

LAW OFFICES  
**CASELL & CREWE, P.C.**

*Barristers Building  
340 West Monroe Street  
Wytheville, Virginia 24382*

*Telephone: 276.228.5566  
Fax: 276.228.6641*

PAUL R. CASELL  
Also Admitted in WV & DC

TRENTON G. CREWE, JR.  
President  
Also Admitted in WV

September 9, 2015

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

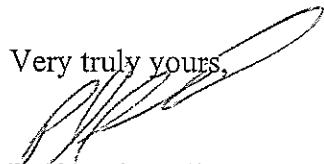
Re: City of Princeton Home Rule Application

Dear Ms. Browning:

Enclosed please find the original and seven copies of the City of Princeton "Home Rule Pilot Program Application" with all necessary attachments. A PDF version will also be emailed to you at [debbie.a.browning@wv.gov](mailto:debbie.a.browning@wv.gov). As we have discussed the City is resubmitting its 2014 application along with an updated attorney letter, updated fees statement, and with an amendment (along with the supporting documentation). You have advised that if this submission is not acceptable to the Board that the City may resubmit a full 2015 application for the December meeting of the Board.

If you have any questions, or if anything is missing please call me on my cell phone at 202-255-1764.

Very truly yours,

  
Paul R. Cassell (WVSB 7142)

# Municipal Home Rule Pilot Program Phase III

## APPLICATION CHECKLIST

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

<b>SECTION II: NARRATIVE</b>	
Page No.	
4, 6, 9, 71	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.
5, 7, 10, 71	Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.
5, 7, 11, 71	Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include: 1) Proposed solution(s) in one of the five areas (tax/administrative/organization/ personnel/other) 2) If revenue related, estimate(s) for proposed solution(s) and how the fiscal impact was determined. Example: Estimated reduction of administrative time and costs = X. Please attach the worksheet or formula used to determine "X" amount.

<b>SECTION III: AFFIDAVITS</b>	
Page No.	
13, 68	Hearing Mandate Verification
16, 49	Publication Mandate Verification
17, 71	Ordinance Authorizing Submission of Plan
72	Fiscal Impact Worksheets/Formulas (if revenue related)
31, 35	Attorney Opinion (application complies with statutory requirements)
32, 36	State of West Virginia Fees Statement (none outstanding)

LAW OFFICES  
**CASSELL & CREWE, P.C.**

*Barristers Building  
340 West Monroe Street  
Wytheville, Virginia 24382*

*Telephone: 276.228.5566  
Fax: 276.228.6641*

PAUL R. CASSELL  
Also Admitted in WV & DC

TRENTON G. CREWE, JR.  
President  
Also Admitted in WV

May 28, 2014

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

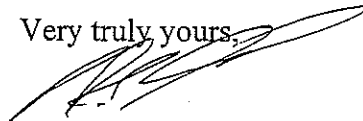
Re: City of Princeton Home Rule Application

Dear Ms. Browning:

Enclosed please find the original and seven copies of the City of Princeton "Home Rule Pilot Program Application" with all necessary attachments. A PDF version will also be emailed to you at [debbie.a.browning@wv.gov](mailto:debbie.a.browning@wv.gov).

If you have any questions, or if anything is missing please call me on my cell phone at 202-255-1764.

Very truly yours,



Paul R. Cassell (WVSB 7142)

# Municipal Home Rule Pilot Program Phase II

## APPLICATION CHECKLIST

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

<b>SECTION II: NARRATIVE</b>	
Page No.	
4,6,9	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.
5,7,10	Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.
5,7,11	Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include: 1) Proposed solution(s) in one of the five areas (tax/administrative/organization/ personnel/other) 2) If revenue related, estimate(s) for proposed solution(s) and how the fiscal impact was determined. Example: Estimated reduction of administrative time and costs = X. Please attach the worksheet or formula used to determine "X" amount.

<b>SECTION III: AFFIDAVITS</b>	
Page No.	
13	Hearing Mandate Verification
16	Publication Mandate Verification
17	Ordinance Authorizing Submission of Plan
N/A	Fiscal Impact Worksheets/Formulas (if revenue related)
31	Attorney Opinion (application complies with statutory requirements)
32	State of West Virginia Fees Statement (none outstanding)



## *The City of Princeton*

Home Rule

Pilot Program Application



TABLE OF CONTENTS	Page
<b><u>SECTION I</u></b> .....	<b>2</b>
Applicant Information.....	2
General Information.....	3
<b><u>SECTION II</u></b> .....	<b>4</b>
1.) Conveyance of city property without auction.....	4
2.) Disposition of municipal property to nonprofit organizations.....	6
3.) Procurement of architectural and engineering services.....	9
<b><u>SECTION III</u></b> .....	<b>13</b>
Hearing Mandate Verification.....	13
Publication Mandate Verification.....	16
Ordinance Authorizing Submission of Plan.....	17
Attorney Opinion.....	31
State of West Virginia Fees Statement.....	32
Affidavit in Support of Application.....	33



**SECTION 1:**

<b>SECTION I: APPLICANT INFORMATION</b>	
<b>A. General Information</b>	
Name of Municipality: City of Princeton, West Virginia	
Certifying Official: Elke Doom	Title: City Manager
Contact Person: Elke Doon	Title: City Manager
Address: 100 Courthouse Road	
City, State, Zip: Princeton, West Virginia, 24740	
Telephone Number: (304) 487-5025	Fax Number: (304) 487-5030
E-Mail Address: elkedoom@gmail.com	
2010 Census Population: 6,432	
<b>B. Municipal Classification</b>	
<input type="checkbox"/> Class 1 <input type="checkbox"/> Class II <input checked="" type="checkbox"/> Class III <input type="checkbox"/> Class IV	
<b>C. Category of Issues to be Addressed (please attach descriptions for applicable categories)</b>	
<input type="checkbox"/> Tax <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other	



**GENERAL INFORMATION:**

The City of Princeton has a population of 6,500 which has seen a steady decline from its former population of over 8,000. Outside of the city limits proper live over 35,000 residents who call the greater Princeton area home. Princeton is a Class III city pursuant to W.Va. Code §8-1-3.

In its heyday, Princeton was an economically vibrant community that experienced economic decline in tandem with the decline of the once powerful railroad industry. With the advent of shopping malls and business expansion outside of the city limits the once thriving downtown became a collection of dilapidated, empty store fronts.

Today, Princeton has seen a resurgence of entrepreneurial leadership that has created an excitement in the community as we strive for a new generation of prosperity, energy and vibrancy to our city. We have a reemerging downtown district that is poised to thrive as we welcome New River Community and Technical College to their permanent campus in our historic downtown. The library has undergone a four million dollar renovation to become a stunning anchor to the downtown. Renovation of a beloved movie house, new eateries, shops, artist murals and many events have created an excitement in the community not experienced in many years. We are on the road to economic recovery but we recognize we still face many challenges that can be addressed as a Home Rule Pilot Program community that will allow us to move forward with effectiveness and efficiency.





## **SECTION II:**

### **SPECIFIC ISSUES TO BE ADDRESSED:**

The specific issues addressed in the application that have limited Princedom's ability to carry out the duties and responsibilities in an efficient and a cost-effective manner are as follows:

#### **1. CONVEYANCE OF CITY PROPERTY WITHOUT AUCTION**

Proposed Solution Area: Administrative

*Specific state laws, policy rule or regulation in question:*

#### **W. Va. Code § 8 -12-18 (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, 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 article three, chapter fifty-nine 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 one thousand dollars 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.]



**Specific Problem**

The City of Princeton is limited by the provisions of W. Va. Code § 59-3-1 et seq in how it sells real and personal property and cannot use the funds to facilitate economic development projects or provide a necessary and convenient resource for the benefit of the citizens. Departments will stockpile items for several years to avoid the tedious and expensive requirement of holding an auction to dispose of property.

**Proposed Solution**

(a)

The City of Princeton may sell its real or personal property in excess of \$1,000.00 for fair market value, but without public auction, provided that city council has made a factual determination that the property is to be used to facilitate specific economic development projects and/or to provide a specific necessary and convenient resource for the benefit of the citizenry.

(b)

Any proposed conveyance of city property pursuant to this section shall be published as a Class II legal advertisement and the publication area for the publication shall be the City of Princeton.



### **Administrative Feasibility**

Currently The City of Princeton Clerks Office works with individual departments to list, value and advertise real and personal property to be auctioned. By adopting the proposed solution, the city council could make a factual determination that the property meets the ordinance requirements and give direction on the disposal of properties without resorting to the auction process, allowing for more timely and efficient disposal of properties.

## **2. DISPOSITION OF MUNICIPAL PROPERTY TO NONPROFIT ORGANIZATIONS**

Proposed Solution Area: Administrative

Specific state laws, policy rule or regulation in question:

### **W. Va. Code §8-12-8(c)**

In all other cases involving a lease, any municipality is hereby empowered and authorized to lease as lessor any of its real or personal property or any interest therein or any part thereof for a fair and adequate consideration and for a term not exceeding fifty years. Every lease shall be authorized by resolution of the governing body of the municipality, which resolution may specify terms and conditions which must be contained in such lease: Provided, That before any proposed lease is authorized by resolution of the governing body, a public hearing on the proposed lease shall be held by the governing body after notice of the date, time, place and purpose of the public hearing has been published as a Class I legal advertisement in compliance with the provisions of article three chapter fifty-nine of this code and the publication area for the publication shall be the municipality. The power and authority granted in this subsection shall be in addition to, and not in derogation of,



any power and authority vested in any municipality under any constitutional or other statutory provision now or hereafter in effect.

**Specific Problem**

The City of Princeton has been approached by several non-profit organizations for assistance in obtaining temporary and/or permanent space to provide services to our city and county residents. Under W. Va. Code § 8-12-18(c) we must lease or convey city property for fair and adequate consideration. . Princeton recognizes the valuable services provided to our community by our non-profits who are working to serve the public with limited budgets and reduced government funding

**Proposed Solution**

That the City of Princeton lease or convey city property to nonprofit organizations for less than fair market value, and without public auction, when the nonprofit organization is providing services that benefit the public and are services that the city could lawfully provide; provided that city council has made a factual determination that:

- (1) There is a lack of need for such property by the city in comparison to the benefit to the city if property is leased or conveyed; and



(2) There is a demonstrable need for such property by the nonprofit organization to be able to perform the services benefiting the public.

(a)

In the event the nonprofit organization should cease to provide such services to the public, the property shall by operation of law, revert to and vest in the city and such nonprofit organization shall thereafter have no right, title, or interest therein or thereto.

(b)

Any lease, deed or other instrument of property transfer executed pursuant to this section shall contain the reversion wording in subsection (b).

(c)

Prior to the approval by city council of any conveyance of city property pursuant to this section, city council shall be provided with documentation evidencing that all project plans have been approved by all necessary and relevant state and/or municipal committees and departments, all necessary and relevant state and/or municipal permits are in place or are approved subject to purchase of the property, and funding for the project secured.



### 3. PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES.

Proposed Solution Area: Administrative

Specific state laws, policy rule or regulation in question:

**§ 5G-1-3. Contracts for architectural and engineering services; selection process where total project costs are estimated to cost \$ 250,000 or more.**

In the procurement of architectural and engineering services for projects estimated to cost \$ 250,000 or more, the director of purchasing shall encourage firms engaged in the lawful practice of the profession to submit an expression of interest, which shall include a statement of qualifications and performance data, and may include anticipated concepts and proposed methods of approach to the project. All jobs shall be announced by public notice published as a Class II legal advertisement in compliance with the provisions of article three [ §§ 59-3-1 et seq. ], chapter fifty-nine of this code. A committee of three to five representatives of the agency initiating the request shall evaluate the statements of qualifications and performance data and other material submitted by interested firms and select three firms which, in their opinion, are best qualified to perform the desired service: Provided, That on projects funded wholly or in part by school building authority moneys, in accordance with sections fifteen [ § 18-9D-15 ] and sixteen [ § 18-9D-16 ], article nine-d, chapter eighteen of this code, two of said three firms shall have had offices within this state for a period of at least one year prior to submitting an expression of interest regarding a project funded by school building authority moneys. Interviews with each firm selected shall be conducted and the committee shall conduct discussions regarding anticipated concepts and proposed methods of approach to the assignment. The committee shall then rank, in order of preference, no less than

three professional firms deemed to be the most highly qualified to provide the services required, and shall commence scope of service and price negotiations with the highest qualified professional firm for architectural or engineering services or both. Should the agency be unable to negotiate a satisfactory contract with the professional firm considered to be the most qualified, at a fee determined to be fair and reasonable, price negotiations with the firm of second choice shall commence. Failing accord with the second most qualified professional firm, the committee shall undertake price negotiations with the third most



qualified professional firm. Should the agency be unable to negotiate a satisfactory contract with any of the selected professional firms, it shall select additional professional firms in order of their competence and qualifications and it shall continue negotiations in accordance with this section until an agreement is reached: Provided, however, That county boards of education may either elect to start the selection process over in the original order of preference or it may select additional professional firms in order of their competence and qualifications and it shall continue negotiations in accordance with this section until an agreement is reached: and Provided further, That for any water or wastewater construction project the engineering design and construction inspection costs may not exceed the amount calculated pursuant to the compensation curves for consulting engineering services based upon project construction costs published by the American Society of Civil Engineers manual of practice, unless granted a variance by the Infrastructure and Jobs Development Council established pursuant to article fifteen-a [ §§ 31-15A-1 et seq.], chapter thirty-one of this code.

**§ 5G-1-4. Contracts for architectural and engineering services; selection process where total project costs are estimated to cost less than two hundred fifty thousand dollars.**

In the procurement of architectural and engineering services for projects estimated to cost less than two hundred fifty thousand dollars, competition shall be sought by the agency. The agency shall conduct discussions with three or more professional firms solicited on the basis of known or submitted qualifications for the assignment prior to the awarding of any contract: Provided, That if a judgment is made that special circumstances exist and that seeking competition is not practical, the agency may, with the prior approval of the director of purchasing, select a firm on the basis of previous satisfactory performance and knowledge of the agency's facilities and needs. After selection, the agency and firm shall develop the scope of services required and negotiate a contract.

**Specific Problem**

The current W. VA Code requires the City of Princeton to procure architectural and engineering services through the Request for Qualifications process. This has proven to be cumbersome as we negotiate a cost for services without having the opportunity to learn



what the other proposals might have been. In an era of extreme financial strain on local communities, all cities must take into account more than simply the highest qualification. In public administration, as in business in general, local governments need the ability to balance qualification with cost to ensure that the citizen's dollars are spent with greatest efficiency and efficacy. A hybrid system authorizing the selection of firms for qualification while also knowing the projected costs of the services serves all both goals...ensuring quality work at the best price.

**Proposed Solution**

(a)

In the procurement of architectural and engineering services for projects with an estimated cost of construction of \$250,000 or more, competition shall be sought by the city manager through a solicitation of interest which shall include information regarding project ownership, intended use, project scope, schedule, quality, budget, funding sources, known proposed contract terms, and firm selection procedures. The solicitation of interest shall be advertised by the city manager once a week for two successive weeks in a newspaper of general circulation published in the city. The city manager shall appoint and chair a committee of no less than three persons to evaluate the statements of qualifications and other information solicited and/or submitted by interested firms. The committees shall short list and then interview a maximum of five firms, and then shall develop the scope of services, solicit price, and negotiate a contract to recommend to council for final approval in





the manner it deems most expedient given the project, the circumstances, and the best interest of the city.

(b)

If in the judgment of the city manager the project has an estimated construction cost of under \$250,000, or an emergency exists and seeking competition is not practical or in the best interest of the city given the project, the city manager may select and contract with a firm based upon known or submitted qualifications acquired within the last 36 months from a public solicitation.

(c)

No contract may be authorized to any business or individual that is delinquent in any financial obligation to the city or is not operating with all required licenses and permits.



# City of Princeton

STATE OF WEST VIRGINIA

COUNTY OF MERCER

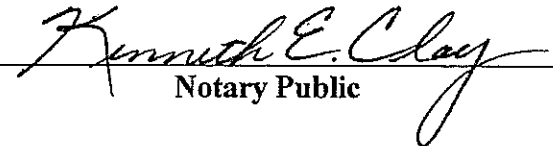
CITY OF PRINCETON, to wit:

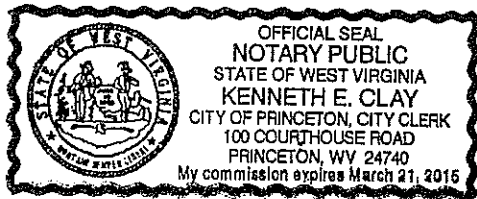
I, Kenneth E. Clay, City Clerk for the City of Princeton and a notary public in and for Mercer County, do certify that on 22nd day of May, 2014, I carefully compared the attached facsimile of **THE MINUTES OF THE APRIL 21, 2014, SPECIAL MEETING OF THE COMMON COUNCIL OF THE CITY OF PRINCETON, MERCER COUNTY, WEST VIRGINIA, INCLUDING THE FIRST READING OF THE ORDINANCE AUTHORIZING THE SUBMISSION OF THE CITY OF PRINCETON'S HOME RULE PILOT PROGRAM APPLICATION**, and the original document I now hold in my possession.

It is a complete, full, true and exact facsimile of the document it purports to reproduce.

My commission expires on March 21, 2015.

{SEAL}

  
Notary Public



**SPECIAL MEETING – CITY COUNCIL  
PRINCETON, MERCER COUNTY, WEST VIRGINIA  
April 21, 2014**

A Special Meeting of the Common Council of the City of Princeton, Mercer County, West Virginia was held in the Council Chambers of the Municipal Building on Monday, April 21, 2014, at 6:00 p.m. In attendance were Mayor Patricia Wilson; Council Members Dewey Russell, Marshall Lytton, Tim Ealy and Jacqueline Rucker; City Manager Elke Doom, City Attorney Paul Cassell and City Clerk Kenneth Clay. Absent were Vice Mayor Jimm Norman and Council Member James Harvey. A quorum was constituted thereby.

**CALL TO ORDER – INVOCATION – PLEDGE OF ALLEGIANCE**

Mayor Patricia Wilson called the meeting to order. Marshall Lytton invoked divine guidance for the conduct of the meeting. Jacqueline Rucker led in the Pledge of Allegiance of the Flag of the United States of America.

**CITY MANAGER’S PRESENTATION ON THE HOME RULE PLAN**

City Manager Elke Doom presented a power point review of the City of Princeton’s “Home Rule Pilot Project Application” by providing historic information as to the source of Home Rule in the State of West Virginia as defined by Chapter 8 of the West Virginia Code. Continuing, she explained the origins of the Home Rule Pilot Program instituted by the West Virginia Legislature five years ago with the four municipalities participating in the initial program. Also, since the original program was deemed successful, the WV Legislature expanded the Pilot Program into a Phase II by adding sixteen more slots for which the State’s municipalities could apply.

Next, the City Manager summarized the three initiatives within the City’s Home Rule Application, titled as follow:

- I. Conveyance of city property without auction
- II. Disposition of municipal property to nonprofit organizations
- III. Procurement of architectural and engineering services

At the conclusion of the City Manager’s presentation, Council Member Dewey Russell asked if the City could be challenged on the matter of the transfer of property? For example, on the matter of present value of \$10,000 the City has set on the Gilbert Center when the Armory had been a gift from the State.

Ms. Doom responded that the City could not be challenged on the valuation of any property that the City owns.

Mr. Russell then asked that, should the City be accepted into the Home Rule Pilot Project, could the Gilbert Center be transferred to the Vietnam Veterans of America without the City being compensated for it.

City Attorney Paul Cassell responded by explaining that an ordinance must first be passed, but under such an ordinance the transfer could be done. However, the transfer must be justified as being for the public good, Mr. Cassell added.

Mr. Russell then proposed that the City could show a savings to the City on the cost of needed improvements to the Gilbert Center accomplished by the Vietnam Veterans, such as a new roof that currently poses a critical need for the facility.

The City Attorney reminded Mr. Russell that the City also could do a long-term lease for \$1.00.

Mr. Russell countered by remarking that the City of Princeton is not in a position to own property and should not have acquired the Gilbert and Leggett buildings. However, Mr. Russell added that it would become an advantage if the State accepts Princeton's Home Rule application.

City Manager Elke Doom remarked that each City has its own set of needs and what will work for one will not work another, such as the cities of Bluefield and Oak Hill that are applying to the Pilot Program and that have their own particular needs. She added that the initiatives included in Princeton's Home Rule Plan would assist the City in a number of ways, based on our current needs, should the State approve it for the Pilot Program.

## **PUBLIC HEARING**

At 6:25 p.m. Mayor Wilson moved City Council into the Public Hearing. There being no comments forthcoming, the Mayor closed the public hearing at 6:25 p.m.

### **First Reading of the Home Rule Ordinance**

City Attorney Paul Cassell explained that the ordinance also contains a provision that authorizes the City Manager to submit the Home Rule Pilot Program application.

The City Attorney presented for first reading, by title, AN ORDINANCE AUTHORIZING SUBMISSION OF THE CITY OF PRINCETON "HOME RULE PILOT PROGRAM APPLICATION."

**MOTION:** Tim Ealy moved City Council accept the Ordinance on first reading.

Dewey Russell duly seconded the motion.

The motion carried unanimously.

## **ADJOURNMENT**

There being no further business, on motion, City Council adjourned the special meeting at 6:26 p.m.

**ATTENTION PRINCETON  
RESIDENTS**

On Monday, the 21st day of April, 2014, at 6:00 p.m., at a specially called meeting in the Council Chambers of the Municipal Building, 100 Courthouse Road, Princeton, WV, the Common Council of the City of Princeton will conduct a public hearing on the Written Plan for the Home Rule Pilot Program 2014 as required prior to the City of Princeton's submission of the same to the State of West Virginia. The following initiatives have been proposed for enactment by ordinances under the aforesaid Home Rule Pilot Program:

(1) CONVEYANCE OF CITY PROPERTY, WITHOUT AN AUCTION, OF REAL AND PERSONAL PROPERTY IN EXCESS OF \$1,000 FAIR MARKET VALUE.

(2) LEASE OR OTHERWISE CONVEY MUNICIPAL PROPERTY TO NONPROFIT ORGANIZATIONS FOR LESS THAN FAIR MARKET VALUE AND WITHOUT PUBLIC AUCTION WHEN THE NON-PROFIT ORGANIZATIONS ARE PROVIDING SERVICES THAT BENEFIT THE PUBLIC.

(3) PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES WITH AN ESTIMATED COST OF CONSTRUCTION OF \$250,000 OR MORE THROUGH A SOLICITATION OF INTEREST, THEREBY EXPEDITING THE PROCESS BY FOREGOING THE REQUEST FOR QUALIFICATION PROCESS.

At said hearing any interested citizen may appear and be heard. Said hearing may be continued from time to time as deemed necessary by the City Council.

For more information please contact the City Clerk Monday through Friday, 8:30 a.m. to 4:30 p.m. at the Municipal Building or call 304-487-5024.

Dated this 18th day of March, 2014  
Kenneth E. Clay, City Clerk

**CERTIFICATE OF PUBLICATION**

State of West Virginia,

To-wit:-

County of Mercer,

I, Teresa Evans of the Bluefield Daily Telegraph, a daily newspaper published in the City of Bluefield, Mercer County, West Virginia, do certify that the notice attached hereto under the caption;

was published in the said Bluefield Daily Telegraph

2 (Two) Time(s)

on the following day(s), namely March 21st & 28th in the year 2014.

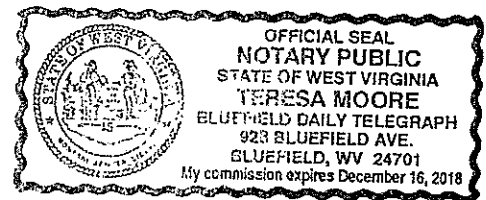
Publication Fee: \$71.66

*Teresa Evans*

Subscribed and sworn to before me this 28th day of March 2014.

My Commission expires Dec 16 2018

*Teresa Moore*



16  
248  
352025  
1X7

**ATTENTION PRINCETON RESIDENTS**

On Monday, the 12th day of May, 2014, at 7:30 P. M., in the Council Chambers of the Municipal Building, 100 Courthouse Road, Princeton, West Virginia, the Princeton City Council will conduct a second reading and public hearing for AN ORDINANCE AUTHORIZING SUBMISSION OF THE CITY OF PRINCETON'S "HOME RULE PILOT PROGRAM APPLICATION."

At said hearing any interested citizen may appear and be heard. Said hearing may be continued from time to time as deemed necessary by the Council.

For more information please contact the City Clerk Monday through Friday, 8:30 a.m. to 4:30 p.m., at the Municipal Building or call (304) 487-5024.

Dated this 22nd day of April, 2014  
Kenneth E. Clay, City Clerk

**CERTIFICATE OF PUBLICATION**

State of West Virginia,

To-wit:-

County of Mercer,

I, Jeremy Basham of the Bluefield Daily Telegraph, a daily newspaper published in the City of Bluefield, Mercer County, West Virginia, do certify that the notice attached hereto under the caption;

was published in the said Bluefield Daily Telegraph

1 (One) Time(s)

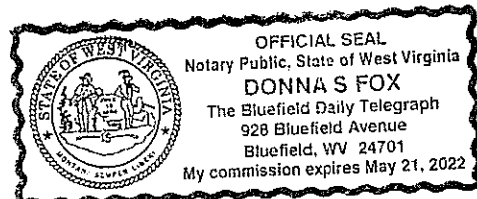
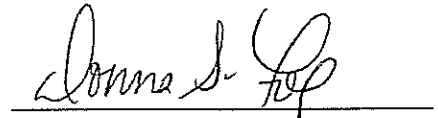
on the following day(s), namely April 25th in the year 2014.

Publication Fee: \$19.01



Subscribed and sworn to before me this 25th day of April 2014.

My Commission expires May 21 20 22.



353098 ,  
248 1X34



# City of Princeton

**STATE OF WEST VIRGINIA**

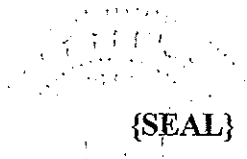
**COUNTY OF MERCER**

**CITY OF PRINCETON, to wit:**

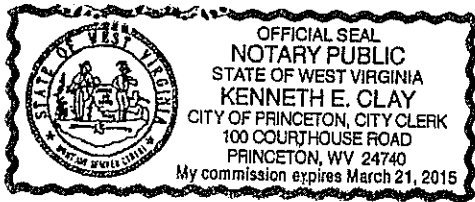
I, Kenneth E. Clay, City Clerk for the City of Princeton and a notary public in and for Mercer County, do certify that on 22nd day of May, 2014, I carefully compared the attached facsimile of **THE MINUTES OF THE MAY 12, 2014, MEETING OF THE COMMON COUNCIL OF THE CITY OF PRINCETON, MERCER COUNTY, WEST VIRGINIA, INCLUDING THE ADOPTION OF THE ORDINANCE AUTHORIZING THE SUBMISSION OF THE CITY OF PRINCETON'S HOME RULE PILOT PROGRAM APPLICATION**, and the original document I now hold in my possession.

It is a complete, full, true and exact facsimile of the document it purports to reproduce.

My commission expires on March 21, 2015.



*Kenneth E. Clay*  
Notary Public



**REGULAR MEETING – CITY COUNCIL  
PRINCETON, MERCER COUNTY, WEST VIRGINIA  
May 12, 2014**

A Regular Meeting of the Common Council of the City of Princeton, Mercer County, West Virginia was held in the Council Chambers of the Municipal Building on Monday, May 12, 2014, at 7:30 p.m. In attendance were Mayor Patricia Wilson; Vice Mayor Jimm Norman; Council Members Dewey Russell, Marshall Lytton, Tim Ealy, Jacqueline Rucker and James Harvey; City Manager Elke Doom, City Attorney Paul Cassell and City Clerk Kenneth Clay. A quorum was constituted thereby.

**CALL TO ORDER – INVOCATION – PLEDGE OF ALLEGIANCE**

Mayor Wilson called the meeting to order. Tim Ealy invoked divine guidance for the conduct of the meeting. Marshall Lytton led in the Pledge of Allegiance to the Flag of the United States of America.

**PUBLIC HEARING**

A public hearing to receive comments concerning the City of Princeton's submission of a State/HUD Small Cities Block Grant application for consideration under the revised scope for FY2014. The project entails drainage improvements in and around the Stafford Drive area of the City.

At 7:33 p.m. Mayor Patricia Wilson moved City Council into the public hearing and called for public comments for or against the grant application.

Region I representative Cori Edwards explained that the grant application will no longer be resubmitted as a revised application, but will be a new application for the grant.

There being no further public comments forthcoming, at 7:34 p.m. Mayor Wilson declared the public hearing closed and reconvened the Regular Meeting of the City Council.

**MOTION:** James Harvey moved City Council approve the resolution authorizing the City of Princeton's application for a State/HUD Small Cities Block Grant to address flooding in and around the Stafford Drive area.

Tim Ealy duly seconded the motion.

The motion carried unanimously.

**CONSENT AGENDA**

Without objection, Mayor Wilson declared the Consent Agenda approved, as follows:

- A. Approval of the Minutes of the March 24, 2014, Special Meeting.
- B. Approval of the Minutes of the April 14, 2014, Recessed Meeting.



C. Approval of the Minutes of the April 15, 2014, Special Levy Meeting.

## **POLICY AGENDA**

### **COMMITTEE REPORTS**

#### **PUBLIC WORKS AND RECREATION COMMITTEE**

Chairperson Jacqueline Rucker reported that the Public Works and Recreation Committee of Princeton City Council met on Wednesday, May 7, 2014, with the following items to report out to Council for action or as information:

#### **COMMUNITY DEVELOPMENT**

**Sidewalk Paintings** – Martha Barberio, Princeton’s Community Development Coordinator, reported receiving approval from the Public Works Director for a project to paint artwork on the sidewalks along Mercer Street. Paintings will adorn meter covers and other selected sections of the sidewalks in an attempt to brighten the overall area. Also, local artists have volunteered their time and talents to complete the artwork.

**Grant Approval** – Ms. Barberio also reported applying for a grant for which the City of Princeton had been approved for an amount of up to \$10,000 through the Future Generations organization. The grant will be used to develop a one-mile walking tour on Mercer Street and which could be expanded to include other areas of the City.

City Manager Elke Doom advised that Ms. Barberio will serve as the administrator of the project and paid from grant proceeds.

#### **PUBLIC WORKS DEPARTMENT**

**Street Paving List** – Public Works Director Bo Barker submitted a list of ten streets recommended for paving during the 2014 Street Paving Project that will require an estimated 895 tons of asphalt. Mr. Barker reported that he had not obtained an estimated cost while awaiting the inclusion of any additional streets at the direction of City Council.

**Activity Report** – Public Works Director Bo Barker reported on the following projects undertaken since the last committee meeting:

- crews have completed the installation of drainage pipe at the Vo-Tech Center through a joint effort with the Sanitary Board and the City has been reimbursed for the cost of the pipe by the Mercer Vo-Tech Center;
- crews responded to 87 service requests in the month of April (special trash pickups, tree and shrubbery trimmings, etc., and since the 1<sup>st</sup> of May have responded to 26 more such requests;
- Public Works currently is working on the fountain at Mercer and Center Streets by upgrading the electrical service and the addition of a second pump to increase the water flow;
- crews have begun painting all the traffic markings in the City, including the curbs

- for no parking zones, handicapped parking and crosswalks; and
- the finishing touches are being added to the newly constructed steps at the Copeland Town Square.

### **PARK AND RECREATION DEPARTMENT**

Park and Recreation Director Amanda McCabe had presented the following report to the Committee:

**Program Report** – The Department’s four spring basketball leagues have started league play and are playing seven days a week. This is one of the Rec Department’s busiest and most profitable times of the year. In addition, the Department currently is registering for four summer leagues (ages 11-14) and the Mini and Minor Leagues for boys and girls, ages 4-8.

**Easter Egg Hunt** – This is the biggest special event the Department hosts during the year. The Recreation Department offers this event to the community free of charge. This year the Egg Hunt was held on a warm, sunny afternoon with approximately 250 children participating. There were over 400 people in the City Park that afternoon. The event is a great way to showcase the City Park and the Recreation Department. The Recreation Center staff takes pride in being able to provide this event for the families in the community.

**Waterslide at Princeton City Pool** – Jackie Phillips, with the Public Works Department, completed some initial scraping and “clean up” of the areas on the waterslide structure where most rust and flaking paint had appeared. After cleaning those areas, the deterioration did not appear as bad as initially thought.

On May 1<sup>st</sup>, a structural engineer with Stafford Consultants completed an on site inspection of the slide structure. He reported that the waterslide supports were structurally sound.

A few holes were found in the piping, but could be patched easily by a welder with the Public Works Department, which has been done many times in previous years. One crack was discovered in the fiberglass platform, but can be repaired easily with a patch kit. There are four short, horizontal cross braces that need replacing, which also can be completed with in-house labor. The entire structure needs sandblasted, primed and painted.

The total repairs are estimated to cost \$12,000. If the repairs are made, the structure should last another 10 – 15 years. The Board of Park and Recreation Commissioners has had numerous discussions about the waterslide and believe it is a vital part of the pool facility. It is one of the biggest attractions for the patrons and increases needed revenues for the operation of the facility. Unfortunately, the Department does not have enough

funding available to complete the necessary work. The Mercer County Commission only granted \$1,000 towards slide restoration.

Park Board members voted unanimously at the special meeting on Tuesday, May 2<sup>nd</sup>, to request the additional funding needed from Princeton City Council, for up to \$12,000 to restore the waterslide structure.

**MOTION:** Ms. Rucker continued by reporting that the Public Works and Recreation Committee approved and recommended to City Council, **and she so moved**, authorization for the expenditure of funds not to exceed \$12,000 for the restoration of the waterslide at the Princeton City Pool.

Tim Ealy duly seconded the motion.

Mr. Lytton asked from what budget line the funds would be derived.

Finance Director Kelly Davis advised that the funding is included as an appropriation in budget revision #4 as “contribution to Park Board for pool slide repairs.”

On voting, the motion carried unanimously.

#### **PUBLIC SAFETY COMMITTEE**

Chairman Jimm Norman reported that the Public Safety Committee of the Princeton City Council met on Wednesday, May 7, 2014, with the following items to report out to Council for action or as information:

**Blocked Alley** – Emma Johnston of 1014 Henry Street advised the Public Safety Committee that the alley behind 1014 Henry Street, off Hale Avenue, is being blocked on a regular basis by vehicles belonging to residents at 802 Hale Avenue. Mrs. Johnston further advised that homeowners on Henry Street use the alley to access their properties and emergency vehicles also would be unable to pass the vehicles parked in the alley. Therefore, she urged City officials to take action to guarantee free and open access to properties located on the alleyway.

The matter was referred to the Police Chief for appropriate action who, in turn, assured the Committee Members that he would address the matter.

**Hazardous Conditions at Red-Rob Cove** – Ron Redden, Real Estate Developer and resident of Red-Rob Cove on Hoge Street, informed the Public Safety Committee that unsupervised, small children are playing unsupervised in the streets of Red-Rob Cove, which also includes Justin Jesse, Austin and Esther Streets, and urged City officials to take appropriate action to assure the peace and dignity of the area, as well as the safety of the children and residents. He cited incidents in which children playing in the street had

been missed narrowly by residents while backing their vehicles from driveways.

The Police Chief responded that since Mr. Redden's first call to the Police station on Monday, a police officer had been patrolling the area regularly. Also, the Chief urged Mr. Redden and other residents to call 911 upon witnessing any hazardous conditions involving the children and residents of Red-Rob Cove. Regarding the unattended children, Police Chief Howell assured that he would make referrals to the WV Division of Health and Human Resources if necessary.

The Public Safety Committee referred Mr. Redden's concerns to the City Attorney to research the records of the Zoning Board hearings and any permits authorizing the development so as to ascertain any other legal remedy that might solve the aforementioned issues and report the results to Council.

#### **Code Enforcement Department**

**Recycling by Reverse Vending Update** – Code Enforcement Director Bill Buzzo informed the Committee that he had discovered potential obstacles to the implementation of recycling by reverse vending in the City of Princeton. Specifically, the companies that sell the reverse vending machines do not service the units in West Virginia. Therefore, one alternative would require that City employees be trained maintain the machines and spare parts be kept on hand by the City. However, Mr. Buzzo added, if he succeeded in obtaining a grant, for which he had applied, it would supply the funds necessary for these requirements.

**Senate Bill 600 – Uninhabitable Vacant Buildings** – Mr. Buzzo reported further on the enactment of Senate Bill 600 this Legislative Session that authorizes municipalities to adopt ordinances to register and regulate the repair, closing and/or demolition of buildings unfit for human habitation, including vacant and abandoned buildings. Mr. Buzzo recommended that City Council adopt an ordinance to implement the provisions within the legislation. He added that it is important because it would allow Princeton to deal with unsafe buildings whether they are used for human habitation or not.

On consensus, the Public Safety Committee authorized the City Attorney to draft an ordinance reflecting the provisions within Senate Bill 600 for consideration at the June Committee meeting.

**Proposed City Hall Weapon's Policy** – After conferring with the City Attorney and researching other jurisdictions, Fire Chief Chad Bailey reported that due to potential liability he could not recommend the adoption of a Weapon's Policy that would allow certain city Hall employees to carry concealed weapons on the job.

**Fire Department Vacancy and Civil Service Testing** – The Fire Chief reported that a firefighter had resigned recently and, as a result, the Firemen's Civil Service Commission

had tested thirteen applicants to create a list of eligible candidates for consideration in filling the vacancy. Also, the testing had resulted in nine new candidates being placed on the Fire Department's Hiring Register, thereby enabling the Department to conduct interviews for filling the vacancy by June 1<sup>st</sup>.

**Fire Department Equipment Update** – The Fire Chief reported that two fire trucks have been out of service and are in the process of being repaired. One had been sent to the plant in Ravenswood, WV and is being repaired at no cost. However, Engine 30 required a new fuel injector that costs more to replace than installing a new motor. As a result, the City's mechanic, Jackie Phillips, is performing the work and saving the City \$4,500 in the process.

**Police Personnel Update** – Police Chief John Howell reported that officer J. E. Carroll graduated from the State Police Academy last Friday and had been assigned to the midnight shift.

**Police Department Equipment Update** – Chief Howell also reported that the patrol car totaled recently in a high speed chase had been replaced through the purchase of an SUV which will be placed in service after the installation of a radio. In addition, the Princeton Rescue Squad had donated ambulance to the department that will be fitted for use as a Mobile Command and Crime Scene Unit.

#### **FINANCE AND ADMINISTRATION COMMITTEE**

Chairman James Harvey reported that the Finance and Administration Committee of the Princeton City Council met on Wednesday, May 7, 2014, with the following items to report out to Council for action or as information:

**April 2014, Financial Report** – Finance Director Kelly Davis had reported to the Committee that at the end of April, the tenth month of FY2014, the actual revenues collected stood at 91.44% of the budgeted amount, while actual appropriations had been expended at a rate of 87.04%, as compared to the budget projections of 83.30% forecast for both at the end of April.

Mr. Harvey continued by reporting the Finance and Administration Committee approved and recommended the April 2014, Financial Reports to City Council, **and he so moved.**

Dewey Russell duly seconded the motion.

The motion carried unanimously.

**Budget Revision #4 – FY2014 General Fund** – Finance Director Kelly Davis submitted and recommended Budget Revision #4 for the FY2014 General Fund to appropriate \$80,730 of additional, anticipated revenue. The revenue consists of \$11,680 in additional

taxes; \$34,000 of additional fines and forfeitures; \$9,250 in additional licenses, permits & fees; \$1,275 in additional charges for service; an additional \$5,325 in grants, contributions, gaming and interest; and \$22,200 in various miscellaneous revenue. This revision brings the overall FY2014 General Fund Revenue Budget to **\$7,414,787**.

Likewise, the changes in appropriations create a net increase of **\$80,730**, thereby increasing total estimated expenditures to **\$7,414,787** and creating a balanced budget.

Mr. Harvey continued by reporting that the Finance and Administration Committee approved and recommended Budget Revision #4 for the FY2014 General Fund to City Council, **and he so moved.**

Jacqueline Rucker duly seconded the motion.

The motion carried unanimously.

**Ordinance Amending Refuse Ordinance in re: Fees** – Subsequent to a review of the financial history of the Garbage Department, and on the recommendation of the City Manager and Finance Director, the Finance and Administration Committee authorized the City Attorney to draft an ordinance to increase the monthly garbage collection fee for residences by \$1.00 in each of the next three consecutive years, as follows:

July 1, 2014 - \$16.00 monthly

July 1, 2015 - \$17.00 “

July 1, 2016 - \$18.00

In addition, the minimum charge for the Special Collection Service shall be increased from \$15.00 to \$20.00 per load. The City Attorney is to present the proposed ordinance for a First Reading at the May 12<sup>th</sup>, 2014 City Council Meeting.

**Resolution Authorizing HUD/SCBG Application** – The Finance and Administration Committee approved and recommended to City Council, **and Mr. Harvey so moved,** adoption of a resolution authorizing the submission of an application to the State/HUD SCBG Program to be submitted to the State of West Virginia for drainage improvements in and around the Stafford Drive area, as follows:

## RESOLUTION

**WHEREAS**, the City of Princeton wishes to submit an application with the State/HUD SCBG Program to request funding for drainage improvements in and around the Stafford Drive area; and

**WHEREAS**, the City of Princeton must give assurances that the Regulations

related to grant administration, civil rights, and other applicable State and Federal laws will be followed; and

**WHEREAS**, the City of Princeton, as applicant, must designate an official representative to act in connection with the application and execute all necessary program documents.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The City of Princeton authorizes the submission of an application to the State/HUD SCBG Program to be submitted to the State of West Virginia for drainage improvements in and around the Stafford Drive area.
2. The City of Princeton, as applicant, will comply with all laws and regulations pertaining to the program.
3. Elke Doom, City Manager of the City of Princeton, is designated as the authorized official to act in connection with the application.

Dated this the 12<sup>th</sup> day of May, 2014.

Patricia W. Wilson, Mayor

Tim Ealy duly seconded the motion.

The motion carried unanimously.

**B. & O. Tax Incentive Applications** – On the recommendation of the City Clerk, the Finance and Administration Committee approved and recommended to City Council, **and Mr. Harvey so moved**, the following new businesses in the City of Princeton for the B. & O. Tax Incentive:

- a. Pixelnation Retro Video Game Store – 867 Mercer Street – Kevin Morris
- b. Reel Catch, LLC – 128 Brick Street – Winfred Shrewsbury
- c. B. & J. Tint & Detailing – 202 Straley Avenue – Aaron Gamble
- d. Technomancy PC Repair – 1229 Stafford Drive – Code B. Coates
- e. Halo Furniture & Appliance – 217 Mercer Street – Kathy Henderson
- f. A New You Beauty Salon – 297 Athens Road – Brittany Tarrt & Angela Bradley

Jacqueline Rucker duly seconded the motion.

Council Member Dewey Russell commented that he had been unable to attend the Finance and Administration Committee meeting, but noticed that several of the

aforementioned applicants for the Tax Incentive left lines blank on their applications, especially as relates to expected annual gross income. Mr. Russell added that it was his belief that all lines should be completed as required and, if necessary, the applicants should consult with appropriate authorities, such as the Small Business Administration, to assist them in estimating and providing the required information.

**Upon voting**, James Harvey, Tim Ealy, Jimm Norman, Marshall Lytton and Jacqueline Rucker voted in favor of the motion. Dewey Russell voted against the motion. Therefore, the motion carried on a vote of five in favor and one opposed.

### **CITY ATTORNEY**

#### **Ordinance Authorizing Submission of Home Rule Application – Second Reading**

City Attorney Paul Cassell presented for a second reading, by title and a public hearing, AN ORDINANCE AUTHORIZING SUBMISSION OF THE CITY OF PRINCETON'S "HOME RULE PILOT PROGRAM APPLICATION."

Mayor Patricia Wilson moved City Council into a public hearing on the ordinance at 7:57 p.m. and called for comments.

There were no comments forthcoming and Mayor Wilson declared the public hearing closed at 7:57 p.m. and reconvened the Regular City Council Meeting.

**MOTION:** Marshall Lytton moved City Council adopt the ordinance authorizing submission of the City's "Home Rule Pilot Program Application."

Dewey Russell duly seconded the motion.

The motion carried unanimously.

**Ordinance Amending the Refuse Ordinance in re: Fees – First Reading** – City Attorney Paul Cassell presented to City Council for a first reading, by title, AN ORDINANCE AMENDING ARTICLE 1131.06 OF THE CODIFIED ORDINANCES OF THE CITY OF PRINCETON, WEST VIRGINIA: REFUSE DISPOSAL FEE STRUCTURE.

**MOTION:** Jacqueline Rucker moved City Council accept the ordinance amending Article 1131.06 of the City Code on first reading.

Dewey Russell duly seconded the motion.

Mayor Wilson explained that the ordinance represents the first increase in the garbage fees in three years. However, even though it will bring the Garbage Department closer to breaking even, it will continue to operate in the red.



**Upon voting**, the motion carried unanimously.

### **CITY MANAGER**

City Manager Elke Doom advised that the first installment of Music in the Square is scheduled for this Wednesday at Noon and will continue through the month of August. Also, Ms. Doom informed of new changes downtown for this summer and urged everyone visiting Mercer Street to look for the new benches, planters, window decorations and metal flowers adorning the storefronts and sidewalks. All these amenities serve to make Mercer Street brighter and more attractive, she noted.

### **CITY CLERK**

The City Clerk had nothing to refer to City Council.

### **DEPARTMENTAL REPORTS**

**Library** – Library Director Brittany Rothausen called attention to the flyers previously distributed promoting the June 28<sup>th</sup> Street Fair and recommended ideal places in the City for their placement. Ms. Rothausen informed Council of some changes in this year's Street Fair that include a carnival on the First Community Bank lot, a classic car show, a People's Library featuring downtown Princeton nostalgia and a digital library. Also, the Mercer Street business owners will be participating this year and requested City Council and staff members to help get the word out.

**Police** – Police Chief John Howell reported that during the month of April, 2014 the Police Department responded to 701 service calls; made 58 arrests and issued 297 citations.

**Fire** – Fire Chief Chad Bailey reported that the installation of the new Fire Alarm System in the former bank building had been completed, was tested last Wednesday and is working to specifications. Also, during the month of April, the Fire Department responded to 96 EMS calls; 48 fire calls, conducted 18 fire inspections and issued nine occupancy permits.

Chief Bailey informed that the fifth Children's Bicycle Rodeo and Safety Day would be observed, Saturday, May 17<sup>th</sup>, on the City Hall parking lot, and is presented in conjunction with the Police Department, Rescue Squad and a number of other sponsoring organizations.

**Public Works** – Public Works Director Bo Barked reported that the Sanitary Board will help finance the paving of the access road to its new treatment facility. Since that road has never been paved, Mr. Barker recommended laying a 2 ½ inch base and the application of 228 tons of asphalt. He also offered to include the job on this year's paving list. However, the access road will be bid on separately from the other jobs to provide the Sanitary Board with a clear understanding of its share of the cost.

Mr. Barker also reported that the new steps at the Dick Copeland Town Square had been completed, primed and ready to paint whenever a color is selected.

In addition, Mr. Barker reported that work began today on sandblasting the City Pool's waterslide.

## **COUNCIL ROUNDTABLE**

**Dewey Russell** – Mr. Russell expressed appreciation to Fire Chief Chad Bailey and the members of the Princeton Fire Department for the support given his daughter and her husband, Firefighter Matt Mould, during their pregnancy and the birth of his grandchild on Wednesday. The baby is doing fine, Mr. Russell advised.

**Marshall Lytton** – Mr. Lytton commented that he recently had witnessed three vehicles parked in the fire lane at the Princeton Post Office, with one double parked. He added that every time he goes by the Post Office there is someone parked in the fire lane and requested that the fire lane be enforced more closely.

Fire Chief Chad Bailey responded that the Fire Department has been enforcing the fire lane at the Post Office, as has Cathy Douglas, the Parking Enforcement Officer for the Police Department. The Chief noted that the red-painted curb marking the fire lane there had faded and that he would send a letter to the Post Office advising of the need for anew coat of paint on the curb.

**Jacqueline Rucker** – Ms. Rucker thanked the City's department heads for the jobs they do and remarked that she is looking forward to the Street Fair. Ms. Rucker added that Library Director, Brittany Rothausen, is doing a good job organizing the upcoming fair.

**James Harvey** – Mr. Harvey thanked all City employees and any others involved in making the improvements on Mercer Street. He added that they look beautiful and are a welcome change.

**Tim Ealy** – Mr. Ealy added his voice to Mr. Harvey's assessment of the beautification of Mercer Street.

**Mayor Pat Wilson** – Mayor Wilson concurred with all the comments by Council Members and added that Mr. Barker's Public Works' crews are doing excellent work throughout the City. Also, the new bucket truck and wood chipper have been put to good use by Bo.

## **ADJOURNMENT**

There being no further business, on motion, City Council adjourned at 8:10 p.m.

AN ORDINANCE AUTHORIZING SUBMISSION OF THE CITY OF PRINCETON

“HOME RULE PILOT PROGRAM APPLICATION”

WHEREAS, the Common Council of the City of Princeton believes that participation in the Municipal Home Rule Pilot Program Phase II would benefit the citizens of the City of Princeton; and

WHEREAS, the Common Council of the City of Princeton conducted a public hearing after having provided 30 day notice of said hearing through a Class II legal advertisement ; and

WHEREAS, the written application (plan) has been available to the public for inspection at the offices of the City of Princeton.

Be it ORDAINED as follows:

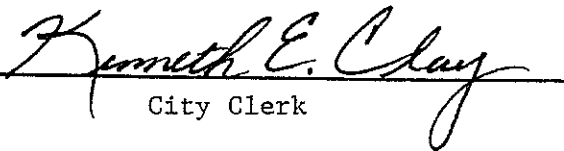
The City Manager is hereby authorized to submit the CITY OF PRINCETON

“HOME RULE PILOT PROGRAM APPLICATION” (Plan) to the Municipal Home Rule Board.

1<sup>st</sup> Reading – April 21, 2014

2<sup>nd</sup> Reading – May 12, 2014

Adopted by City Council – May 12, 2014

  
City Clerk

LAW OFFICES  
**CASSELL & CREWE, P.C.**

*Barristers Building  
340 West Monroe Street  
Wytheville, Virginia 24382*

*Telephone: 276.228.5566  
Fax: 276.228.6641*

PAUL R. CASSELL  
Also Admitted in WV & DC

TRENTON G. CREWE, JR.  
President  
Also Admitted in WV

May 28, 2014

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

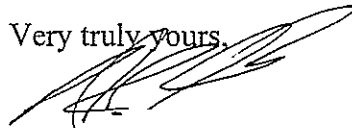
Re: City of Princeton Home Rule Application

Dear Ms. Browning:

Please be advised that I serve as the City Attorney for the City of Princeton, West Virginia. I have reviewed the City of Princeton Home Rule Application and plan. It is my opinion that said City of Princeton Home Rule Application and plan complies with the provisions of W.Va. Code §8-1-5a.

If you have any questions, or if anything is missing please call me on my cell phone at 202-255-1764.

Very truly yours,



Paul R. Cassell (WVSB 7142)

**AFFIDAVIT OF ELKE DOOM IN SUPPORT OF  
CITY OF PRINCETON HOME RULE PILOT PROGRAM APPLICATION: STATE OF  
WEST VIRGINIA FEES STATEMENT**

STATE OF WEST VIRGINIA,

COUNTY OF MERCER TO-WIT:

I, ELKE DOOM, state under oath, and subject to the penalty of perjury, as follows:

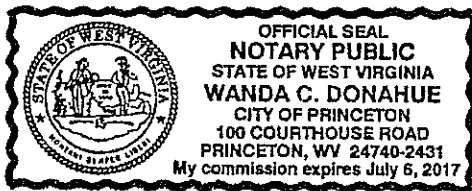
1. I am the CITY MANAGER of the city of Princeton, West Virginia.
2. To the best of my knowledge and belief the City of Princeton does not have any delinquent fees to the State of West Virginia.

And further the Affiant sayeth not.

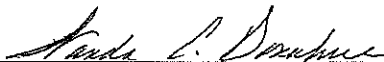
  
\_\_\_\_\_  
ELKE DOOM

Taken, subscribed and sworn to before me this 2~~nd~~ day of May, 2014.

My commission expires: July 6, 2017.



(NOTARIAL SEAL)

  
\_\_\_\_\_  
Notary Public

**AFFIDAVIT OF ELKE DOOM IN SUPPORT OF  
CITY OF PRINCETON HOME RULE PILOT PROGRAM APPLICATION**

STATE OF WEST VIRGINIA,

COUNTY OF MERCER TO-WIT:

I, ELKE DOOM, state under oath, and subject to the penalty of perjury, as follows:

1. I am the CITY MANAGER of the city of Princeton, West Virginia.
2. I have been authorized by the Common Council of the City of Princeton to submit this application.
3. On April 21, 2014, a public hearing concerning the City of Princeton's Home Rule Pilot Program Application and Plan was held. The minutes of that hearing are included in the Application at pages 14-15.
4. Prior to the holding of the hearing, notice of the hearing was provided to the citizens by a Class II legal advertisement. The Certificate of Publication for said notice is included in the Application at page 16.
5. After holding the public hearing, the Common Council of the City of Princeton considered "An Ordinance Authorizing Submission of the City of Princeton 'Home Rule Pilot Program Application.'" The first reading of said ordinance was held on April 21, 2014 after the public hearing. A certified copy of the minutes reflecting the first reading are included in the application at pages 13-15. The second reading and public hearing on the ordinance were held on May 12, 2014. The certificate of publication for said hearing is included in the application at page 17. The minutes of the meeting wherein the ordinance was adopted are included

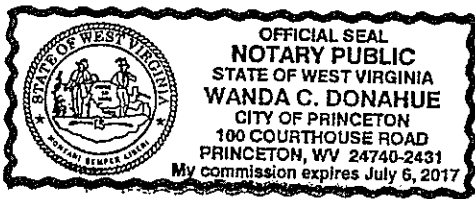
in the application at pages 18-29. The ordinance is included in the application at page 30.

And further the Affiant sayeth not.

Elke Doom  
ELKE DOOM

Taken, subscribed and sworn to before me this 24th day of May, 2014.

My commission expires: July 6, 2017.



Wanda C. Donahue  
Notary Public

(NOTARIAL SEAL)

LAW OFFICES  
**CASELL & CREWE, P.C.**

*Barristers Building  
340 West Monroe Street  
Wytheville, Virginia 24382*

*Telephone: 276.228.5566  
Fax: 276.228.6641*

PAUL R. CASSELL  
Also Admitted in WV & DC

TRENTON G. CREWE, JR.  
President  
Also Admitted in WV

September 3, 2015

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

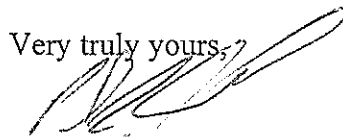
Re: City of Princeton Home Rule Application

Dear Ms. Browning:

Please be advised that I serve as the City Attorney for the City of Princeton, West Virginia. I have reviewed the City of Princeton Home Rule Application and plan. It is my opinion that said City of Princeton Home Rule Application and plan complies with the provisions of W.Va. Code §8-1-5a.

If you have any questions, or if anything is missing please call me on my cell phone at 202-255-1764.

Very truly yours,



Paul R. Cassell (WVSB 7142)



**AFFIDAVIT OF ELKE DOOM IN SUPPORT OF  
CITY OF PRINCETON HOME RULE PILOT PROGRAM APPLICATION: STATE OF  
WEST VIRGINIA FEES STATEMENT**

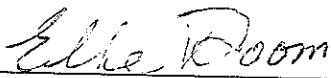
STATE OF WEST VIRGINIA,

COUNTY OF MERCER TO-WIT:

I, ELKE DOOM, state under oath, and subject to the penalty of perjury, as follows:

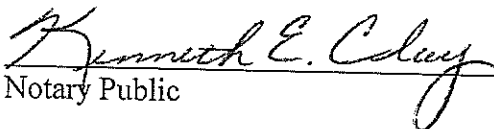
1. I am the CITY MANAGER of the city of Princeton, West Virginia.
2. To the best of my knowledge and belief the City of Princeton does not have any delinquent fees to the State of West Virginia.

And further the Affiant sayeth not.

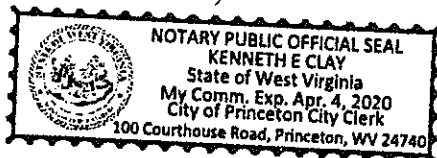
  
\_\_\_\_\_  
ELKE DOOM

Taken, subscribed and sworn to before me this 3rd day of September, 2015.

My commission expires: April 4, 2020.

  
\_\_\_\_\_  
Notary Public

(NOTARIAL SEAL)





# City of Princeton

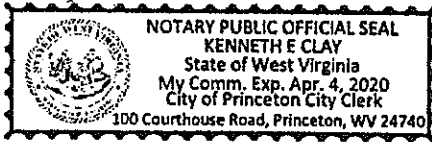
STATE OF WEST VIRGINIA

COUNTY OF MERCER

CITY OF PRINCETON, to wit:

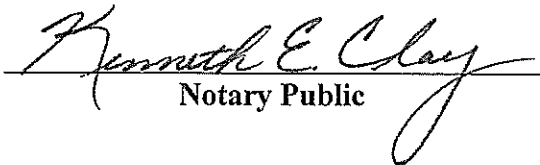
I, Kenneth E. Clay, City Clerk for the City of Princeton and a notary public in and for Mercer County, do certify that on 3rd day of September, 2015, I carefully compared the attached facsimile of **The Minutes of the June 8, 2015, Regular Meeting of the Common Council of the City of Princeton, Mercer County, West Virginia, that includes the resolution authorizing the City Manager to submit the City's 2015 Home Rule Application**, and the original document I now hold in my possession.

It is a complete, full, true and exact facsimile of the document it purports to reproduce.



My commission expires on April 4, 2020.

{SEAL}

  
Notary Public

**REGULAR MEETING – CITY COUNCIL  
PRINCETON, MERCER COUNTY, WEST VIRGINIA  
June 8, 2015**

A Regular Meeting of the Common Council of the City of Princeton, Mercer County, West Virginia was held in the Council Chambers of the Municipal Building on Monday, June 8, 2015, at 6:30 p.m. In attendance were Mayor Timothy Ealy; Vice Mayor James Harvey; Council Members Patricia Wilson, Marshall Lytton, Jacqueline Rucker and David Graham; City Manager Elke Doom, City Attorney Paul Cassell, and City Clerk Kenneth Clay. Absent was Council Member Dewey Russell. A quorum was constituted thereby.

**INVOCATION – PLEDGE OF ALLEGIANCE – CALL TO ORDER**

Jacqueline Rucker invoked divine guidance for the conduct of the meeting. Patricia Wilson led in the Pledge of Allegiance to the Flag of the United States of America. Mayor Tim Ealy called the meeting to order.

**PROCLAMATION**

**Military Family Appreciation Night** – Mayor Tim Ealy read a proclamation declaring the night of Saturday, July 18, 2015, as “Military Family Appreciation Night at the Ballpark” at Hunnicutt Field to show appreciation for our military and, in so doing, urged all citizens to join him in expressing gratitude by attending the baseball game and with the appropriate display of patriotic flags and ribbons.

**PUBLIC INPUT**

**Jim Parks, 805 Harrison Street** – Mr. Parks commented that a lot of cats were on his street and inquired what could be done to remove them. He offered that perhaps traps would be the answer and added that one of his neighbors had bagged eleven cats recently in this manner. Mr. Parks also acknowledged a lack of prostitutes in the vicinity of Harrison and Mercer Streets since the last time he had attended a City Council meeting.

**PUBLIC HEARING:** Concerning the Princeton Police Department’s application for an Edward Byrne Memorial 2015 Justice Administration Grant (JAG). The proposed use of said grant is to fund an Evidence Tracking System for the Department. The U. S. Department of Justice requires that the general public be given the opportunity to respond to the proposed uses of said grant.

Mayor Ealy opened the public hearing at 6:35 p.m. and called for public comments.

**J. W. Howell, Police Chief** – Chief Howell explained that an Evidence Tracking System uses a computerized barcode system to log in and log out all evidence when evidence is needed by a police officer. Specifically, it helps track the evidence and maintain the chain of custody at all times, thereby assuring the integrity of the evidence when presented in court. Also, it removes much of the paperwork from the current method, the Chief added.

Mr. Jim Parks of 805 Harrison Street asked Chief Howell if all police departments in the State have a computerized Evidence Tracking System.

Chief Howell replied that no statewide system exists, but each individual police department or agency implements one in-house.

There being no other comments, Mayor Ealy closed the public hearing at 6:39 p.m.

**Christine West, 102 Haven Drive, Princeton** – Ms. Christine West introduced herself as the Chairperson of the City’s Community Improvement Commission and an employee of the WV Division of Highways. Also, as a DOH employee, she is involved in promoting the development of highways in southern West Virginia and serves as a member of the King Coal Highway Board of Directors.

Ms. West reported that District Engineer, John McBrayer, had advised that a number of projects, including Sandy Ridge, have been put on hold until after the replacement of the Martin Luther King Bridge in Bluefield is completed.

Concerning the crosswalk lights and sign on Mercer Street, she had made an inquiry to her boss, Mr. Mattox, about the status of the installation and was informed that the crosswalk lights are scheduled for this summer prior to the start of the new school term.

Lastly, regarding the reconfiguration of Brick Street that proposes to straighten the curve and add a turn lane, Ms. West advised that the traffic engineer had completed the drawings and the project is proceeding through the latter planning stages.

Mayor Ealy commented that City Council appreciates all her efforts to make Princeton better.

## **CONSENT AGENDA**

Without correction, Mayor Ealy declared the Consent Agenda approved, as follows:

Minutes of the May 11, 2015, Regular City Council Meeting

## **POLICY AGENDA**

### **COMMITTEE REPORTS**

#### **PUBLIC WORKS AND RECREATION COMMITTEE**

Chairperson Jacqueline Rucker reported that the Public Works and Recreation Committee of Princeton City Council met on Wednesday, June 3, 2015, with the following items to report out for action or as information:

#### **Public Works Department**

**Activity Report** – Public Works Director Bo Barker reported on the following activities

of the Public Works Department during the month of May:

- Crews responded to 64 service calls from the public;
- Installed 32 feet of 12 inch pipe in the vicinity of Harrison and Walnut Streets to replace a section of pipe that had collapsed;
- Continued the project to improve the water flow in the vicinity of Stafford Drive and Lazenby Avenue by using a rented excavator to clear the drainage ditch and by also clearing the inlet to the adjoining pipe of discarded trash and debris;
- Crews finished spreading mulch on all City landscaping, including parking lots, flower gardens, traffic triangles, fountains, and at the Dick Copeland Town Square;
- Continued painting yellow curbs and other traffic markings, as well as seasonal mowing and maintenance of City grounds;
- Reported that the Street Paving Project would be completed by the end of the week; and
- Crews would finish laying pipe in the vicinity of High Street after July 1<sup>st</sup>, just after the start of the new fiscal year.

#### **Parks and Recreation Department**

**Walking Trail Project** – The Recreation Department was successful in raising the additional \$20,000 needed to move forward with the City Park Trail Project thanks to the generosity of Princeton Health Care that agreed to contribute the funds by July 1, 2015. The project went out to bid on May 29, 2015, with invitations sent to nine members of the Professional Trail Builders' Association located variously in West Virginia, Virginia, North Carolina, and Kentucky. Bids are due no later than July 29, 2015, with a vote on the bids by the Park and Recreation Commission expected at its August 2015, meeting. It is hoped the project will take place during the fall of 2015.

**Program Report** – The four, spring basketball leagues are finishing post season tournaments and will wrap-up on June 10<sup>th</sup>.

Registration for Mini/Minor Basketball will continue through June 8<sup>th</sup>, with league play starting around July 1<sup>st</sup>. There currently are about 90 boys and girls ages 4 – 8 registered for the program.

The Summer Day Camp Program will begin the morning of June 10<sup>th</sup>, with 25 children ages 5 – 11 already registered.

**City Pool** – The Park Board and Recreation Center staff appreciate the assistance of Bo Barker and the Public Works' employees for assisting with repairs to the City Pool. Due to the facility's age, it seems there always is some type of needed repair. Public Works has very skilled employees and always are willing to help. The Pool is scheduled to open

Saturday, June 6<sup>th</sup>.

**PUBLIC SAFETY COMMITTEE**

Acting Chairman David Graham reported that the Public Safety Committee of the Princeton City Council met on Wednesday, June 3, 2015, with the following items to report out to Council for action or as information:

**Code Enforcement Department**

**Monthly Report for May** – Building Inspector David Wilson presented Code Enforcement’s monthly activity report for May, 2015, as follows:

**Complaints:** Received – 184; Closed – 160; Cases Active – 75; Total – 30,414.  
Average number of cases per month to date: 118.

**Zone Patrol Summary** – The Director responded to complaints as reported to his office and conducted patrols in Zone 6, including sections of Thornton Ave., Silver Springs, E. Shop St., Bacardi St., and Mirror Lane.

**Building Inspector** – In the field, the Building Inspector checked the current status of building permits and the validity of contractors’ licenses in all areas.

**Animal Control Officer** – Responded to complaints, conducted random and specific patrols of Zone 3, including Low Gap Road, Tip Top Street, Lilly Street, Meador Street, Park Avenue, Hinton Street, Henry Street, Hale Avenue, and sections of Lower and Upper Pine, and Henderson and High Streets.

**Demolition Program:** Condemnations in Process: 19  
Renovations in Process: 3  
Demolitions in Process: 16  
Demolitions in May: 3 (221 Thornton Ave., 307 Bee St., & 408 Kee Street)

- Notice to Proceed with demolition issued for 509 High Street, 510 Lower Pine, 216 Thornton Ave., & 129 Shop St.

**Animal Control:** Complaints: 25  
Impounded: 9

**Building Inspection:** Building Permits Issued: 46  
Total Inspections: 5  
Total Project Costs: \$625,636.11  
Total Permit Fees: \$ 2,548.00

**Fire Department**

**Mercer County Heads Up APP** – Fire Chief Chad Bailey explained that the City of Bluefield had applied for and received a grant that enabled the implementation of a free smart phone application called “Mercer County Heads Up” which enables Police, Fire, and other emergency responders to advise Mercer County residents, in real time, where emergency incidents are happening.

**Equipment Update** – The Fire Chief also reported that the Fire Department had purchased three body cameras for Princeton Firefighters who had experienced harassment while enforcing the Fire Lanes.

The Fire Chief reported the purchase of eight new SCBA’s (air bottles) to replace used ones no longer serviceable; and thirteen new pagers through a special promotion by Motorola offering a \$500 rebate.

**Police Department**

**Resolution Authorizing Application for a 2015 Edward Byrne Memorial JAG Grant**

On the recommendation of Police Chief John Howell the Public Safety Committee approved and recommended to City Council, **and Mr. Graham so moved**, a resolution authorizing the submission of an application for an \$11,980 Edward Byrne Memorial JAG Grant to fund the implementation of an Evidence Tracking System for the Police Department and authorizing the City Manager to enter into a contractual agreement with the U. S. Department of Justice to receive and administer said grant, as follows:

**R E S O L U T I O N**

**WHEREAS**, the Common Council of the City of Princeton recognizes the essential need to maintain the capability of the Princeton Police Department to provide efficient and innovative law enforcement services on behalf of the citizenry; and

**WHEREAS**, to accomplish this goal the Princeton Police Department proposes to implement an Evidence Tracking System to ensure the integrity of critical case evidence.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Princeton hereby authorizes the following:

1. That Police Chief J. W. Howell, Jr. apply for an Edward Byrne Memorial 2015 Justice Assistance Grant (JAG) of \$11,980 through the U. S. Department of Justice’s Bureau of Justice Assistance; and
2. That City Manager Elke Doom enter into a contractual agreement with the U. S. Department of Justice to receive and administer said grant funds on behalf of the City of Princeton.

Timothy C. Ealy, Mayor

Patricia Wilson duly seconded the motion.

The motion carried unanimously.

**Insurance Proceeds** – Chief Howell reported that he had used the insurance proceeds received in compensation for a recently totaled cruiser to apply toward the purchase of two low mileage police vehicles from a supplier in Florida which are in excellent condition; a 2008 Ford SUV and a 2005 Crown Vic.

**FINANCE AND ADMINISTRATION COMMITTEE**

Chairman Marshall Lytton reported that the Finance and Administration Committee of the Princeton City Council met on Wednesday, June 3, 2015, with the following items to report out for action or as information:

**May 2015, Financial Report** – The Finance Director had reported that as of the end of May, the eleventh month of FY 2015, the actual revenues collected stood at 96.19% of the budgeted amount, while actual appropriations were expended at a rate of 93%, as compared to the budget projections of 91.63% forecast for the end of May. Total funds available for City operations: \$2,538,640.

Mr. Lytton continued by reporting the Finance and Administration Committee approved and recommended the May 2015, Financial Report to City Council, **and he so moved.**

Jacqueline Rucker duly seconded the motion.

The motion carried unanimously.

**Budget Revision #4 to the FY2015 General Fund** – Mr. Lytton reported that General Fund Budget Revision #4 appropriates **\$112,003** of additional anticipated revenue. The revenue consists of \$16,430 in additional taxes; \$13,000 of additional fines and forfeitures; \$1,159 in additional licenses, permits & fees; \$16,900 in additional charges for service; an additional \$15,310 in grants, contributions, gaming and interest; \$31,974 in reimbursements; \$328 in refunds; and \$16,902 in insurance claims. This revision brings the overall FY 2015 General Fund Revenue Budget to **\$7,544,063.**

Expenditure adjustments include the following:

- Appropriate for anticipated additional costs to various line items
- Appropriate for anticipated additional costs to salaries/wages/payroll taxes/retirement for 3<sup>rd</sup> payday of the month of June
- Appropriate \$9,974 to help cover cost of used police vehicles (replacement for



vehicle totaled in accident)

- Appropriate additional \$3,925 for demolitions
- Appropriate for additional late year grants that have arrived recently

Mr. Lytton continued by explaining these changes in appropriations create a net increase of **\$112,003**; thereby increasing total estimated expenditures to **\$7,544,063** and creating a balanced budget.

**MOTION:** Mr. Lytton moved City Council approve Budget Revision #4 to the FY 2015 General Fund.

David Graham duly seconded the motion.

The motion carried unanimously.

**Special City Council Meeting July 1, 2015** – The Finance and Administration Committee approved and recommended to City Council, **and Mr. Lytton so moved**, that City Council meet at 12:00 p.m. on Wednesday, July 1, 2015, to administer the oath of office to the elected At-Large Council Members, elect a Mayor, and otherwise organize Council for the 2015 – 2016 term.

James Harvey duly seconded the motion.

The motion carried unanimously.

**Dates in July 2015 for Regular Council Meetings** – The Finance and Administration Committee approved and recommended to City Council, **and Mr. Lytton so moved**, pushing back by one week, to July 15, 2015, at 2:10 p.m., Council's committee meetings and to July 20, 2015, at 6:30 p.m., for the Regular month City Council meeting, to allow time to close out the books on FY 2015 and changeover to the FY 2016 budget year.

Jacqueline Rucker duly seconded the motion.

The motion carried unanimously.

**B. & O. Tax Incentive Applications** – The Finance and Administration Committee approved and recommended to City Council, **and Mr. Lytton so moved**, that the following businesses be granted the B. & O. Tax Incentive for newly established businesses in the City:

1. Local Mo' Jo, LLP – 929 Mercer Street – Amy Persinger and Ron Sokol, Owners;
2. Myra's Flower Shop – 907 Mercer Street – Myra Dyer, Owner.

Patricia Wilson duly seconded the motion.

The motion carried unanimously.

**Home Rule Application** – The Finance and Administration Committee approved and recommended to City Council, **and Mr. Lytton so moved**, that City Manager Elke Doom be authorized to prepare and submit the City of Princeton’s Home Rule Application on behalf of City Council.

David Graham duly seconded the motion.

The motion carried unanimously.

### **CITY ATTORNEY**

**Second Reading of Ordinance Repealing Garbage Indigent Exemption** – City Attorney Paul Cassell presented for second reading and public hearing AN ORDINANCE TO REPEAL ARTICLE 1131.10 OF THE CODIFIED ORDINANCES OF THE CITY OF PRINCETON, MERCER COUNTY, WEST VIRGINIA: “EXEMPTION FOR INDIGENT RESIDENTS.”

At 7:02 p.m. Mayor Ealy moved the meeting into public hearing and called for comments for or against the ordinance.

There being no comments forthcoming, Mayor Ealy closed the public hearing at 7:02 p.m. and called the regular meeting to order once again.

**MOTION:** David Graham moved City Council adopt the ordinance.

James Harvey duly seconded the motion.

The motion carried unanimously.

### **CITY MANAGER**

City Manager Elke Doom thanked Christine West, Chairperson of the Community Improvement Commission, for her report to City Council and reviewed some of the accomplishments of that Commission over the past month. Ms. Doom cited the tables and umbrellas placed in the Copeland Town Square and the triangle at Mercer and Center Streets; the art projects downtown; painting of the Thorn Street Bridge, including new poles for bridge flags; and new signage for the Railroad Museum.

In addition, the City Manager noted that a new coffee shop had opened recently on Mercer Street and Greg Puckett is involved in restoring the historic advertising signs on Mercer Street. Finally, she reported the Community Improvement Commission had

approved a Mercer Street business for a Façade Grant to replace its windows.

### **CITY CLERK**

The City Clerk had nothing to report to City Council.

### **DEPARTMENTAL REPORTS**

**Library** – Library Director Brittany Rothausen reported that the Princeton Library would have a booth at the Celebrate Princeton Street Fair and would be providing free books to the public, as well as brochures on the upcoming Summer Reading Program. Also, the Library would be hosting a book sale on the Library’s loading dock to raise funds for its language learning software at \$1.00 per book. Lastly, Ms. Rothausen announced that the Library would be providing a website to assist patrons in resume building.

**Public Works** – Public Works Director Bo Barker reported that the City’s Street Paving Project had been completed.

**Police** – Police Chief John Howell thanked City Council for approving the resolution authorizing the Police Department’s application for a Justice Administration Grant. The Chief also acknowledged Mr. Jim Parks and expressed appreciation for his earlier reference regarding the PD’s success in the policing of prostitutes on Mercer Street.

The Chief further reported that during the month of May the Police Department responded to 543 calls, made 88 arrests, and issued 368 citations.

**Fire** – Fire Chief Chad Bailey informed Council that an ISO representative would be in Princeton this Thursday to evaluate the Department and that it had been reported to him that a number of cities already had dropped one point in their ratings. Chief Bailey expressed confidence that the Fire Department would do well in the ISO evaluation.

Continuing, Chief Bailey reported that during the month of May the Fire Department responded to 69 EMS calls, responded to 45 fire calls, conducted 14 inspections, issued six certificates of occupancy, and issued 135 fire lane citations.

**Railroad Museum** – Railroad Museum Director Pat Smith reported that Public Works had painted the caboose next to the Museum just prior to the visit by the Federal Home Loan bankers who support the Blueprint Communities. Those visitors had remarked that Princeton is the cleanest town of all they had visited, Ms. Smith informed.

Ms. Smith further reported the following activities relative to the Railroad Museum:

- ❖ Banners had been purchased for the Historic District;
- ❖ Signs had been completed on the Board of Education’s small building in the triangle advertising the Railroad and Agricultural Museums;

- ❖ Recorded videographies of 34 railroad retirees for playing on a continuous loop in the Museum;
- ❖ Planning a trip to Elmore Yards in Mullens, WV to obtain more history about the Virginian Railroad;
- ❖ Working on a platform to use for presentations during West Virginia Day events; and
- ❖ WV Day celebration at the Railroad Museum on June 20<sup>th</sup> that also will include guided tours at all the museums in Princeton and a reenactment of Mark Twain's 1909 visit to Princeton. All free to the public.
- ❖ The Railroad Museum will be open Tuesday through Saturday, closed Monday.

Mayor Tim Ealy added that Lyle Huntington had donated a wall sculpture to the Railroad Museum that features a railroading theme ideal for displaying in the Museum.

**Community Development Coordinator** – Martha Barberio, Community Development Coordinator, informed that the \$40,000 matching grant had been approved and that she was working on an application for a \$75,000 grant from the EPA for recycling. She explained this grant would fund one additional employee dedicated to the City's recycling efforts which, she predicted, would reduce the City's landfill costs. Ms. Barberio concluded by reported that the painting of City crosswalks continues and advised that Princeton is the only City in the State with this feature.

## **COUNCIL ROUNDTABLE**

**Marshall Lytton** – Mr. Lytton remarked that the West Virginia-American Water Company had requested a 29.57% rate increase from the Public Service Commission and **moved** that City Council go on record as opposed to the increase and send a letter to the PSC to that effect.

James Harvey duly seconded the motion.

The motion carried unanimously.

Continuing, Mr. Lytton acknowledged City resident Jim Parks and thanked him for his comments. He also expressed appreciation for Christine West's report to the Council on behalf of the Community Improvement Commission and thanked City Manager Elke Doom for her report.

Mr. Lytton then acknowledged the presence of Jim and Marie Hill and congratulated Mr. Hill and David Graham on their apparent wins in a close City Council election, but which he explained would not be official for 48 hours during which a recount may be requested.

Lastly, Mr. Lytton thanked Pat Smith, Martha Barberio, and the City's department heads for their reports to Council.

**Jacqueline Rucker** – Ms. Rucker thanked all present for coming to the council meeting and expressed appreciation for the excellent work of the City’s department heads. Ms. Rucker thanked Christine West for her report to council and invited everyone to come back.

**James Harvey** – Mr. Harvey also thanked the City’s department heads for their work and commended Police Chief John Howell for his foresight in the innovative use of body cameras, as well as his work in finding two replacement vehicles for the Police Department at a substantial savings to the City.

**Pat Wilson** – Ms. Wilson commented that this was the last council meeting night for her after fourteen years on City Council and that she was looking forward to the time off and the opportunity to dedicate herself to other matters.

Ms. Wilson then commended the work of the City’s department heads and offered congratulations to the newly elected Council Members.

**David Graham** – Mr. Graham thanked Pat Wilson for her fourteen years of service on City Council. He also thanked the current Council Members for helping him get “up to speed” during the past year as a new City Councilman.

Mr. Graham then acknowledged Mr. Jim Hill and commented that he looked forward to serving with him on City Council.

Lastly, Mr. Graham commended the City’s department heads for the outstanding job they do and expressed appreciation for Christine West’s report to Council this evening.

**Mayor Tim Ealy** – Mayor Ealy thanked outgoing Council Member Pat Wilson for her fourteen years of service on City Council and commented that he, too, was proud to serve this community on City Council.

The Mayor expressed that the reports to Council this evening were “all good” and commended the City’s employees for the excellent work they do every day.

In conclusion, the Mayor congratulated Firefighter Zane Fitzwater and his bride on their recent marriage.

## **COUNCIL IN RECESS**

There being no further business, on motion, City Council recessed at 7:30 p.m. until June 17, 2015, at 3:00 p.m.

CERTIFICATE OF PUBLICATION

ATTENTION PRINCETON RESIDENTS

On Tuesday, the 25th day of August, 2015, at 12:00 p.m., at a specially called meeting in the Council Chambers of the Municipal Building, 100 Courthouse Road, Princeton, WV, the Common Council of the City of Princeton will conduct a second reading and public hearing on AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY OF PRINCETON'S HOME RULE APPLICATION, as required prior to the submission of the same to the State of West Virginia. The following initiative has been proposed amending the City of Princeton's Home Rule Application under the State's Home Rule Pilot Program:

SPECIFIC PROBLEM

THE CURRENT FINANCIAL RESOURCES OF THE CITY OF PRINCETON ARE NOT ADEQUATE TO MEET ANTICIPATED LONG TERM EXPENSES. IN ORDER TO STAY VIABLE THE CITY NEEDS OPTIONS TO SPUR ECONOMIC DEVELOPMENT, AND ECONOMIC REVITALIZATION.

PROPOSED SOLUTION

AS THE CITY HAS FEW OPTIONS AVAILABLE TO MEET ITS REVENUE NEEDS, THE MOST VIABLE OPTION AVAILABLE IS TO IMPOSE A SALES TAX OF ONE PERCENT (1%) AND REDUCE BUSINESS AND OCCUPATION TAX ON ITS RETAIL CLASSIFICATION WITH THE GOAL OF CREATING ADDITIONAL REVENUE SOURCES FOR BUSINESS GROWTH AND ECONOMIC REVITALIZATION. THE CITY PROPOSES TO REDUCE THE RATE OF BUSINESS AND OCCUPATION TAX UNDER THE RETAIL CLASSIFICATION FROM .50% TO .35%. THE CITY'S SALES TAX WILL BE ADMINISTERED, COLLECTED AND ENFORCED BY THE STATE TAX DEPARTMENT.

At said hearing any interested citizen may appear and be heard. Said hearing may be continued from time to time as deemed necessary by the City Council.

For more information please contact the City Clerk Monday through Friday, 8:30 a.m. to 4:30 p.m. at the Municipal Building or call 304-487-5024.

Dated this 21st day of July, 2015  
Kenneth E. Clay, City Clerk

State of West Virginia,

To-wit:-

County of Mercer,

I, Teresa Evans of the Bluefield Daily Telegraph, a daily newspaper published in the City of Bluefield, Mercer County, West Virginia, do certify that the notice attached hereto under the caption;

was published in the said Bluefield Daily Telegraph 2 (Two) Time(s) on the following day(s), namely July 24th & 31st in the year 2015.

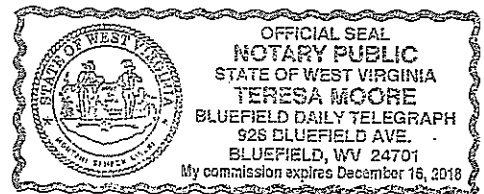
Publication Fee: \$92.14

*Teresa Evans*

Subscribed and sworn to before me this 31st day of July 2015.

My Commission expires Dec 16 2018

*Teresa Moore*



366141

248 1X9



# City of Princeton

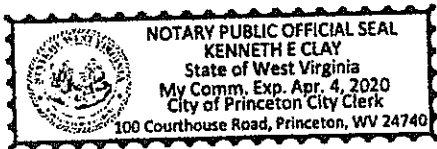
STATE OF WEST VIRGINIA

COUNTY OF MERCER

CITY OF PRINCETON, to wit:

I, Kenneth E. Clay, City Clerk for the City of Princeton and a notary public in and for Mercer County, do certify that on 3rd day of September, 2015, I carefully compared the attached facsimile of **The minutes of the July 20, 2015, Regular Meeting of the Common Council of the City of Princeton, Mercer County, West Virginia, including the first reading of An Ordinance Approving an Amendment to the City of Princeton Home rule Application**, and the original document I now hold in my possession.

It is a complete, full, true and exact facsimile of the document it purports to reproduce.



{SEAL}

My commission expires on April 4, 2020.

*Kenneth E. Clay*  
Notary Public

**REGULAR MEETING – CITY COUNCIL  
PRINCETON, MERCER COUNTY, WEST VIRGINIA  
July 20, 2015**

A Regular Meeting of the Common Council of the City of Princeton, Mercer County, West Virginia was held in the Council Chambers of the Municipal Building on Monday, July 20, 2015, at 6:30 p.m. In attendance were Mayor Timothy Ealy; Vice Mayor James Harvey; Council Members Dewey Russell, Marshall Lytton, Jacqueline Rucker, David Graham, and James Hill; City Manager Elke Doom, City Attorney Paul Cassell, and City Clerk Kenneth Clay. A quorum was constituted thereby.

**INVOCATION – PLEDGE OF ALLEGIANCE – CALL TO ORDER**

David Graham invoked divine guidance for the conduct of the meeting. James Hill led in the Pledge of Allegiance to the Flag of the United States of America. Thereupon, Mayor Tim Ealy called the meeting to order.

**PROCLAMATIONS – PRESENTATIONS**

None.

**PUBLIC INPUT**

**Lori McKinney, 865 Mercer Street, Princeton** – Lori McKinney, a member of the City’s Community Improvement Commission, addressed Council with a proposal to create a community garden on a vacant lot owned by the City of Princeton at Young and Kirk Streets and identified as parcels 11 and 12 on Map 17. She explained that the project would promote a positive community spirit just as had the garden on Mercer Street.

Continuing, Ms. McKinney explained that the community garden on Young Street would be under the direction of Norma Fernandez who would be overseeing the growth of flowers, fruits, and vegetables, as well as the development of other plants for educational purposes and medicinal uses, such as home remedies.

Mr. Lytton asked if the produce would be offered for sale.

Mayor Tim Ealy asked the City Attorney if the plants could be sold.

City Attorney Paul Cassell stated that two issues must be considered. First, is this a non-profit enterprise and, secondly, would the City be leasing the property for commercial use? Otherwise, Mr. Cassell added that he could see nothing wrong with the community garden as proposed to Council.

Public Works Director Bo Barker informed Council that his department currently uses the two lots under discussion to store fill dirt for use on City projects.

In light of this information, City Attorney Paul Cassell recommended that alternative City-owned properties be identified to consider for a community garden.



City Manager Elke Doom advised that she and the staff would research the matter further in an attempt to identify more lots that would be suitable for a community garden.

**Jennifer McGinnis, 213 N. 2<sup>nd</sup> Street** – Jennifer McGinnis called attention to the significant number of her neighbors who had accompanied her to the City Council meeting. She described herself as a wife, mother, and teacher and, as such, one whose family enjoys outdoor activities. She also expressed her penchant for helping with community organizations and how much she appreciates living in a nice neighborhood; except for the hub of drugs and various illegal activities that occur at or near the apartment building at 108 Highland Avenue.

With most of her neighbors voicing hearty support for her comments, Jennifer McGinnis criticized the owner of the apartment building at 108 Highland Avenue, Harold Buckner, for permitting such conditions to persist in the building. Ms. McGinnis cited the recent murder that had occurred on the premises, as well as the many times police officers have responded to the building. In addition, she cited a dog tied to a dumpster regularly and an instance when the animal nearly was lifted air when the dumpster was being emptied by a garbage truck. In addition, she cited threats and retaliation against the neighbors who challenge the bad behavior that occurs at 108 Highland Avenue. Often this includes vandalism to private property.

Further, she remarked that it upsets her that her children have to witness the drug deals and other horrible acts that occur outside the apartment building and speculated whether the owner bothers with background checks of potential tenants before admitting them as residents. She asked, “What are the odds of renting to so many unsavory people?”

Ms. McGinnis thanked the Princeton Fire and Police Departments for responding regularly to 108 Highland Avenue and added that she had attended the City Council meeting with her neighbors to express the collective hope that at least others would stand with them and their desire to have the building cleaned up, but not closed.

Mayor Tim Ealy assured Jennifer McGinnis that it is not just her neighborhood that is experiencing such conditions and that he had to deal with something very similar in his neighborhood that very evening.

Councilman Russell asked the City staff members present what could be done to rectify these problems.

Fire Chief Chad Bailey remarked that the Fire Department had made several passes at the apartment building, but the Fire Code only allows fire inspectors to enter common areas such as hallways and lobbies. He acknowledged seeing debris piled up at the building and expressed a desire to inspect the apartments for fire code violations, but inspectors must be invited to do so by the residents since the building has no common areas.

Further, as far as building codes, the structure does not seem rundown structurally from all outward appearances. Lastly, Chief Bailey remarked that the civil rights of the residents cannot be violated otherwise.

Police Chief John Howell explained that when justified, police officers responding to 108 Highland Avenue do make arrests. However, if the Police Department doesn't know about the illegal acts, officers cannot respond to assist. The Chief added that people cannot be arrested without probable cause and urged the residents who witness illegal acts to call 911 since the Police Department does not have a dispatcher on duty.

Councilman Russell recommended that police officers swing by now and then to make themselves more visible.

Councilman Hill asked the Fire Chief how many apartments are in the building at 108 Highland Avenue.

Chief Bailey responded there are seven or eight apartments, all of which are accessed by exterior doorways. There is no common hallway inside the building.

Harold Buckner, owner of the apartment at 108 Highland Avenue, explained that he ran off all the undesirable tenants and they are not allowed to return to the property. Further, he asserted that he never made many of the comments attributed to him tonight. In addition, Mr. Buckner explained that he tries to remove any trash from the property immediately, that he had made the building more attractive by upgrading the structure, and that he was doing his best to keep bad people off the property.

Matt Morris of 309 N. 4<sup>th</sup> Street, a member of the Princeton Firemen's Civil Service Commission, asked Mr. Buckner if he performs background checks on potential tenants.

Mr. Buckner replied that he does not do so.

To which Mr. Morris asked if Mr. Buckner would be willing to do background checks.

Mr. Buckner responded that he would be willing to do so.

Mr. Morris then asked Mr. Buckner if he would allow the Fire Chief to come onto the property to inspect.

Again, Mr. Buckner indicated that he would do so.

Chris McGinnis, husband of Jennifer McGinnis, commented that he could not believe that Mr. Buckner does not conduct background checks on potential tenants and that surely cleaning up the property at 108 Highland Avenue should be Mr. Buckner's

responsibility.

## **CONSENT AGENDA**

Without correction, Mayor Ealy declared the Consent Agenda approved, as follows:

- A. Minutes of the June 8, 2015, Regular City Council Meeting (Recessed);
- B. Minutes of the June 17, 2015, Recessed City Council Meeting; and
- C. Minutes of the July 1, 2015, Special City Council Meeting.

## **POLICY AGENDA**

### **COMMITTEE REPORTS**

#### **PUBLIC WORKS AND RECREATION COMMITTEE**

##### **Public Works Department**

Council Member David Graham presented the Public Works portion of the Committee report, as follows:

**Activity Report** – Public Works Director, Bo Barker, had reported the following projects and activities of his Department during the month of June:

- Crews responded to 69 service calls from the public in June;
- Completed 75 yards of ditching on Young Street;
- Received in-service training on the use of chain saws;
- Continued the work to improve the water flow in the vicinity of Stafford Drive by clearing brush and debris from a creek behind Cornerstone Church on Brick Street and by clearing a four foot in diameter concrete pipe of discarded trash and debris;
- Reported the preliminary plans for Phase II of the Flood Mitigation Project involving the building of a pump station and the installation of a pipeline behind Long John Silvers;
- Reported that the Street Paving Project had been completed; and
- Efforts continue with the DEP, Natural Resources Conservation Service, and Southern Soil Conservation to resolve a gradual loss of water from the Dan Hale Reservoir.

##### **Parks & Recreation Department**

Chairwoman Jacqueline Rucker presented the monthly report for Parks & Recreation, originally made before the Committee by Recreation Assistant Malinda Edwards, as follows:

**Mini/Minor Basketball** – The games for the Mini-Minor Basketball League began on July 14<sup>th</sup> with games played three days each week. There are a total of 13 teams with 105 boys and girls participating.

**Summer Day Camp** – The Summer Day Camp is having one of the most successful years ever, averaging 20 – 25 children each day. The children are enjoying group activities, swimming, and field trips.

**Night Swims** – The Recreation Center has scheduled Night Swims for every other Tuesday throughout the pool season. The events include live music, games and prizes. Three Night Swims have been held thus far, the first one being very successful with approximately 200 swimmers, while the second was rained out. The third Night Swim had approximately 80 swimmers. The next Night Swim is set for Tuesday, July 21<sup>st</sup>, from 7 – 10 p.m.

**Girls' High School Basketball** – The Recreation Department was successful in starting a new program, a Girls' High School Basketball Summer League. There are seven area high school teams competing, including Princeton, Pike View, Bluefield, Summers County, River View, Giles, and Bland County.

**Recreation Center Swings' Project** – The Recreation Department received a \$2,500 grant through the Community Participation Program and also had been seeking another \$2,500 from other sources to purchase and install two swing bays (4 swings) as an addition to the playground/shelter area beside the Recreation Center. Three contributions were received recently to make the project a reality: Mercer County Commission - \$1,000; Mountaineer Lifelines - \$1,000; and Elks Club - \$200. The swings have been ordered and work should begin in approximately six weeks.

#### **PUBLIC SAFETY COMMITTEE**

##### **CODE ENFORCEMENT DEPARTMENT**

**Monthly Report for June** – Councilman Dewey Russell presented the monthly report of the Code Enforcement Department originally made during the July 15, 2015, meeting of the Public Works & Recreation Committee; as follow:

**Complaints:** Received – 137; Closed – 150; Cases Active – 62.

Average number of cases per month: 118; Total cumulative – 30,551.

**Zone Patrol Summary** – The Director responded to complaints reported to his office and conducted random patrols and patrolled in Zone 6, including sections of Thornton Ave., Silver Springs, E. Shop St., Bacardi St., and Mirror Lane.

**Building Inspector** – In the field, the Building Inspector checked the current status of building permits and the validity of contractors' licenses in all areas.

**Animal Control Officer** – Responded to complaints, conducted random patrols and specific patrols of Zone 3, including Low Gap Road, Tip Top Street, Lilly Street, Meador

Street, Park Avenue, Hinton Street, Henry Street, Hale Avenue, and sections of Lower and Upper Pine, and Henderson and High Streets.

**Demolition Program:** Condemnations in Process: 14  
Renovations in Process: 4  
Demolitions in Process: 10  
Demolitions in June: 8 (216 Thornton Ave. x 5  
structures, 509 High Street, 510 Lower Pine, and 129 Shop  
Street)  
❖ Total demolitions, grant and non-grant to date – 555

**Animal Control:** Complaints: 19  
Impounded: 10  
Euthanized: 3  
Reclaimed: 1

**Building Inspection:** Building Permits Issued: 39  
Total Inspections: 16  
Total Project Costs: \$311,850.36  
Total Permit Fees: \$ 1,347.50

### **FIRE DEPARTMENT**

Committee Chairman James Hill presented the Fire Department's report based on original information submitted to the Committee by the Fire Chief, as follows:

**E-911 Address Changes** – Fire Chief Chad Bailey reported that the Mercer County E-911 Center had made recent address changes in the City of Princeton to increase the effectiveness of emergency responses, as follow:

- 112 ½ Shopview Avenue to 202 Fink Street
- 200 ½ Shopview Avenue to 210 Fink Street
- Section of connector road from Roundhouse to Shopview to Fink Street
- 815 Young Street to 417 Santon Street
- 207 ½ Wallace Street to 206 Kephart Alley.

**No Smoking at Copeland Town Square** – Citing the odor and litter emanating from an inordinate amount of discarded cigarette butts, and under the authority conferred upon him by the City Code, Fire Chief Chad Bailey reported that he had designated the entire premises of the Dick Copeland Town Square as a “smoke free zone.” Also, he reported that NO SMOKING signs had been posted at the Town Square and violators of the order can and will be cited.

### **POLICE DEPARTMENT**

Chairman James Hill also presented the report of the Police Department, as follows:

**Personnel Update** – Police Chief John Howell reported the impending loss of patrolman J. E. Carroll to the Hinton Police Department for the sake of travel and convenience.

**Washington Street Playground** – Councilman Hill noted a high degree of vandalism occurring at the Kiwanis Park after hours that has caused considerable damage to the playground equipment and requested additional police patrols to discourage further damages.

**FINANCE AND ADMINISTRATION COMMITTEE**

Chairman Marshall Lytton reported that the Finance and Administration Committee met on Wednesday, July 15, 2015, with the following items to report out to City Council for action or as information:

**June 2015 & FY2015 End-of-Year Financial Reports** – Finance Director Brian Blankenship reported that as of the end of June, the twelfth and final month of FY2015, the actual revenues collected stood at 98.96% of the budgeted amount, while actual appropriations were expended at a rate of 102%, as compared to the budget projections of 100% forecast for the end of June and the Fiscal Year. Total funds available for City operations: \$2,065,106.

**Further**, at year end, before adjustments for receivables, the revenue for Fiscal Year 2015 stood at \$6,049,567. After adjustments for receivables, the revenue for Fiscal Year 2015 now stands at \$6,077,144. Before adjustments for payables, the expenditures for Fiscal Year 2015 totaled \$6,273,387, after adjustments for payables, the expenditures for Fiscal Year 2015 totaled \$6,275,231.

Mr. Lytton continued by reporting that the Finance and Administration Committee approved and recommended the June and Fiscal Year 2015, Financial Reports to City Council, **and he so moved.**

James Harvey duly seconded the motion.

The motion carried unanimously.

**FY 2016 General Fund Budget Revision #1** – The Finance Director presented Revision #1 to the FY 2016 General Fund Budget by explaining that in February 2015, the FY 2016 unassigned fund balance was estimated at \$1,450,000. However, the actual balance on June 30, 2015, after accruals (receivables and payables), is \$1,232,595.24; thereby creating a decrease of \$217,404.56. This decrease in fund equity brings the total budgeted revenue for Fiscal Year 2016 to **\$7,198,183.24**. Therefore, the General Fund expenditure estimates have been adjusted accordingly for the decrease in the fund

balance, thereby creating a balanced budget of **\$7,198,183.24**.

Mr. Lytton continued by reporting that the Finance and Administration Committee approved and recommended to City Council Budget Revision #1 to the FY2016 General Fund, **and he so moved**.

Jacqueline Rucker duly seconded the motion.

The motion carried unanimously.

**FY 2016 Coal Severance Fund Budget Revision #1** – The Finance and Administration Committee approved and recommended to City Council, **and Mr. Lytton so moved**, Budget Revision #1 to the FY2016 Coal Severance Fund to compensate for a decrease of **\$1,899.29** in the Coal Severance fund receipts from the February projections, bring the July 1, 2015 assigned balance to **\$223,600.71**.

Further, to balance the Coal Severance Fund Budget for FY 2016, the decrease of \$1,899.29 has been adjusted in appropriations in the Finance Department, bringing the total Coal Severance Fund receipts and appropriations to **\$249,125.71**.

David Graham duly seconded the motion.

The motion carried unanimously.

**Resolutions Approving Two Community Participation Grant Contracts** - The Finance and Administration Committee approved and recommended to City Council, **and Mr. Lytton so moved**, resolutions approving contracts with the WV Development Office for the receipt of two Community Participation Grants and authorizing the City Manager to sign the contracts on behalf of the City, as follow:

## R E S O L U T I O N

**WHEREAS**, One Thousand Dollars (\$1,000) in Community Participation Program funding has been approved by the West Virginia Development Office and awarded to the City of Princeton **to purchase equipment for the Princeton Fire Department**. (Project Number: 15LEDA0110); and

**WHEREAS**, a formal resolution must be passed by the Common Council of the City of Princeton accepting the terms and conditions of the grant contract and authorizing the City Manager to sign on behalf of the City of Princeton.

**WHEREAS**, the City of Princeton is responsible for compliance with the terms and conditions within the contract, including all applicable laws referenced therein.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL FO THE CITY OF PRINCETON, WEST VIRGINIA,** that hereby are approved the terms and conditions of a contract with the West Virginia Development Office regarding a \$1,000 grant under the Community Participation Grant Program for the City of Princeton **to purchase equipment for the Princeton Fire Department** (Project Number: 15LEDA0110) and that the City Manager is empowered to sign the contract on behalf of the City of Princeton.

Dated this the 20<sup>th</sup> day of July, 2015.

Timothy C. Ealy, Mayor

---

**RESOLUTION**

**WHEREAS,** Two Thousand Dollars (\$2,000) in Community Participation Program funding has been approved by the West Virginia Development Office and awarded to the City of Princeton **to demolish unsafe, dilapidated structures within the city limits** (Project Number: 15LEDA0109); and

**WHEREAS,** a formal resolution must be passed by the Common Council of the City of Princeton accepting the term and conditions of the grant contract and authorizing the City Manager to sign on behalf of the City of Princeton.

**WHEREAS,** the City of Princeton is responsible for compliance with the terms and conditions within the contract, including all applicable laws reference therein.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF PRINCETON, WEST VIRGINIA,** that hereby are approved the terms and conditions of a contract with the West Virginia Development Office regarding a \$2,000 grant under the Community Participation Grant Program for the City of Princeton **to demolish unsafe, dilapidated structures within the city limits** (Project Number: 15LEDA0109) and that the City Manager is empowered to sign the contract on behalf of the City of Princeton.

Dated this the 20<sup>th</sup> day of July, 2015.

Timothy C. Ealy, Mayor

James Hill duly seconded the motion.

The motion carried unanimously.



**Resolution Authorizing Change in Controlling Investors for Telecable Franchise –**

The Finance and Administration Committee approved and recommended to City Council, **and Mr. Lytton so moved**, a resolution approving a change of control of the cable television franchise, Suddenlink, whereby Cequel Corporation, the parent of the franchisee has entered into a Purchase and Sale Agreement with Altice, S.A. and other parties, pursuant to which certain wholly-owned subsidiaries of Altice will acquire 70% of the issued and outstanding equity interests in Cequel, as follows:

**RESOLUTION**

**WHEREAS**, Cebridge Acquisition, LLC d/b/a Suddenlink Communications (“Franchisee” or “Suddenlink”) owns, operates, and maintains a cable television system serving City of Princeton pursuant to a franchise agreement or similar authorization (the “Franchise”) issued by the City of Princeton (the “Franchise Authority”), and Franchisee is the duly authorized holder of the Franchise; and

**WHEREAS**, Cequel Corporation (“Cequel”), the parent of the Franchisee, has entered into a Purchase and Sale Agreement (the “Agreement”) with Altice S.A. (“Altice”) and the other parties thereto, pursuant to which certain wholly-owned subsidiaries of Altice will acquire 70% of the issued and outstanding equity interests of Cequel (the “Transaction”); and

**WHEREAS**, Franchisee has requested the consent of the Franchise Authority for the change of control of the Franchise in connection with the Transaction in accordance with the requirements of the Franchise and applicable law and has filed with the Franchise Authority an application on FCC Form 394 that includes relevant information concerning the Transaction and Altice (collectively, the “Application”); and

**WHEREAS**, the Franchise Authority has reviewed the Application, examined the legal, financial and technical qualifications of the relevant parties, followed all required procedures to consider and act upon the Application, and considered the comments of all interested parties; and

**WHEREAS**, the Franchise Authority believes it is in the interest of the community to approve the Application and the change of control of the Franchise in connection with the Transaction, as described in the Application.

**NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:**

**SECTION 1.** The Franchise Authority hereby approves the Application and consents to the change of control of the Franchise in connection with the Transaction, all in accordance with the terms of the Franchise and applicable law.

**SECTION 2.** The Franchise Authority's approval of the Application and its consent to the change of control of the Franchise in connection with the Transaction shall be effective immediately, and Suddenlink shall notify the Franchise Authority of the closing of the Transaction promptly after the Closing Date; provided, however, this Resolution shall be null and void if the Transaction is not consummated.

**SECTION 3.** This Resolution shall have the force of a continuing agreement with the Franchisee, and the Franchising Authority shall not revoke, amend or otherwise alter this Resolution without the consent of the Franchisee.

**PASSED, ADOPTED AND APPROVED** this 20<sup>th</sup> day of July, 2015.

Timothy C. Ealy, Mayor

Jacqueline Rucker duly seconded the motion.

Dewey Russell remarked to let it be noted that Suddenlink had assured there would be no changes in telecable fees.

On voting, the motion carried unanimously.

**B. & O. Tax Incentive Application** – The Finance and Administration Committee approved and recommended to City Council, **and Mr. Lytton so moved**, that the following business be granted the B. & O. Tax Incentive for newly established businesses in the City of Princeton:

**The Golden Rule, Inc. Montessori Pre-School – 102 Bee St., Jana Jarrett, Applicant**

David Graham duly seconded the motion.

The motion carried unanimously.

**Appointments to City Boards and Commissions** – The Finance and Administration Committee approved and recommended to City Council, **and Mr. Lytton so moved**, the following individuals for appointment to the respective City Board or Commission for the term indicated:

1. Lori McKinney – Community Improvement Commission – 4 year term;
2. Kevin Cole – Princeton Library Board of Directors – 5 year term;
3. Charles Stores – Princeton Sanitary Board of Directors – 3 year term; and
4. James Harvey – Park & Recreation Board – Term as Council Member.

Dewey Russell duly seconded the motion.

The motion carried unanimously.

**Retirement Plus Program** – The Finance and Administration Committee approved and recommended to City Council, **and Mr. Lytton so moved**, that the City of Princeton enter into an “Adoption Agreement” with the WV State Treasurer by which City of Princeton employees will be provided the opportunity to participate in the 457 Deferred Supplement Retirement Program for public employees.

James Hill duly seconded the motion.

The motion carried unanimously.

**Dates for August City Council Meetings** – Due to a conflict with the WV Municipal League’s Annual Conference in August, the Finance and Administration Committee approved and recommended to City Council, **and Mr. Lytton so moved**, the following dates for the City Council meetings in August:

1. **Committees of Council – Wednesday, August 12<sup>th</sup> beginning at 2:10 p.m.**
2. **City Council Meeting – Monday, August 17<sup>th</sup> at 6:30 p.m.**

David Graham duly seconded the motion.

The motion carried unanimously.

## **CITY ATTORNEY**

**Ordinance Approving City Code Replacement Pages** – City Attorney Paul Cassell presented for a first reading AN ORDINANCE TO APPROVE THE 2015 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF PRINCETON, MERCER COUNTY, WEST VIRGINIA.

Dewey Russell moved City Council accept the ordinance on first reading.

Jacqueline Rucker duly seconded the motion.

The motion carried unanimously.

**Ordinance Approving an Amendment to the Home Rule Application** – The City Attorney presented for a first reading AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY OF PRINCETON HOME RULE APPLICATION.

James Hill moved City Council accept the ordinance on first reading.

David Graham duly seconded the motion.

The motion carried unanimously.

**Special City Council Meeting** – On the recommendation of the City Attorney, Jacqueline Rucker moved City Council schedule a Special Council meeting on **Tuesday, August 25, 2015, at 12:00 p.m.** to conduct the second reading and public hearing for the Ordinance Amending the Home Rule Application.

David Graham duly seconded the motion.

The motion carried unanimously.

### **CITY MANAGER**

City Manager Elke Doom remarked that downtown Princeton has become a hub of activity and that everyone should expect more to come. Some of the positive occurrences she cited included a great night of cruising at the Annual Cruiser's Reunion; the erection of new lights; new businesses moving in; plans to paint the exterior of the Railroad Museum soon; painting of the Stag mural by Greg Puckett; the Vietnam Veterans of America paving the parking lot on lower Mercer Street; new ideas and programs coming out of a Community Development Conference attended by Martha Barberio, who is working with businesses to make their properties more appealing, including talks with business owners on Stafford Drive and Rogers Street regarding improvements there.

### **CITY CLERK**

The City Clerk had nothing to report to City Council.

### **DEPARTMENTAL REPORTS**

**Fire** – Fire Chief Chad Bailey reported that the ISO inspection had concluded and the results looked promising. Also, two firefighters had been invited to attend training to become supervisory instructors through the International Fire Instructors program.

Also, he reported that the Department had completed the painting of the Copeland Town Square and that the flags on the Thorn Street Bridge had been secured in place.

Lastly, Chief Bailey reported that in the month of June the Fire Department had responded to 28 fire calls; responded to 82 EMS calls; conducted 24 fire inspections; and issued 82 citations.

**Police** – Police Chief John Howell thanked everyone for coming and voicing their concerns regarding conditions at 108 Highland Avenue.

Chief Howell reported that during the month of June the Police Department responded to 951 calls; made 56 arrests; and issued 456 citations.

On behalf of the Vietnam Veterans of America, Mayor Ealy commended Patrolman Earl Leftwich who had waded Brush Creek to retrieve flags that had been thrown from the Thorn Street Bridge by unknown parties. The Mayor added that Patrolman Leftwich had gone above and beyond the call of duty.

Councilman Hill thanked Public Works Director Bo Barker for the work of his Department in cleaning the area behind Planet Xtreme. He added that flooding in that area had subsided greatly due to efforts of the Public Works' employees.

**Railroad Museum** – Railroad Museum Director Pat Smith reported a job well done by Sam Franz on the development of the Museums' new Facebook page.

From last June to this June attendance at the Railroad Museum had increased from 48 to 469. Also, she reported that the platform for the Sonny Goodwin model trains' donation had been completed with the landscaping added to the display in two or three months.

Ms. Smith continued by reporting that the paint had been purchased for painting the exterior of the Railroad Museum. Also, the admission fee had been removed to promote attendance. Lastly, the Agricultural Museum next door now is open for visitors and the Zoning Board will consider applications for two more railroad-themed murals in August.

## **COUNCIL ROUNDTABLE**

**Dewey Russell** – Mr. Russell remarked that City officials need to focus on the concerns of the citizens from Highland Avenue, adding that he has known Harold Buckner for a long time and expressed a hope that he would follow up as promised tonight.

Mr. Russell further commented that the people had done their homework before speaking to Council about the conditions at 108 Highland Avenue. However, Mr. Russell commented that he would not live anywhere else because the City does a fine job in all departments: Police, Fire, Code Enforcement, Public Works, etc.

Lastly, Mr. Russell remarked, "Let's help these people."

**Marshall Lytton** – Mr. Lytton thanked Lori McKinney for her proposal to Council and expressed a hope that everything works out in finding another lot for the community garden.

Mr. Lytton thanked the residents in the vicinity of 108 Highland Avenue for appearing and calling attention to the serious problems related to the apartment building there. He urged the community members to contact the authorities if they witness anything illegal thereby enabling the Police Department to respond. Mr. Lytton acknowledged the owner of 108 Highland Avenue, Harold Buckner, and expressed appreciation for Mr. Buckner being present and for making concessions to the neighbors in the vicinity of the

apartment building.

**Jacqueline Rucker** – Ms. Rucker expressed pleasure at seeing so many people in attendance and urged them to return regularly to future City Council meetings. She expressed an understanding of the concerns voiced by residents near the apartment building at 108 Highland Avenue and commended Mr. Buckner for his willingness to help diffuse the matter. Lastly, she described Public Works Director, Bo Barker, as her hero for the work his crews are doing in her neighborhood. In fact, she commended the excellent work of all City department heads.

**James Harvey** – Mr. Harvey thanked both Jennifer McGinnis and Harold Buckner for their comments and expressed a hope they would work together to resolve their differences. Also, he assured that City officials would do all that is possible legally to assist in the matter. He urged the neighbors near the apartment building not to let the residents there intimidate them into inaction, but to call the police without hesitation.

Mr. Harvey informed that the Those Who Served War Museum is selling walkway bricks at \$50 each on which could be inscribed the honored name of a veteran.

Lastly, Mr. Harvey made reference to the City Manager's comments about an increase of population in Princeton and explained its importance in making the City eligible for more grant funding. Further, the City cannot annex property unless a majority of the residents petition the City for annexation, Mr. Harvey informed.

**David Graham** – Mr. Graham commented that it pleases him to see so many people in attendance, but the reason for their presence tonight had distressed him. He assured that the grievances expressed at the Council meeting tonight can be resolved because the speakers voices had not fallen on deaf ears.

Mr. Graham thanked the members of the Community Improvement Commission for all they do downtown and also expressed appreciation for the efforts of the City Manager and Pat Smith. He continued by commending Chiefs Bailey and Howell for their leadership, as well as Public Works Director Bo Barker for the many community improvements and for flooding on Stafford Drive being non-existent.

**James Hill** – Mr. Hill remarked that he was glad the neighboring residents had appeared to express concerns regarding the apartment building at 108 Highland Avenue and expressed a desire that Mr. Buckner follow through on his promises to them. He added that the Police Department would be vigilant in assuring the bad behavior would be held to a minimum.

Mr. Hill commented that the last Cruise Night in Princeton was very successful because it goes back to the heart of this community and reveals the best side of our citizens and the

CC-07/20/15

Page 16

entire City.

**Mayor Tim Ealy** – Mayor Ealy remarked that a big crowd was downtown this past Saturday for the Annual Cruiser’s Reunion and reminded that a Cruise-In is held downtown every third Saturday of each month through September. The Police presence on Mercer Street was appreciated also and no incidents whatsoever occurred requiring their attention.

Such activities are good for the City since Princeton still is not having the problems experienced by the bigger cities. However, the Mayor added that more people are needed to take a stand for the overall benefit of the community. Lastly, the Mayor thanked Mr. Buckner for coming to the meeting and making himself available for a redress of grievances concerning his property at 108 Highland Avenue.

#### **ADJOURNMENT**

There being no further business, on motion, City Council stood adjourned at 8:05 p.m.



# City of Princeton

STATE OF WEST VIRGINIA

COUNTY OF MERCER

CITY OF PRINCETON, to wit:

I, Kenneth E. Clay, City Clerk for the City of Princeton and a notary public in and for Mercer County, do certify that on 3rd day of September, 2015, I carefully compared the attached facsimile of **The Minutes of the August 25, 2015, Special Meeting of the Common Council of the City of Princeton, Mercer County, West Virginia, that includes the resolution adopting, on second reading, "An Ordinance Approving an Amendment to the City of Princeton Home Rule Application,"** and the original document I now hold in my possession.

It is a complete, full, true and exact facsimile of the document it purports to reproduce.



{SEAL}

My commission expires on April 4, 2020.

*Kenneth E. Clay*  
Notary Public



**SPECIAL MEETING – CITY COUNCIL  
PRINCETON, MERCER COUNTY, WEST VIRGINIA  
August 25, 2015**

A Special Meeting of the Common Council of the City of Princeton, Mercer County, West Virginia was held in the Council Chambers of the Municipal Building on Tuesday, August 25, 2015, at 12:40 p.m. In attendance were Vice Mayor James Harvey; Council Members Dewey Russell, Jacqueline Rucker, and David Graham; City Attorney Paul Cassell and City Clerk Kenneth Clay. Absent were Council Members Mayor Timothy Ealy, Marshall Lytton and James Hill; and City Manager Elke Doom. A quorum was constituted thereby.

**INVOCATION – PLEDGE OF ALLEGIANCE – CALL TO ORDER**

David Graham invoked divine guidance for the conduct of the meeting. Dewey Russell led in the Pledge of Allegiance to the Flag of the United States of America. Thereupon, Vice Mayor James Harvey called the meeting to order.

**SECOND READING AND PUBLIC HEARING FOR AN ORDINANCE TO  
AMEND THE CITY OF PRINCETON HOME RULE APPLICATION**

City Attorney Paul Cassell explained that the proposed amendment to the City's Home Rule Application would incorporate into said application a proposal to implement a Municipal Sales and Use Tax while reducing the rate of the current B. & O. Tax in the retail classification.

**Public Hearing**

At 12:44 p.m. Vice Mayor Harvey declared the Public Hearing open for comments regarding the proposed ordinance.

There was no one present who wished to comment on the proposed ordinance to amend the Home Rule Application. Therefore, the Vice Mayor declared the public hearing closed at 12:44 p.m. and called the Special Council meeting to order once again.

**MOTION:** David Graham moved City Council adopt the ordinance to amend the City's Home Rule Application.

Dewey Russell duly seconded the motion.

The motion carried unanimously.

**SUPPLEMENTAL APPROPRIATION FOR THE PRINCETON BASEBALL  
ASSOCIATION**

**MOTION:** Dewey W. Russell moved City Council approve a supplemental appropriation of \$2,500 in contribution to the Princeton Baseball Association.

Jacqueline Rucker duly seconded the motion.

The motion carried unanimously.

**PROPOSAL FOR THE CREATION OF A COMMUNITY GARDEN AT THE KNOB STREET PLAYGROUND-PARK**

Vice Mayor James Harvey reported that the issue of the proposed community garden on the Knob Street Playground Park had been resolved at the August 20, 2015, meeting of the Board of Park and Recreation Commissioners. The Park Board approved the community garden's installation in City Park rather than the Knob Street Playground and, therefore, no action was required by City Council.

**APPOINTMENT OF KAREN THORN TO THE PRINCETON BUILDING COMMISSION**

**MOTION:** Commenting that Ms. Thorn would be an excellent addition to the Building Commission, Dewey Russell moved the appointment of Karen Thorn, 306 Blake Avenue, Princeton, WV, to the Princeton Building Commission for a five-year term.

Jacqueline Rucker duly seconded the motion.

The motion carried unanimously.

**ADJOURNMENT**

There being no further business, on motion, City Council adjourned the Special Meeting at 12:48 p.m.



## City of Princeton

STATE OF WEST VIRGINIA,


COUNTY OF MERCER,

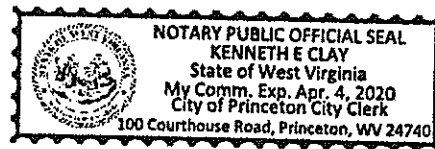
CITY OF PRINCETON, to-wit:

I, Kenneth E. Clay, City Clerk for the City of Princeton, hereby certify that on 25th day of August, 2015, at a Special Meeting of the Common Council of the City of Princeton, with a quorum present and acting throughout, City Council unanimously adopted the attached ordinance entitled, “**An Ordinance Approving an Amendment to the City of Princeton Home Rule Application,**” and that it is a true and correct facsimile of the original document it purports to reproduce.

Dated this the 3<sup>rd</sup> day of September, 2015.

[SEAL]

  
City Clerk



**AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY OF PRINCETON  
HOME RULE APPLICATION**

**WHEREAS**, the common council of the City of Princeton believes that an amendment to the City of Princeton Home Rule Application as described below would be in the interest of the citizens of the City of Princeton;

Be it hereby ordained and resolved that the City of Princeton Home Rule Application be amended to authorize the City of Princeton to enact the following:

**IV. MUNICIPAL SALES AND USE TAX**

Proposed Solution Area: Tax

*Specific state laws, policy rule or regulation in question:*

W. Va. Code § 8-1-5a (k) (6)

Taxation: *Provided*, That a participating municipality may enact a municipal sales tax up to one percent if it reduces or eliminates its municipal business and occupation tax: *Provided, however*, That if a municipality subsequently reinstates or raises the municipal business and occupation tax it previously reduces or eliminated under the Municipal Home Rule Pilot Program, it shall eliminate the municipal sales tax enacted under the Municipal Home Rule Pilot Program: *Provided further*: That any municipality that imposes a municipal sales tax pursuant to this section shall use the services of the Tax Commissioner to administer, enforce and collect the tax in the same manner as the state consumers sales and service tax and use tax under the provisions of articles fifteen, fifteen-a and fifteen-b, chapter eleven of this code and all applicable provisions of the streamlined sales and use tax agreement: And *provided further*, That such tax will not apply to the sale of motor fuel or motor vehicles;

**Specific Problem**

The current financial resources of the City of Princeton are not adequate to meet anticipated long term expenses of City. In order to stay viable the City needs options to spur economic development, and economic revitalization.

**Proposed Solution**

As the City has few options available to meet its revenue needs, the most viable option available is to impose a sales tax of one percent (1%) and reduce Business and Occupation Tax on its retail classification with the goal of creating additional revenue sources for business growth and economic revitalization. The City proposes to reduce the rate of Business and Occupation tax under the retail classification from .50% to .35%. The City's sales tax will be administered, collected and enforced by the State Tax Department. Section III Affidavit, Item four (4)

Financial Worksheet and Impact Statement provides an estimated economic impact to the City of Princeton

## **Fiscal Impact Worksheet and Feasibility Study – Municipal Sales & Use Tax**

### **Projected B&O Tax Impact**

The City of Princeton evaluated four years of gross sales for the retail classification in B&O tax filings. From \$180,455,211 gross sales in 2012 to \$141,642,723 in 2015 we have seen a significant downward trend in B&O revenue that is used to provide city services. See below:

2012	\$180,455,211
2013	\$180,968,922
2014	\$176,073,556
2015	\$141,642,723

For purposes of this study we have utilized the 2014 & 2015 gross sales B&O that we feel most accurately reflect the downward trend in the retail classification. The average gross retail sales for this two year period are \$158,858,139. The current tax rate of 0.5% applied to the two year average is \$794,290.

### **B&O Tax Initiatives**

**Reduce B&O on Retail from 0.5 to .35** Loss of tax revenue (\$238,287)

### **Projected Municipal Consumer Sales Tax Impact**

The City of Princeton utilized a two year study of B&O sales to provide an estimated retail base of \$158,858,139 per annum. The proposed 1% sales tax applied to the average is estimated to produce revenue of \$1,588,581 annually. Adjustments were made for the exemption of food sales, leaving an estimated \$1,087,581 in annual revenue.

### **Sales/Use Tax Initiative**

Implement 1% Sales/Use Tax,      **\$1,588,581**

Less food exemption                      **(501,000)**

**Estimated Sale/Use Tax Revenue    \$1,087,581**

### **Net Revenue Impact**

The estimated net revenue to the City of Princeton resulting from the \$238,287 dollar estimated loss in B&O revenue and the revenue generated from the sales tax increase would produce an estimated **\$849,294** annually.

First reading: July 20, 2015

Second reading and public hearing: August 25, 2015

Enacted: August 25, 2015