

Town of Nutter Fort Municipal Home Rule Application





Town of Nutter Fort

1415 Buckhannon Pike Nutter Fort WV 26301 Ph: 304-622-7713 Fax: 304-623-0288

Municipal Home Rule Program APPLICATION

SECTION I: APPLICANT INFORMATION

A. General Information

Name of Municipality: Town of Nutter Fort, West Virginia
Certifying Official: Sam Maxson Title: Mayor
Contact Person: Leslie Cummings Title: Acting Treasurer, Town of Nutter Fort
Address: 1415 Buckhannon Pike
City, State, Zip: Nutter Fort, WV 26301
Telephone Number: 304-622-7713 Fax Number: N/A
E-Mail Address: mayor@townofnutterfort.com
2010 Census Population: 1,593

B. Municipal Classification

- Class 1 Class II Class III Class IV

Category of Issues to be Addressed (please attach descriptions for applicable categories)

- X Tax Organization Administration Personnel

SECTION II: NARRATIVE (written plan, including the following)

General: The Town of Nutter Fort, ["Town"] is located along WV Route 20 and WV Route 50, situated along Elk Creek, and roughly between Clarksburg and Bridgeport, West Virginia. The Town is situated in Harrison County, and has a population of 1,593, as determined by the 2010 census.

The Town of Nutter Fort received its name from a family by the name of Nutter. The Nutters were of Scotch-English descent. Coming to America at an early date, Thomas Nutter first settled in Sussex County, Delaware, where his oldest son, Christopher was born. They moved to Augusta County, Virginia where the family remained until 1769. At that time, they moved to Fayette County, Pennsylvania, and in March of 1772, the Nutter brothers (Thomas, Matthew & Christopher) came to Harrison County where they built and defended the now famous Nutter's Fort.

The Town was incorporated in 1923. Nestled amidst a cluster of municipalities in Harrison County, including Clarksburg, Bridgeport, the Town is home to a burgeoning community. We are privileged and eager to be planning a 100th Anniversary Town Celebration in 2023.

The Town of Nutter Fort has had the honor of holding the West Virginia Blackberry Festival, recurring the first weekend of August, since 1996. The Town also holds an annual Christmas and Halloween event. We wish to always make these bigger and better events to have more community participation. The Town has many ideas on additional festivals and markets to support within the Town. Nutter Fort would need essential funding for such plans; just like any other community, Nutter Fort encounters its own challenges and financial obstacles.



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The Town works hard to meet those challenges; however, it has long been the rule in West Virginia that a municipality only has the powers expressly granted by general statutes and its charter, the powers necessarily or fairly implied in or incidental to the powers expressly granted, and powers essential to the declared objects and purposes of the municipal corporation. *See, Sheldon v. City of Wheeling*, 146 W.Va. 691, 122 S.E.2d 427 (1961); *Maxev v. City of Bluefield*, 151 W.Va. 302, 151 S.E.2d 689 (1966). Therefore, if the Legislature has not authorized municipalities to perform certain acts, a municipality is prohibited from performing those acts.

This Application to authorize participation by the Town of Nutter Fort in the Municipal Home Rule Program demonstrates that the actions to be performed by the Town are not explicitly authorized by the Legislature through its Acts, but that those actions are proper and necessary for good government and essential for municipal growth. To that end, and following in the footsteps of many municipalities before it, the Town has proposed the following solutions to problems arising from its limited power from the Legislature:

1. "On-The-Spot" code enforcement citations. (ADMINISTRATIVE);
2. Disposition of equipment/property without public auction. (ADMINISTRATIVE);
3. Authorization to assess fire fee outside of city limits. (ADMINISTRATIVE);
4. Allow contracts with other jurisdictions via city council resolution. (ADMINISTRATIVE);
5. Assignment of court costs for municipal court proceedings. (ADMINISTRATIVE); and
6. 1% sales tax and corresponding B&O tax changes. (TAX).



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1. “On-The-Spot” code enforcement citations. (ADMINISTRATIVE)

Introduction: The Town seeks authority to issue on-the-spot code enforcement citations to streamline and expedite the code enforcement regulations, and permit efficient management of code enforcement throughout the Town.

Specific laws at-issue: W. Va. Code § 8-12-16

Problem: Regulation and procedures associated with code enforcement violations are governed by W. Va. Code § 8-12-16. Under section 16, municipalities may adopt ordinances regulating the repair, closing, demolition, etc. of dwellings or buildings unfit for human habitation.

Along with the power to adopt such code enforcement ordinances, however, municipalities are burdened with limited powers to enforce those ordinances:

To the extent not otherwise authorized by state law, all notices of violation or correction for violations that do not fall within one of the categories set forth in paragraph (A) or (B), subdivision (1), subsection (f) of this section **issued by the enforcement agency of a municipality that has adopted the state building code shall be served in accordance with the process set forth in the state building code.** All notices of violation or correction orders for violations that do not fall within one of the categories set forth in paragraph (A) or (B), subdivision (1), subsection (f) of this section issued by a **code enforcement agency of a municipality that has not adopted the state building code shall be served in accordance with the law of this state concerning the service of process in civil actions,** except that personal service may be made by a code enforcement agency official and the method of service effectuated by mail by the clerk of a court as permitted by Rule 4(d)(1)(D) of the West Virginia Rules of Civil Procedure is effectuated by mailing by a code enforcement agency official and shall be posted in a conspicuous place on the property that is the subject of the notice of violation or correction.

W. Va. Code § 8-12-16(i)

Proposed Solution: The Town will enact an ordinance providing Town enforcement officials authority to issue “on-the-spot” citations for certain violations. In particular, the Town seeks authority to issue “on-the-spot” citations for sanitation, drainage, high weeds, high grass, graffiti, exterior garbage accumulation, open storage in residential districts, and vehicles without proper registration. The proposed citations may be issued to owners, lessees, sub lessees, tenants, occupants, and/or the agents/managers presently having control over the property in question. The ordinance will provide those receiving an “on-the-spot” citation to contest the citation before the municipal court.



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Conclusion: Allowing “on-the-spot” citations will alleviate unnecessary and cumbersome procedural obstacles, and will facilitate efficient management of the Town’s ordinances.



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2. Disposition of equipment/property without public auction. (ADMINISTRATIVE)

Introduction: Municipalities' authority to dispose of property is generally restricted to public auction:

(b) In all other cases involving a sale, any municipality is hereby empowered and authorized to sell any of its real or personal property or any interest therein or any part thereof for a fair and adequate consideration, the property to be sold at public auction at a place designated by the governing body, or by using an Internet-based public auction service, but before making any sale, notice of the time, terms, and place of sale, together with a brief description of the property to be sold, shall be published as a Class II legal advertisement in compliance with the provisions of § 59-3-1 et seq. of this code and the publication area for the publication shall be the municipality. The requirements of notice and public auction shall not apply to the sale of any one item or piece of property of less value than \$1,000 and under no circumstances shall the provisions of this section be construed as being applicable to any transaction involving the trading in of municipally owned property on the purchase of new or other property for the municipality and every municipality shall have plenary power and authority to enter into and consummate any trade-in transaction.

W. Va. Code § 8-12-18(b). Auction is defined under the West Virginia Code as: “any public sale of real or personal property when offers or bids are made by prospective purchasers and the property sold to the highest bidder.” W. Va. Code § 19-2C-1(e) (effective until June 7, 2019) (*See also* W. Va. Code § 19-2C-1(h) (effective June 7, 2019) (“Public auction’ or ‘auction’ means any public sale of real or personal property in any manner, whether in-person, via written offers or bids, or online, when offers or bids are made by prospective purchasers and the property sold to the highest bidder.”)

Specific laws at-issue: W. Va. Code § 8-12-18(b).

Problem: The current public auction requirements often creates a scenario where the sale of property by a municipality leads to sale at less than market value. Notably, the required sale at auction to the highest bidder does not equate to the actual value of the property, and more than likely, results in the sale of the property at less than its actual value.

Additionally, as required by W. Va. Code § 18-12-18(b) regarding property valued more than \$1,000.00, municipalities are additionally required to pay the costs of class II legal advertisements. Class II legal advertisements are governed by W. Va. Code § 59-3-2(a), and require once weekly publishing for two successive weeks in a qualifying newspaper. The cost of said legal advertisement is likewise governed by W. Va. Code § 59-3-3. Considering the likelihood property would be sold for less than a fair market bid alongside the additional expense of legal advertising, the Town will likely receive much less than the actual value of the property at auction.



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Proposed Solution: The Town seeks authority to enact an ordinance to establish the procedure for selling property, real or personal, valued at less than \$10,000.00 without going through the auction process. The ordinance would provide the procedure for establishing the value of property being sold. For example, the sale price of any motor vehicle may not be less than the “average loan” value, as published in the most recent available eastern edition of the National Automobile Dealers Association (N.A.D.A.) Official Used Car Guide, if the value is available; if the fair market value of the vehicle is less than the N.A.D.A. “average loan” value, the vehicle may be sold for less than the “average loan” value. The fair market value shall be based on a thorough inspection of the vehicle by an employee of the Town who shall consider the mileage of the vehicle and the condition of the body, engine and tires as indicators of its fair market value. If no fair market value is available, the Town would set the price to be paid with due consideration given the current market prices.

Conclusion: Rather than compel auctions, which are untimely, expensive, and often result in sales of property at less than market value, municipalities require more flexibility in the manner, and value at which property is sold. Removing barriers such as the legal advertisement and the public action requirement, and eliminating costs such as advertising and auctioneer commission cost, will facilitate immediate savings and eventual improved property sale value.



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3. Authorization to assess fire fee outside of city limits. (ADMINISTRATIVE)

Introduction: Chartered on August 25, 1945, the Nutter Fort Volunteer Fire Department is a vital constituent of not only the Town of Nutter Fort, but also the entire capacity of North Central, Harrison County of West Virginia. The Town of Nutter Fort has accepted responsibility for providing emergency service within its first due areas, as assigned by the West Virginia State Fire Commission. This area extends beyond Nutter Fort's jurisdictional limits, affording protection to various residents without contributing funds from the adjacent areas. It appears unfair to the residents of Nutter Fort that the Town should bear the costs of fire protection fees, while areas receive the benefit of the Town's fire protection without charge. One hundred percent of the fire protection service that is paid by the Town of Nutter Fort comes from the General Fund.

The Nutter Fort Volunteer Fire Department answers over 700 calls per annum and effectively services more than 417 square miles with a service population of 68,911 constituents between first response and mutual aid agreements. Not to mention the NFVFD is the initial response to the largest elementary school east of the Mississippi river.

Specific laws at-issue: W. Va. Code § 8-13-13.

Problem: The Town of Nutter Fort is required by the West Virginia State Fire Commission to render fire protection services in its First Due Area as designated by the West Virginia State Fire Marshall and the West Virginia State Fire Commission. In collaboration with the Harrison County Assessors' Office, the Town has determined there are currently 1,673 residential structures and 187 commercial structures that are within the first due response area of Nutter Fort Fire Department.

Among the Town's first due response area, only 776 of the residential structures and 91 commercial structures are within the Town limits of Nutter Fort. Nutter Fort assesses a fire service levy within its corporate limits which funds approximately 65% of the cost of its fire protection services. Substantial funding is provided by the Town of Nutter Fort by general revenue provided by taxes within the Town limits. Meanwhile, the Town receives no revenue for providing fire protection services from its paid Fire Department outside of the Town limits. Nonetheless, the Town expends substantial expenses and manpower at a significant cost to Nutter Fort to provide fire protection services to these additional residences and businesses. In light of such obligation, the Town is left with two options: collect revenue to fund a portion of fire protection services provided outside the Town limits, or petition for a modification of Nutter Fort's Fire Service District to restrict its first due area to Town limits.

Proposed Solution: Nutter Fort proposes to enact an ordinance to assess a fire service fee outside of its city limits and within its first due area, and to file and enforce a lien for unpaid and delinquent fees in order to provide funding for fire protection rendered outside its Town limits. This fee will be \$150/year for residential structures and \$100/year + \$.045/square foot for commercial structures and is expected to generate \$185,725.00 for the Town of Nutter Fort's Fire Protection Services. (Total fire fees prediction generated with approximate commercial square footage provided by the Harrison County Assessor's Office.) A fee for fire protections services outside the Town limits but within the first due area is furthermore consistent West Virginia Supreme Court opinion *Davisson*



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v. City of Bridgeport, 2014 W. Va. LEXIS 3 (W. Va. January 10, 2014) (memorandum decision). Please see attached Problem 3 worksheet attached.

Conclusion: Nutter Fort's first due area responsibilities, more than 50% of which is located outside of its Town borders, require substantial resources and manpower without contributing any revenue for the maintenance of the services. An ordinance assessing a fire fee outside the Town limits but within the first due area is necessary to support the fire protection services, and is furthermore consistent with the current case law.



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4. Allow contracts with other jurisdictions *via* city council resolution. (ADMINISTRATIVE)

Introduction: The current laws governing a Town's contractual or other agreements with other jurisdictions are cumbersome and create substantial and unnecessary barriers to the Town's efficient management of its operations.

Specific laws at-issue: West Virginia Code §§ 8-11-3; 8-11-4.

Problem: Under West Virginia Code § 8-11-3(10), the Town cannot enter into a contractual or other agreement with another jurisdiction until Council approves the transaction by ordinance. Currently, due to the requirements in West Virginia Code § 8-11-4 regarding the passage of an ordinance, it takes approximately one month for Council to approve a contract or other agreement with another jurisdiction. These procedures are unique to inter-governmental entities in that no such ordinance requirement exists for contracts between the Town and non-governmental entities.

In pertinent part, W. Va. Code § 8-11-4 requires an ordinance shall be read by title at not less than two (2) meetings of the governing body. By Ordinance, the City Council meets on the second and fourth Tuesday of each month. For the City to comply with the two meeting requirement imposed by § 8-11-4, it will take no less than one month before an intergovernmental contract/agreement to be approved. The Town is presented with numerous intergovernmental agreements each year by the State, Clarksburg, Stonewood and Bridgeport. The Town furthermore believes it would engage in additional coordination and planning with surrounding government entities if the contract/agreement process were less onerous, including paving work, demolition work, and miscellaneous purchases.

Summary of proposed solution: The Town proposes that it be authorized to approve these contracts or other agreements by resolution in the same manner as it does with similar agreements with non-governmental entities.

Conclusion: The proposed solution will promote and facilitate cooperation between jurisdictions. Additionally, the process of entering into a contract or other agreement with another governmental entity will be markedly expedited.



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5. Assignment of court costs for municipal court proceedings. (ADMINISTRATIVE)

Introduction: The Town of Nutter Fort opened its municipal court in 1978. The Town prosecutes most of its criminal misdemeanor citations issued and arrests performed by the Town Police Department before the Town of Nutter Fort Municipal Court. In the course of operating its municipal court, the Town employs one municipal judge, utilizes Town resources to hold Court hearings, and carries the associated burdens of operating Court hearings including paperwork and filing, computer usage, and internet access. During the calendar year 2018, the Court processed 328 citations and 32 arrests, and held approximately 22 hearings. During the six month period from January 1, 2019, through June 30, 2019, the Court processed 128 citations and 20 arrests, and held 15 hearings.

As the Court's caseload increases, the Town naturally incurs expenses related to employment of a municipal judge, operating costs for the Court, maintenance and operation costs associated with the courtroom, and holding Court proceedings. Moreover, concurrent technological upgrades, including phone systems, computer systems, and expanded internet requirements, give rise to growing costs related to obtaining and maintaining technological upgrades. Consequently, the Town of Nutter Fort seeks authorization to enact an ordinance to assign court costs for municipal court proceedings.

Specific laws at-issue: W. Va. Code §§ 8-10-2, 8-11-1(2), 8-11-1b, and 8-12-5(58).

Problem: The Town of Nutter Fort Municipal Court was created pursuant to W. Va. Code § 8-10-2, which provides a municipality the authority to create and maintain a court. Reasonable penalties for violations of the Town's ordinances, including fines, forfeitures and confinement in the county or regional jail, are authorized by W. Va. Code § 8-11-1(2). Of course, pursuant to W. Va. 8-12-5(58) the penalties may not exceed any penalties provided for a similar offense in State Court. Unfortunately, nowhere within the above identified statutes is a municipality empowered to address court needs and create specific court costs to address those needs. Simply put, the West Virginia Code does not specifically permit municipalities the authority to assess court costs.

Proposed Solution: The Town of Nutter Fort seeks authority to enact an ordinance authorizing the Court assess Court Costs to be assessed against each individual convicted within the Town's Municipal Court. At present, the Town is considering a fee for Court Costs between \$30.00 and \$65.00. During the calendar year 2018, the Town Municipal Court held 22 hearings in which court costs could have been assessed consistent with the Town's present Home Rule Application. At the Town's contemplated Court Costs fee between \$30.00 and \$65.00, and based on the Town's 2018 data, the proposed fees could generate between \$660.00 and \$1,430.00 annually, which would be used to defray current Court operating costs.

Conclusion: Authorization to assess Court Costs will permit the Town to defray rising costs in Court maintenance and operation, and furthermore facilitate upgrade and maintenance of new technologies that have become commonplace to office and judicial settings.



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6. 1% sales tax and corresponding B&O tax changes. (TAX)

Introduction: Home Rule aside, municipal revenue generation is limited to either taxation via municipal business and occupation (“B&O”) tax or by imposing a sales tax. The State Code establishes these two taxes to be mutually exclusive. The Town currently imposes B&O taxes, and would like to additionally enact a sales tax to generate revenue. Upon review of various recent applications for Home Rule, it is apparent that most municipalities have proposed sales tax components to their proposed Home Rule plans.

Specific laws at-issue: § 8-13C-1 *et seq.*

Problem: W. Va. Code § 8-13C-1 *et seq.* permits enactment of municipal sales tax for pension relief or as an “alternative municipal sales tax,” not to exceed one percent. This is available only if the municipality completely eliminates its B&O tax. W. Va. Code § 8-13C-4(b). Pursuant to W. Va. Code § 8-1-5a(k)(6), municipalities are not authorized to pass an ordinance under the Municipal Home Rule pertaining to taxation, except the limited circumstance where municipalities may enact a sales tax up to one percent if the municipalities reduce or eliminate its municipal B&O tax.

Proposed Solution: The Town proposes a five percent (5%) reduction in its B&O tax through a reduction on rental B&O taxes to a rate of 0.0% percent, while imposing a one percent sales tax on all taxable sales under the West Virginia Code. Based on the aforementioned changes, the Town expects to see a \$21,767.24, (approximately 5%,) reduction in B&O taxes, and, although the Town does not have access to data pertaining to gross sales in its jurisdiction available at this time, believes the additional in revenue from the 1% sales tax will substantially benefit the Town. See attached Financial Statement.

Conclusion: Following in the footsteps of the municipalities already awarded Home Rule, the proposed solution will promote financial stability and assist the Town in meeting financial needs for upcoming expenses and ongoing maintenance.



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SECTION III: AFFIDAVITS

Hearing Mandate Verification:

To be attached after public hearing.

Publication Mandate Verification:

To be attached after public hearing.

Ordinance Authorizing Submission of Plan:

To be attached after public hearing.

Fiscal Impact Worksheets/Formulas



Town of Nutter Fort

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Problem 6: Financial worksheet

Financial Statement:

TOWN OF NUTTER FORT					
Business & Occupation Tax/Sales Tax Projections					
Business Category	Item Description	Current Rates:	Adjusted Rates:		
Class A	Natural Gas/Resource Product	3.00%	3.00%		
Class A-1	Natural Resource - Coal	0.60%	0.60%		
Class B	Gross Manufactured Products	0.30%	0.30%		
Class C-1	Retailers & Others	0.40%	0.40%		
Class C-2	Wholesalers	0.15%	0.15%		
Class D	Contracting Business	2.00%	2.00%		
Class E	Amusement Business	0.40%	0.40%		
Class F	Rental Property	1.00%	0.00%		
Class G	Small Loan Business	1.00%	1.00%		
Class H	Service & All Other	1.00%	1.00%		
Class I	Electric Light & Power Company	4.00%	4.00%		
Class J	Electric & Power Other Sales	3.00%	3.00%		
Class K	Banking Institutions	1.00%	1.00%		

2017 B&O tax collected	\$436,568.21	Average annual B&O tax collection (for 2017 and 2018):	\$412,155.66
2017 Class F B&O tax collected:	\$21,200.20 (4.86%)	Projected annual B&O tax collection with reduced rate (approximately 5%):	\$390,388.42
		Projected annual reduction in B&O revenue	\$21,767.24
2018 B&O tax collected	\$387,743.11		
2018 Class F B&O tax collected:	\$22,334.28 (5.76%)	Necessary Gross Sales to Make Up for B&O Revenue Reduction:	\$21,767.24
		Projected sales tax rate:	1%
		Necessary annual gross sales to generate \$21,767.24 net to the Town*:	\$2,285,560.20
*this amount takes into account the 5% administrative fee that will be captured by the State Tax Department.			
To implement a 1% sales tax as part of Home Rule, the Town must reduce the B&O tax rate imposed.			
Once reduced, the B&O rate may not be raised without eliminating the sales tax.			



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Attorney Opinion:

To be attached after public hearing.

State of West Virginia Fees Statement:

To be attached after public hearing.

Certifying Official Signature:

Sam Maxon

Sam Maxon, Mayor
Town of Nutter Fort, West Virginia

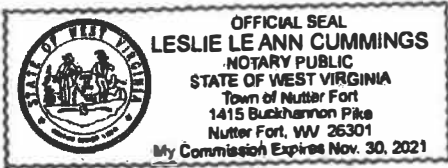
Affidavit:

Taken, subscribed and sworn to before me, this 22nd day of November, 2019.

My commission expires: Nov 30, 2021.

Leslie Le Ann Cummings

NOTARY PUBLIC



AFFIDAVIT

STATE OF WEST VIRGINIA
COUNTY OF HARRISON, to-wit:

I, Sam Maxson, having been duly sworn, do hereby state and affirm the following:

1. That I am the elected Mayor of the Town of Nutter Fort, West Virginia, from July 1, 2017 to the present; and
2. That a copy of the Town of Nutter Fort's proposed Home Rule Plan, contained within its application to the West Virginia Municipal Home Rule Program, was made available for public inspection at Nutter Fort Town Hall, 1415 Buckhannon Pike, Nutter Fort, WV 26301, each business day during regular business hours from September 24, 2019, up to and including November 1, 2019; and
3. That a public hearing was properly noticed and held at the Town of Nutter Fort Council Chambers on the Town of Nutter Fort's proposed Home Rule Plan on November 1, 2019.

This affidavit is sworn by me and submitted this 22nd day of November, 2019.

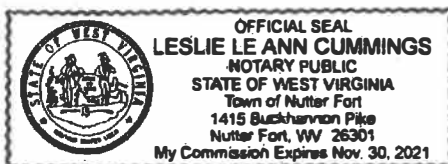


Sam Maxson, Mayor
TOWN OF NUTTER FORT
1415 Buckhannon Pike
Nutter Fort, WV 26301
mayor@townofnutterfort.com

STATE of WEST VIRGINIA
COUNTY of HARRISON, to-wit:

I, Leslie LeAnn Cummings, a Notary Public in and for the County and State aforesaid, do hereby certify that Sam Maxson, known and known to me, did swear to and subscribe before me the above affidavit.

Given under my hand this 22nd day of November, 2019.
My commission expires November 30, 2021.



Signature

Leslie LeAnn Cummings
Notary Public

PUBLISHER'S CERTIFICATE

I, Robert Gaston
Classified Manager of THE EXPONENT
TELEGRAM, a newspaper of general circulation
published in the city of Clarksburg, County and state
aforesaid, do hereby certify that the annexed:

HOME RULE PROGRAM

was published in THE EXPONENT-TELEGRAM 2
time(s) commencing on 09/24/2019 and ending on
10/01/2019 at the request of

TOWN OF NUTTER FORT.

Given under my hand this 10/04/19.

The publisher's fee for said publication is: \$73.38.

Robert Gaston

Classified Manager of The Exponent-Telegram

Subscribed to and sworn to before me this 10/04/19

Beatrice L. Charnoplosky

Notary Public in and for Harrison County, WV



My commission expires on

The 30 day of November 20 21

The Exponent Telegram

P.O. Box 2000
 Clarkeburg, WV 26302
 Phone: 304-626-1420
 Fax: 304-622-3629
 Classified@theet.com

Advertising Invoice

TOWN OF NUTTER FORT
 1415 BUCKHANNON PIKE
 NUTTER FORT, WV 26301

Acct#: 781
 Ad#: 209564
 Phone#: 304-622-7713
 Date: 10/04/2019

Salesperson: MELISSA KIMBREW

Classification: Legal Ads

Ad Size: 1.0 x 306.00

Advertisement Information:

Description	Start	Stop	Ins.	Cost/Day	Total
Classified Exponent	09/24/2019	10/01/2019	2	35.19	70.38
Affidavit Fee	-	-	-	-	3.00

Payment Information:

Date: 09/20/2019 Order#: 209564 Type: BILLED ACCOUNT

Total Amount: 73.38

Amount Due: 73.38

Attention: Please return the top portion of this invoice with your payment including account and ad number.

Ad Copy

Legal Notices

Legal Notices

Legal Notices

cannot afford legal representation, C POWELL, 500 GREEN STREET, PARKERSBURG, WV 26101 has been appointed by the Court and can be reached at (304) 422-6555.

above-styled proceeding may, upon disposition result in the permanent termination of the parental rights of the mother, CHARLES PHARES, with respect to the above-named children, A.P. and

copy of the Petition may be obtained by the father, from the undersigned Clerk at his office, located at the Wood County Courthouse Building, Parkersburg, Wood County, West Virginia.

Carole Jones by: M. Rockhold
Deputy CLERK OF
THE CIRCUIT COURT

IN THE COURT OF
HARRISON COUNTY,
WEST VIRGINIA

Case No. 19-C-194

Wells Fargo Bank, National Association, in its individual or banking capacity, but only as as Trustee on behalf of the Madison Avenue Manufactured Housing Contract Trust 2002-A

Unknown Spouse, if any of Daniel L. Kennedy, et al
Plaintiff's

ORDER FOR SERVICE
BY PUBLICATION

Now comes the Plaintiff, Wells Fargo Bank, National Association, not in its individual or banking capacity, but solely as Trustee on behalf of the Madison Avenue Manufactured Housing Contract Trust 2002-A, by counsel, Donald Geoffrey Varney who states that the object of the above styled suit is: to declare the Plaintiff is the holder of the deed of trust encumbering real estate commonly known as 127 Sycamore Fork Rd., Wallace, WV 26448, Harrison County.

It is ordered that Defendant, Unknown Spouse, if any of Daniel L. Kennedy, do give upon Donald Geoffrey Varney, Plaintiff's attorney, whose address is Resenfeld & Associates, LPA-LLC, 3982 Ed Blank Road, Cincinnati, OH 45227, to file with the Court an answer or other response to the petition filed in this action within 30 days of the second date of publication of this notice, otherwise judgment by default may be taken against you at any time thereafter. A copy of said complaint can be obtained from the undersigned clerk at his/her office. Entered by the Clerk of said Court August 20, 2019

Albert Marano
Circuit Clerk

CL Sharpe
Deputy

ORDER OF PUBLICATION
HARRISON COUNTY
CIRCUIT COURT
CLARKSBURG, WEST VIRGINIA

RE: JUVENILE
PETITION NOS.
19-JA-113-2
19-JA-114-2
19-JA-147-2
19-JA-148-2
19-JA-149-2

By: ANISSA WILLIAMS and LARRY
EEL, JR.

The purpose of the above action is to determine guardianship of the child, C.R., born April 5, 2018; the child, A.R., born June 19, 2019; the child, L.C., born March 20, 2013; the child, J.C., born October 5, 2010; and the child, X.C., born November 20, 2011, to Anissa Williams. The petitioner, the West Virginia Department of Health and Human Resources, is seeking permanent legal and physical custody of the said minor children. It is ORDERED that Anissa Williams, the

PAL BUILDING DURING REGULAR BUSINESS HOURS.

AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF A PORTION OF QUARRY DRIVE, 60 FEET IN WIDTH BETWEEN PARCELS 51.16 AND 51.24 UPON TAX MAP 308, IN THE CITY OF CLARKSBURG, COAL-CLARKSBURG (08) DISTRICT, HARRISON COUNTY, WEST VIRGINIA, SHOWN ON THE PETITION FOR SAID ABANDONMENT ON FILE IN THE CITY CLERK'S OFFICE PROVIDING FOR FINDINGS OF FACT IN CONNECTION WITH SAID ABANDONMENT; AND AUTHORIZING THE EXECUTION OF THE PROPER QUIT-CLAIM DEEDS, RESERVING THEREFROM UTILITY RIGHTS-OF-WAY PASSED BY THE CITY COUNCIL OF THE CITY OF CLARKSBURG ON FIRST READING ON THE 19TH DAY OF SEPTEMBER, 2019.

E. RYAN KENNEDY, MAYOR
ATTEST: PAULA HARDMAN,
INTERIM CITY CLERK

PUBLIC HEARING NOTICE OF TOWN
OF NUTTER FORT, WEST VIRGINIA
HOME RULE PROGRAM

Notice is hereby given by the Town of Nutter Fort, West Virginia, that it will hold a public hearing on November 1, 2019, in the Council Chambers at Town of Nutter Fort City Hall, 1415 Buckhannon Pike, Nutter Fort, West Virginia.

The purpose of this public hearing is to discuss the Town of Nutter Fort's proposed Home Rule written plan application. Information from this hearing will be utilized by the Town of Nutter Fort in its application to the West Virginia Home Rule Program. The Town of Nutter Fort's proposed Home Rule plan application is available for public inspection in the Business Office, as well as the Mayor's Office, Town of Nutter Fort, 1415 Buckhannon Pike, Nutter Fort, West Virginia, beginning on Tuesday, September 24, 2019, Monday through Friday, between the hours of 8:00 a.m. and 4:00 p.m.

All interested citizens are invited to attend the public hearing scheduled on Friday, November 1, 2019, at 8:30 p.m., and to present oral or written comments concerning Nutter Fort's proposed Home Rule plan and application. Written comments may be addressed to Mayor Sam Maxson, Town of Nutter Fort, 1415 Buckhannon Pike, Nutter Fort, West Virginia.

Town Council of Nutter Fort will consider all public comments in preparing the final draft of the plan application and in deciding to proceed with an ordinance authorizing the Town to submit the plan to the West Virginia Home Rule Board for its consideration and approval.

The first reading of an ordinance approving submission of the Town of Nutter Fort's Home Rule plan application may take place November 1, 2019, during the Town Council of Nutter Fort meeting beginning at 8:30 p.m. In the Council Chambers at Town of Nutter Fort City Hall, 1415 Buckhannon Pike, Nutter Fort, West Virginia.

STATE OF WEST VIRGINIA
DEPARTMENT OF
ENVIRONMENTAL PROTECTION
DIVISION OF WATER
AND WASTE MANAGEMENT

PUBLIC NOTICE

WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S PUBLIC INFORMATION OFFICE, 601 57TH STREET, CHARLESTON SE, WEST VIRGINIA 25304-2345 TELEPHONE: (304) 926-0440.

facility shall be land applied, provided that the sewage sludge shall not be applied in a manner that exceeds the agronomic or lifetime loading rates. This land application site meets all other regulatory standards and is identified as follows: Donald Davis, Salem Fork Road, Salem, WV. Further, sewage sludge generated and/or processed at the permittee's facility shall be disposed of at a sanitary landfill by placing the sewage sludge in the landfill cell. Also, sewage sludge generated and/or processed at the permittee's facility shall be disposed of by a registered septage hauler.

Business conducted:
Public Service District

Implementation:
N/A

On the basis of review of the application, the "Water Pollution Control Act (Chapter 22, Article 11-8(a))" and the "West Virginia Legislative Rules," the State of West Virginia will act on the above application.

Any interested person may submit written comments on the draft permit and may request a public hearing by addressing such to the Director of the Division of Water and Waste Management within 30 days of the date of the public notice. Such comments or requests should be addressed to:

Director, Division of
Water and Waste
Management, DEP
ATTN: Lori Devereaux,
Permitting Section
601 57th Street SE
Charleston, WV 25304-2345

The public comment period begins September 24, 2019 and ends October 24, 2019.

Comments received within this period will be considered prior to acting on the permit application. Correspondence should include the name, address and the telephone number of the writer and a concise statement of the nature of the issues raised. The Director shall hold a public hearing whenever a finding is made, on the basis of requests, that there is a significant degree of public interest on issues relevant to the Draft Permit(s). Interested persons may contact the public information office to obtain further information.

The application, draft permit and any required fact sheet may be inspected, by appointment, at the Division of Water and Waste Management Public Information Office, at 601 57th Street SE, Charleston, WV 25304-2345, between 8:00 a.m. and 4:00 p.m. on business days.

TRUSTEE'S SALE
OF VALUABLE REAL ESTATE

The undersigned Substitute Trustee, by virtue of the authority vested in him by that certain Deed of Trust, dated July 8, 2010, and duly recorded in the Office of the Clerk of the County Commission of Harrison County, West Virginia, in Document No. 201000024207, in Book No. 1197, at Page 1168, Daniel R. Phillips did convey unto Lamy F. Mazza and Kathryn K. Allen, Trustee(s), certain real property described in said Deed of Trust, and the beneficiary has elected to appoint Seroca Trustees, Inc., as Substitute Trustee by a Substitution of Trustee dated August 15, 2018, and recorded in the aforesaid Clerk's office; and default having been made under the aforementioned Deed of Trust, and the undersigned Substitute Trustee having been instructed by MVB Bank, Inc. to foreclose thereunder, will offer for sale at public auction at the front door of the Harrison County Courthouse in Clarksburg, West

WHEELS

Auto

A Scam Alert
NEVER wire money or use a bank-to-bank transfer in a transaction.
ALWAYS try to deal locally when buying or selling a automobile or other high-well merchandise

Auto

COUNTRY CLUB
Chrysler Dodge Jeep Ram
Rt. 19 South
624-7611; 800-424-7611

DAN CAVA TOYOTA WORLD
178, Ext 132
300-366-2720

TURNER'S INC.
Rt. 33, Weston Acres s
from We no y 869-6495

Classic Cars

1996 OLDS CUTLASS SUPREME
\$3,200, 304-376-7028

Motorcycles/ATV

LEONOV'S
SUZUKI-KAWASAKI
ARCTIC CAT-KYMCO
320 W. Main St.,
Bridgetown, 842-5469

80 MOTORCYCLES
2322 Murphy Run Road,
Bridgetown WV 26330

Legal Notices

BENEDUM AIRPORT
AUTHORITY
HARRISON COUNTY,
WEST VIRGINIA
BENEDUM LOGISTICS PARK
THRASHER PROJECT
101-639-3978

ADVERTISMENT FOR BIDS
Sealed Bids for the construction of the
Benedum Logistics Park will be received,
by the Benedum Airport Authority, located
at the North Central West Virginia Airport,

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Legal Notices

The Bidding Documents at the Issuing
Office on Mondays through Fridays
between the hours 8:00 am to 5:00 pm,
and may obtain copies of the Bidding
Documents from the Issuing Office as
described below.

Complete sets of Bidding Documents may
be obtained from the office of Thrasher,
Boyer White Oaks Boulevard, P. O. Box
940, Bridgetown, WV 26330, for the
following costs:

Bidding Documents issued as hard copy
drawings and hard copy specifications are
available for \$25.00 per set.
Bidding Documents issued as digital
drawings and digital specifications thru a
link sent by email are available at no cost.

Amounts paid are not subject to refund.
Partial sets of Bidding Documents will not
be available from the Issuing Office.
Neither Owner nor Engineer will be
responsible for full or partial sets of
Bidding Documents, including Addenda if
any, obtained from sources other than the
Issuing Office.

Bidding Documents also may be exam-
ined at:
Benedum Airport Authority
2000 Aviation Way
Bridgetown, WV 26330

The Thrasher Group, Inc.
600 White Oaks Boulevard
Bridgetown, WV 26330

Contractor's Association of WV
214 Kanawha Boulevard East
Charleston, WV 26311

A two envelope system will be used.
Envelope No. 1 shall have the following
information presented on the front:
Name and address of Bidder Bld on
Contract # Benedum Logistics Park
Received by the Benedum Airport Authority
Envelope No. 2 labeled "Bid Proposal"
shall also be placed inside of Envelope #1.

Envelope No. 1 will be opened first and
the Bid Opening Requirements items
checked for compliance as outlined on
the Bid Opening Checklist on page BOP-1
of these contract documents. If such
documents are found to be in order,
Envelope No. 2 "Bid Proposal" will then
be opened and will be publicly read aloud.

If the documents required to be contained
in Envelope No. 1 are not in order,
Envelope No. 2 "Bid Proposal" will not be
opened and the Bid will be considered
non-responsive and will be returned to the
Bidder.

A bidder may not withdraw his bid for a
period of ninety (90) days after the date set
for the opening of bids.

Bids shall be accompanied by a certified
check or bid bond payable to Benedum
Airport Authority in the amount equal to
five percent (5%) of the base bid.

Contractor is required to provide the Drug
Free Workplace Certification in accordance
with WV Code 21-10-5.

All Bidders are required to have a West
Virginia Contractor's License per Section
221-11-1 of the West Virginia Code.

Bids received after the scheduled closing
time for the reception of bids will be
returned unopened to the bidders.

The Benedum Airport Authority reserves
the right to reject any and all bids.

A pre-bid conference will be held at 10:30
am local time on Wednesday September
25th, 2019 at the North Central West
Virginia Airport - 2nd Floor - Conference
Room located at 2000 Aviation Way,
Bridgetown, WV 26330.

Attendance at the Pre-Bid Conference
is not mandatory.
Benedum Airport Authority 2000 Aviation
Way, Bridgetown, WV 26330

Thrasher Group, Inc. 600 White Oaks
Boulevard, Bridgetown, WV 26330
END OF ADVERTISEMENT FOR BIDS

FIDUCIARY NOTICE
The accounts of the following named
educators are a reformer for settlement.
1. Cindy Rae Olivero and Barry Lee
Dorson, Co-Educators of the Last Will and
Testament of Harold J. Davidson, deceased.

JAMES A. VARNER, SR.
Fiduciary Commissioner
Harrison County Commission
2000 Peak Street Suite 102
Charleston, WV 26301

IN THE CIRCUIT COURT
OF WOOD COUNTY,
WEST VIRGINIA
IN THE INTEREST OF
A.P.

Juvenile Abuse Neglect Nos.
18-JA-80 18-JA-81
ORDER OF PUBLICATION

TO: CHARLES PHARIS
On or about January 15, 2007 A.P., the
above-named child, and on or about
February 4, 2005, E.P., named as the
child, was born to LORI SCHULTZ. It
appearing that the Father, CHARLES
PHARIS, of the above named children
eternally and unknown notice is
hereby given that a hearing is scheduled
in the above-styled matter on NOVEM-
BER 19, 2019, at the hour of 3:30
o'clock P.M. before the Honorable Judge
A. Wharton, located at the Judicial Annex,
Second Floor, Parkersburg, Wood Coun-
ty, West Virginia.

These proceedings are closed to the
general public. The Father, CHARLES
PHARIS, has the right to legal counsel at
every stage of these proceedings and if

Legal Notices

he cannot afford legal representation.
ERIC POWELL, 500 GREEN STREET,
PARKERSBURG, WV 26101 has been
appointed by the Court and can be
reached at (304) 422-5253

The above-styled proceeding may, upon
final disposition result in the permanent
termination of the parental rights of the
Father, CHARLES PHARIS, with respect
to the above-named children, A.P. and
E.P.

A copy of the Petition may be obtained by
either, from the undersigned Clerk at the
office, located at the Wood County
Judicial Building, Parkersburg, Wood
County, West Virginia.

Carole Jones by: M. Rockhold
Deputy CLERK OF
THE CIRCUIT COURT

IN THE COURT OF
HARRISON COUNTY,
WEST VIRGINIA

Civil Action No. 19-C-194
Wells Fargo Bank, National Association,
no in its individual or banking capacity, but
solely as its Trustee on behalf of the
Madison Avenue Manufactured Housing
Contract Trust 2002-A

VS.
Unknown Spouse, if any of Daniel L.
Kennedy, et al
Delendendat's

ORDER FOR SERVICE
BY PUBLICATION

Now comes the Plaintiff, Wells Fargo
Bank, National Association, not in its
individual or banking capacity, but solely
as Trustee on behalf of the Madison
Avenue Manufactured Housing Contract
Trust 2002-A, by counsel, Donald Geof-
frey Varney who states that the object of
the above styled suit is to declare the
Plaintiff is the holder of the deed to trust
encumbering real estate commonly
known as "Clark Park, Dr.,
Wallace, WV 26448, Harrison County.

It is ordered that Defendant, Unknown
Spouse, if any of Daniel L. Kennedy, do
appear in Court on Monday, September
24, 2019, at 10:00 AM, before the
Plaintiff's attorney, whose address is
Reisenfeld & Associates, LPA-LLC, 3862
Red Bank Road, Cincinnati, OH 45227,
and file with the Court an answer or other
defense to the petition filed in this action
within 30 days of the second date of
publication of this notice, otherwise
judgment by default may be taken
against you at any time thereafter. A copy
of said complaint can be obtained from
the undersigned clerk at his/her office.

Entered by the Clerk of said Court August
28, 2019.

Albert Marano
Circuit Clerk

Cl. Sharpe
Deputy

ORDER OF PUBLICATION
HARRISON COUNTY
CIRCUIT COURT
CLARKSBURG, WEST VIRGINIA

IN RE: JUVENILE
PETITION NOS.
C.R.
19-JA-119-2
A.R.
19-JA-114-2
L.C.
19-JA-147-2
J.C.
19-JA-148-2
X.C.
19-JA-149-2

TO: ANISSA WILLIAMS and LARRY
REEL, JR.:

The purpose of the above action is to
determine guardianship of the child, C.R.,
born April 3, 2018; the child, A.R., born
June 10, 2019; the child, L.C., born March
15, 2013; the child, J.C., born October 5,
2010; and the child, X.C., born November
24, 2011, to Anissa Williams. The
petitioner, the West Virginia Department
of Health and Human Resources, is
seeking permanent legal and physical
custody of the said minor children.

It is ORDERED that Anissa Williams, the
biological mother of the aforementioned
children, and Larry Reel, Jr., the
biological father of the aforementioned
children, C.R. and A.R., appear in the
Harrison County Circuit Court, Division II,
4th Floor, Harrison County Courthouse,
Clarksburg, West Virginia, on the 30th
day of October, 2019 at 2:00 o'clock p.m.,
or as soon there after as it may be heard
for the adjudication of Anissa Williams
and Larry Reel, Jr. Said persons are
instructed that they have thirty (30) days
from this Notice to answer the Petition
herein. Said persons are given notice that
they must object, or otherwise permanent
legal and physical custody of the said
minor child may be granted to the West
Virginia Department of Health and Human
Resources and parental rights may be
terminated.

Anissa Williams is represented by Dreema
Sinhkhane, Esq., 215 E. Third Street,
Suite 501, Clarksburg, West Virginia,
26302; and Larry Reel, Jr. is represented
by James Robey, Esq., 519 E. East
Street, Bridgeport, West Virginia,
26302-1701, at telephone number
304-844-0036.

A PUBLIC HEARING WILL BE HELD
PRIOR TO FINAL VOTE ON ADOPTION
OF THE FOLLOWING ORDINANCE
DURING A REGULAR MEETING OF
COUNCIL OF THE CITY OF CLARKSBURG,
TO BE HELD ON THURSDAY,
OCTOBER 3, 2019 AT 6:00 P.M. AT THE
CLARKSBURG MUNICIPAL BUILDING.

Legal Notices

PAL BUILDING DURING REGULAR
BUSINESS HOURS.
AN ORDINANCE OF THE CITY OF
CLARKSBURG PROVIDING FOR THE
ABANDONMENT OF A PORTION OF
QUARRY DRIVE, 60 FEET IN WIDTH
BETWEEN PARCELS 61.16 AND 51.24
UPON TAX MAP 308, IN THE CITY OF
CLARKSBURG, COAL CLARKSBURG
(08) DISTRICT, HARRISON COUNTY,
WEST VIRGINIA. SHOWN ON THE
PETITION FOR SAID ABANDONMENT
ON FILE IN THE CITY CLERK'S OFFICE
PROVIDING FOR FINDINGS OF FACT
IN CONNECTION WITH SAID ABAN-
DONMENT; AND AUTHORIZING THE
EXECUTION OF THE PROPER CON-
CLAIM DEEDS, RESERVING THERE-
FROM UTILITY RIGHTS TO GO-WAY

PASSED BY THE CITY COUNCIL OF
THE CITY OF CLARKSBURG ON FIRST
READING ON THE 19TH DAY OF
SEPTEMBER 2019.

E. RYAN KENNEDY, MAYOR
ATTEST: PAULA HARRISON,
INTERIM CITY CLERK

PUBLIC HEARING NOTICE OF TOWN
OF NUTTER FORT, WEST VIRGINIA
HOME RULE PROGRAM

Notice is hereby given by the Town of
Nutter Fort, West Virginia, that it will hold
a public hearing on November 1, 2019, in
the Council Chambers at 11 Town of Nutter
Fort City Hall, 1415 Buckhannon Pike,
Nutter Fort, West Virginia.

The purpose of this public hearing is to
discuss the Town of Nutter Fort's
proposed Home Rule written plan (as per
local information from this hearing will
be utilized by the Town of Nutter Fort in its
application to the West Virginia Home
Rule Program. The Town of Nutter Fort's
proposed Home Rule plan application is
available for public inspection in the
Business Office with the Mayor's
Office, Town of Nutter Fort, 1415
Buckhannon Pike, Nutter Fort, West
Virginia, beginning on Tuesday, Septem-
ber 24, 2019, Monday through Friday,
between the hours of 8:00 a.m. and 4:00
p.m.

All interested citizens are invited to attend
the public hearing scheduled on Friday,
November 1, 2019, at 6:30 p.m., and to
present oral or written comments con-
cerning Nutter Fort's proposed Home
Rule plan and application. Written com-
ments may be addressed to Mayor Sam
Hasson, Town of Nutter Fort, 1415
Buckhannon Pike, Nutter Fort, West
Virginia.

Town Council of Nutter Fort will consider
all public comments in preparing the final
draft of the plan application and in
deciding to proceed with an ordinance
enabling the town to submit the plan to
the West Virginia Home Rule Board for
consideration and approval.

THE FIRST READING OF AN ORDINANCE
approving the submission of the Town of
Nutter Fort's Home Rule plan application
may take place November 1, 2019, during
the Council of Nutter Fort meeting
beginning at 6:30 p.m. in the Council
Chambers at 11 Town of Nutter Fort City
Hall, 1415 Buckhannon Pike, Nutter Fort,
West Virginia.

STATE OF WEST VIRGINIA
DEPARTMENT OF
ENVIRONMENTAL PROTECTION
DIVISION OF WATER
AND WASTE MANAGEMENT

PUBLIC NOTICE
WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL PROTECTIONS,
PUBLIC INFORMATION OFFICE,
67TH STREET, CHARLESTON SE,
WEST VIRGINIA 25804-2345 TEL:
PHONE: (304) 925-0440.

APPLICATION FOR A WEST VIRGINIA
NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM WATER
POLLUTION CONTROL PERMIT

Public Notice No. I-92-19
Public Notice Date: September 24, 2019
Paper: Exponent Telegrom

The following has applied for a WV
NPDES Water Pollution Control Permit for
this facility or activity:

Applicant: LAKE FLOYD PSD
2000 WOOD COUNTY CIRCLE
BRISTOL, WV 26426
Location: BRISTOL, HARRISON
COUNTY

Latitude: 39:17:21
Longitude: 80:25:34

Receiving Stream:
HALLS RUN

Activity:
To operate and maintain an existing
wastewater collection system and an
existing 0.05 million gallons per day
wastewater treatment plant. These facilities
are to serve a population equivalent
of approximately 850 persons in the Lake
Floyd Public Service District and envi-
rons, and discharge treated wastewater
through Outlet No. 001 to Halls Run,
approximately 0.5 miles from its mouth, of
Little Termie Creek of Termie Creek of
the West Fork River of the Monongahela
River. An anti-accident review has

Legal Notices

facility shall be land applied, provided that
the sewage sludge shall not be applied in
a manner that exceeds the agronomic or
stormwater loading rates. This land applica-
tion also meets all other regulatory
standards a nd is identified as follows:
Donald Davis, Salem Fork Road, Salem,
West Virginia. Further, sewage sludge gener-
ated and/or processed at the permittee's
facility shall be disposed of at a sanitary
landfill by placing the sewage sludge in the
landfill cells. Also, sewage sludge gener-
ated and/or processed at the permittee's
facility shall be disposed of by
interregional septage hauler.

Business conducted:
Public Service District

Implementation:
N/A

On the basis of review of the
application, the Water Pollution Control
Act (Chapter 22, Article 11-9a), and the
"West Virginia Legislative Rules," the
State of West Virginia will act on the
above application.

Any interested person may submit
written comments on the draft permit and
may request a public hearing by
addressing such to the Director of the
Division of Water and Waste Manage-
ment within 30 days of the date of the
public notice. Such comments or requests
should be addressed to:

Director, Division of
Water and Waste
Management, DEP
ATTN: Lori Deveraux,
Permitting Section
67th Street SE
Charleston, WV 25304-2345

The public comment period will
begin September 24, 2019 and ends October
24, 2019.

Comments received within this period
will be considered prior to acting on the
permit application. Correspondence
should include the name, address and the
telephone number of the writer and a
contact statement of the nature of the
issues raised. The Director shall hold a
public hearing whenever a finding is
made on the basis of requests, that there
is a significant change of public interest
information relevant to the Draft Permit(s).
Interested persons may contact the public
information office to obtain further infor-
mation.

The application, draft permit and any
required fact sheet may be inspected by
all persons at the Division of Water and
Waste Management Public Information
Office at 801 57th Street SE, Charleston,
WV 25304-2345, between 8:00 a.m. and
4:00 p.m. on business days.

TRUSTEE'S SALE
OF VALUABLE REAL ESTATE
The undersigned Substitute Trustee, by
virtue of a deed recorded in her name
that certain Deed of Trust, dated July 8,
2010, and duly recorded in the Office of
the Clerk of the County Commission of
Harrison County, West Virginia, in
Document No. 201000024007, in Book
No. 1197, at Page 1168, Daniel R Phillips
did convey unto Larry F. Mazza and
Kathryn A. Mazza (hereinafter, certain real
property described in said Deed of Trust;
and the bene fiduciary hereunto to ap-
point Trustee Trustee, Inc., a Substitute
Trustee by a Substitution of Trustee dated
August 15, 2018, and recorded in the
stored Clerk's office; and do hereby
execute this deed under the aforemen-
tioned Deed of Trust; and the un-
signed Substitute Trustee having been
instructed by MVB Bank, I, not to foreclose
therein, will offer for sale a public
auction at the front door of the Harrison
County Courthouse in Clarksburg, West
Virginia, on

October 8, 2019 at 1:15 PM
the following described real estate,
together with its improvements, ass-
essments and appurtenances thereunto
belonging, shown in Clerk-Clarksburg
County, Harrison County, West Virginia,
and more particularly described as
follows:

All that certain lot or parcel of real
property, together with the buildings,
improvements and appurtenances there-
unto belonging situate on Park Boulevard
in the City of Clarksburg, Clark County,
Harrison County, West Virginia, and
known, numbered and designated as Lot
No. seventy-seven (77) upon the plat of
Highland Park Addition to the City of
Clarksburg, which said plat is of record in
the office of the Clerk of the County
Commission of Harrison County, West
Virginia, and said Book No. 208, at page
6, the said lot being bounded and
descried below: BEGINNING at
intersection of line of Lot No. 76 with Park
Boulevard and running thence with Park
Boulevard southwesterly 40 feet, corner
to Lot No. 78 southeasterly 120 feet, corner
to West Fork River; thence with the
river, and thence with the river to the
intersection of said line of Lot No. 76 with
said river; thence with said lot No. 76
northwesterly 102 feet to the begin-
ning.

And being the same real estate conveyed
to Grantors by Deed to be recorded
separately and hereby certified to said
Grantors further Grant and Convey to
Grantors any and all right, title and interest
they may have to a any rights of ways or
easements including their ownership of
the above described real estate. This
conveyance is made subject to all

The Exponent Telegram

Build Your Business
by Advertising

Large advertisement for 'SUBSCRIBE TODAY!' featuring a cartoon character holding a newspaper and a stack of newspapers.

Legal Notices

Legal Notices

Legal Notices

Legal Notices

Legal Notices



**Town of Nutter Fort Agenda for Friday
November 1, 2019 @ 6:30PM**

- ***Preliminaries***
- ***Call to Order***

PUBLIC FORUM

- Public Hearing for comments relating to the submission of a written Home Rule Plan for the Town of Nutter Fort

NEW BUSINESS

- First reading of Ordinance 2019-01, Authorizing Submission of Home Rule Plan

- ***Public Comment***
- ***Adjournment***

Public Hearing Meeting
Town of Nutter Fort
11/1/2019

Mayor Sam Maxson called the meeting to order in council chambers at 6:30 pm.
Attendance: Recorder Rezin Hudkins, Councilors William Benincosa, Karen Phillips, Charlene Louk, Donald Duck Webster, Leslie Cummings, acting Treasurer.
Absent: Treasurer Julia Foley, (PW) Taylor Keith, Jeremy Haddix, Natalie Haddix
Guests: Jim & Charlotte Link, Linda Blake, Paul Carvelli, Randy Amos, Janet Conrad, David & Janet Sponaugle, Nathan Rohrbough.

Mayor Sam Maxson read the Ordinance Authorizing Submission of Home Rule Plan Ordinance 2019-01.

Public Forum

- Public hearing for comments relating to the submission of a written Home Rule Application-for the Town of Nutter Fort. A lengthy discussion was held to educate the citizens on Home rule and the 6 items the town is looking to adopt.
 1. On the spot code enforcement Citations.
 2. Disposition of equipment/property without public auctions
 3. Authorization to assess fire fee outside of the city limits
 4. Allow contracts with other Jurisdictions via city council resolution
 5. Assignment of court cost for municipal court proceedings
 6. 1 % percent Sales Tax and corresponding B&O tax changes

New Business

- First Reading of the Ordinance 2019-01, Authorizing Submission of Home Rule Plan. A Motion was made by Charlene Louk with a second by Duck Webster. Motion passed by unanimous vote.

For:

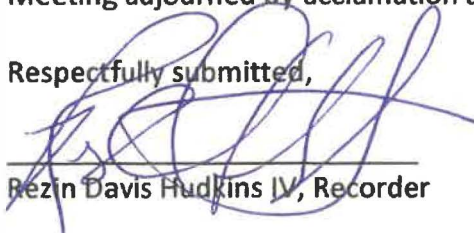
Charlene Louk
Duck Webster
Rezin Hudkins
BJ Bennicosa
Sam Maxson
Karen Phillips

Against:

None

Meeting adjourned by acclamation at 7:41 pm.

Respectfully submitted,


Rezin Davis Hudkins IV, Recorder


Sam Maxson, Mayor



Town of Nutter Fort

1415 Buckhannon Pike Nutter Fort WV 26301 Ph: 304-622-7713 Fax: 304-623-0288

Please PRINT & SIGN

1. Paul V. Carvelli *Paul V. Carvelli*

2. A. Randy Amos *A. Randy Amos*

3. JANET S. CONRAD *Janet S. Conrad*

4. Linda Blake *Linda Blake*

5. JANET SNYDER SPONAUKE *Janet Snyder Sponauke*

6. DAVID L SPONAUKE *David L Sponauke*

7. CHARLOTTE & JIM LINK

8.

9.

10.

11.

12.

13.

14.

15.

11/1/2019



**Town of Nutter Fort Agenda for Friday
November 8, 2019 @ 6:30PM**

- ***Preliminaries***
- ***Call to Order***

NEW BUSINESS

- Second reading of Ordinance 2019-01, Authorizing Submission of Home Rule Plan
- ***Public Comment***
- ***Adjournment***

Public Hearing Meeting
Town of Nutter Fort
11/8/2019

Mayor Sam Maxson called the meeting to order in council chambers at 6:30 pm.
Attendance: Recorder Rezin Hudkins, Councilors William Benincosa, Natalie Haddix, Charlene Louk, Donald Duck Webster, Karen Phillips, Jeremy Haddix, Leslie Cummings, acting Treasurer.
Absent: Treasurer Julia Foley, (PW) Taylor Keith, Karen Phillips
Guests: Jim & Charlotte Link, Rick Miller, LE Cobun, Chace Cobun, Annette Cobun, Gary Sokol, Kathy Powell, Shirley Sheets, Dawn McClain, David Nuzum, David & Janet Sponaugle, Nathan Rohrbough.

Janet Sponaugle objects the second Reading for the Submission of Home Rule Application.

Mayor Sam Maxson read the Ordinance Authorizing Submission of Home Rule Plan Ordinance 2019-01.

New Business

- Second Reading of the Ordinance 2019-01, Authorizing Submission of Home Rule Application.

A Motion was made by Charlene Louk as amended (removal of sentences relating to talks with the City of Clarksburg about purchasing the Park). Motion seconded by BJ Bennicosa. Motion passed by unanimous vote.

For:

Charlene Louk
Duck Webster
Rezin Hudkins
BJ Bennicosa
Sam Maxon
Natalie Haddix

Against:

None

Meeting adjourned by acclamation at 7:12 pm.

Respectfully submitted,


Rezin Davis Hudkins IV, Recorder


Sam Maxson, Mayor



Town of Nutter Fort

1415 Buckhannon Pike Nutter Fort WV 26301 Ph: 304-622-7713 Fax: 304-623-0288

Please PRINT & SIGN

1. Rick Miller Rick Miller
2. L.E. COBURN [Signature]
3. CHA. Y.C.E. COBURN
4. Annette Coburn Annette Coburn
5. Gary Sokol [Signature]
6. Kathy Powell [Signature]
7. S. Sheets [Signature]
8. CHARLOTTE & JIM LINK
9. Nathan Rohrbough [Signature]
10. DAWN McClain Dawn McClain
11. DAVID SPONANGLE David L. Sponangle
12. JANET SNYDER SPONANGLE [Signature]
13. DAVID MIZUM David Mizum
- 14.
- 15.

**Ordinance Authorizing Submission of Home Rule Plan
Ordinance 2019-01**

AN ORDINANCE OF THE COUNCIL OF THE TOWN OF NUTTER FORT ADOPTED PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE 8-1-5A AUTHORIZING THE TOWN OF NUTTER FORT TO SUBMIT A WRITTEN HOME RULE PLAN TO THE MUNICIPAL HOME RULE BOARD IN ORDER TO PERMIT THE TOWN OF NUTTER FORT'S PARTICIPATION IN THE MUNICIPAL HOME RULE PROGRAM.

WHEREAS, in 2019, the West Virginia Legislature has made the Municipal Home Rule Pilot Program a Permanent Program created pursuant to the provisions of West Virginia Code 8-1-5a to allow participation by all municipalities; and

WHEREAS, the Town of Nutter Fort desires to participate in said program and has prepared a written home rule plan, which plan complies with the provisions of the aforementioned code section; and

WHEREAS, a public hearing on the said plan was scheduled for November 1, 2019 at 6:30 p.m., or as soon thereafter as the matter could be heard at 1415 Buckhannon Pike, Nutter Fort, West Virginia and a notice of said public hearing was published as a Class II legal advertisement in The Clarksburg Exponent, a newspaper in general circulation in Harrison County, West Virginia on September 24, 2019, and October 1, 2019, all as required by the aforementioned code section; and

WHEREAS, all other general notice requirements relating to said public hearing were satisfied; and

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF NUTTER FORT, WEST VIRGINIA, that the Mayor is hereby authorized and directed to submit a home rule proposal to the Municipal Home Rule Board in accordance with West Virginia Code 8-1-5a in order for the Town of Nutter Fort to be included in this program. A copy of said proposal and application is attached hereto.

EFFECTIVE DATE: This Ordinance shall take effect immediately after adoption.



Sam Maxson – Mayor

Attest:



Rezin Hudkins IV – Recorder

First Reading:	November 1, 2019
Second Reading:	November 8, 2019
Public Hearing:	November 1, 2019
Adopted:	November 8, 2019
Publication:	September 24, 2019 & October 1, 2019

Current B&O Tax Revenues

Business Category	Item Description	Current Rate	Nutter Fort Proposed Rate
Class A	Natural Gas/Resource Product	3.00%	3.00%
Class A-1	Natural Resource - Coal	0.60%	0.60%
Class B	Gross Manufactured Products	0.30%	0.30%
Class C-1	Retailers & Others	0.40%	0.40%
Class C-2	Wholesalers	0.15%	0.15%
Class D	Contracting Business	2.00%	2.00%
Class E	Amusement Business	0.40%	0.40%
Class F	Rental Property	1.00%	0.00%
Class G	Small Loan Business	1.00%	1.00%
Class H	Service & All Other	1.00%	1.00%
Class I	Electric Light & Power Company	4.00%	4.00%
Class J	Electric & Power Other Sales	3.00%	3.00%
Class K	Banking Institutions	1.00%	1.00%

With the elimination fo the Class F (Rental Property) Business Category, the Town of Nutter Fort will decrease B&O Collections by an average of \$21,767.24

Current B&O Tax Revenues

Business Category	Item Description	Percentage	Gross Receipts	B&O Revenues FYE 2018	Percentage of Total Collections
Class A	Natural Gas/Resource Product	3.00%	\$519,492.67	\$15,584.78	3.57%
Class A-1	Natural Resource - Coal	0.60%	\$0.00	\$0.00	0.00%
Class B	Gross Manufactured Products	0.30%	\$0.00	\$0.00	0.00%
Class C-1	Retailers & Others	0.40%	\$45,285,180.00	\$181,140.72	41.49%
Class C-2	Wholesalers	0.15%	\$3,211,566.67	\$4,817.35	1.10%
Class D	Contracting Business	2.00%	\$1,695,998.50	\$33,919.97	7.77%
Class E	Amusement Business	0.40%	\$0.00	\$0.00	0.00%
Class F	Rental Property	1.00%	\$2,120,020.00	\$21,200.20	4.86%
Class G	Small Loan Business	1.00%	\$0.00	\$0.00	0.00%
Class H	Service & All Other	1.00%	\$9,592,296.00	\$95,922.96	21.97%
Class I	Electric Light & Power Company	4.00%	\$4,896,489.00	\$48,964.89	11.22%
Class J	Electric & Power Other Sales	3.00%	\$1,999,758.00	\$19,997.58	4.58%
Class K	Banking Institutions	1.00%	\$1,501,976.00	\$15,019.76	3.44%
			\$70,822,776.83	\$436,568.21	

Current B&O Tax Revenues

Business Category	Item Description	Percentage	Gross Receipts	B&O Revenues FYE 2019	Percentage of Total Collections
Class A	Natural Gas/Resource Product	3.00%	\$649,264.67	\$19,477.94	5.02%
Class A-1	Natural Resource - Coal	0.60%	\$0.00	\$0.00	0.00%
Class B	Gross Manufactured Products	0.30%	\$0.00	\$0.00	0.00%
Class C-1	Retailers & Others	0.40%	\$39,071,622.50	\$156,286.49	40.31%
Class C-2	Wholesalers	0.15%	\$1,835,800.00	\$2,753.70	0.71%
Class D	Contracting Business	2.00%	\$941,626.50	\$18,832.53	4.86%
Class E	Amusement Business	0.40%	\$0.00	\$0.00	0.00%
Class F	Rental Property	1.00%	\$2,233,428.00	\$22,334.28	5.76%
Class G	Small Loan Business	1.00%	\$0.00	\$0.00	0.00%
Class H	Service & All Other	1.00%	\$8,367,740.00	\$83,677.40	21.58%
Class I	Electric Light & Power Company	4.00%	\$4,860,605.00	\$48,606.05	12.54%
Class J	Electric & Power Other Sales	3.00%	\$1,895,078.00	\$18,950.78	4.89%
Class K	Banking Institutions	1.00%	\$1,682,394.00	\$16,823.94	4.34%
			\$61,537,558.67	\$387,743.11	



**PULLIN, FOWLER
FLANAGAN,
BROWN & POE PLLC**

ATTORNEYS AT LAW

JAMESMARK BUILDING
901 QUARRIER STREET
CHARLESTON, WV 25301

PHONE: (304) 344-0100
FAX: (304) 342-1545

600 NEVILLE STREET
SUITE 201
BECKLEY, WV 25801

PHONE: (304) 254-9300
FAX: (304) 255-5519

2414 CRANBERRY SQUARE
MORGANTOWN, WV 26508

PHONE: (304) 225-2200
FAX: (304) 225-2214

261 AIKENS CENTER
SUITE 301
MARTINSBURG, WV 25404

PHONE: (304) 260-1200
FAX: (304) 260-1208

REPLY TO: Morgantown
SENDERS E-MAIL: ncarroll@pffwv.com
www.pffwv.com

November 15, 2019

West Virginia Municipal Home Rule Board
1900 Kanawha Blvd. E.
Charleston, West Virginia 25305

RE: Town of Nutter Fort, West Virginia, Municipal Home Rule Pilot Program

Dear Board Members:

We serve as general counsel for the Town of Nutter Fort, West Virginia, and assisted in the preparation of the above referenced Municipal Home Rule Program. Regarding this opinion, we have reviewed W. Va. Code § 8-1-5a (2019), the Application Guidelines for Participation in the Municipal Home Rule Program, and the Application of the Town to participate in the Municipal Home Rule Program, including all the attachments thereto.

Based upon our review of the applicable documents and our understanding of the Application, it is our opinion that the Proposed Plan complies with W. Va. Code § 8-1-5a (2019). The Municipal Home Rule Board may rely upon this opinion. If you have any questions or concerns, please do not hesitate to contact our office.

Best regards,

Johnnie E. Brown
Nathan A. Carroll

NAC/bnh



Town of Nutter Fort

1415 Buckhannon Pike Nutter Fort WV 26301 Ph: 304-622-7713 Fax: 304-623-0288

November 13, 2019

Members of the West Virginia Municipal Home Rule Board.
State Capitol Complex, Building 6, Room 553
Charleston, West Virginia 25305-0311

Dear Board Members:

Please allow this correspondence to confirm that, upon due inquiry and to the best of my knowledge and belief, the Town of Nutter Fort is current on all fees payable by the Town to the State of West Virginia. This statement has been prepared to comply with the West Virginia Municipal Home Rule Program application requirements.

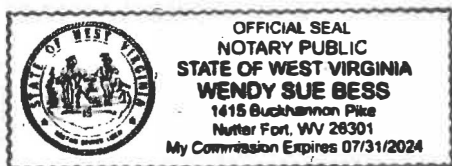
Sincerely,

Leslie Cummings
Town of Nutter Fort, Acting Treasurer

STATE of WEST VIRGINIA
COUNTY of HARRISON, to-wit:

I, Wendy Sue Bess, a Notary Public in and for the County and State aforesaid, do hereby certify that Leslie Cummings, known and known to me, did swear to and subscribe before me the above affidavit.

Given under my hand this 13th day of November 2019.
My commission expires July 31, 2024.


Signature

Wendy S Bess
Notary Public

**PUBLIC HEARING NOTICE OF TOWN OF NUTTER FORT, WEST VIRGINIA
HOME RULE PROGRAM**

Notice is hereby given by the Town of Nutter Fort, West Virginia, that it will hold a public hearing on November 1, 2019, in the Council Chambers at Town of Nutter Fort City Hall, 1415 Buckhannon Pike, Nutter Fort, West Virginia.

The purpose of this public hearing is to discuss the Town of Nutter Fort's proposed Home Rule written plan application. Information from this hearing will be utilized by the Town of Nutter Fort in its application to the West Virginia Home Rule Program. The Town of Nutter Fort's proposed Home Rule plan application is available for public inspection in the Business Office, as well as the Mayor's Office, Town of Nutter Fort, 1415 Buckhannon Pike, Nutter Fort, West Virginia, beginning on Tuesday, September 24, 2019, Monday through Friday, between the hours of 8:00 a.m. and 4:00 p.m.

All interested citizens are invited to attend the public hearing scheduled on Friday, November 1, 2019, at 6:30 p.m., and to present oral or written comments concerning Nutter Fort's proposed Home Rule plan and application. Written comments may be addressed to Mayor Sam Maxson, Town of Nutter Fort, 1415 Buckhannon Pike, Nutter Fort, West Virginia.

Town Council of Nutter Fort will consider all public comments in preparing the final draft of the plan application and in deciding to proceed with an ordinance authorizing the Town to submit the plan to the West Virginia Home Rule Board for its consideration and approval.

The first reading of an ordinance approving submission of the Town of Nutter Fort's Home Rule plan application may take place November 1, 2019, during the Town Council of Nutter Fort meeting beginning at 6:30 p.m., In the Council Chambers at Town of Nutter Fort City Hall, 1415 Buckhannon Pike, Nutter Fort, West Virginia.

*****Copy of notice sent to Home Rule Board Members 9/24/2019**