Amendment is to adopt the "Brunch Bill" to allow, in Beckley, restaurants, private clubs, Class A retailers, wineries and wine serving entities to sell alcoholic liquors, wine and non-intoxicating beer as their licenses allow, and distilleries and mini-distilleries to offer complimentary



106 ROLLINGWOOD DRIVE, Location! Location! Popular neighborhood in Max-well Hill. Lovely home with 3 BR, 2 1/2 baths, modern kitchen, aw-some deck! MLS# 69097, REDUCED \$176,500. Call Pam Vance, Realtor, (304) 573-1538. Old Colony Realtors, Joe Miller, Broker



ORDINANCE AUTHORIZING CITY OF BECKLEY TO AMEND ITS HOME RULE PLAN TO INCLUDE THE BRUNCH BILL

WHEREAS; the City of Beckley’s (City) Home Rule Plan (Plan) was approved by the Municipal Home Rule Board on September 10, 2015; and

WHEREAS, the City desires to amend its Home Rule Plan by adding the “Brunch Bill” to its Plan.

NOW THEREFORE BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BECKLEY that the City of Beckley is authorized to amend its written Home Rule Plan and submit its amended Home Rule Plan to the Municipal Home Rule Board requesting authorization to adopt an Ordinance titled the “Brunch Bill” Ordinance to allow, in Beckley, restaurants, private clubs, Class A retailers, wineries and wine serving entities to sell alcoholic liquors, wine and non-intoxicating beer as their licenses allow, and distilleries and mini-distilleries to offer complimentary samples of alcohol beginning at 10:00 a.m. on Sundays for on-premises consumption only as authorized by the West Virginia Legislature during its 2016 Session. A copy of said proposal is attached hereto.

This Ordinance becomes effective upon passage.



THE CITY OF BECKLEY, WEST VIRGINIA,
a Municipal Corporation

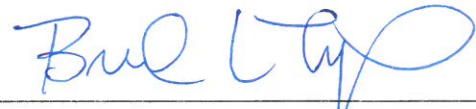
By: Robert R. Rappold
Robert R. Rappold, Mayor

Attest: Billie L. Trump
Billie L. Trump, Recorder-Treasurer

CERTIFICATION

The undersigned Recorder-Treasurer of the City of Beckley, West Virginia, does hereby certify that the attached is a true, accurate and sealed copy of the Ordinance enacted by the Common Council of the City of Beckley, West Virginia, on September 27, 2016, authorizing submission of a Home Rule Proposal Amendment to the Municipal Home Rule Board in accordance with West Virginia Code 8-15-5A.

Given under my hand this 27th day of September, 2016.



Billie L. Trump, Recorder-Treasurer

A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF BECKLEY CONVENED AT 6:30 P.M., SEPTEMBER 13, 2016 IN COUNCIL CHAMBERS OF BECKLEY CITY HALL.

THOSE PRESENT: Mayor Robert R. Rappold; Council Members Tom Sopher, Ann Worley, Frank Williams, Kevin Price, Janine Bullock, and Sherrrie Hunter; Recorder-Treasurer Billie Trump, City Attorney William H. File III, and Secretary Robin Waddell.

ALSO PRESENT: Police Chief Lonnie Christian, Fire Chief Ed Wills, Director of Code Enforcement Bob Cannon, Joseph Brown on behalf of the IT Department, and Street Commissioner Robert Robinson.

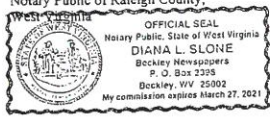
THOSE ABSENT: Councilman Tim Berry and Director of Parks and Recreation Leslie Baker.

The Mayor called the meeting to order followed by a word of prayer by Pastor Jason Lowe of Faith Community Church and the Pledge of Allegiance to the Flag led by Councilwoman Janine Bullock.

Council dispensed with the reading of the minutes of the previous meeting, copies of which had been distributed to each member, and adopted the minutes as written on a motion by Councilwoman Worley and seconded by Councilman Williams with unanimous vote of Council.

Mr. File presented for second reading and public hearing an Ordinance to remove parking meters on the lower part of Heber Street from 228 S. Heber Street to where S. Heber Street intersects with Second Street and the lower part of Woodlawn Avenue between Bellevue Lane and Second Street. Copy of affidavit of publication is hereby incorporated into these minutes:

AFFIDAVIT OF PUBLICATION
BECKLEY NEWSPAPERS
BECKLEY, WEST VIRGINIA 25801

09/08/2016	CO. TION
STATE OF WEST VIRGINIA COUNTY OF RALEIGH, to wit: I, Tara Meyer, being duly sworn upon my oath, do depose and say that I am Legal Advertising Clerk for Beckley Newspapers, a corporation, publisher of the newspaper entitled The Register-Herald, an independent newspaper; that I have been duly authorized by the board of directors of such corporation to execute this affidavit of publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published daily for at least fifty weeks during the calendar year, in the municipality of Beckley, Raleigh County, West Virginia; that such newspaper is a newspaper of "general circulation" as that term is defined in article three, chapter fifty-nine of the Code of West Virginia, 1931, as amended, within the publication area of areas of the aforesaid municipality and county; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price of consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matter, advertisements and other notices; that the annexed notice	There will be a second reading and public hearing on the following ordinance on September 13, 2016, at 6:30 p.m. in the Council Chambers, Beckley City Hall. This ordinance will be available for review at Beckley City Hall, 409 South 97, Kanawha Street between the hours of 8:30 a.m. and 4:30 p.m., Monday - Friday. AN ORDINANCE TO PROVIDE FOR THE AMENDMENT TO THE TRAFFIC CONTROL MAP - PARKING AREAS AND TRAFFIC CONTROL AT FILE OF THE CITY OF BECKLEY TO REMOVE STREET PARKING METERS ON SECTIONS OF WOODLAWN AVENUE AND SOUTH HEBER STREET, BECKLEY, WEST VIRGINIA
of PUBLIC HEARING NOTICE (Description of notice) was duly published in said newspaper once a week for 1 successive weeks (Class 1), commencing with the issue of 09/08/2016 and ending with the issue of 09/08/2016, that said annexed notice was published on the following dates: 09/08/2016.	WHEREAS, Chapter 14, Article III, of the Code of the City of Beckley, West Virginia, provides for the establishment of a Traffic Control Map and Traffic Control File; and WHEREAS, it is now deemed necessary by the Common Council of the City of Beckley to amend the Traffic Control Map and the Traffic Control File in the manner provided by Section 14-302 of the Code of the City of Beckley.
and that the cost of publishing said annexed notice as aforesaid was \$ 67.86 Signed <u>Tara Meyer</u> Tara Meyer Legal Advertising Clerk Beckley Newspapers	NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BECKLEY, WEST VIRGINIA:
Taken, subscribed and sworn to before me in my said county this day: 09/08/2016	That the Traffic Control Map - Parking Areas and Traffic Control File of the City of Beckley be, and the same are hereby amended to provide for the removal of street parking meters on the following street sections in the City of Beckley, Raleigh County, West Virginia:
My commission expires March 27, 2021 <u>Diana L. Slone</u> Notary Public of Raleigh County, West Virginia	1. the section of Woodlawn Avenue between Bellevue Lane and Second Street;
	2. the section of South Heber Street from 228 South Heber Street to where South Heber Street intersects with Second Street.
	This Ordinance shall become effective upon passage. 9-8-THU-1-RH-4452 NOTICE OF

Mr. File read the Ordinance by title only before opening the public hearing for any comments either for or against this Ordinance. There being no comments, Mr. File closed the public Hearing. On a motion by Councilwoman Hunter and seconded by Councilman Price, the second reading of this Ordinance was unanimously approved by Council. Copy of Ordinance is hereby incorporated into these minutes:

FIRST READING
08-23-16

SECOND READING
09-13-16

AN ORDINANCE TO PROVIDE FOR THE AMENDMENT
TO THE TRAFFIC CONTROL MAP - PARKING AREAS AND TRAFFIC
CONTROL FILE OF THE CITY OF BECKLEY TO
REMOVE STREET PARKING METERS ON SECTIONS OF
WOODLAWN AVENUE AND SOUTH HEBER STREET,
BECKLEY, WEST VIRGINIA

WHEREAS, Chapter 14, Article III, of the Code of the City of Beckley, West Virginia, provides for the establishment of a Traffic Control Map and Traffic Control File; and

WHEREAS, it is now deemed necessary by the Common Council of the City of Beckley to amend the Traffic Control Map and the Traffic Control File in the manner provided by Section 14-302 of the Code of the City of Beckley.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BECKLEY, WEST VIRGINIA:

That the Traffic Control Map-Parking Areas and Traffic Control File of the City of Beckley be, and the same are hereby amended to provide for the removal of street parking meters on the following street sections in the City of Beckley, Raleigh County, West Virginia:

1. the section of Woodlawn Avenue between Bellevue Lane and Second Street;
2. the section of South Heber Street from 228 South Heber Street to where South Heber Street intersects with Second Street.

This Ordinance shall become effective upon passage.

Mr. File presented for first reading an Ordinance authorizing the City to submit to the Municipal Home Rule Board an Ordinance to amend the approved written Home Rule Plan by incorporating a "Brunch Bill" into the plan. The "Brunch Bill" will permit establishments to begin serving alcoholic liquors, wine, and non-intoxicating beer at 10:00 a.m. on Sundays for on premise consumption only as authorized by the West Virginia Legislature during its 2016 Session. If the first reading is approved tonight, the second reading and public hearing will be in two weeks. If the second reading of this Ordinance is approved, it will then go before the Home Rule Board on October 3, 2016 in Morgantown. If the Home Rule Board approves the City's application, the City will then present to Council an Ordinance to adopt the "Brunch Bill". Mr. File read the Ordinance by title only. Councilwoman Hunter shared her concerns against passing this Ordinance while Councilmen Sopher and Williams spoke

in favor of the Ordinance. Councilman Sopher thought this Bill, if approved, might entice businesses to come into the City by annexation. On a motion by Councilwoman Worley and seconded by Councilman Sopher, the first reading of this Ordinance was approved with five Council Members voting in favor, Councilwoman Hunter voting against the Ordinance, and one Council Member absent.

Next Mr. File presented for first reading an Ordinance renaming "A" Street to Mel Hancock Way. The Mayor stated this is an excellent street to be named for Mr. Hancock because it is in the center of what is now the West Virginia Tech Campus. Mr. Hancock raised so much money for the previous university which was located there plus there are no homes or businesses that will be affected by the change on that street. On a motion by Councilman Price and seconded by Councilwoman Hunter, the first reading of this Ordinance was approved by Council.

Mr. File read a Resolution for Council's approval regarding a grant from the State of West Virginia Department of Finance and Administration, on behalf of the West Virginia Division of Cultural History, in the amount of \$5,600.00 to the City of Beckley's Historic Landmark Commission to be administered by the City of Beckley. On a motion by Councilwoman Worley and seconded by Councilman Sopher this Resolution was unanimously passed by Council. Copy of Resolution is hereby incorporated into these minutes:

RESOLUTION

WHEREAS, the State of West Virginia, Department of Finance and Administration, on behalf of the West Virginia Division of Culture and History, has recently approved a grant in the amount of \$5,600.00 to the City of Beckley Historic Landmark Commission for a project known as Neville and Main Street Assessments; and

WHEREAS, the City of Beckley has been asked to administer said grant; and

WHEREAS, the City of Beckley Historic Landmark Commission has been asked to enter into the attached contract; and

WHEREAS, the City of Beckley will administer said grant funds on behalf of its Historic Landmark Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BECKLEY that Andrea Radford, as Chairman of the City of Beckley Historic Landmark Commission, is authorized to enter into the attached Contract and the City of Beckley is authorized and directed to administer the \$5,600.00 grant.

This Resolution is duly adopted by the Common Council of the City of Beckley

Mr. File read a second Resolution in its entirety for Council's approval for the City to apply, receive and administer a grant in the amount of \$626,158.00 for the WV Governor's Highway Safety Program to be used for the Southern Regional Highway Safety Program. The Mayor introduced Dean Capehart and Paul Blume, representing the Highway Safety Program, and asked if anyone had any questions about any of the Grants. On a motion by Councilwoman Hunter and seconded by Councilman Sopher the Resolution was approved by unanimous vote of Council. Copy of Resolution is hereby incorporated into these minutes:

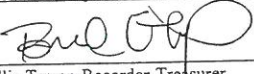
RESOLUTION

Whereas, the West Virginia Division of Motor Vehicles has recently approved a grant in the amount of \$626,158.00 for the West Virginia Governor's Highway Safety Program which monies will be used for the WV Southern Regional Highway Safety Program; and

Whereas, the City of Beckley has been asked to enter into the attached Agreement with the State of West Virginia Division of Motor Vehicles to apply, receive, and administer these grant funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BECKLEY that the Mayor is hereby authorized to enter into the attached Agreement with the West Virginia Division of Motor Vehicles.

This Resolution is duly adopted by the Common Council of the City of Beckley at its regular meeting held on September 13, 2016 on a motion by Councilwoman Hunter and seconded by Councilman Sopher.


 Billie Trump-Recorder-Treasurer

Mr. File read a third Resolution in its entirety for the City to apply, receive and administer a grant from the WV Governor's Highway Safety Program to be used for the Law Enforcement Liason Project in the amount of \$507,720.00. On a motion by Councilman Williams and seconded by Councilwoman Worley this Resolution was unanimously approved by Council. Copy of Resolution is hereby incorporated into these minutes:


RESOLUTION

Whereas, the West Virginia Division of Motor Vehicles has recently approved a grant in the amount of \$507,720.00 for the West Virginia Governor's Highway Safety Program which monies will be used for the Law Enforcement Liaison Project; and

Whereas, the City of Beckley has been asked to enter into the attached Agreement with the State of West Virginia Division of Motor Vehicles to apply, receive, and administer these grant funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BECKLEY that the Mayor is hereby authorized to enter into the attached Agreement with the West Virginia Division of Motor Vehicles.

This Resolution is duly adopted by the Common Council of the City of Beckley at its regular meeting held on September 13, 2016 on a motion by Councilman Williams and seconded by Councilwoman Worley.



Billie Trump - Recorder-Treasurer

Mr. File read a fourth Resolution in its entirety for the City to apply, receive and administer a grant in the amount of \$399,300.00 for the West Virginia Governor's Highway Safety Program to be used for the West Virginia Lifesavers Project. On a motion by Councilman Price and seconded by Councilwoman Bullock this Resolution was unanimously approved by Council. Copy of Resolution is hereby incorporated into these minutes:

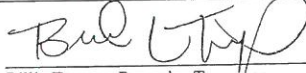
RESOLUTION

Whereas, the West Virginia Division of Motor Vehicles has recently approved a grant in the amount of \$399,300.00 for the West Virginia Governor's Highway Safety Program which monies will be used for the West Virginia Lifesavers Project; and

Whereas, the City of Beckley has been asked to enter into the attached Agreement with the State of West Virginia Division of Motor Vehicles to apply, receive, and administer these grant funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BECKLEY that the Mayor is hereby authorized to enter into the attached Agreement with the West Virginia Division of Motor Vehicles.

This Resolution is duly adopted by the Common Council of the City of Beckley at its regular meeting held on September 13, 2016 on a motion by Councilman Price and seconded by Councilwoman Bullock.


 Billie Trump - Recorder-Treasurer

Mr. File read the last Resolution in its entirety for Council's approval from the West Virginia Division of Justice and Community Services Grant in the amount of \$20,000.00 designated for a Prevention Resource Officer for Woodrow Wilson High School. On a motion by Councilwoman Worley and seconded by Councilman Price this Resolution was unanimously approved by Council. Copies of this Resolution is hereby incorporated into these minutes:

RESOLUTION

WHEREAS, the City of Beckley has received a \$20,000 grant from the West Virginia Division of Justice and Community Services; and

WHEREAS, these grant funds are designated for a Prevention Resource Officer (PRO) that is designated for Woodrow Wilson High School; and

WHEREAS, the City of Beckley is the conduit for these funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BECKLEY that the Mayor is hereby authorized to execute the attached contract between the City of Beckley and the Division of Justice and Community Services to secure the funds.

This Resolution is duly adopted by the Common Council of the City of Beckley at its regular meeting held on September 13, 2016 on a motion by Councilwoman Worley and seconded by Councilman Price.

Billie L. Trump - Recorder-Treasurer

Mr. Cannon presented a Notice of Intent from Stephany R. Murray, DBA Mad Hatters Club, LLC, to file for a ABCA License Private Club, Private Wine Restaurant or Tavern at 410 2nd Street. This requires no action from Council.

The Mayor read a Proclamation to the Beckley Fire Fighters Local 795 for their participation in the "Fill the Boot" campaign.

There was no old business to discuss.

Under new business Councilwoman Hunter reminded Council that "Adopt Your Block" will be on September 24th between 8:00 a.m. until noon. This event is for volunteers to work together for a common good by adopting a block and picking up litter. The Board of Public Works will be picking up the bags which will be provided by the Raleigh County Solid Waste Authority. The State Environmental Protection Agency will pay the tipping fees. Anyone interested in adopting a block can call Robin in the Mayor's office to leave their name and a phone number to reach them. There will also be a waiver to sign.

Councilman Sopher advised Council that on September 25 at 2:00 p.m. at the YMCA Soccer Complex, Active Southern West Virginia will have a hike for anyone wanting to walk down to the grist mill. The Mayor commended Mr. Sopher on his good work with the grist mill.

The Mayor took this opportunity to explain to Council and all who were present at tonight's meeting, that Councilman Berry who was absent from tonight's meeting, has been having some health issues. He is anticipating having surgery in the near future. During this time he is in touch with the Mayor as well as his constituents by telephone on a daily basis.

He also announced that Chili Night will be held on Saturday, October 1, 2016.

The Recorder-Treasurer announced the City will be having an online auction in which a great number of specialized equipment will be offered for auction. Anyone interested can go to ironplanet.com to view everything to be auctioned.

The Recorder stated that by having the auction online it will be viewed by many more interested parties and in turn will be more competitive and provide a better return for the City.

Under public comments, Brett Eckley and Conrad Cooper advised Council of a hazardous waste collection event on October 8, 2016 at the Raleigh County Convention Center from 8:00 a.m. until 2:00 p.m. Items such as paint, pesticides, medicines and ammunition can be brought to this event for disposal. Any questions call the Beckley Area Foundation at 304-253-3806.

Barbara Charles of 99 Antonio Avenue expressed concerns on the street lights not working on Antonio Avenue, the shootings, the condition of Hunter Cemetery, and a tree on property that abuts her property that is leaning so much she is afraid it will fall and take out a transformer. Mr. Robinson will check about the street lights and Mr. Cannon will see who owns the property next to hers. Councilman Williams said he and several people from Heart of God Ministries took weed eaters to Hunter Cemetery and weeded all around the tombstones but it is very hard to keep up. He stated it takes a lot of time and we need to come together as a community to get some of these projects done.

Chief Christian stated there will be a meeting this Saturday, September 17, 2016 at Heart of God Ministries for the community to discuss "gun sense" in the area.

With no further business to discuss, the meeting was adjourned at 7:18 p.m. on a motion by Councilman Williams and seconded by Councilwoman Hunter with unanimous vote of Council.

**AGENDA
COMMON COUNCIL
SEPTEMBER 13, 2016**

1. Call meeting to order followed by prayer and the Pledge of Allegiance to the Flag.
2. Reading and adoption of minutes of August 23, 2016 meeting
3. Second reading of ordinance to remove parking meters on the lower part of Heber Street and the lower part of Woodlawn Avenue from Bellevue Lane to Second Street.
4. First reading of an Ordinance authorizing the City to submit to Municipal Home Rule Board an Amendment to approved written Home Rule Plan incorporating "Brunch Bill" into Plan.
5. First reading of Ordinance renaming "A" Street to Mel Hancock Way.
6. Resolution for Council's approval for a grant from the State of West Virginia Department of Finance and Administration, on behalf of the West Virginia Division of Cultural History, in the amount of \$5,600.00, to the City of Beckley's Historic Landmark Commission, to be administered by the City of Beckley.
7. Resolution for Council's approval for the City of Beckley to apply, receive and administer a grant in the amount of \$626,158.00 for the WV Governor's Highway Safety Program to be used for the WV Southern Regional Highway Safety Program.
8. Resolution for Council's approval for the City of Beckley to apply, receive, and administer a grant in the amount of \$507,720.00 for the WV Governor's Highway Safety Program to be used for the Law Enforcement Liaison Project.
9. Resolution for Council's approval for the City of Beckley to apply, receive, and administer a grant in the amount of \$399,300.00 for the West Virginia Governor's Highway Safety Program which monies will be used for the West Virginia Lifesavers Project
10. Resolution for Council's approval of West Virginia Division of Justice and Community Services Grant in the amount of \$20,000.00 designated for a Prevention Resource Officer for Woodrow Wilson High School.
11. Stephany R. Murray, DBA Mad Hatters Club, LLC, 410 2nd Street has filed a Notice of Intent for an ABCA License Private Club, Private Wine Restaurant or Tavern at this location.
12. Old Business

13. New Business

14. Public Comments

15. Adjournment

**AGENDA
COMMON COUNCIL
SEPTEMBER 27, 2016**

1. Call meeting to order followed by prayer and the Pledge of Allegiance to the Flag.
2. Reading and adoption of minutes of September 13, 2016 meeting
3. Second reading of an Ordinance authorizing the City of Beckley to submit to the Municipal Home Rule Board, an Amendment, to the approved written Home Rule Plan, incorporating “Brunch Bill” into the Plan.
4. Second reading of Ordinance renaming “A” Street to Mel Hancock Way.
5. Resolution of the Common Council of the City of Beckley to permit the open burning of vegetation.
6. Proclamation for “Fire Prevention Week”
7. Proclamation for “Crime Stoppers Month”.
8. Presentation by Margaret Rader for Crime Stoppers.
9. Old Business
10. New Business
11. Public Comments
12. Adjournment

FILE PAYNE SCHERER & FILE PLLC

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(1914 – 2009)

SENDER'S DIRECT EMAIL:
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September 27, 2016

Robert S. Kiss, Chairman
West Virginia Municipal Home Rule Board
c/o Debbie Browning
West Virginia Development Office
West Virginia Department of Commerce
Capitol Complex, Building 6, Room 525
Charleston, West Virginia 25305-0311

Re: City of Beckley, West Virginia Amendment to its Municipal Home Rule
Pilot Program Phase II Plan

Dear Chairman Kiss:

I am the City Solicitor for the City of Beckley and have served as counsel to the City of Beckley, West Virginia, in connection with the above referenced Municipal Home Rule PILOT Program Plan (the "Plan"). In connection with rendering this opinion, I have reviewed W. Va. Code §8-1-5a (2015), the Application Guidelines for Participation in Phase II of the Municipal Home Rule Pilot Program and the Application of the City of Beckley, West Virginia (the "Application") to propose an Amendment to the Plan, including all attachments thereto.

Based upon my examination of said documents and my understanding of the Application, it is my opinion that the Proposed Amendment to the Plan complies with W. Va. Code §8-1-5a (2015).

The Municipal Home Rule Board may rely upon this opinion. If you have any questions, please contact the undersigned.

Sincerely,

FILE PAYNE SCHERER & FILE PLLC

By: 

William H. File, III
W. Va. State Bar No. 4558

WHFIII:jlb

Cc: Mayor Robert R. Rappold
Billie L. Trump, Recorder-Treasurer

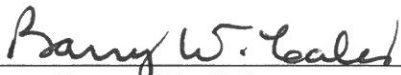
AFFIDAVIT

**STATE OF WEST VIRGINIA,
COUNTY OF RALEIGH, TO-WIT:**

The Affiant, after being duly sworn, swears and affirms as follows:


1. I, Barry W. Cales, am the Controller for the City of Beckley.
2. As Controller, I am familiar with all of the financial affairs for the City of Beckley.
3. I certify that the City of Beckley is not delinquent nor has any outstanding payment due the State of West Virginia.

And further the Affiant sayeth not.



Barry W. Cales
Controller

Taken, sworn to, and subscribed before me this 27th day of September, 2016.



Robin L. Waddell
Notary Public

