



CITY OF BECKLEY
MUNICIPAL HOME RULE
PILOT PROGRAM
PHASE II
APPLICATION

Municipal Home Rule Pilot Program Phase II Application

Section I: Applicant Information	
General Information	
Name of Municipality: City of Beckley	
Certifying Official: William A. O'Brien	Title: Mayor
Contact Person: Robert R. Rappold	Title: Recorder-Treasurer
Address: PO Box 2514	
City, State, Zip: Beckley, WV 25802-2514	
Telephone Number: 304-256-1768	Fax Number: 304-256-1769
E-Mail Address: robert.rappold@beckley.org	
2010 Census Population: 17,607	
Municipal Classification:	
Class II	
Category of Issues to be Addressed:	
Tax Administration	
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Page No.	Specific state laws, policies, acts, resolutions rules or regulations that are preventing the municipality to carry out duties in the most cost effective, efficient, and timely manner.
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CITY OF BECKLEY

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

BILL O'BRIEN
Mayor

Phone: (304) 256-1750 • Fax: (304) 256-1816

July 9, 2015

Dear Members of the Home Rule Board:

The City of Beckley for decades was known as the "Smokeless Coal Capital of the World". For the past several years, the coal economy that has been the foundation of our region has declined to the point that Beckley has lost population, jobs, and a significant number of young people to locales in other states. In spite of these losses, our City has been able to establish itself as the center of Southern West Virginia with three major highways intersecting here. We are proud of our health facilities, with three major hospitals, our retail business community, and the area's tourist attractions. Because of our location, the City of Beckley serves well over 100,000 people each week as they use our medical, business, and tourism facilities. But as our population has aged and diminished, Beckley has struggled to keep pace with the demands made upon our City's services. We feel that we must be able to change with the times to continue to serve our citizens and visitors and be allowed to become a Home Rule City.

The City of Beckley is pleased to submit the following documents for your consideration. Beckley plans to address such matters as:

- The future of this City as Beckley makes the transition from an economy based on the coal industry to the headquarters of West Virginia University-Beckley.
- Beckley's opportunity to improve its overall appearance by having the ability to issue on spot code violation citations.
- Streaming the process of approving intergovernmental agreements by our Common Council.
- The ability to place liens on property the city has improved for the purposes of public health, welfare and safety.

On behalf of the City of Beckley, I thank you for your service to our City with the Home Rule Program and hopefully, you will choose our City to participate in this outstanding Program.

Sincerely,



Bill O'Brien
Mayor

Executive Summary

The City of Beckley, population 17,607, is the County Seat of Raleigh County, population 78,833. Beckley is the shopping and medical hub of a 4 county area in southern West Virginia. Like all counties in the southern part of the state, the condition of the economy has been determined largely by the state of the coal industry. With coal losing ground to natural gas for the generation of electricity, along with very stringent emission requirements imposed by the EPA, the industry has declined drastically in the past two years. Consequently, B&O tax revenues have decreased, along with decreased distributions of Coal Severance Tax revenues.

Mountain State University, which began as Beckley College in 1933, failed to be accredited and closed its doors in 2013. Although The University of Charleston attempted to replace the curriculum that MSU had offered, aiding students left stranded before completing their degrees, the economic impact of MSU's departure was significant. B&O tax revenue dropped \$484,905 from \$10,596,834 in 2012 to \$10,111,928 in 2013. In 2014, B&O revenue dropped an additional \$188,152 to \$9,923,776. Through May of 2015, B&O revenue is down \$187,000 for FY 2015, although the City has initiated measures to more aggressively collect B&O taxes due.

The City makes every attempt to provide Police, Fire and Public Works Departments the best available equipment and personnel to provide essential services to its citizens. The Raleigh County Fire Levy, passed in 2011 for fiscal years 2012 through 2016, has been invaluable in helping the Beckley Fire Department make capital and non-durable equipment purchases that otherwise would not have been possible, due to budget constraints. The Levy, which provides Beckley Fire Department approximately \$4,000,000 over five years, expires on June 30, 2016 and it is very doubtful that it will be renewed by Raleigh County voters at that time at its current level, if at all.

The Beckley Police Department is manned by well-trained law enforcement professionals. The City has experienced much difficulty in retaining its officers, due to the starting pay scale offered by the Raleigh County Sheriff's Department and the West Virginia State Police. We find ourselves hiring probationary officers, sending them to the State Police Academy, then requiring them to team up with a veteran officer for several months, only to have them lured away by higher pay shortly thereafter. Although we now require a written minimum two-year commitment, that amount of time in no way allows the City to realize a return on the investment a new officer represents, nor builds the Department with experienced officers for the future. From employment records, we have determined that loss of Police Officers to competing agencies over the past five years has cost the City \$1.2 million in salaries and benefits paid. This number does not include the cost of starting the testing/hiring/training process over with replacement new-hires. We must find a means to adjust our pay scale to compete more favorably with other law enforcement agencies.

The Board of Public Works experiences similar problems, losing experienced employees to more lucrative State and private industry jobs.

During the past year and a half, the City Administration has made difficult decisions to offset the reduction in revenue and to achieve a balanced budget on an operating basis:

- The Emergency Operations Department was eliminated and that function re-directed to the Raleigh County Emergency Operations Center (EOC or 911 Center), for which the City is one of the funding entities.

- When the Executive Director of the Beckley Human Rights retired, like other West Virginia cities, that function was shifted to the West Virginia Human Rights Commission, which is staffed and equipped to handle this responsibility. (Beckley's Human Rights Commission still functions with volunteer members and a City paid secretary who has other responsibilities with the City.)
- The Code Enforcement Department reduced staff by two full time employees and worked with Public Works to have two of their licensed and certified electricians work five to ten hours a week performing Code inspections.

On January 1, 2015, the City was forced, due to a group health plan premium increase of \$1,000,000, to impose a \$5000 deductible on employees participating, up from \$500 on the previous policy. This brought the premium back to the previous year's premium of approximately \$3,500,000. This deductible increase had a negative impact on the reason many employees are attracted to the City for employment; a trade-off of less than private industry compensation for an attractive and affordable health insurance plan. We are working diligently on ways to soften the effect of this high deductible, but it will be expensive. To grant an annual contribution of up to \$3500 through a Health Reimbursement Account to a covered family to reduce the burden of the \$5000 deductible, an estimate by our provider to accomplish this is \$440,000 annually.

Projects to enhance or improve services provided by the City have been placed on hold. Capital expenditures for equipment have likewise been delayed or deemed too costly.

The City of Beckley is poised for the future and the need to shift from a coal-based economy to an economy that promises greater diversification.

- The City will adjust its B & O tax structure by reducing certain rates of tax and seeking to impose a sales and use tax that with required exceptions, mirrors the State sales and use taxes, which essentially expands the City's tax base to include travelers and visitors who also rely on essential services the City provides, insuring long-term financial stability.
- Ordinances that streamline the ability to make our City more presentable in appearance to our residents and visitors by permitting On Spot Code Violation Citations
- The ability to enter into inter-governmental agreements via resolution
- The ability to place liens on property that the City has improved for the public good, like mowing over grown lots, removing graffiti, removing exterior garbage and junk
- The ability to collect liens on property before the title to the property is allowed to change hands.
- The ability to dispose of City property without auction, enhancing the City's ability to move quickly in instances where property disposition is in its best interest

Imposing Municipal Sales and Use Taxes

1. **Certain West Virginia laws affect the City of Beckley's ability to carry out its duties in the most cost efficient, effective and timely manner. The City of Beckley faces challenges in delivering services required by federal and state law or demanded by its constituents.**

West Virginia Code that applies: 8-13-5; 8-13C-4(a); 8-13C-4(b)

2. **The problem the law presents to the City of Beckley**

Municipal Tax revenue is limited to fixed rate Business & Occupational Tax (B&O) collections, which have decreased by \$673,058 since June 30, 2012. Local economic reasons for the decreased revenue are outlined in the previous section, Executive Summary.

Decades-old B&O rates are fixed, without an ability by the City to adjust them due to economic conditions or shifts in the demographics of B&O payers. The original B&O model was developed for the state, not its municipalities and has not been updated to reflect the realities of modern commerce, such as internet sales and decentralized sales operations.

The City of Beckley lays an annual levy to allow collection of ad valorem taxes, which, themselves, are subject to potential reduction due to the effect of not-for-profit entities acquiring taxable property as well as possible lower property valuations by the County Assessor.

The net result to the City of Beckley is that our primary means of revenue are immune from the City's ability to legislate any changes, leaving no other course of action than to reduce services to its citizens in order to balance a budget.

The City of Beckley provides essential services to its citizens and visitors; Police, Fire, Public Works, Code Enforcement, Planning and Zoning, Parks and Recreation and other Administrative services.

In addition, The City, along with the Raleigh County Commission, provides significant budgeted financial support annually to the Raleigh County Emergency Operations Center (911), Raleigh County Library, Raleigh County Humane Society, New River Transit Authority, Raleigh County Health Department, Theater West Virginia and other local non-profit entities on a per request basis. Each of these agencies provides safety or quality of life services to Beckley citizens and visitors alike.

The declining B&O revenue is likely to continue that trend, as existing businesses located in "doughnut holes" adjacent to City boundaries, will not entertain coming into the City due to the perceived negative impact of B&O taxation. This also holds true for new businesses that locate within our metro area, but outside of City boundaries, to avoid B&O taxation.

Without a way to supplement B&O revenue with other means, the ability of the City of Beckley to continue providing essential services at acceptable levels to its citizens and visitors is in jeopardy.

West Virginia Code Sections 8-13C-4(a), Pension Relief Municipal Sales Tax, and 8-13C-4(b) Alternative Municipal Sales Tax, allow municipalities to impose a municipal sales and service tax and use tax on sales subject to the State's consumer sales and use tax. Restrictions in Section 8-13C-4(a) only allow the consumer sales and use tax if the municipality's police and fire pensions are severely underfunded and any revenue generated must be paid to those pension funds. This is not applicable to the City of Beckley Police and Fire Pension Funds. Section 8-13C-4(b) may only be utilized if the municipality does not impose or ceases to impose a B&O tax. A municipal consumer sales and use tax at the statutory maximum rate of 1% will not generate sufficient revenue to replace the \$9,900,000 in B&O revenue required to provide essential services while creating an environment conducive to economic development.

3. A Proposed Solution

The City of Beckley proposes:

- Enactment of a municipal consumer sales and use tax of 1% within the City
- Continuing to collect B&O taxes allowable under Section 8-1-5A(k)(6) of the State Code, lowering tax rates for certain classifications, reducing the tax burden on local businesses and promoting an environment conducive to economic growth and expansion of the B&O tax base

4. Projected Financial Impact

- Enticing long established businesses in the City doughnut holes and those just beyond current City boundaries to come into the City has been difficult, largely due to their perception of negative impact on balance sheets due to the current B&O tax structure. By reducing B&O rates in Manufacturing, Retail, and Amusement classifications and imposing a consumer sales tax, it is expected that these businesses will look more favorably on coming into the City. Many of these targeted businesses are located at the high-activity Exit 44 off I-77, where a consumer sales tax would be paid largely by travelers at this commercialized location. Motels and restaurants now just outside current City boundaries would have more incentive to come into the City with the B&O tax reduction in certain classes.
- It is projected that the planned B&O tax rate reductions in the classifications Retail, Manufacturing and Amusement will result in a B&O tax burden relief to City businesses of \$583,469.
- It is projected that enactment of a 1% consumer sales tax of will generate \$4,026,030 in revenue.

- Net increase in revenues is projected to be \$3,442,561 less the 5% fees charged by the State Tax Commissioner of \$201,301, for a total net increase in revenues of \$3,241,260.

Classification	Average Annual B & O Tax Collection	Proposed B & O Tax Savings	Proposed 1% Consumer Sales Tax	Proposed Net Increase in Revenue
Manufacturing	162,930.99	(27,155.16)	**	(27,155.16)
Retail	2,754,422.15	(550,884.43)	3,989,830.66	3,438,946.23
Amusement	18,099.46	(5,429.84)	36,198.91	30,769.07
5% Processing Fee				(201,301.48)
Total	2,935,472.60	(583,469.43)	4,026,029.57	3,241,258.66

**As only sales of goods manufactured in the City will be subject to sales tax, we are unable to project the following exemptions as they are not currently exempt from Business and Occupation Tax.

- Manufactured goods sold for resale.
- Manufactured goods sold for delivery outside the City
- Manufactured goods sold to another manufacturer for direct use in manufacturing, or to persons engaged in transportation, transmission, communication, generation of electricity, distribution of electricity, or production of natural resources for direct use or consumption in those business activities.

Although the City expects to receive Consumer Sales Tax related to the Manufacturing Category, we conservatively choose not to project that amount in this Home Rule application.

Intergovernmental Agreements by Resolution

1. Problem: Section 8-11-3(10) of the West Virginia Code provides that before a municipality can enter into a contract or other agreement with another jurisdiction (intergovernmental agreement), the City Council of the municipality must first, by Ordinance, authorize the agreement being executed by the municipality. The City would point out that there is no such Ordinance requirement placed upon it by State Code should it wish to enter into an agreement with a non-governmental entity.

Section 8-11-4 of the West Virginia Code sets forth the procedures to be followed by a municipality in adopting an Ordinance; therein, provides that a proposed Ordinance shall be read by title at not less than two meetings of the governing body.

By Beckley City Charter, its Common Council meets regularly on the second and fourth Tuesdays of each month. For the City to comply with Section 8-11-4's *two meeting* requirement, it takes one month for an intergovernmental agreement, no matter how simple, to be approved by City Council. The City of Beckley is presented with intergovernmental agreements each year by the State of West Virginia and its various agencies, the Raleigh County Commission, and surrounding municipalities. West Virginia University recently purchased the Beckley campus of Mountain State University and will begin offering classes starting in the fall of 2016. It is anticipated that the City and WVU will be entering into numerous agreements that will be governed by Section 8-11-3(10) of the West Virginia Code. At times, there are pressing time constraints in getting the documents executed. Time is of the essence in the negotiation and execution of most contracts, and it would be of great benefit to all parties involved if Common Council could approve the execution of an intergovernmental agreement by Resolution rather than by Ordinance. A Resolution only requires one meeting of Common Council.

2. Authority: Applicable West Virginia Code provisions are Sections 8-11-3(10) and 8-11-4.

3. Solution: The City of Beckley proposes that it be allowed to adopt an Ordinance that specifically states that Common Council is authorized to approve the execution of agreements with another jurisdiction (intergovernmental agreement) by Resolution. The result would be a much more efficient administrative process.

Liens for Actions Taken in Regard to Eyesores and Dilapidated Buildings

1. Problem: The City has the ability to repair, alter, or demolish property and/or mow overgrown grass, but is limited to sending a bill to the property owner to attempt to recoup the money expended taking such action, leaving such bills often unpaid.

2. Authority: WV Code §8-12-16 governs the adoption of Ordinances regulating the repair, closing, demolition, etc., of dwellings or buildings unfit for human habitation. It allows every municipality to file a lien against real property for an amount that reflects all costs incurred by the municipality for repairing, altering, improving, closing, demolishing, etc. but requires that a lawsuit be filed in order to obtain such a lien.

Additionally, WV Code §8-12-5(23) vests municipalities with the authority to, by Ordinance or Resolution, provide for the elimination of hazards to public health and safety and abate or cause to be abated anything which a majority of the governing body finds to be a public nuisance, but does not provide any authority for filing liens against property for fees incurred in removing such hazards or nuisances.

3. Solution: The City may, after due notice, repair, alter, or demolish property, mow overgrown grass, and collect unlawful accumulations of garbage and rubbish, and, without court approval, place a lien on the property for the amount expended by the City in taking such action.

4. Wheeling has reported the issuance of several dozen liens for property maintenance, such as mowing lawns. See Special Report: Municipal Home Rule Pilot Program, pp. 12-14.

Disposition of City Property Without Auction

1. Problem: Presently, the City may only sell property by auction for fair and adequate consideration, and only lease property for fair and adequate consideration. The inability to sell property without auction or to lease property for less than "fair and adequate consideration" prevents the City from entering into transactions that could fill vacant buildings, attract businesses, provide revenue, and encourage the use of City properties, whether it be by private sale to an interested party, by lease for less than fair market value to a private entity attempting to develop business in the area, or by lease to a nonprofit providing a service for the public good.

2. Authority: Under WV Code §8-12-18, except in limited circumstances involving sales to the United States, or a state or instrumentality thereof, municipalities may only sell their real or personal property for fair and adequate consideration at public auction with sufficient legal advertisement. Similarly, municipalities may lease real or personal property, but only for fair and adequate consideration by resolution of the municipality's governing body.

3. Solution: The City will pass an Ordinance: 1) allowing the sale of real and personal property by the City at fair market value to private purchasers without auction in such a manner that promotes economic development or provides a service for the public good, 2) allowing the lease of real and personal property by the City to private lessees for less than fair market value if the private lessees will use the property in such a manner that promotes economic development or provides a service for the public good, 3) allowing the sale of real and personal property by the City at less than fair market value to nonprofit purchasers without auction, and 4) allowing the lease of real and personal property by the City at less than fair market value to nonprofit lessees.

Grant of Authority to City of Beckley Code Enforcement Officials to Immediately Issue Citations for External Sanitation Violations and Common Nuisances.

1. Problem: Presently, City code enforcement officials are unable to issue citations “on the spot” for external sanitation violations and common nuisances, but rather are required to send preliminary notices and provide an opportunity to respond, which automatically increases costs to the City and delays resolution of the issue. This requires additional manpower and the lack of immediate citation power results in decreased compliance by property owners.

2. Authority: WV Code §8-12-16 allows municipalities to adopt Ordinances regulating the repair, closing, demolition, etc. of dwellings or buildings unfit for human habitation. Additionally, municipalities may adopt Ordinances requiring the owner of any such dwelling or building to pay for the costs of repairs, alterations, improvements, demolition, etc. The municipality then may file a lien against the real property for the costs incurred by the municipality, and file a civil action for such costs and reasonable attorneys’ fees.

Additionally, WV Code §8-12-5(23) vests municipalities with the authority to, by Ordinance or Resolution, provide for the elimination of hazards to public health and safety and abate or cause to be abated anything which a majority of the governing body finds to be a public nuisance, but does not provide authority for granting citation powers to code enforcement officials.

3. Solution: The City will enact an Ordinance providing its code enforcement officers the authority to issue “on the spot” citations for certain violations. This citation power will extend to sanitation, drainage, sidewalks in disrepair, high weeds, grass, or both, graffiti, exterior garbage accumulation and open storage in residential districts. These citations may be issued to the owner, lessee, sublessee, tenant, occupant, or agent or manager thereof, presently having control over the property in question, and an opportunity to respond will be afforded to the cited party by contesting the citation in municipal court.

4. Other Notes: Some other cities previously accepted in the “Home Rule” program have adopted Ordinances authorizing “on the spot” citations and have reported the success of this enforcement tool.

Charleston has provided similar authority to its code enforcement officers and reports faster compliance with external sanitation violations and common nuisances. See Special Report: Municipal Home Rule Pilot Program, pg. 12. Of sixty-three citations issued, two were appealed to Municipal Court.

Purchasing Tax Liens on Properties Subject to Delinquent Property Taxes:
Right of Redemption by the City

1. Problem: Many properties within the Municipal Boundaries that are habitually dilapidated or in violation of municipal and building codes are also subject to delinquent tax liens that are sold pursuant to WV Code §11A-3-1 *et seq.* Many times the purchasers of these tax liens will allow the violations and dilapidated conditions to continue to exist, and many times will continue to allow the property taxes to go delinquent multiple times without correcting the problems. Also, on properties on which the City has been required to take corrective actions or for which the owners owe delinquent fees, the associated liens filed by the City are subject to foreclosure under WV Code §11A-3-1 *et seq.*, eliminating an opportunity for the City to obtain payment of funds due under those liens.

2. Authority: Under WV Code §11A-3-56(b), “[a]ny person who, by reason of the fact that no provision is made for partial redemption of the tax lien on real estate purchased by an individual, is compelled in order to protect himself to redeem the tax lien on all of such real estate when it belongs, in whole or in part, to some other person, shall have a lien on the interest of such other person for the amount paid to redeem such interest.”

3. Solution: The City will pass an Ordinance: 1) allowing the purchase by the City of tax liens for property within the City of Beckley, 2) providing that for properties on which the City of Beckley has placed liens for municipal services or payment due for corrective actions for code violations, the City, subject to any right of the property owner to redeem, be allowed to redeem the subject property, and, if the property is not redeemed by the owner or any other party who has a right to redeem, that the Auditor of the State of West Virginia convey the subject property to the City of Beckley, upon payment of the amount required under WV Code §11A-3-23.

4. Other Notes: This will allow the City of Beckley to recover amounts expended by the City for services and corrective actions, and allow the City to convert these otherwise nonproductive properties into assets of the City that can be used for development.

Home Rule Public Hearing

August 10, 2015

5:00 P.M.

City of Beckley Council Chambers

Attendees

William O'Brien, Mayor

Robert Rappold, Recorder-Treasurer

William H. File III - City Attorney

Beverly Bales Rinehart - City Controller

Ellen Taylor - City Councilor

Ann Worley - City Councilor

Brent Bragg - (Mr. Bragg thought he was attending another meeting)

*David Darden - (Arrived after adjournment, but briefed
by Mayor O'Brien)*

**AFFIDAVIT OF PUBLICATION
BECKLEY NEWSPAPERS
BECKLEY, WEST VIRGINIA 25801**

07/14/2015

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

of PUBLIC HEARING NOTICE

(Description of notice)

was duly published in said newspaper once a week for 2 successive weeks (Class 2), commencing with the issue of 07/07/2015 and ending with the issue of 07/14/2015, that said annexed notice was published on the following dates: 07/07/2015, 07/14/2015, and that the cost of publishing said annexed notice as aforesaid was \$ 92.20

Signed

Tara Meyer

Tara Meyer
Legal Advertising Clerk
Beckley Newspapers

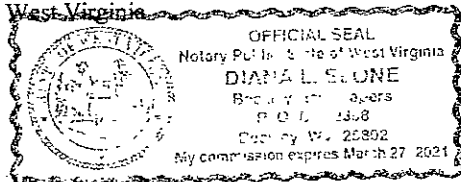
Taken, subscribed and sworn to before me in my said county this day

07/14/2015

My commission expires March 27, 2021

Diana L. Stone

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, August 10, 2015 at 5:00 p.m., at the 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 Home Rule written plan and application. This information will be utilized by the City of Beckley in its application to the State for the Home Rule Program.

The City of Beckley's proposed Home Rule program and application is available for public inspection in the office of the Recorder - Treasurer in City Hall, 409 South Kanawha Street, beginning July 9, 2015, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m..

All interested citizens are invited to attend the public hearing scheduled at 5:00 p.m., Monday, August 10, 2015 and to present oral or written comments concerning the City's proposed Home Rule Plan and application at that time. Written comments may be addressed to Robert Rappold, Recorder - Treasurer, City of Beckley, 409 South Kanawha Street, Beckley, WV 25801.

The first reading of the ordinance approving the City of Beckley's Home Rule Plan application will be held at the regularly scheduled Beckley City Council meeting at 6:30 p.m. on Tuesday, August 11, 2015. The second reading and public hearing on this ordinance will take place at 6:30 p.m. on Tuesday, August 25, 2015. Both readings of the ordinance will take place in Beckley City Hall Council Chambers, 409 South Kanawha Street, Beckley, WV 25801.

A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF BECKLEY CONVENED AT 6:30 P.M. AUGUST 11 IN COUNCIL CHAMBERS OF BECKLEY CITY HALL.

THOSE PRESENT: Mayor William A. "Bill" O'Brien; Council Members Tom Sopher, Mike Atterson, Ron Booker, Ann Worley, Ellen Taylor, Tim Berry, and Cedric Robertson; Recorder-Treasurer Robert Rappold; City Attorney William H. File III; and Secretary Robin Waddell.

ALSO PRESENT: Fire Chief Ed Wills, Deputy Police Chief Jeff McPeake, Director of Code Enforcement Bob Cannon, Director of the IT Department Bill Kelly, Street Commissioner Robert Robinson, Director of Parks and Recreation Leslie Baker.

The Mayor called the meeting to order followed by a word of prayer by Councilman Cedric Robertson and the Pledge of Allegiance to the flag led by Councilman Ann Worley.

Council dispensed with 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 Councilman Sopher and seconded by Councilman Berry.

First item on the agenda was the receipt of bids for truck mounted calcium chloride sprayers for the use of pre-treating streets to lessen the effect of snowfall by melting snow and ice. Copy of affidavit of publication is hereby incorporated into these minutes:

**AFFIDAVIT OF PUBLICATION
BECKLEY NEWSPAPERS
BECKLEY, WEST VIRGINIA 25801**

08/07/2015	COPY OF PUBLICATION
<p>STATE OF WEST VIRGINIA COUNTY OF RALEIGH, to wit:</p> <p>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</p> <p>of NOTICE TO BIDDERS (Description of notice)</p> <p>was duly published in said newspaper once a week for <u>2</u> successive weeks (Class 2), commencing with the issue of <u>07/31/2015</u> and ending with the issue of <u>08/07/2015</u>, that said annexed notice was published on the following dates: <u>07/31/2015, 08/07/2015</u>, and that the cost of publishing said annexed notice as aforesaid was \$ <u>74.34</u></p> <p>Signed <u>Tara Meyer</u> Tara Meyer Legal Advertising Clerk Beckley Newspapers</p> <p>Taken, subscribed and sworn to before me in my said county this day: <u>08/07/2015</u></p> <p>My commission expires <u>March 27, 2021</u></p>	<p>NOTICE TO BIDDERS</p> <p>The Common Council of the City of Beckley is accepting bids for truck-mounted calcium chloride sprayers for the use of pre-treating streets to lessen the effect of snowfall, by melting snow and ice.</p> <p>Bids are to include the cost of delivery and training of employees on the use of the equipment.</p> <p>The following equipment is to be included in the bid:</p> <ul style="list-style-type: none"> • One complete steel tank reservoir and attached 4-tip spray attachment suitable for use in a crew cab one-ton pickup • Four All Season spray units with 4-tip spray configuration and power source suitable for use in a Ford 550 dump bed • Two new or used (in good condition) 5000 gallon poly storage tanks for bulk storage of the Calcium Chloride Brine product • All spray units to be controlled by the operator by wireless remote control <p>Bids must be submitted in sealed envelopes clearly marked to indicate contents by Monday, August 10, 2015 at 4:30 p.m. Bids will be publicly opened and read aloud in a meeting of Common Council on Tuesday, August 11, 2015. Bids may be hand delivered to 408 South Kanawha Street, or mailed to PO Box 2514, Beckley,</p>

Bays Services submitted the only bid in the amount of \$36,350.00. Councilmen at large Berry and Robertson, as well as Mr. Rappold and Mr. Robinson will review this bid for possible award at a future meeting. Copy of bid is hereby incorporated into these minutes:

BAYS SERVICES

DBA, Bays Trucking & Excavation, Inc.,
PO Box 192
Beckley, WV 25802

bayservices@suddenlink.net
"In God We Trust"



#WV.037290

Let it SNOW!

PROPOSAL

PROPOSAL SUBMITTED TO:

Name: City of Beckley
 Address: 409 S Kanawha St
Beckley, WV 25801
 Phone: 304-256-1750

WORK TO BE PERFORMED AT

Address: "Same"
 Date of Plans: _____
 Contact: _____

Date: 08/04/2015

We hereby propose to furnish the materials and perform the labor necessary for the completion of:

Item:	Cost:	Total:
1 - Bays Services 4-C Sprayer	\$ 6,150.00	\$ 6,150.00
4- Bays Services All Season Sprayers	\$ 4,500.00 each	\$ 18,000.00
2 - 5,000 gallon Poly Storage Tanks (Used)	\$ 6,100.00 each	\$ 12,200.00
		\$ 36,350.00

All pricing includes shipping of tanks, and Training of employees.

Payment Terms: 60% down payment of \$ 21,810.00 due upon order and balance of \$ 14,540.00 due on receipt of equipment.

Respectfully submitted: BAYS SERVICES

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature: _____
 Date: _____ Signature: _____

PROPOSAL

Next was the receipt of bids for all repairs including all necessary labor, materials, equipment, and necessary debris removal and/or disposal to the training tower at #3 station. Affidavit of publication

**AFFIDAVIT OF PUBLICATION
BECKLEY NEWSPAPERS
BECKLEY, WEST VIRGINIA 25801**

08/06/2015

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

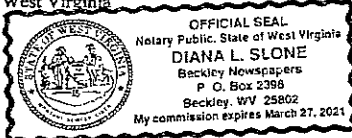
of NOTICE TO BIDDERS
(Description of notice)
was duly published in said newspaper once a week for 2 successive weeks (Class 2), commencing with the issue of 07/30/2015 and ending with the issue of 08/06/2015, that said annexed notice was published on the following dates: 07/30/2015 08/06/2015, and that the cost of publishing said annexed notice as aforesaid was \$ 67.50

Signed Tara Meyer
Tara Meyer
Legal Advertising Clerk
Beckley Newspapers

Taken, subscribed and sworn to before me in my said county this day:
08/06/2015

My commission expires March 27, 2021

Diana L. Slone
Notary Public of Raleigh County,
West Virginia



COPY OF PUBLICATION

NOTICE TO BIDDERS
The Common Council of the City of Beckley will accept bids for repairs of the training tower located at the #3 Fire Station on Eisenhower Drive in Beckley. Bids shall include all necessary labor, materials, equipment, and necessary debris removal and/or disposal. Specifications and any additional information may be obtained from the Beckley Fire Department, Number One Fire Station located at 310 Third Avenue in Beckley, WV or by calling (304) 256-1780 between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday or at the Municipal Building located at 409 South Kanawha Street in Beckley, WV. Bids will be received until 4:00 p.m., Tuesday August 11, 2015. All sealed bids will be opened publicly and read aloud during the regular meeting of Common Council beginning at 6:30 p.m. in Council Chambers at 409 South Kanawha Street.

Bids must be submitted to the Recorder - Treasurer in sealed envelopes clearly marked to indicate contents. Bids may be hand delivered to 409 South Kanawha Street or mailed to PO Box 2514, Beckley, WV 25802-2514.

The City of Beckley reserves the right to accept or reject any or all bids, or any part of any bid without cause.

City of Beckley
Robert R. Rappold,
Recorder-Treasurer
8-6-THU-2-RH; L 3255

The only bid received was from Lilly Masonry, Inc. in the amount of \$44,620.00. Councilmen at large Berry and Robertson as well as Mr. Rappold and Chief Wills will review this bid for possible future award. Copy of bid is hereby incorporated into these minutes:

City of Beckley Fire Department

Proposal Form

Pursuant to and in accordance with the Purchaser's General Instructions, Requirements and Specifications for Bidders relating hereto, the undersigned hereby offers to furnish and deliver the following in accordance with the Specifications for the following lump sum price:

Description	Unit Price	Total Price
Labor + MATERIAL FOR BIDD SPECS	\$ 44,620	\$ 44,620
Model of Equipment Scissor lift	# 1200 - 2400	# 2400.00
Delivery of Equipment: Calendar Days: 8-12 days		

Grand Total of Bid: \$ 47,020.⁰⁰

Grand Total of Bid in Words: Forty seven thousand two hundred twenty + ⁰⁰/₁₀₀

Accompanying this Proposal Form is a Non-Collusive Bidding Certification and the Bidder's Affidavit.

Manufacturer's Name: Lilly Lumber Inc
 Address: 163 S. Kimberly St
 City, State, Zip Code: Shady Spring WV 25918
 Telephone #: 304-731-8724 Fax #: 681-738-5637
 Date: 8-11-15

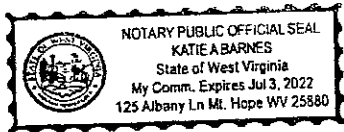
Signature of Individual Preparing this Proposal
 Printed or Typed Name: Phil Sully

IMPORTANT NOTE. Only an AUTHORIZED EMPLOYEE of the manufacturer shall prepare and sign this page.

Subscribed and sworn before me:

This 11th day of August, 2015

My Commission Expires: 7-3-2022
Katie Barnes
 Notary Public



Next was the receipt of bids for Commercial Property, Commercial General Liability, Professional Liability, Commercial Automobile, and Commercial Umbrella Insurance. Copy of affidavit of publication is hereby incorporated into these minutes:

AFFIDAVIT OF PUBLICATION

BECKLEY NEWSPAPERS

BECKLEY, WEST VIRGINIA 25801

AUGUST 6, 2015

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 NOTICE TO BIDDERS
(Description of notice)
was duly published in said newspaper once a week for THREE successive weeks (Class II), commencing with the issue of the 16TH day of JULY, 2015, and ending with the issue of the 6TH day of AUGUST, 2015, that said annexed notice was published on the following dates: JULY 16, 23 AND AUGUST 6, 2015 and that the cost of publishing said annexed notice as aforesaid was \$ 96.43

Signed Tara Meyer
Tara Meyer
Legal Advertising Manager
Beckley Newspapers

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

AUGUST 6, 2015
My commission expires AUGUST 29, 2021
Beckley Newspapers
P.O. Box 2396
Beckley, WV 25802
My commission expires AUGUST 29, 2021
West Virginia

COPY OF PUBLICATION

NOTICE TO BIDDERS

The Common Council of the City of Beckley is seeking bids from qualified providers for Commercial Property, Commercial General Liability, Professional Liability, Commercial Automobile, and Commercial Umbrella Insurance. The renewal date for these policies is September 1, 2015 through August 30, 2016. Bids may be mailed or hand delivered to the Beckley Municipal Building, Recorder - Treasurer, 408 South Kanawha Street, Beckley, WV 25801 clearly marked to indicate contents on the outside of the envelope on August 10, 2015 no later than 4:00 p.m. to be opened during a normal meeting of the Common Council on August 11, 2015. Bidder must include current A.M. Best Rating along with required loss control and other services at the agency level.

Specific packet with information required by the proposed insurers can be obtained by contacting the City Treasurer/Recorder at the above address or by calling (304) 258-1768 during normal working hours of 8:30 a.m. to 4:30 p.m. Monday through Friday.

The Common Council of the City of Beckley reserves the right to accept or reject any or all bids, or any part of any bid without cause.

Robert Rappold
Treasurer-Recorder
City of Beckley
8-6-THU-3-RH; L 3205

Two bids were received, Songer Insurance Agency and Commercial Insurance Services. Mr. Rappold and Councilmen Berry and Robertson will review these bids for possible award at a future meeting. Copy of bids are hereby incorporated into these minutes:

SONGER INSURANCE AGENCY



Account Executive: Kimberly Roberts
 Fax Number: 210-525-3801

ACCOUNT PREMIUM SUMMARY & PROVISIONAL BILL

Entity Name: City of Beckley
 Agency: USI Insurance Services State: West Virginia
 Agency Code: Agent Name: Phone:

This notice serves as a premium summary and provisional bill. If a delay in the issuing of a policy, endorsement or premium bearing instrument occurs, and we issue either a premium bearing instrument or an individual bill, you are obligated to remit premium to us before we issue the policy or endorsement. Payment from you on individual bills is due on the date specified on the bill. To bind coverage:

- Place a checkmark in the box next to the payment plan and lines of business to be bound.
- Sign this form and fax or email to the underwriter named above.

The premium below may differ from actual policy premiums due to installment charges, estimated taxes, surcharges, and rounding.

DIRECT BILL PAYMENT PLAN OPTIONS		INSTALLMENT CHARGE	SELECTION
No service charge applies to policies with premiums of \$25,000 or greater except in Florida		\$6.00 per installment	
4 Pay - (25% and 3), paid in full 2 months prior to expiration (Quarterly Billing)			
COVERAGE	PREMIUM	INSUREDS SELECTION	POLICY NUMBER
Property	\$48,649		
Flood	Included		
Earthquake	Included		
Equipment Breakdown	Included		
Crime	\$2,474		
Inland Marine	\$5,742		
General Liability	\$108,491		
Employee Benefit Plans Liability	\$459		
Law Enforcement Liability	\$70,530		
Public Entity Management Liability	\$10,348		
Public Entity Employment-Related Practices Liability	\$25,519		
Auto Liability	\$136,724		
Auto Physical Damage	\$43,582		
Garagekeepers Liability	Included		
Umbrella	\$45,121		
CyberFirst Liability	\$524		
Total Premium	\$498,143		
Taxes, Surcharges and Fees	\$2,696		

Premium & Contract Details

Entity Name: City of Beckley
 Policy Dates: 09/01/15 To 09/01/16
 Insured Name: Atlantic Specialty Insurance Company

Coverage	Annual Premium
Commercial Package	
General Liability	\$66,107.00
Law Enforcement Liability	\$89,909.00
Public Officials E & O Liability	Included
Employment Practices Liability	Included
Business Auto	\$204,150.00
Excess Liability	\$89,394.00

Mr. File presented for second reading an ordinance authorizing the acquisition and construction of certain extensions, additions, betterments and improvements to the existing public sewerage system of the City of Beckley and the financing of the cost thereof, not otherwise provided, through the issuance by the City of Beckley of not more than \$4,900,000 in original aggregate principal amount of sewer revenue bonds, series 2015 A (West Virginia SRF Program); providing for the rights and remedies of and security for the registered owners of such bonds; authorizing execution and delivery of all documents relating to the issuance of such bonds; approving, ratifying and confirming a bond purchase agreement relating to such bonds; authorizing the sale and providing for the terms and provisions of such bonds and adopting other provisions relating thereto. Councilwoman Worley made a motion to approve, seconded by Councilman Berry and with unanimous vote of Council the second reading of this ordinance was approved.

Mr. File stated this ordinance requires a third reading before Council which will be on August 25, 2015.

Mr File presented for first reading an ordinance authorizing the acquisition and construction of certain extensions, additions, betterments and improvements to the existing public sewerage system of the City of Beckley. On a motion by Councilman Berry and seconded by Councilman Robertson, the first reading of this ordinance was approved. Second reading will be on August 25.

Mr. File presented for first reading an ordinance authorizing the Mayor to submit a Home Rule proposal to the Municipal Home Rule Board in accordance with West Virginia Code 8-1-5A. On a motion by Councilman Berry and seconded by Councilwoman Worley the first reading of this ordinance was unanimously approved by Council. The second reading and public hearing will be held on the August 25th Council Meeting.

Next Council was presented a resolution amending the 2014 CDBG Program. The Mayor added that CDBG stands for Community Development Block Grant. On a motion by Councilman Berry and seconded by Councilman Booker this resolution was unanimously approved by Council. Copy of resolution is hereby incorporated into these minutes:

RESOLUTION 2015- _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BECKLEY AMENDING THE 2014 CDBG PROGRAM

WHEREAS, the City of Beckley, West Virginia is a recipient of grant funds under the Community Development Block Grant (CDBG) Program administered by the U.S Department of Housing and Urban Development (HUD), and

WHEREAS, the City of Beckley had previously approved the budget and Annual Action Plan for the FY 2014 CDBG Program, and

WHEREAS, HUD permits grant recipients to revise and amend its previous budget and Annual Action Plan; and

WHEREAS, in accordance with the Federal Regulations governing the CDBG Program certain changes and revisions to the Annual Action Plan may be considered a substantial amendment as outlined in the City of Beckley's Citizen Participation Plan

Councilman Robertson asked if this was the same grant the public hearing held on August 4 was for and the Mayor stated it was.

Council was also presented with a resolution approving the FY 2015 Annual Action Plan. On a motion by Councilwoman Taylor and seconded by Councilman Berry the FY 2015 Annual Action Plan was unanimously approved by Council. Copy of resolution is hereby incorporated into these minutes:

RESOLUTION 2015-__

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BECKLEY
APPROVING THE FY 2015 ANNUAL ACTION PLAN**

WHEREAS, under Title I of the Housing and Community Development Act of 1974, as amended, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the prevention or elimination of slums or urban blight, or activities which will benefit low- and moderate-income persons, or other urgent community development needs; and

WHEREAS, the U.S. Department of Housing and Urban Development has advised the City of Beckley that under Fiscal Year 2015, the City is eligible to apply for an entitlement grant under the Community Development Block Grant (CDBG) Program in the amount of \$277,639; and

WHEREAS, the City of Beckley's Finance Department has prepared a Annual Action Plan for Fiscal Years 2015, which proposes how the entitlement grant funds will be expended to address the housing and community development needs identified in the City's Five Year Consolidated Plan; and

WHEREAS, a draft of the FY 2015 Annual Action Plan was on public display from July 10, 2015 through August 10, 2015 and the City held a series of public hearings on the said Plan and the comments of various agencies, groups, and citizens were taken into consideration in the preparation of the final document.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BECKLEY, RALEIGH COUNTY, WEST VIRGINIA, AS FOLLOWS:

SECTION 1. That the Annual Action Plan for the Fiscal Year 2015 CDBG Program is hereby in all respects APPROVED and the City Recorder/Treasurer is hereby directed to file a copy of said Annual Action Plan for Fiscal Year 2015 with the Official Minutes of this Meeting of this Council.

SECTION 2. That the City is COGNIZANT of the conditions that are imposed in the undertaking and carrying out of the Community Development Block Grant Program with Federal financial assistance, including those relating to (a) the relocation of site occupants, (b) the prohibition of discrimination because of race, color, age, religion, sex, disability, familial status, or national origin, and other assurances as set forth under the certifications.

SECTION 3. That the Mayor, on behalf of the City of Beckley, West Virginia, is AUTHORIZED to file an Application for financial assistance with the U.S. Department of Housing and Urban Development which has indicated its willingness to make available funds to carry out the CDBG Program in the amount of \$277,639; and its further

Under old business, Councilwomen Taylor asked if anything had been done about the tree that is leaning on Johnstown Road. The Mayor stated that the tree is not on city right of way. Councilman Berry stated the roots of the tree are growing under a sidewalk and the owners are hesitant to cut the tree down at this time.

Under new business, Councilman Sopher wanted to inform Council of a video which was filmed with a drone by Tony Martin of the Wildwood House Museum. If anyone was interested in watching the video it is on Tony Martin's facebook page. Mr. Sopher also spoke about a meeting he attended with Generation New River Gorge. Mr. John Sorrenti, a training specialist with Glen Gainer's office was the spokesperson. Mr. Sopher suggested possibly having a future workshop and inviting Mr. Sorrenti to speak about one of the various topics Mr. Gainer's office provides.

Councilwoman Worley commended Captain McPeake and the Beckley Police Department on the excellent job they did during the incident on Woodlawn Avenue and that no one was hurt.

Under public comments, Dave Johnson spoke about the traffic situation on Holliday Drive and Pikeview Drive. He stated that the signs and speed limits are not enforced and large trucks are damaging the roads. He submitted a petition along with area residents suggestions they felt will help alleviate the problems. The Mayor stated that he would meet with Chief Christian and review the petition and suggestions and get back with Mr. Johnson. Mr. Sopher added that new signs have been posted and that he has spoken with the MPO, Metropolitan Planning Organization, and state officials will be looking into this matter also.

Mr. Rappold stated that if anyone is interested in looking at the insurance bids, he would have a summary page in his office by 10:00 Wednesday morning. He stated that in the future all bids will be required to have a summary page included.

There being no further comments or business to discuss the meeting was adjourned at 6:59 p.m. on a motion by Councilman Berry and seconded by Councilwoman Worley.

First Reading
8-11-15

Second Reading
8-25-15

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT
A HOME RULE PROPOSAL TO THE MUNICIPAL HOME RULE BOARD
IN ACCORDANCE WITH WEST VIRGINIA CODE §8-1-5A

BE IT ORDAINED by the Common Council of the City of Beckley, West Virginia that the Mayor is hereby authorized to submit the Home Rule Application to the Municipal Home Rule Board in accordance with West Virginia Code §8-1-5A in order for the City of Beckley to be included in the Pilot Program. A copy of said Proposal is attached hereto.

BE IT FURTHER ORDAINED by the Common Council of the City of Beckley that this Ordinance shall take effect upon the date of adoption.

THE CITY OF BECKLEY, WEST VIRGINIA,
a Municipal corporation

By: William A. O'Brien
William A. O'Brien, Mayor

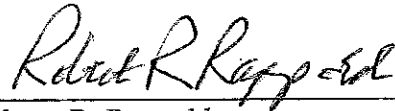
Attest:

Robert R. Rappold
Robert R. Rappold, 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 August 25, 2015, authorizing submission of a Home Rule proposal to the Municipal Home Rule Board in accordance with WV Code §8-15-5A.

Given under my hand this 25 day of August, 2015.



Robert R. Rappold
Recorder-Treasurer

A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF BECKLEY CONVENED AT 6:30 P.M. AUGUST 25, IN COUNCIL CHAMBERS OF BECKLEY CITY HALL.

THOSE PRESENT: Mayor William A. "Bill" O'Brien; Council Members Tom Sopher, Mike Atterson, Ron Booker, Ann Worley, Ellen Taylor, Tim Berry, and Cedric Robertson; Recorder-Treasurer Robert Rappold; City Attorney William H. File III; and Secretary Robin Waddell.

ALSO PRESENT: Fire Chief Ed Wills, Police Chief Lonnie Christian, Director of Code Enforcement Bob Cannon, Director of the IT Department Bill Kelly, Street Commissioner Robert Robinson.

The Mayor called the meeting to order followed by a word of prayer by the Assistant Pastor of the Outreach for Christ Church, Reverend Harold Hairston and the Pledge of Allegiance led by Councilman Tim Berry.

Council dispensed with 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 Berry.

First item on the agenda was the second reading and public hearing of an ordinance authorizing the Mayor to submit a Home Rule Proposal to the Municipal Home Rule Board in accordance with West Virginia Code 8-1-5A. Mr. File stated that a public hearing on the City's Home Rule Proposal was held on August 10, 2015, and first reading of the ordinance was approved by Common Council on August 11, 2015. Mr. File read the ordinance by title and he then opened the public hearing for any comments. There being no comments either for or against this ordinance, the public hearing was closed. On a motion by Councilwoman Taylor and seconded by Councilwoman Worley, the second reading of this ordinance was unanimously approved by Council. Copy of this ordinance is hereby incorporated into these minutes:

First Reading
08-11-15

Second Reading
08-25-15


AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT
A HOME RULE PROPOSAL TO THE MUNICIPAL HOME RULE BOARD
IN ACCORDANCE WITH WEST VIRGINIA CODE §8-1-5A

BE IT ORDAINED by the Common Council of the City of Beckley, West Virginia that the Mayor is hereby authorized to submit the Home Rule Application to the Municipal Home Rule Board in accordance with West Virginia Code §8-1-5A in order for the City of Beckley to be included in the Pilot Program. A copy of said Proposal is attached hereto.

BE IT FURTHER ORDAINED by the Common Council of the City of Beckley that this Ordinance shall take effect upon the date of adoption.

THE CITY OF BECKLEY, WEST VIRGINIA,
a Municipal corporation

By: 
William A. O'Brien, Mayor

Attest: 
Robert R. Rappold, Recorder-Treasurer

Next on the agenda was the bid for truck mounted calcium chloride sprayers for the use of pre-treating streets to lessen the effect of snowfall by melting snow and ice. Councilman Berry, Mr. Rappold and Mr. Robinson reviewed the only bid, from Bays Services, and found it to meet all the specifications. Councilman Berry made a motion which was seconded by Councilman Robertson and with unanimous vote of Council the bid for truck mounted calcium chloride sprayers was awarded to Bays Services.

Next was the bid for all repairs including all necessary labor, materials, equipment, and necessary debris removal and/or disposal to the fire training tower at #3 fire station. Councilman Berry, Chief Wills and Mr. Rappold reviewed the only bid received and found it to meet all the specifications. On a motion by Councilman Berry and seconded by Councilman Atterson and unanimous vote of Council, the bid was awarded to Lillys Masonry. Councilman Robertson asked if these repairs would be paid for out of the fire levy funds and Mr. Rappold stated they would be.

Next was the bid for Commercial Property, Commercial General Liability, Professional Liability, Commercial Automobile, and Commercial Umbrella Insurance. Councilman Berry stated that two bids were received, Songer Insurance Agency and Commercial Insurance Services. Councilman Berry stated that the bid specs requested that two separate bids be submitted, one for the City of Beckley and one for the Sanitary Board. Commercial Insurance Services could not submit two separate policies due to loss history at the Sanitary Board, therefore, on a motion by Councilman Berry and seconded by Councilwoman Taylor with unanimous vote of Council the bid was awarded to Songer Insurance Company, which was the only company to meet the bid specs.

Mr. File presented for public hearing an ordinance regarding the Red Brush Sewer Project which he read by title authorizing the acquisition and construction of certain extensions, additions, betterments and improvements to the existing public sewerage system of the City of Beckley and the financing of the cost thereof, not otherwise provided, through the issuance by the City of Beckley of not more than \$4,900,000 in original aggregate principal amount of sewer revenue bonds, series 2015 A(West Virginia SRF Program); providing for the rights and remedies of and security for the registered owners of such bonds; authorizing execution and delivery of all documents relating to the issuance of such bonds; approving, ratifying and confirming a bond purchase agreement relating to such bonds; authorizing the sale and providing for the terms and provisions of such bonds and adopting other provisions relating thereto.

Mr. File opened the public hearing for any comments. Mr. Eugene Ash asked if the sewer system was "broken". Mr. File explained that at times some areas of the pipe does have to be replaced and that this will make it more efficient. Jeremiah Johnson, General Manager of the Beckley Sanitary Board interjected that this pipe has been in use for about 80 years and is a terra cotta pipe which has served its usefulness and needs to be replaced. Water seeps into these pipes and causes problems at the treatment plant. Mr. Ash asked if this project will cross his property, in particular his garden, and Mr. Johnson said that it would not. There being no other comments either for or against this ordinance the public hearing was closed.

Mr File reread, by title only, the above ordinance for a third reading. He stated that if approved tonight, this ordinance will be adopted. On a motion by Councilman Berry and seconded by Councilwoman Worley this ordinance was unanimously approved by Council. Copy of ordinance is hereby incorporated into these minutes.

CITY OF BECKLEY

ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN EXTENSIONS, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE EXISTING PUBLIC SEWERAGE SYSTEM OF THE CITY OF BECKLEY AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, THROUGH THE ISSUANCE BY THE CITY OF BECKLEY OF NOT MORE THAN \$4,900,000 IN ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF SEWER REVENUE BONDS, SERIES 2015 A (WEST VIRGINIA SRF PROGRAM); PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; APPROVING, RATIFYING AND CONFIRMING A BOND PURCHASE AGREEMENT RELATING TO SUCH BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO.

THE COUNCIL OF THE CITY OF BECKLEY HEREBY ORDAINS:

ARTICLE I

STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

Section 1.01. Authority for this Ordinance. This Ordinance (together with any ordinance, order or resolution supplemental hereto or amendatory hereof, the "Bond Legislation") is enacted pursuant to the provisions of Chapter 16, Article 13 and Chapter 22C, Article 2 of the West Virginia Code of 1931, as amended (collectively, the "Act"), and other applicable provisions of law.

Section 1.02. Findings. It is hereby found, determined and declared that:

A. The City of Beckley (the "Issuer") is a municipal corporation and political subdivision of the State of West Virginia in Raleigh County of said State.

B. The Issuer presently owns and operates a public sewerage system. However, it is deemed necessary and desirable for the health and welfare of the inhabitants of the Issuer that there be acquired and constructed certain extensions, additions, betterments and improvements for the existing public sewerage system of the Issuer, consisting of replacing existing sewers to reduce infiltration/inflow and extending sewer service to the Redbrush area (collectively, the "Project") (the existing public sewerage system of the Issuer, the Project and any further extensions, additions, betterments and improvements thereto are herein called the "System"), in accordance with the plans and specifications prepared by the Consulting Engineers, which plans and specifications have heretofore been filed with the Issuer.

1

Mr. File presented for public hearing a proposed project ordinance regarding the Red Brush Sewer Project which he read by title only. This ordinance authorizes the acquisition and construction of certain extensions, additions, betterments and improvements to the existing public sewerage system of the City of Beckley. At this time Mr. File opened the public hearing for any comments. There being no comments either for or against this ordinance the public hearing was closed.

Mr. File presented this ordinance, read by title only again, for a second reading and adoption of Council. On a motion by Councilman Berry and seconded by Councilman Sopher this ordinance authorizing the acquisition and construction of certain extensions, additions, betterments and improvements to the existing public sewerage system of the City of Beckley was unanimously approved by Council. Copy of ordinance is hereby incorporated into these minutes:

CITY OF BECKLEY

AN ORDINANCE AUTHORIZING THE ACQUISITION AND
CONSTRUCTION OF CERTAIN EXTENSIONS, ADDITIONS,
BETTERMENTS AND IMPROVEMENTS TO THE EXISTING
PUBLIC SEWERAGE SYSTEM OF THE CITY OF BECKLEY

THE COUNCIL OF THE CITY OF BECKLEY HEREBY ORDAINS:

Section 1. Authority for this Ordinance. This Ordinance (together with any ordinance, order or resolution supplemental hereto or amendatory hereof) is enacted pursuant to the provisions of Chapter 24, Article 2 of the West Virginia Code of 1931, as amended (collectively, the "Code"), and other applicable provisions of law.

Section 2. Findings. It is hereby found, determined and declared:

A. The City of Beckley (the "City") is a municipal corporation and political subdivision of the State of West Virginia in Raleigh County of said State.

B. The City presently owns and operates a public sewerage system. However, it is deemed necessary and desirable for the health and welfare of the inhabitants of the City that there be acquired and constructed certain extensions, additions, betterments and improvements for the existing public sewerage system of the City, consisting of construction and installation of approximately 20,000 linear feet of 18-inch, 15-inch, 12-inch, 10-inch, 8-inch and 6-inch diameter gravity sewers, 730 linear feet of directional drilled 12-inch and 8-inch gravity sewers, 137 manholes, lampholes and cleanouts, 600 linear feet of cured in place 10-inch sewer lining, three manhole rehabilitations, 103 customer sanitary services, and appurtenances related thereto (collectively, the "Project") (the existing public sewerage system of the City, the Project and any further extensions, additions, betterments and improvements thereto are herein called the "System"), in accordance with the plans and specifications prepared by the consulting engineers, Burgess & Niple, Inc., Parkersburg, West Virginia, which plans and specifications have heretofore been filed with the City. The work associated with the Project will occur in the areas of the City known as Redbrush and Springdale, and is situated within or near Terrill Street, Plumley Avenue, Barber Avenue, Prillerman Avenue, Morgan Street, Grady Avenue, Patch Street, Buckland Avenue, Eastview Street, Ridgecrest Avenue, South Fayette Street, Riley Street, Woodlawn Avenue, and Sheffler Street.

C. The Project is in the best interests of the public. Thus, it is in the best interests of the City to move forward with the construction of the Project.

D. The City intends to finance permanently a portion of the costs of acquisition and construction of the Project through the issuance of its sewer revenue bonds to the

6934709.1

1

Under old business Council discussed several issues regarding properties with the Chief of Code Enforcement Bob Cannon. Mr. Cannon advised that two criminal complaints have been filed and one order to seek demolition of another property has been served. Councilwoman Worley noted that a house on Third Avenue that was known for criminal activity has been torn down.

Under public comments Mr. Ken Phipps expressed his concerns about the potholes and speeding on Gregory Street. He would like to see this street paved instead of patched. Mr. Marvin Smoot of Grafton Street also expressed concerns of speeding and potholes on his street. He asked Mr. Robinson what criteria is used in deciding which streets to pave. Mr. Robinson replied that after winter each street is checked for its overall condition and the number of pot holes. When asked why the CDBG Grant money couldn't be used to pave streets, Mr. Rappold replied that the federal milling and paving thickness requirements are too stringent for the City to utilize the funds for paving. He said they require a street to be milled, but the City does not have the proper equipment to do that.

Gail Kinsey thanked the Beckley Police Department and Chief Christian on the huge drug bust on King Street.


The Drug Task Force was able to make the arrests after executing a search warrant at the King Street residence.

Jewel Pierce spoke about abandoned property on Meadows Court. She stated people are out all times of night fighting and yelling obscenities. Councilwoman Worley stated the Council Members are there to help, and she invited Ms. Pierce to meet with her after the meeting to discuss this matter further. Mayor O'Brien said he and Chief Christian would look into these matters.

There being no further comments or business to discuss the meeting was adjourned at 7:20 p.m. on a motion by Councilman Berry and seconded by Councilman Robertson.

ADDENDUM: Copy of affidavit of publication of the public hearing notice for the Home Rule Application is hereby incorporated into these minutes:

**AFFIDAVIT OF PUBLICATION
BECKLEY NEWSPAPERS
BECKLEY, WEST VIRGINIA 25801**

<p>07/14/2015</p> <p>STATE OF WEST VIRGINIA COUNTY OF RALEIGH, to wit:</p> <p>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</p> <p>of <u>PUBLIC HEARING NOTICE</u> (Description of notice) was duly published in said newspaper once a week for 2 successive weeks (Class 2), commencing with the issue of <u>07/07/2015</u> and ending with the issue of <u>07/14/2015</u>, that said annexed notice was published on the following dates: <u>07/07/2015, 07/14/2015</u>, and that the cost of publishing said annexed notice as aforesaid was \$ <u>92.20</u></p> <p>Signed <u>Tara Meyer</u> Tara Meyer Legal Advertising Clerk Beckley Newspapers</p> <p>Taken, subscribed and sworn to before me in my said county this day: <u>07/14/2015</u></p> <p>My commission expires <u>March 27, 2021</u></p> <p><u>Diana L. Slone</u> Notary Public of Raleigh County, West Virginia</p> 	<p>COPY OF PUBLICATION</p> <p>PUBLIC HEARING NOTICE CITY OF BECKLEY WEST VIRGINIA HOME RULE PROGRAM</p> <p>Notice is hereby given by the City of Beckley, WV, that it will hold a public hearing on Monday, August 10, 2015, at 5:00 p.m. at the Beckley City Hall, Council Chambers, 409 South Kanawha Street, Beckley, WV 25801.</p> <p>The purpose of this public hearing is to discuss the City of Beckley's proposed Home Rule written plan and application. This information will be utilized by the City of Beckley in its application to the State for the Home Rule Program.</p> <p>The City of Beckley's proposed Home Rule program and application is available for public inspection in the office of the Recorder, Treasurer in City Hall, 409 South Kanawha Street, beginning July 9, 2015, Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m.</p> <p>All interested citizens are invited to attend the public hearing scheduled at 5:00 p.m. Monday, August 10, 2015 and to present oral or written comments concerning the City's proposed Home Rule Plan and application at that time. Written comments may be addressed to Robert Rappold, Recorder, Treasurer, City of Beckley, 409 South Kanawha Street, Beckley, WV 25801.</p> <p>The first reading of any ordinance approving the City of Beckley's Home Rule Plan application will be held at the regularly scheduled Beckley City Council meeting at 6:30 p.m. on Tuesday, August 11, 2015. The second reading and public hearing on this ordinance will take place at 6:30 p.m. on Tuesday, August 25, 2015. Both readings of the ordinance will take place in Beckley City Hall Council Chambers, 409 South Kanawha Street, Beckley, WV 25801.</p> <p>7-14-TUE-2-RH: L3157</p>
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William A. Brien
MAYOR

Robert Rappold
RECORDER-TREASURER

First Reading

08-11-15

Second Reading

08-25-15

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT
A HOME RULE PROPOSAL TO THE MUNICIPAL HOME RULE BOARD
IN ACCORDANCE WITH WEST VIRGINIA CODE §8-1-5A

BE IT ORDAINED by the Common Council of the City of Beckley, West Virginia that the Mayor is hereby authorized to submit the Home Rule Application to the Municipal Home Rule Board in accordance with West Virginia Code §8-1-5A in order for the City of Beckley to be included in the Pilot Program. A copy of said Proposal is attached hereto.

BE IT FURTHER ORDAINED by the Common Council of the City of Beckley that this Ordinance shall take effect upon the date of adoption.

THE CITY OF BECKLEY, WEST VIRGINIA,
a Municipal corporation

By: William A. O'Brien
William A. O'Brien, Mayor

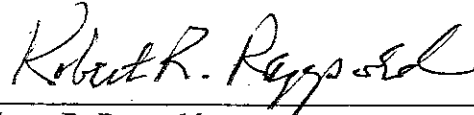
Attest:

Robert Rappold
Robert R. Rappold, 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 August 25, 2015, authorizing submission of a Home Rule proposal to the Municipal Home Rule Board in accordance with WV Code §8-15-5A.

Given under my hand this 25th day of August, 2016.



Robert R. Rappold
Recorder-Treasurer

CITY OF BECKLEY
TAX FEE ACTIVITY FEASIBILITY STUDY

CURRENT TAXES

	COAL 110	SAND/GRAVEL 111	NATURAL GAS 112	LIMESTONE 113	OTH NAT RSC 114	MANUFACTURING 115	RETAIL 116	WHOLESALE 117	SVG & LOANS 118	ELEC PWR 119	WATER 120	NTL GAS/ELEC DEMAND 121
GROSS TAXABLE INCOME	0.00	0.00	0.00	0.00	0.00	54,310,331.60	550,884,429.20	128,334,247.40	1,237,346.40	10,928,371.00	2,863,172.80	14,089,536.00
TAX RATE PER \$100	1.00	3.00	6.00	1.50	2.00	0.30	0.50	0.15	1.00	4.00	4.00	3.00
GROSS B & O TAX	0.00	0.00	0.00	0.00	0.00	162,930.99	2,754,422.15	192,501.37	12,373.46	437,134.84	114,526.91	422,686.08

PROPOSED TAXES

	COAL 110	SAND/GRAVEL 111	NATURAL GAS 112	LIMESTONE 113	OTH NAT RSC 114	MANUFACTURING 115	RETAIL 116	WHOLESALE 117	SVG & LOANS 118	ELEC PWR 119	WATER 120	NTL GAS/ELEC DEMAND 121
GROSS TAXABLE INCOME	0.00	0.00	0.00	0.00	0.00	54,310,331.60	550,884,429.20	128,334,247.40	1,237,346.40	10,928,371.00	2,863,172.80	14,089,536.00
TAX RATE PER \$100	1.00	3.00	6.00	1.50	2.00	0.25	0.40	0.15	1.00	4.00	4.00	3.00
GROSS B & O TAX	0.00	0.00	0.00	0.00	0.00	135,775.83	2,203,537.72	192,501.37	12,373.46	437,134.84	114,526.91	422,686.08

LESS:

GROCERS	42,650,915.68
GASOLINE	35,429,084.36
AUTO SALES	26,436,522.64
PHARMACIES	47,384,840.32
GROSS TAXABLE INCOME FOR SALES TAX	54,310,331.60
SALES TAX RATE	0.01
GROSS SALES TAX REVENUE	3,989,830.66

**AS ONLY SALES OF GOODS MANUFACTURED IN THE CITY WILL BE SUBJECT TO SALES TAX, WE ARE UNABLE TO PROJECT THE FOLLOWING EXEMPTIONS AS THEY ARE NOT CURRENTLY EXEMPT FROM BUSINESS AND OCCUPATION TAX.

1. MANUFACTURED GOODS SOLD FOR RESALE.
 2. MANUFACTURED GOOD SOLD FOR DELIVERY OUTSIDE THE CITY.
 3. MANUFACTURED GOODS SOLD TO ANOTHER MANUFACTURER FOR DIRECT USE IN MANUFACTURING, OR TO PERSONS ENGAGED IN TRANSPORTATION, TRANSMISSION, COMMUNICATION, GENERATION OF ELECTRICITY, OR PRODUCTION OF NATURAL RESOURCES FOR DIRECT USE OR CONSUMPTION IN THOSE BUSINESS ACTIVITIES.
- ALTHOUGH THE CITY EXPECTS TO RECEIVE SOME CONSUMER SALES TAX RELATED TO THE MANUFACTURING CATEGORY, WE CONSERVATIVELY CHOOSE NOT TO PROJECT THAT AMOUNT IN THIS HOME RULE APPLICATION.

ASSUMPTIONS:

GROSS TAXABLE INCOME = 5 YEAR AVERAGE REPORTED
GROSS TAXABLE INCOME FOR B&O WAS CALCULATED ((B&O TAX AMOUNT MULTIPLIED BY 100) DIVIDED BY B&O TAX RATE)
GROSS TAXABLE INCOME FOR SALES TAX WAS CALCULATED BY REDUCING GROSS TAXABLE INCOME FOR B & O BY EXEMPT SALES FOR THE FOLLOWING BUSINESS ACTIVITIES: WHOLESALE GAS, GROCERS, CONVENIENCE STORES, CAR SALES.

SUMMARY EXPLANATION

SH-SHEETS REFLECTS A REDUCTION IN B&O TAX RATES FOR MANUFACTURING, RETAIL, AND AMUSEMENT CATEGORIES AND CORRESPONDING APPLICATION OF 1% CONSUMER SALES TAX TO THOSE CATEGORIES, LESS STATE TAX COMMISSIONER FEES OF 5% OF ESTIMATED SALES TAX COLLECTIONS. ALL OTHER CATEGORIES EXEMPT FROM CONSUMER SALES TAX.

PREPARED BY:
BEVERLY BALES RINEHART, CPA, CGFM, CGMA
CONTROLLER
CITY OF BECKLEY

CITY OF BECKLEY
TAX FEE ACTIVITY FEASIBILITY STUDY

CURRENT TAXES

	OTH UTILITIES 122	CONTRACTING 123	AMUSEMENT 125	SERVICE 126	RENTS 127	BANKING 128	TOTAL
GROSS TAXABLE INCOME	0.00	28,980,122.80	3,619,891.00	320,635,037.80	32,666,114.40	37,279,706.60	1,185,828,307.00
TAX RATE PER \$100	2.00	2.00	0.50	1.00	1.00	1.00	
GROSS B & O TAX	0.00	579,602.46	18,099.46	3,206,350.38	326,661.14	372,797.07	8,600,086.31

PROPOSED TAXES

	OTH UTILITIES	CONTRACTING	AMUSEMENT	SERVICE	RENTS	BANKING	TOTAL
GROSS TAXABLE INCOME	0.00	28,980,122.80	3,619,891.00	320,635,037.80	32,666,114.40	37,279,706.60	1,185,828,307.00
TAX RATE PER \$100	2.00	2.00	0.35	1.00	1.00	1.00	
GROSS B & O TAX	0.00	579,602.46	12,669.62	3,206,350.38	326,661.14	372,797.07	8,016,616.88

LESS:

- GROCCERS
- GASOLINE
- AUTO SALES
- PHARMACIES

GROSS TAXABLE INCOME FOR SALES TAX
SALES TAX RATE
GROSS SALES TAX REVENUE

	3,619,891.00
	0.01
	<u>36,198.91</u>

INCREASE SALES TAX

4,026,029.57

**AS ONLY SALES OF GOODS MANUFACTURED:
1. MANUFACTURED GOODS SOLD FOR
2. MANUFACTURED GOODS SOLD FOR
3. MANUFACTURED GOODS SOLD TO
ELECTRICITY, OR PRODUCTION OF
ALTHOUGH THE CITY EXPECTS TO RECEIVE

TOTAL B & O & SALES TAX
LESS FEES STATE TAX COMMISSIONER@5%
NET B & O & SALES TAX

	12,042,646.45
	(201,301.48)
	<u>11,841,344.97</u>

8,016,616.88 B & O AFTER RATE REDUCTION
(8,600,086.31) B & O PRIOR TO RATE REDUCTION
4,026,029.57 ESTIMATED SALES TAX
(201,301.48) STATE TAX COMMISSIONER FEE
3,244,258.66 NET INCREASE IN REVENUE

SUMMARY EXPLANATION

PREPARED BY:



SPILMAN THOMAS & BATTLE, PLLC
ATTORNEYS AT LAW

Brian C. Helmick
(304)340-3826
bhelmick@spilmanlaw.com

August 21, 2015

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, WV 25305-0311

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

Dear Chairman Kiss:

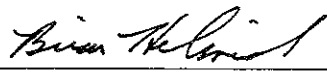
We have served as special counsel to the City of Beckley, West Virginia, in connection with the above referenced Municipal Home Rule PILOT Program Plan (the "Plan"). In connection with rendering this opinion, we have reviewed W. Va. Code § 8-1-5a (2015), the Application Guidelines for Participation in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

Based upon our examination of said documents and our understanding of the Application, it is our opinion that the Proposed 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 us.

Sincerely,

SPILMAN THOMAS & BATTLE, PLLC

By: 

Brian C. Helmick, Member
W. Va. State Bar No. 8815

7641181 (019354.0002)

Spilman Center | 300 Kanawha Boulevard, East | Post Office Box 273 | Charleston, West Virginia 25321-0273
www.spilmanlaw.com | 304.340.3800 | 304.340.3801 fax

West Virginia

North Carolina

Pennsylvania

Virginia

APPENDIX G
Affidavit Certifying No Delinquent Fees

In compliance with the requirement of W. Va. Code §8-1-5a(c)(1), I hereby swear or affirm under penalty of law for false swearing (W. Va. Code §61-5-3) that the municipality listed below is current in the payment of all fees to the State of West Virginia.

WITNESS THE FOLLOWING SIGNATURE:

Municipality's Name: Beckley, West Virginia

Authorized Signature: Robert R. Rappold

Date: August 19, 2015

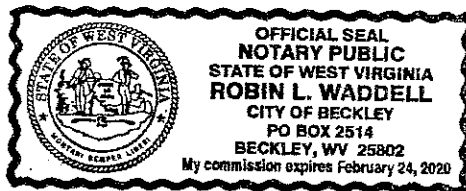
Print Name and Title: Robert R. Rappold, Recorder-Treasurer

State of West Virginia
County of Raleigh, to-wit:

Taken, subscribed, and sworn to before me this 19 day of August, 2015.

My commission expires: February 24, 2020

AFFIX NOTARY SEAL HERE:



CITY OF BECKLEY

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

BILL O'BRIEN
Mayor

Phone: (304) 256-1750 • Fax: (304) 256-1816

Appendix H Agreement Re Firearms, Ammunition & Firearm accessories

July 9, 2015

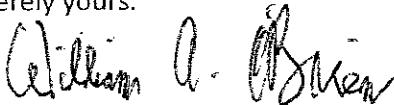
Mr. Robert Kiss, Chairman
West Virginia Municipal Home Rule Board
West Virginia Department of Revenue
1900 Kanawha Boulevard East
Building 1, Room W-300
Charleston, WV 25305

Re: Agreement to comply with requirements of W.Va Code §§ 8-1-5a(k)(11) and (p)

Dear Chairman Kiss:

In compliance with the requirements of W.Va Code §§ 8-1-5a(k)(11) and (p), the municipality of Beckley, West Virginia, hereby agrees that any municipal gun ordinances previously adopted by the governing body of this municipality pursuant to the provisions of W.Va. Code § 8-12-51, will no longer be of any force or effect as of the first day of the calendar that begins after the municipality is notified by the Municipal Home Rule Board that the municipality has been selected to participate in the Municipal Home Rule Pilot Program, except this Agreement and W.Va. Code § 8-1-5a(p)(4), may not be construed to limit the authority of a municipality to restrict the commercial use of real estate in designated areas through planning or zoning ordinances, and W.Va Code § 8-1-5a(k)(11) allows a municipality to regulate the carrying of a firearm in municipal buildings dedicated to government operations other than parking buildings or garages. On other municipal property, municipalities may regulate only those persons not licensed to carry a concealed firearm.

Sincerely yours.



William A. O'Brien
Mayor