

Smithers, West Virginia  
Home Rule Application

Prepared February 10, 2020



# Home Rule Plan & Amendment Template

<b>SECTION I: APPLICANT INFORMATION</b>	
Type of Submission:	<input checked="" type="checkbox"/> Initial Plan <input type="checkbox"/> Proposed Amendment
Name of Municipality: City of Smithers	
Certifying Official: Dr. D. Anne Cavalier Ed.D.	Title: Mayor
Contact Person: D. Anne Cavalier, Ed.D.	Title: Mayor
Address: 518 Michigan Avenue, P.O. Box 489	
City, State, Zip: Smithers, WV 25186	
Telephone Number: 304-442-5282	Fax Number: 304-442-4497
E-Mail Address: mayorofsmithers@suddenlink.net	
Municipal Classification:	
<input type="checkbox"/> Class I <input type="checkbox"/> Class II <input type="checkbox"/> Class III <input checked="" type="checkbox"/> Class IV	

<b>SECTION II: NARRATIVE (proposed plan or plan amendment)</b>
<ol style="list-style-type: none"> <li>1. Identify the specific state laws, policies, acts, resolutions, rules, or regulations that prevent the municipality from carrying out specific duties in the most cost effective, efficient, and timely manner.</li> <li>2. Describe the specific problem(s) created by above stated laws, policies, acts, resolutions, rules, or regulations.</li> <li>3. Define each proposed solution to the above described problem(s), including all proposed changes to law, policies, acts, resolutions, rules, or regulations.</li> <li>4. See State Tax Department website for instructions regarding municipal sales and use tax (Business, Sales and Use Tax):  <a href="https://tax.wv.gov/Business/SalesAndUseTax/MunicipalSalesAndUseTax/Pages/MunicipalSalesAndUseTax.aspx">https://tax.wv.gov/Business/SalesAndUseTax/MunicipalSalesAndUseTax/Pages/MunicipalSalesAndUseTax.aspx</a> </li> </ol>

<b>SECTION III: ATTACHMENTS</b>
<ol style="list-style-type: none"> <li>1. Completed Plan and Amendment Checklist.</li> <li>2. Affidavit of legal advertisement providing notice of the public hearing.</li> <li>3. Minutes of public hearing, including comments (if any).</li> <li>4. Copy of adopted ordinance authorizing submission of plan or amendment to Municipal Home Rule Board.</li> <li>5. Fiscal statement demonstrating municipality's ability to manage costs or liabilities associated with proposal (if proposal is revenue related).</li> <li>6. Affidavit of authorized municipality representative that municipality owes no outstanding State fees.</li> <li>7. Attorney opinion letter stating that application and plan or amendment complies with applicable State law.</li> </ol> <p><b>NOTE:</b> Submit eight originals and one electronic copy of initial plan or amendment to the Municipal Home Rule Board a minimum of 30 days before a Board meeting.</p>

## HOME RULE APPLICATION, PLAN AND AMENDMENT CHECKLIST

Class II legal advertisement of Public Hearing

Dates 01/9/2020 & 1/15/2020

Notice of Public Hearing to Municipal Home Rule Board (MHRB) and Cabinet Secretary of every State department

Plan available for public inspection 30 days prior to Public Hearing

Hearing

Date Monday, February 10, 2020 @ 5:30 p.m.

Ordinance authorizing plan or amendment

1<sup>st</sup> reading date 7/8/2019

2<sup>nd</sup> reading date 8/12/2019

Date of adoption 02/10/2020

Required narrative presentation of each separate proposal (see Sample Form Application)

### **ATTACHMENTS**

Affidavit of legal notice of Public Hearing

Minutes of Public Hearing, including comments (if any)

Certified copy of ordinance authorizing plan or amendment

Fiscal statement demonstrating municipality's ability to manage costs or liabilities associated with proposals

Affidavit that municipality owes no outstanding State fees

Attorney opinion letter that application and plan or amendment complies with applicable State law

Submit eight (8) originals and one (1) electronic copy of application plan or amendment to the MHRB

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

PHYSICAL CHEMISTRY

LECTURE NOTES

BY

PROFESSOR

OF

THE UNIVERSITY OF CHICAGO

CHICAGO, ILLINOIS

1950

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# West Virginia Municipal Home Rule Program

## 2020 Application of the City of Smithers

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1950s - 1960s  
1970s - 1980s  
1990s - 2000s  
2010s - 2020s

1950s - 1960s  
1970s - 1980s  
1990s - 2000s  
2010s - 2020s

1950s - 1960s  
1970s - 1980s  
1990s - 2000s  
2010s - 2020s

## Section I: Application Information

### A. General Information:

1. Name of Municipality: City of Smithers
2. Certifying Official: D. Anne Cavalier, Ed.D., Mayor
3. Contact Person: D. Anne Cavalier, Ed.D., Mayor
4. Address: 518 Michigan Avenue, Post Office Box 489 (Physical address change to 2 Greyhound Lane on 2/18/2020)
5. City, State, Zip: Smithers, West Virginia 25186
6. Telephone: 304-442-5282
7. Fax: 304-442-4497
8. Email Address: [mayorofsmithers@suddenlink.net](mailto:mayorofsmithers@suddenlink.net)
9. 2010 Census Population: 813

### Smithers City Council

Thomas Whittington, Jr.

Alma Bowles

Rhea Cavalier

Robert Keglör

Stephen Giannini

D. Anne Cavalier, Ed.D., Mayor

Patsy Tucker, Recorder

### B. Municipal Classification:

Class IV

### C. Categories of Issues to Be Address:

Tax    Organization    Administrative    Personnel    Other

# CITY OF SMITHERS

518 Michigan Avenue Post Office Box 489  
Smithers, West Virginia 25186

Phone: (304) 442-5282

Fax: (304) 442-4497

*D. Anne Cavalier Ed.D., Mayor*  
*Patsy C. Tucker, Recorder*

Council Member  
*Alma Bowles*  
*Rhea Cavalier*  
*Stephen Giannini*  
*Robert Kegl*  
*Thomas Whittington, Jr*

The City of Smithers  
Home Rule Application  
December 20, 2019

The City of Smithers is submitting application to complete Class IV, West Virginia Home Rule status per WV code 8-1-5A.

Subsequent to the economic downturn in the coal industry in the Upper Kanawha Valley since 1985, the loss of 350 area jobs with the closure of WV Tech in nearby Montgomery in 2017, and the loss of 50 jobs with the closure of Valley High School in Smithers in 2019, the City of Smithers must change its financial management in order to continue to provide for a clean, safe, and attractive community for residents, businesses, and visitors. In this context, the City's elected officials have demonstrated their ability to work cohesively, cooperatively, and to provide effective leadership.

The WV Legislature recognized the economic hardships imposed externally on the area with the passage of SB656 (2016) and its successor SB1001 (2019). Both bills were signed into law by the sitting governor. State assistance to stabilize, diversify, and grow the local economy is mandated in these laws, specifically for Smithers, Montgomery, Pratt, and Gauley Bridge. Smithers can meet this economic challenge through acquisition of additional sources of revenue and by having additional management tools. Awarding Home Rule Status to the City of Smithers will position the City to manage more effectively and efficiently under the new laws and regulations (WV code 8-1-5A) and in compliance with the Secretary of Revenue.

Smithers has been proactive in understanding, addressing, prioritizing, and managing these economic challenges since the announcement of the closure of the college campus in 2017. Here are a few notable examples:

- "Your Voice, Your Valley": an 8-month study of the communities in the Upper Kanawha Valley funded by the Appalachian Regional Commission and managed by the WV Development Office and Region IV Planning and Development Council. The work was completed by the Aspen Institute of North Carolina and the Center for Rural Entrepreneurship.
- "Healthy Places for Healthy People": a 3-month community wide assessment of the health and activity opportunities in the area. Based on the results a \$15,000 grant was awarded in support of the professional development of the River Cities Trail Plan for Smithers and Montgomery.
- "Economic Trends in Montgomery and Smithers West Virginia": funded in house by WVU and completed by John Deskins and his staff from the WVU College of Business and Economics.



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- “City of Smithers Comprehensive Plan” was developed through the prescribed process, including extensive public input, and has as its vision statement: Smithers exemplifies the best of small town living in the beautiful Upper Kanawha Valley. It strives to recruit stable businesses and to provide a vibrant, friendly community for residents and visitors. Embedded in this vision statement is the mission of the City to be economically viable and to be responsible to provide a sustainable clean, safe, and attractive community to residents, businesses, and visitors. This mission is implemented through these 5 adopted goals:
  1. Goal 1: Ensure community amenities and facilities meet the needs of current residents and business owners
  2. Goal 2: Increase rehabilitation efforts to revitalize neighborhoods in Smithers
  3. Goal 3: Connect residents to new recreational facilities and amenities
  4. Goal 4: Enhance economic development efforts to support existing business and increase new business opportunities
  5. Goal 5: Encourage the most desirable use of land

All studies of the economic and community challenges and the resulting recommendations were incorporated into the Smithers Comprehensive Plan, including the recommendation to secure Home Rule Status to give the City the management tools needed to accomplish its mission.

In addition, the cities of Smithers and Montgomery, whose boundaries touch and who share many of the same challenges, have taken the unprecedented step of not only cooperating, but further, of formalizing that cooperation through the creation of the Upper Kanawha Valley Strategic Initiative Council. This Council is approved through the State of West Virginia, and it guides the financial and personnel cooperative efforts of the “two cities, one community”. This cooperation has allowed both cities to save precious resources while providing better, and sometimes previously unaffordable, services. One of the best examples is the joint hiring of the cities’ first ever full-time Code Enforcement Officer to support the cities’ efforts to manage problems with dilapidated, often vacant, structures. This cooperative effort has attracted state-wide attention and has even been awarded funding from the West Virginia Housing Development Fund. It has received support from WV State University for the hiring of the first full-time Economic Development/Grant Writer position for these “two cities, one community”. Cooperating with other government entities, especially since Smithers straddles Fayette and Kanawha Counties, would be enhanced by the award of Home Rule Status.

The City of Smithers was awarded the State’s only WV DEP grant (federal funds) to “reimagine” a dilapidated property with the dual goals of community engagement and business/investor attraction. The community has focused on redevelopment of a dilapidated, unused, 1920’s era school building owned by the City and that sits on valuable river-front property, that if developed, will provide for additional activities and revenue for the City.

The Mayor of Smithers is assisting the Mayor of Montgomery and WVU in filling the vacant campus, a huge visual and economic blight. Through these efforts, a private developer was successfully attracted and who in turn has successfully secured tax credit funding through the WV Housing Development Fund to purchase and renovate one of the college buildings (COBE) into affordable senior housing.

We are assisting other communities, both local and across the state, with technical assistance on both inter-city cooperation and code enforcement.

We partner with a multitude of entities on various projects. In the interests of the Home Rule reviewers’ time, there follows a summary of the largest, current example of partnerships and cooperation capabilities. The City accepted the donation of the 44 year-old, former elementary building from the Fayette County Board of Education (FCBOE) only after securing long-term leases for all areas not in use by the City for its new City Hall. The income of these leases will sustain maintenance and operation of the building. This building was vacated after the local high school was closed and middle

and elementary grades when consolidated into the former high school building. The leadership of the City of Smithers has:

- Negotiated the building donation and secured a continuing mutually beneficial agreement with the FCBOE for services,
- Secured a \$125,000 USDA CFI loan to support the needed renovations to move and house the offices of City Hall, Police Department, Sanitary Department, Municipal Court, City Council Chambers, Code Enforcement, the UKV Strategic Initiative Council, and the Midland Trail Association,
- Secured a @\$20,000 grant to replace the gymnasium rubber floor that had deteriorated and become unsafe,
- Secured leases for the following entities to co-locate in the 32,000SF building, thus bringing much needed new services or expanded services to the area residents:
  - Starting Points Day Care and Family Resource Center, which expanded the number of employees
  - New River Health Clinic, under renovation and which will expand services and number of employees
  - Fayette Senior Services, under renovation and which will expand services
  - A private company, which lost its local lease and would have left the city, was retained
  - Midland Trail Association: a tourism promoting organization working with communities along US Rt. 60 from Kenova to White Sulphur Springs

All of the tenants were specifically selected to create a wide range of valuable resident services under one roof, with ample parking in a fully handicap accessible facility. The Fayette County Clerk found the facility so acceptable that he moved both the Smithers and Boomer Polling places to GATEWAY. The property also gives the City the indoor and outdoor facilities for the first ever city park and a gymnasium and stage for the City Parks and Recreations Committee to be able to offer physical and cultural activities for area residents.

City leaders strive in all initiatives and decisions, as shown above, to keep the welfare and best interests of the community as its primary focus. These efforts and successes leading to providing the best services and to maintaining the public trust in all city management will be enhanced by the awarding of Home Rule Status to the City of Smithers and incorporating in that award the following management tools:

Section II A Implementation of Municipal Sales Tax

Section II B Liens for Actions taken in Regard to Eyesores, Unsafe, and Dilapidated Buildings

Section II C Disposition of Property Without Auction

Section II D Intergovernmental Agreements by Resolution

Leadership in the City of Smithers has acted progressively and responsibly in the face of severe economic and social challenges imposed externally. We have sought and followed excellent advice. We have successfully secured grants and loans and used those wisely and properly. We have created and attracted valuable services in fiscally responsible ways. We have shared technical assistance with other communities facing challenges. We respectfully ask, therefore, that the Home Rule Board find in our favor on this application and provide us with the management tools that will amplify our efforts on behalf of our residents, businesses, and visitors.

Respectfully submitted on behalf of the Smithers City Council and the City's residents,

D. Anne Cavalier, Ed.D.

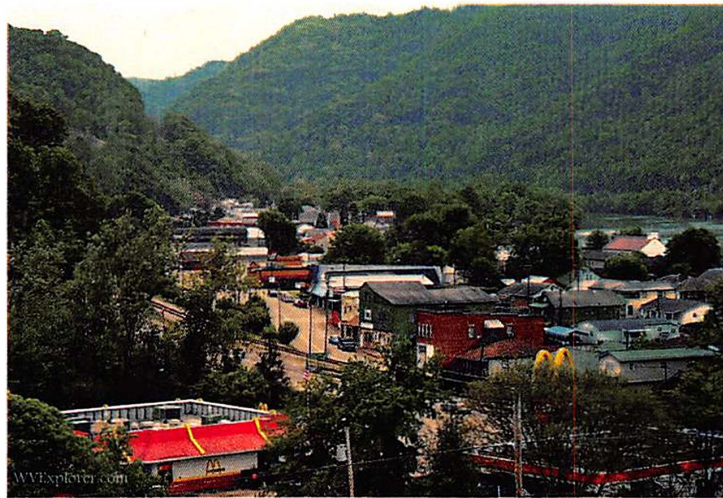
Mayor

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## Narrative

Over the past 20 years, the coal industry has gradually reduced its footprint in the Upper Kanawha Valley. With this, the ancillary and indirect businesses and real estate have been negatively affected. Commercial and retail buildings are empty and unattended and homes are falling into disrepair or left empty due to owner or renter relocation for work. This wave has negatively impacted the population attending our local school system and, consequently, the only public high school in this district closed as of May 2019. With the exodus of West Virginia University Institute of Technology (WVU Tech) from the neighboring community of Montgomery, Smithers has seen a dramatic decline not only in retail businesses, restaurants, goods and services but also in population. A high percentage of residential property in Smithers is not owner-occupied but rather is available for rent and was once occupied by college faculty, staff, and students enrolled at WVU Tech.



Upper Kanawha Valley at Smithers, West Virginia

During the legislative session that allowed WVU to move WVU Tech from Montgomery, the legislature also passed SB 656 to concentrate revitalization efforts in the Upper Kanawha Valley, realizing that the region would be gravely impacted by this loss. At the same time, the communities of Smithers and Montgomery, working together to more effectively utilize existing assets, formed a new government entity: The Upper Kanawha Valley Strategic Initiatives Council. The two cities, one community concept has promoted the sharing of resources and coordination to plan for the future. The following achievements have been accomplished:

Smithers since July 1, 2018:

Health and Safety Initiatives:

-7 dilapidated structures have been demolished: 4 by private landowners, 3 by City (2 of which were paid by county funds).

- 1 major dilapidated commercial structure along Rt. 60 has been demolished: Rich's Gas/Convenience Station, which has been closed for 10+ years and had fallen into seriously dangerous and unsightly condition, was demolished by the Speedway Corporation this fall.
- City leadership have been told that Old Oakland School and Gym is to be demolished in 2020 by RISE Slum and Blight Program.
- An inventory of dilapidated structures was created and prioritized.
- The two cities jointly hired Code Enforcement Officer to enforce state codes, IPMC Codes, and City ordinances. Partial funding has been awarded by the WV Housing Development Fund.
- Leadership has revised City Ordinances with guidance from the WVU Law School Land Use Clinic
- City Council approved City Comprehensive Plan
- City Planning Commission was created and is active
- City is participating in the UKV Planning Commission
- Cities are jointly participating in grant-funded activities with a professional vendor to evaluate dilapidated structures and to plan reuse opportunities
- Smithers was awarded and is actively working with the WVDOT on \$350,000 WVDOT Streetscape project.
- A major hillside slide was identified by the WVDEP and qualified for a \$2.30M AML Emergency Reclamation project.

#### Economic Development Initiatives:

- 4 new businesses since 7/1/2018 (Grant's, Smithers Family Pharmacy, Ridgeline Therapy Services, and Middleton Auto-body Repair.
- 2 retained and expanded: Fish Insurance and New River Health Association Clinic (NRHA) are locating inside the new Smithers GATEWAY Center. HRHA is expanding medical, therapy, dental, and pharmacy services and adding 5 new full-time jobs.
- 1 relocated and expanded: Fayette Starting Points Resource Center has relocated to Smithers GATEWAY Center and has added 2 full-time jobs.
- Midland Trail Association relocated to Montgomery-Smithers with Director's office in Montgomery and Welcome Center Located in the new Smithers GATEWAY Center.
- Jointly hired a Grant Writer through the UKV-SIC with the financial assistance of WV State University Extension Service

#### Community and Educational Services:

- The Putnam Aging-Fayette Seniors Program is relocating to the new Smithers GATEWAY Center to be able to greatly expand senior services. Construction will begin spring 2020. They are cooperating with Starting Points to save on the cost of meals and to add both indoor and outdoor recreational activities.
- The UKV Creative Arts Group will be opening inside the new GATEWAY Center, creating an art gallery for local artists to show their work, and providing classes for area residents who want to explore their creative's sides. These will include opportunities for the participants in the child care and the senior programs collocated in the building.
- Area cultural and historic groups, such as former Longacre residents and Montgomery/Valley High School Alumni, will be able to archive and display memorabilia and to hold events in GATEWAY.
- The City of Smithers, in cooperation with Kanawha Players, the local elementary/middle school

teachers, and the local Shakespeare group, will host events in the stage area. The first play, Frozen Jr., is scheduled for mid-March 2020.

-The City of Smithers will host nutrition and fitness activities in its new gymnasium in partnership with WVU Extension and WVSU Extension programs. The City has completed the installation of the new gym floor and volunteers are in line to offer fitness classes. Completion was January 24, 2020.

-New Smithers City Park

-\$15,000 Art Council Grant has been awarded to provide live plays in the area for children and seniors.

City Services Collaboration with Montgomery, saving funds and improving services for both cities:

-Shared Sanitary Services Technician

-Mutual Aid Agreement for Police Departments

-Daily cooperation between cities' street and garbage departments

-Shared grant writing services

-Mayors supporting each other and representing each other at meetings

- joint Code Enforcement

Since WVU Tech moved, BridgeValley Community and Technical College has expanded their Montgomery Campus to four buildings that had previously been occupied by the university and remained vacant since the college departure. The Upper Kanawha Valley YMCA opened in another university building and is the only YMCA in Fayette County. It currently serves people in Fayette, Kanawha, and Clay Counties. During the Governor's State of the State Address, January 2020, it was announced that the WV Legislature has appropriated funding for the southern Mountaineer Challenge Academy operated by the WV/National Guard. The Mayor is working with General Hoyer and his team to upgrade housing and other resident services to accommodate the 65 jobs that are planned.



Upper Kanawha Valley YMCA-WCHS TV

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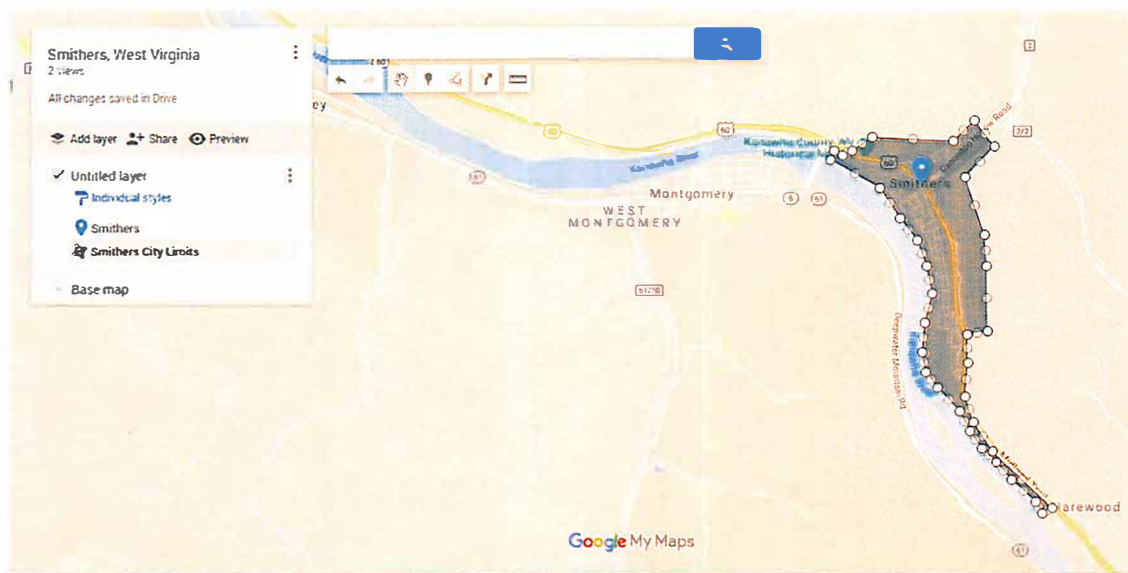


Through the transition of WVU Tech closing in Montgomery, both of the communities of Smithers and Montgomery began the task of writing a comprehensive plan for each respective community with the assistance of the WVU Law Clinic. This has been a three-year process. In Addition, leadership and resident volunteers are currently in the process of working with the law clinic to write a regional comprehensive plan. Once completed, this will be the first regional plan in the state of West Virginia.

In 2018, the Smithers City Council revitalized its Building Commission and adopted an ordinance to create a “land reuse agency”. Since then, the International Building Maintenance Code has been adopted and a Code Enforcement Officer has been jointly hired with the City of Montgomery. The City of Smithers acquired several parcels of property with dilapidated structures that have now been demolished. These properties are now part of the Building Commission land reuse inventory. The ordinances included in this home rule application will allow city leadership to legally take possession of other abandoned and dilapidated properties within city limits to remove blight from our community and make way for new development. To fully realize this goal, the City is requesting the authority to allow disposition of property without auction so that individuals and/or developers may apply for purchase, submit a property development plan, and purchase a parcel from the land reuse agency.

This will encourage responsible land ownership; encourage economic development and productive use of land use in our community. <https://www.communityprogress.net/>

Although we already have an ordinance in place that allows the City the right of first refusal to purchase property prior to the delinquent tax property sale, we are requesting the authority to purchase tax liens on these properties through the land reuse agency. Historically, just a small number of properties are sold at auction for the delinquent taxes. This new authority will ensure a robust authority for redevelopment in our community consistent with our comprehensive plan and support the goals of SB 656 and SB 1001, the latter passed in 2019 legislative session to extend revitalization in the Upper Kanawha Valley.



1. The first part of the document is a letter from the author to the editor of the journal. The letter discusses the author's interest in the topic and the reasons for writing the paper.

2. The second part of the document is the abstract of the paper. It provides a brief summary of the main findings and conclusions of the study.

3. The third part of the document is the introduction. It sets the context for the study and outlines the objectives and scope of the research.

4. The fourth part of the document is the literature review. It discusses the existing research on the topic and identifies the gaps that the current study aims to address.

5. The fifth part of the document is the methodology. It describes the research design, data collection methods, and the statistical analysis used in the study.

6. The sixth part of the document is the results and discussion. It presents the findings of the study and discusses their implications for the field of research.

7. The seventh part of the document is the conclusion. It summarizes the main findings and provides recommendations for future research.

8. The eighth part of the document is the references. It lists the sources of information used in the study.

## **Section II B.**

### **Imposition of Municipal Sales Tax**

**1. State law precludes the City of Smithers' capacity to discharge governmental obligations in an effective and timely manner.**

Applicable Law: *West Virginia Code Section 8-13-5, 8-13C-4(a), 8-13C-4(b)*

**2. Problem the present state law presents the City of Smithers.**

Revenue in the City of Smithers is limited to Business and Occupation (B&O) and these have not kept pace with inflation and the losses, due in large part to the departures of both WVU Tech and Valley High School, decades of decline in the coal industry, and the resulting significant population decline.

The basis for the original institution of B&O taxes was a model where businesses were attracted to municipalities to have access to city services and customers. The basis for that model has changed significantly, with an ever-growing increase in decentralized sale operations and internet sales.

Over time, the City has been forced to constantly eliminate city jobs and thus decrease public services. In the aforementioned ten-year period, the City has been forced to reduce government personnel in all departments and struggle to maintain deteriorating streets and sidewalks. This has also meant that the city has been unable to initiate or complete projects geared to improve the quality of life for senior citizens, a growing segment of the city's population. All the while, the City has continued to provide to citizens and visitors basic services of police, fire, public works, code enforcement and government administration.

### **3. Solution:**

*West Virginia Code Section 8-13C-4(b)* allows municipalities to impose a municipal sales and service tax and use tax on sales subject to the State's consumer sales and use tax. A municipal sales and use tax in the amount of 1% would provide the City revenue to provide essential services while creating an environment conducive to economic stabilization and development. The City of Smithers seeks the authority to institute a 1% sale and use tax. This authority would empower the City to adjust B&O tax rates to provide incentives for much needed new economic development.

### **4. Projected Financial Impact:**

It is projected the imposition of a municipal sales tax would generate \$205,784 in revenue.

### **Narrative**

Like many small southern West Virginia communities Smithers has weathered decades of decline in coal, the steady ravages of inflation, and the exit of residents. On top of that Smithers and Montgomery have had to absorb the annual \$15.2M negative economic impact of the closure of the local WVU campus. Then last year Valley High School was closed. With the closure of these campuses the area lost many of its most highly paid

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and most highly educated residents, leaving behind vacancies, decreasing property values, and failing businesses originally built to support these educational institutions, thus exacerbating existing problems. To regain any economic and social stability in the region will require financial stabilization and new revenue to rebuild after this devastation. The addition of a municipal sales tax and the reduction in B&O taxes will provide the City with two planned outcomes: 1. Reduce B&O tax with the goal of attracting new business investment into the area, and 2. Raise additional revenues on sources Smithers does not currently have the authority to do. The resulting net revenue will be reinvested into city services and business support amenities; two elements currently lacking in Smithers and the UKV. These net tax benefits will in no way replace the damage triggered by WVU, but used wisely, will provide the foundation to rebuild and diversify the economy.

Supporting Data:

Fiscal Impact Worksheets Formulas  
New Sales Tax and Business and Occupation Tax Restructuring

Business Category	Current B&O Rate (per \$100.00)	Proposed B&O Rate (per \$100.00)	Projected B&O for 2020	Estimated B&O with Proposed Rate	Estimated Sales Tax
Natural Resources	0.01	0.01			
Manufacturing	0.003	0.002	8,267	5,511	27,556
Retailers	0.005	0.004	100,547	80,437	201,094
Wholesalers	0.0015	0.0015	4	4	
Electric Power	0.03	0.03	40,164	40,164	
Natural Gas	0.03	0.03	11,347	11,347	
Water Companies	0.04	0.04	9,419	9,419	
Contracting	0.02	0.02	10,383	10,383	
Banking	0.01	0.01			
Amusement	0.005	0.005	750	750	
Service/ Other	0.01	1.01	5,319	5,319	
Rents	0.01	0.01	13,961	13,961	
Total for the Year			200,161	177,295	228,650

Estimates above are based on projected B&O Taxes for the 2019-2020 fiscal year.

In the proposed Home Rule Plan for the City of Smithers, Business and Occupation Taxes would be reduced in two categories which are currently regulated by state code. An Additional 1% Sale and Use Tax would be implemented on categories currently affected by the 6% WV Sales and Use Tax.

By adopting this ordinance and instituting a Municipal Sales Tax the burden of taxation falls on the consumer who voluntarily chooses to pay said tax. The burden is no longer solely on the business entity to impose said tax on businesses in the City. This change, then, becomes an economic driver and encourages economic growth in the City and is attractive to businesses seeking new locations to start up or expand their business.

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## Section II C:

### Liens for Action Taken in Regard to Eyesores and Dilapidated Building

1. **Problem:** With the closing of WVU Tech, Valley High School, local businesses, a declining population, and deterioration of realty in the City, the need to effectively and efficiently repair, alter and/or demolish property is currently limited by the time and expense involved in seeking judgment for enforcement in Fayette County Magistrate or Circuit Court. Many issues, such as cutting grass on abandoned or delinquent properties, result in the use of City time and resources which are not at such an amount individually that the above referenced court actions are justifiable.
2. **Authority:** *West Virginia Code Sec. 8-12-16* governs the adoption of ordinances regulating the repair, closing and/or demolition of dwellings or buildings unfit for human habitation. It allows every municipality to file liens against real property for an amount that reflects all costs incurred by the municipality for repairing, altering, improving, closing and/or demolishing the subject property, requiring legal action in county court to obtain said lien.

Additionally, *West Virginia Code Sec 8-12-5(23)* provides municipalities with the authority to provide for the elimination of hazards to public health and safety and to abate public nuisances, but does not provide for a mechanism to file liens against property for fees incurred in removing such.

3. **Solution:** The City may, after due notice and providing the right to a hearing in the matter, repair, alter, demolish, mow overgrown grass, collect trash or rubbish, and without county court approval, place a lien on the subject property for the amount expended by the City in taking action.

### Supporting Data

This aligns with the City's Comprehensive Plan to adopt this ordinance as outlined in Action Step 3 under City Revitalization (*West Virginia Code Sec. 8-12-16*).

The cost to file court documents is \$250 per incident. This is a huge expense that the city would no longer need to incur by having the authority, through due process, to place liens on real property for violations of the International Building Maintenance Code which has been adopted by the City. The Fee for inspection by the Code Enforcement Officer is \$150 and additional fees are placed as liens on real property for expenses are incurred by the City, including securing property, cutting grass, and trash removal.

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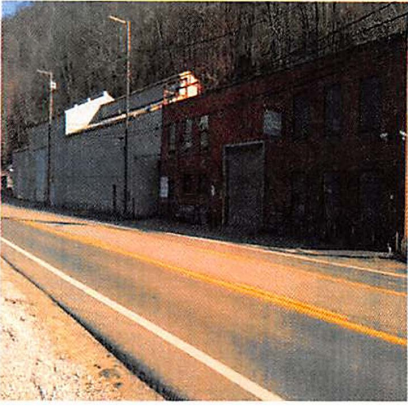
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List of vacant/dilapidated structures- Smithers



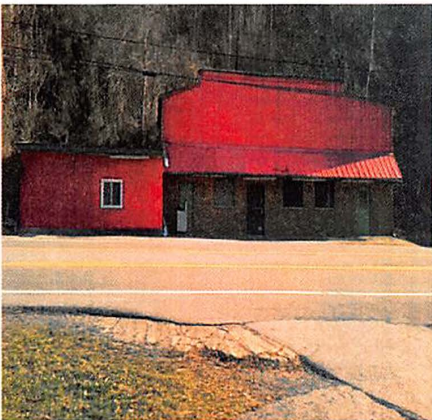
Rt 60- Vacant- Privately Owned



Laird Street (Smithers Hill)- Privately Owned, Vacant and Dilapidated



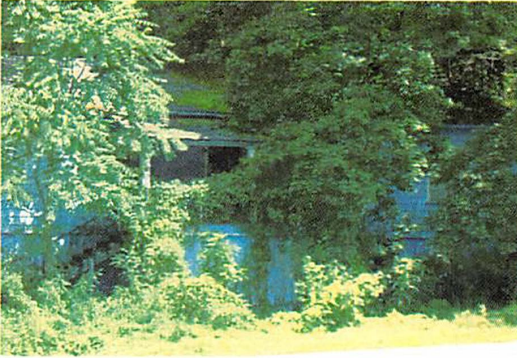
Howard Avenue- Privately Owned, Vacant and Dilapidated



Rt 60- Commercial, Privately Owned, Vacant and Dilapidated



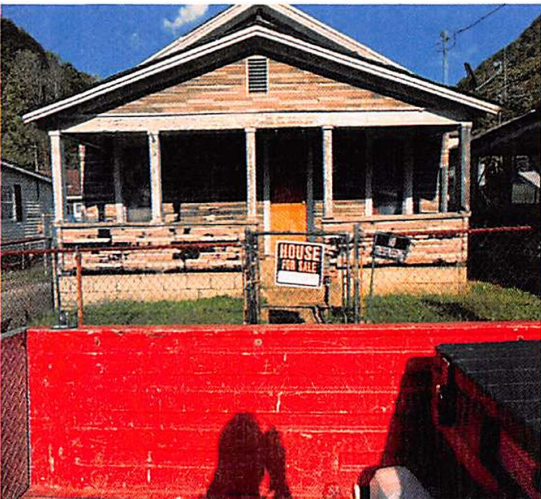
Parcel 22: Billy Hobbs Avenue, Privately Owned, Vacant and Dilapidated



Parcel 208: Rt 60, Privately Owned, Vacant and Dilapidated



Parcel 2: Howard Avenue, Privately Owned, Vacant and Dilapidated



Parcel 169: Howard Avenue, Privately Owned, Vacant and Dilapidated



Parcel 170: Howard Avenue, Privately Owned, Vacant and Dilapidated



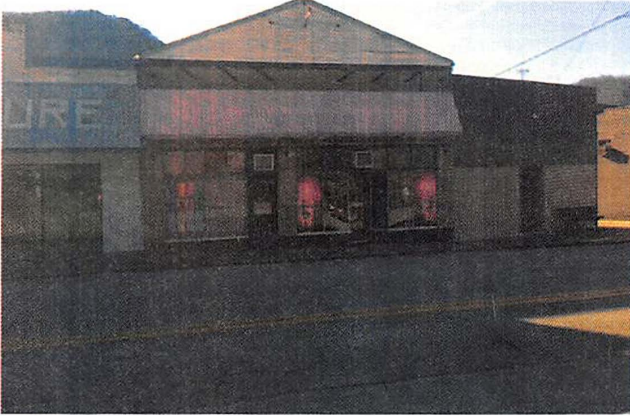
Parcel 37: 143 Orchard Avenue, Owner Occupied, Dilapidated, Chronic Ordinance Violations



Michigan Avenue, Commercial, Privately Owned, Vacant and Dilapidated



Oakland School and Gym, Kanawha Avenue, City Owned, Vacant and Dilapidated. Frontage on Kanawha River and available for development to support tourism.



Michigan Avenue, Privately Owned, Commercial, Vacant and Dilapidated. Within view of Rt. 60.



Michigan Avenue, Commercial, Privately Owned, Dilapidated, Chronic Ordinance Violations. Within view of Rt. 60.



Michigan Avenue, Privately Owned, Commercial, Vacant, Dilapidated, recently broken into and windows are now boarded. Within view of Rt. 60.

## Section II D

### Disposition of Property Without Auction

1. **Problem:** Pursuant to State Law, the City may only sell and lease property through an auction process. The inability to sell property without auction, when appropriate, prevents the City from entering into transactions that could fill vacant buildings, attract new commercial interests, provide desperately needed revenue, and encourage the use of properties owned by the City for the good of the public.
2. **Authority:** Pursuant to *West Virginia Code Sec. 8-12-18*, except in limited circumstances involving sales to the federal government, the state or an instrumentality thereof, the City may only sell real or personal property for fair and adequate consideration at a public auction with sufficient legal advertisement. Similarly, the City may lease said property, with resolution by City Council.
3. **Solution:** The City shall pass an ordinance permitting the following 1. Allow the sale of realty or personal property to private purchasers without auction in such a manner that promotes economic development or provides a service for the public good; 2. Allow the lease of realty or personal property to private sector for less than market value, if such lease promotes economic development or provides a service for the public good; 3. Allow the sale of realty and personal property to private purchasers at less than market value without auction in such a manner that promotes economic development or provides a service for the public good; 4. Allow the lease of real or personal property by the City at less than fair market value to a non-profit lessees.

### Narrative

Smithers has experienced many instances where an individual or business will purchase property at public auctions for investment purposes. In many cases they hold the property in a stagnate state until such time it falls into despair and becomes an eyesore and/or becomes a burden on the municipality. Eventually, the municipality must expend scarce resources to rectify the blight. This is an all too common waste of public resources across West Virginia and Smithers leadership wishes to be proactive in selling these properties, with a goal toward furthering the common good of the community.

These are among the well-defined economic goals in our community studies and our comprehensive plan.

1. Work toward positioning Smithers as the GATEWAY city: the western gateway to the New River Gorge and the eastern gateway to the State Capital and all of the attractions in those areas,
2. Work with commercial property owners and young entrepreneurs to attract new businesses and support existing businesses to grow a local tourism industry built around the natural beauty of the mountains and river; eco-tourism based on the largest bat gate protecting the endangered long-eared, brown bat; specialty crop propagation on mountaintops; coal camp history at Longacre; and the Italian immigrant heritage.
3. Provide a clean, safe, and attractive "bedroom" community, with low traffic and easy access to jobs from Charleston to Beckley, and
4. Build a reputation as a community nurturing of all ages, supportive of all cultures, and welcoming to entrepreneurs and investors.

Property the City has acquired for demolition and future economic improvements:

- 2 Lots on US Rt. 60
- 1 Lot on Laird Street
- Oakland School and Gym along Kanawha River
- 4 lots on Cannelton Hollow Road

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- The Smithers GATEWAY Center

Proposed public service and economic improvements that could involve private investors needing property at *affordable rates*. These examples are included in our comprehensive plan and Regional studies.

- *Expand the city park at the new GATEWAY Center to include a Pavillon for various events for all ages,*
- *Develop new walking and bicycling trails following the RIVER CITIES TRAIL PLAN professionally created for Smithers and Montgomery by GAI Associates and funded by Healthy Places for Healthy People (ARC/EPA),*
- *Develop a recreational area with river access on the former Oakland School site with kayak, paddle board, and canoe rentals, concessions, and public hygiene facilities,*
- Promote tourism with a Welcome Center along Rt. 60, in cooperation with the Midland Trail Association,
- Develop a Farmers Market in conjunction with USDA, WV State University Extension, the WV Farmers Market Association, and New River Health Association,
- Work with home and apartment owners to develop a visitor supportive temporary lodging industry,
- Work with land and wild life conservatory organizations to develop and promote eco-tourism,
- Work with private developers to grow decent and affordable housing for ownership and rental,
- Acquire ownership of some of the vacant, dilapidated commercial buildings and provide these to entrepreneurs in a business incubator/accelerator contractual arrangement, and
- Work with fitness and cultural entities to maximize the use of the gymnasium and stage in the GATEWAY Center.

### Supporting Data

The sale or lease of real property without auction would allow the City to include an application process to the prospective buyer/lesser that would include a development plan and use and a time limit for implementation and development. This transaction would be managed by the Building Commission, the City's land reuse agency, with approval of majority vote of the Smithers City Council.

This authority would encourage economic development, promote pride and responsibility in ownership, and would align with best land use and the City's Comprehensive Plan. By selling or leasing the city-owned property, the City is no longer burdened with upkeep and safety inspections and will then be able to benefit from property taxes, municipal fees, and any other taxes generated by the new property owner.

<https://www.communityprogress.net/land-banking-faq-pages-449.php>

<http://birminghamlandbank.org/>

<https://www.renewindianapolis.org/>

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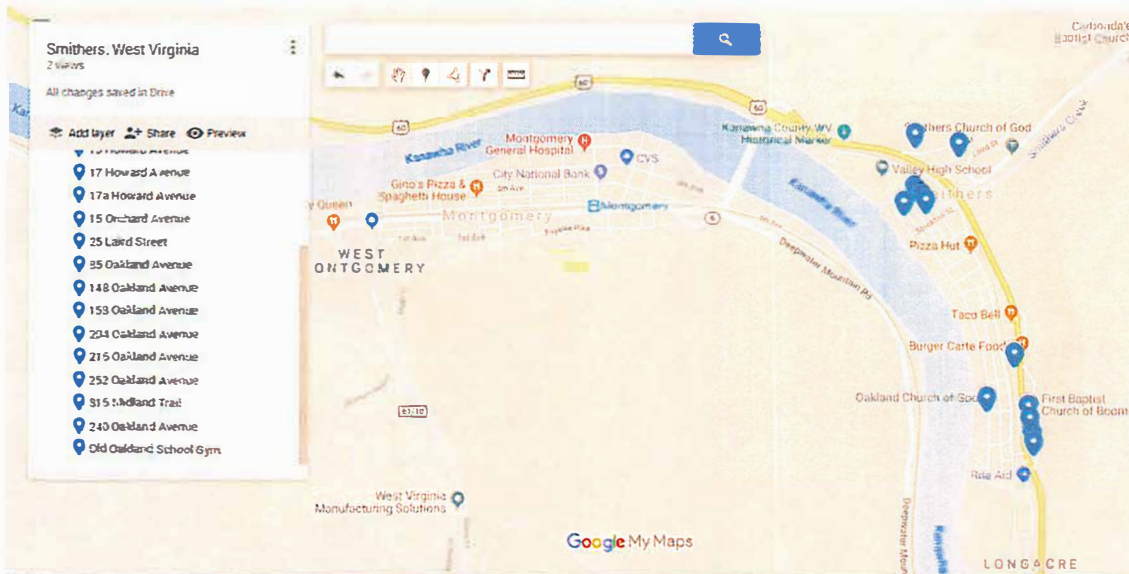
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Several properties have been designated as vacant/dilapidated and are slated for demolition or have already been razed. They are indicated on the map below. The link will provide some interactivity for more detail about each property.

<https://www.google.com/maps/d/edit?hl=en&mid=1aPCLnv8zv02WbL4TimYN1rfvLkNjYKx48&ll=38.177684954134527&z=15>



Local services, currently needed but not available, that could be developed include public green spaces, plays and concerts, public river access, a farmer's market, short-term rentals for travelers (i.e. Airbnb, VRBO, etc.), "table cloth" restaurants, niche businesses, retail shops, and other businesses that compliment tourism in our region.

## Section II E

### Intergovernmental Agreement by Resolution

1. **Problem:** *West Virginia Code Sec. 8-11-3(10)* states that before a municipality can enter into a contract or other agreement with another jurisdiction, the City Council of the municipality must first pass an ordinance to authorize the execution of the agreement. There is no corresponding law which would prohibit such an agreement with a non-governmental entity.

Of course, in conformity with State Law, *West Virginia Code Sec. 8-11-4*, before adopting any ordinance, the proposed ordinance must be read by title at no less than two regular meetings of city council. By Charter, the City of Smithers meets one time a month on the second Monday of the month. Accordingly, each such agreement requires a minimum of two months to execute.

This delay presents two pressing issues for the City: First, with the economic downturn in the Upper Kanawha Valley over the past decades, the need to work more closely with the City of Montgomery, which is essentially adjacent to the City, has become a necessity. When mutually beneficial agreements can be derived, the present delay in implementing such agreements serves no public purpose. Second, as the City rests in two counties, Fayette and Kanawha, the need to take advantage of intergovernmental agreements linking three governing bodies can be a tedious undertaking. A delay in executing such agreements when timed with the various meeting times of the differing governments is a cumbersome process,

The ability to enter into a agreements by resolution with one reading would be enormously beneficial to the City of Smithers, with its unique geographical and jurisdictional situation.

2. **Authority:** *West Virginia Sec. 8-11-3(10) and 8-11-4*
3. **Solution:** City of Smithers proposes that it be permitted to adopt an ordinance which would permit the City to enter into intergovernmental agreements with another jurisdiction by resolution. In so doing, the ordinance could require the executive authority to make a showing that time is of the essence when operating under this authority.

### Narrative

With the hasty closure of West Virginia Tech in Montgomery the area has sustained a \$15.2M annual negative impact, as determined by WVU College of Business and Economics faculty. In addition, the closure of Valley High School in Smithers exacerbated the impact this has imposed on the Municipality and the UKV Region.

An example of the timely struggle to react quickly was the pioneering of the Upper Kanawha Valley Strategic Initiative Council. Smithers and Montgomery had to wait on two readings of each respective council to confirm the concept and, therefore, approve the Mayors to move forward with developing this initiative. The Mayors then had to wait on the Fayette County Commission and then the Kanawha County Commission meetings to request startup funding. After four months, the process finally started to draft charters and bylaws and then work with the Secretary of State's Office to form this new concept.

This process could be greatly streamlined in future endeavors with the intergovernmental agreements by resolution in place. In addition, the Mayors of Smithers and Montgomery have combined many services where it takes two readings from each council to ratify these progressive decisions. This request would certainly streamline, and in many cases assist, in meeting deadline applications for assistance, such as with grant applications.

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Supporting Data

Pursuant to WV Code 8-11-3(10), any resolution agreed upon by the City with another government entity, must be specific in nature, have duration, must name participating organizations and any manner of financing.

Our unique geographical location situates the City of Smithers both in Fayette County and Kanawha Counties. This is also true of our sister city of Montgomery. For City-sponsored events, such as carnivals, fairs or festivals, where county health department permits are required, the City desires the authority by resolution that requires vendors who hold a valid and current permit from one county to cover activities consistent with the permit, to conduct their activities in the neighboring county, so long as these activities are held in the jurisdiction of the City.

Our two cities, one community have shared services, mutual aid for police and fire protection, and are in the process of developing a regional comprehensive plan. This will be the only regional plan in the state of West Virginia. By granting this authority, not only will our two cities, one community, have the enhancement of timely action for opportunities that benefit both communities, this will serve as a model multi-community effort for more efficient use of City resources, more autonomy in serving the residents of our cities, and promote best practices in collaboration. This is consistent with our City's comprehensive plan and the comprehensive plan for Montgomery.

The City of Columbus (Ohio) lies in three counties. They are a home rule municipality as are all municipalities that declare this in their charter. They have a strong history of city legislation regarding intergovernmental agreements. These may be found at <https://columbus.legistar.com/Legislation.aspx> . Some examples include:

<a href="#">0512-2019</a>	Ordinance	Passed	2/8/2019	3/20/2019	To authorize the Director of Public Utilities to enter into an intergovernmental grant agreement with Franklin Soil and Water Conservation District for the Combined Stormwater Education Programs; and to authorize the expenditure of \$141,640.00 from the Storm Sewer Operating Fund, \$110,000.00 from the Sewerage System Operating Fund, and \$44,000.00 from the Water Operating Fund. (\$295,640.00)
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<a href="#">0520-2013</a>	Ordinance	Passed	2/19/2013	3/20/2013	To accept the Memorandum of Understanding and Intergovernmental Agreement executed between representatives of the City of Columbus and Franklin County in accordance to provisions of the Department of Homeland Security Appropriations Act FY2012 prior to receiving State Homeland Security Program Subgrant award for the Division of Fire; and to declare an emergency. (\$28,300.98)
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<a href="#">1742-2006</a>	Ordinance	Passed	9/28/2006	10/18/2006	To authorize the Finance and Management Director to execute those documents necessary for the acquisition of Forward Looking Infra Red Systems for the Division of Polices' Helicopter unit, from FLIR Systems, Inc. utilizing the Homeland Security Grant, and to declare an emergency.
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There is also an online record of resolutions passed by their common council on the same site. Here are some examples.

<a href="#">0046X-2019</a>	Resolution	Passed	1/31/2019	2/6/2019	To approve a petition and supplemental plan for the addition of certain real property located at Park & Spruce Streets to the Columbus Regional Energy Special Improvement District under Chapter 1710 of the Ohio Revised Code; to authorize the special energy improvement projects to be constructed upon such real property; to declare the necessity of acquiring, constructing, and improving certain public improvements in the City in cooperation with the Columbus Regional Energy Special Improvement District; and to declare an emergency.
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<a href="#">0378X-2018</a>	Resolution	Passed	11/21/2018	12/13/2018	To authorize the Director of Public Utilities, on behalf of the Division of Power, to cause plans and specifications to be prepared for installing an LED decorative street lighting system with ornamental poles and underground wiring for the Kingshill Drive area, under the assessment procedure.
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<a href="#">00371X-2018</a>	Resolution	Passed	11/20/2018	12/6/2018	To object to the renewal of liquor permit number 0727770 held by BK BEVERAGE CENTER, LLC., doing business as BROTHER'S DRIVE THRU, located at 1535 E. Livingston Avenue,
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Columbus, Ohio 43205; and to declare an emergency.

# Ad Proof

This is the proof of your ad scheduled to run on the dates indicated below. Please proofread carefully and if changes are needed, contact us prior to deadline at or email at [treed@bdtonline.com](mailto:treed@bdtonline.com).

DATE 12/12/19

**Client:**

CITY OF SMITHERS

PO BOX 489

SMITHERS , WV 25186-0000

(304) 442-5282

ACCOUNT NUMBER: 104563

Ad ID: 339575

Start: 01/09/20

Stop: 01/16/20

Total Cost: \$18.47

# of Lines: 22

Columns Wide: 1

# of Inserts: 4

Ad Class: Legals

Ad Taker: Beckley Legals

Phone #:

Email: [treed@bdtonline.com](mailto:treed@bdtonline.com)

**Publications:**

Montgomery Herald

[montgomery-herald.com](http://montgomery-herald.com)

801 North Kanawha Street , Beckley , WV 25801

[www.register-herald.com](http://www.register-herald.com) • Phone: 304-255-4400

Toll Free: 800-950-0250 • Fax: 304-255-4427

## Beckley Newspapers

**PUBLIC HEARING**

NOTICE is hereby given that a PUBLIC HEARING will be held before the regular meeting of Smithers City Council on Monday, February 10, 2020, at 5:30 p.m. at 518 Michigan Avenue, Smithers, West Virginia, authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board.

Interested parties may appear at the Public Hearing and be heard with respect to the City's proposed Home Rule Plan.

A copy of the plan may be inspected at the City Hall beginning January 10, 2020, between the hours of 8:00 a.m. to 3:00 p.m., Monday through Friday.



**147 Legals Advertisements**

an objection is not filed timely, the objection is forever barred. Any person interested in filing claims against an estate must file them in accordance with West Virginia Code 44-2 or 44-3A.

Settlement of the estate(s) of the following named decedent(s) will proceed without reference to a fiduciary commissioner unless within 60 days from the first publication of this notice a reference is requested by a party of interest or an unpaid creditor files a claim and good cause is shown to support reference to a fiduciary commissioner.

Publication Date: Thursday, January 9, 2020  
Claim Deadline: Monday, March 9, 2020

ESTATE NUMBER: 2600  
ESTATE NAME: JOHN ANTHONY GIBSON ADMINISTRATRIX  
BEATRICE GIBSON  
15384 STANAFORD RD  
DANESE WV 25831-7 018

ESTATE NUMBER: 2605  
ESTATE NAME: DIANA ANDREA WITHROW EXECUTRIX  
TENA BIBB  
179 WAYSIDE DR  
WEYERS CAVE VA 24486-2421

ESTATE NUMBER: 2608  
ESTATE NAME: MARILYN SUE WILLIAMS ADMINISTRATOR  
DOUGLAS R WILLIAMS  
PO BOX 9  
SMITHERS WV 25186-0009

ESTATE NUMBER: 2632  
ESTATE NAME: LINDA LORAIN CHILDERS COBB ADMINISTRATRIX  
STEPHANIE L OXLEY  
242 GALA DR  
ROANOKE VA 24019-8031

ESTATE NUMBER: 2665  
ESTATE NAME: VERSA ELVA PAINTER EXECUTRIX  
JUDITH ANN  
PAINTER KARBONIT  
210 BERKLEY STREET  
BECKLEY WV 25801-4810

ESTATE NUMBER: 2701  
ESTATE NAME: CAROLYN JOANNE LESTER EXECUTOR  
BILLY ROBERT LESTER  
PO BOX 134  
VICTOR WV 25938-0134

ESTATE NUMBER: 2702  
ESTATE NAME: NANCY LEE JAMES EXECUTOR  
MARVIN SCOTT JOHNSON  
11 FALCON CIRCLE  
BEC KLEY WV 25801-3676

Subscribed and sworn to before me on January 6, 2020.

Alicia Treadway  
Clerk of the Fayette  
County Commission

**THERE'S ALWAYS A CALL FOR THE CLASSIFIEDS!**

**PUBLIC HEARING**

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**147 Legals Advertisements**

**PUBLIC NOTICE**

**SPECIAL LEVY ELECTION**

The Clerk of the Fayette County Commission, Alicia Treadway will test the Express Vote, DS200, poll books, ballots and the automatic tabulating equipment to be used in Early Voting for the Special Levy Election to ascertain that they will accurately count the votes cast for all offices and on all measures.

The test will be conducted on January 17, 2020 at 8:30 a.m. in the Fayette County Soldiers and Sailors Memorial Building. Test will be open to representatives of the political parties, candidates, the press and the public.

**REVIEW AND EQUALIZATION OF ASSESSMENTS**

**TO WHOM IT MAY CONCERN:**

In accordance with the provisions of Chapter 11, Article 3, Section 24 of the Code of West Virginia, notice is hereby given that the County Commission of Fayette County, West Virginia will be in session at the Court House of said County on Friday, January 31, 2020, for the purpose of reviewing and equalizing the assessments of said County, as returned by the Assessor thereof, and pursuant to said statute, will continue in session except for days declared to be legal holidays and conclude on February 21, 2020 or as soon thereafter as its work is completed. The session will be Monday through Friday between the hours of 9:00 a.m. and 3:00 p.m., Eastern Standard Time; hearings scheduled by prior appointment only upon receipt of a completed application filed in advance with the Fayette County Commission.

For an appointment and/or application for review, contact the Office of the County Commission of Fayette County, telephone 574-4290.

Fayette County Commission  
by: Denise A. Scalph  
President

**MERCHANDISE**

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GIVE THE GIFT OF DELICIOUS ORANGES fresh from the grove! Four unique varieties. Twenty delicious oranges. LIMITED TIME OFFER. Only \$19.99 (\$5.99 s/h per box). Call Hale Groves 1-855-548-0380. Mention item #487 and code HMVH-N203 or visit www.halegroves.com/A12205.

**430 Medical**

A PLACE FOR MOM. The nation's largest senior living referral service. Contact our trusted, local experts today! Our service is FREE / no obligation. CALL 1-855-851-8289.

ATTENTION MEDICARE CUSTOMERS with diabetes? You may qualify to get a new CGM Monitoring system at little to no cost you. Call for 24/7 FREE details. 855-544-5261.

Why store it and forget it? Sell it with a classified ad.

DENTAL INSURANCE from Physicians Mutual Insurance Company. NOT just a discount plan, REAL coverage for [350] procedures. Call 1-855-405-3412 for details. www.dental50plus.com/press 6118-0219.

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PORTABLE OXYGEN CONCENTRATOR May Be Covered by Medicare! Reclaim independence and mobility with the compact design and long-lasting battery of Inogen One. Free information kit! Call 833-274-3943.

SAVE ON MEDICARE SUPPLEMENT INSURANCE! Get a FAST and FREE Rate Quote from Medicare.com. No Cost! No Obligation! Compare Quotes from Major Insurance Cos. Operators Standing By. CALL 1-866-242-1621.

SAVE ON YOUR NEXT PRESCRIPTION! World Health Link. Price Match Guaranteed! Prescriptions Required. CIPA Certified. Over 1500 medications available. CALL Today For A Free Price Quote. 1-866-701-7921 Call Now!

STAY IN YOUR HOME longer with an American Standard Walk-In Bath. Receive up to \$1,500 off, including a free toilet, and a lifetime warranty on the tub and installation! Call us at 1-844-331-8716 or visit www.walkintubquote.com/press.

Our space is your place to sell.  
**1-800-950-0250**

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**NEW TODAY!**



BOYS NEW CABELAS HOODIES, BOYS SIZE L, BLUE & GREEN CAMO AND SOLID BLUE, HAVE CABELAS ON FRONT \$15. (304) 252-3213

ELIMINATE GUTTER CLEANING forever! LeafFilter, the most advanced debris-blocking gutter protection. Schedule a FREE LeafFilter estimate today. 15% off and 0% financing for those who qualify. PLUS Senior & Military Discounts. Call 1-844-295-2840.

**NEW TODAY!**



FIREPLACE SCREEN FOR BIG BUCK STOVE, COLOR BLACK, NEVER USED, NET IN BOX. \$60. (304) 252-3213

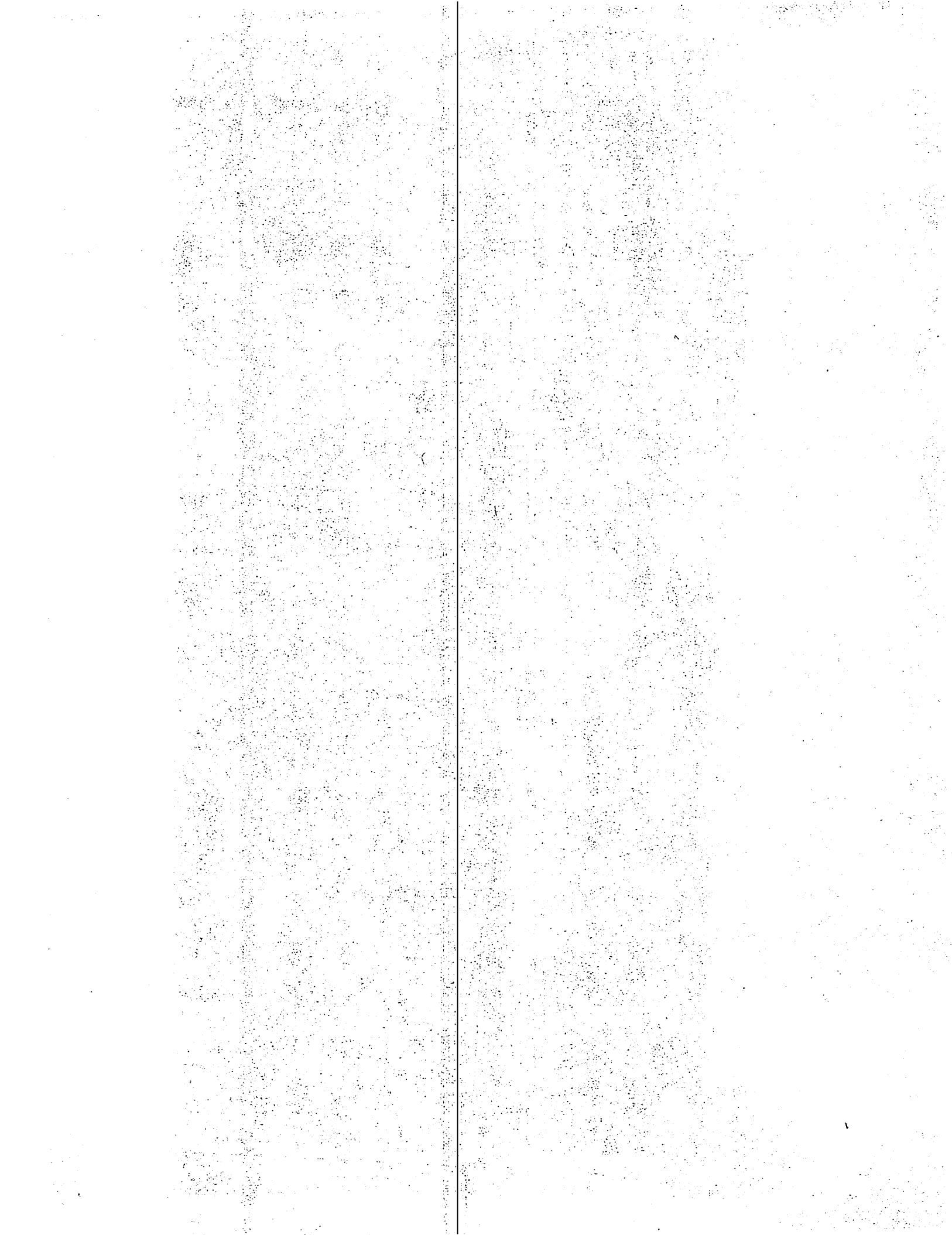
HANDS ON THE RIVER MAS SAGE, Geraldine Gardine LMT, 3422 Pennsylvania Ave Charleston, WV. Call (304) 591939 for an appointment.

**441**

INVENTOR...  
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# BECKLEY NEWSPAPERS

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**DATE** 12/12/19

**Client:**

CITY OF SMITHERS  
PO BOX 489  
SMITHERS, WV 25186-0000  
(304) 442-5282

ACCOUNT NUMBER: 104563

*Ad ID:* 339575

*Start:* 01/09/20

*Stop:* 01/16/20

*Total Cost:* \$18.47

*# of Lines:* 22

*Columns Wide:* 1

*# of Inserts:* 4

*Ad Class:* Legals

*Ad Taker:* Beckley Legals

*Phone #:*

*Email:* [treed@bdtonline.com](mailto:treed@bdtonline.com)

**Publications:**

Montgomery Herald  
[montgomery-herald.com](http://montgomery-herald.com)

### PUBLIC HEARING

NOTICE is hereby given that a PUBLIC HEARING will be held before the regular meeting of Smithers City Council on Monday, February 10, 2020, at 5:30 p.m. at 518 Michigan Avenue, Smithers, West Virginia, authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board.

Interested parties may appear at the Public Hearing and be heard with respect to the City's proposed Home Rule Plan.

A copy of the plan may be inspected at the City Hall beginning January 10, 2020, between the hours of 8:00 a.m. to 3:00 p.m., Monday through Friday.

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY

REPORT OF THE  
COMMISSION ON THE  
STRUCTURE OF THE  
ATOMIC NUCLEUS

1952

REPORT NUMBER 1

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# CITY OF SMITHERS

518 Michigan Avenue Post Office Box 489  
Smithers, West Virginia 25186

Phone: (304) 442-5282

Fax: (304) 442-4497

*D. Anne Cavalier Ed. D., Mayor*  
*Patsy C. Tucker, Recorder*

Council Members

*Alma Bowles*  
*Rhea Cavalier*  
*Stephen Giannini*  
*Robert Kegl*  
*Thomas Whittington, Jr.*

January 2, 2019

Mr. Dave Hardy  
Department of Revenue  
Chair of the Home Rule Board  
1900 Kanawha Blvd., E  
Building 1, W-300  
Charleston, WV 25305

Dear Mr. Hardy,

The City of Smithers is providing notice of a public hearing scheduled for Tuesday, February 10, 2020 at 5:30 p.m. at the Smithers City Hall located at 518 Michigan Avenue Smithers, West Virginia. This public hearing will address the city's application for Home Rule. I have attached a copy of the notice which will appear in the Montgomery Herald, also a notice has been sent to the cabinet secretary of every department.

If you have any questions, please feel free to contact me at 304-442-5282.

Sincerely,



D. Anne Cavalier Ed.D., Mayor  
City of Smithers

CC: Department of Commerce  
Department of Administration  
Department of Environmental Protection  
Department of Health & Human Services  
Department of Military Affairs & Public Health  
Department of Transportation  
Department of Veterans Assistance

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# BECKLEY NEWSPAPERS

801 North Kanawha Street, Beckley, WV 25801  
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Toll Free: 800-950-0250 • Fax: 304-255-4427

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*City of Smithers*

*518 Michigan Avenue P.O. Box 489 Smithers, West Virginia 25186*

*Phone: (304) 442-5282*

*Fax: (304) 442-4497*

**HOME RULE PUBLIC HEARING: MONDAY, FEBRUARY 10, 2020**

**TIME: 5:30pm**

**PUBLIC PRESENT**

1.) \_\_\_\_\_

6.) \_\_\_\_\_

2.) \_\_\_\_\_

7.) \_\_\_\_\_

3.) \_\_\_\_\_

8.) \_\_\_\_\_

4.) \_\_\_\_\_

9.) \_\_\_\_\_

5.) \_\_\_\_\_

10.) \_\_\_\_\_

*No Public Present*





*City of Smithers*

518 Michigan Avenue P.O. Box 489 Smithers, West Virginia 25186

Phone: (304) 442-5282

Fax: (304) 442-4497

**HOME RULE PUBLIC HEARING: MONDAY, FEBRUARY 10, 2020**

**TIME: 5:30pm**

ROLL CALL:

Member(s) of City Council	Present	Absent
Mayor D. Anne Cavalier	✓	
Patsy Tucker	✓	
Brian Parsons	✓	
Alma Bowles	✓	
Stephen Giannini	✓	
Robert Keglор	✓	
Rhea Cavalier	✓	
Thomas Whittington, Jr		✓

**PUBLIC HEARING FOR HOME RULE APPLICATION**

**FEBRUARY 10, 2020**

**COUNCIL PRESENT:** ALMA BOWLES, RHEA CAVALIER, STEPHEN GIANNINI, ROBERT KEGLOR

**COUNCIL ABSENT:** THOMAS WHITTINGTON

**ATTORNEY:** BRIAN PARSONS

**MAYOR:** D. ANNE CAVALIER

**RECORDER:** PATSY TUCKER

Public Hearing for Home Rule application for City of Smithers was opened at 5:30 PM.

There were no written comments.

No public present for hearing. Therefore. there were no public comments

Public Hearing was closed at 5:35 PM.

---

MAYOR

RECORDER

**MINUTES OF SMITHERS CITY COUNCIL MEETING  
FEBRUARY 10, 2020**

**COUNCIL PRESENT:** ALMA BOWLES, RHEA CAVALIER, STEPHEN GIANNINI, ROBERT KEGLOR, THOMAS WHITTINGTON

**ATTORNEY:** BRIAN PARSONS

**MAYOR:** D. ANNE CAVALIER

**RECORDER:** PATSY TUCKER

**GUESTS:** ERIN REED, CRISSY FRANCES

**CALL TO ORDER:** Meeting called to order by Mayor Cavalier at 6:00 PM

**PRAYER:** MAYOR CAVALIER

**PLEDGE OF ALLIGENCE:** LED BY BRIAN PARSONS

**MINUTES:** A motion to approve minutes of January, 2020, meeting made by Councilwoman Bowles and seconded by Councilwoman Cavalier. Motion passed 5-0  
A motion to approve minutes of Special Work Session held on January 9, 2020, made by Councilwoman Bowles and seconded by Councilwoman Cavalier. Motion passed 5-0

**FINANCIAL STATEMENT:** A motion to approve Financial Statement for December, 2019, made by Councilman Giannini and seconded by Councilwoman Cavalier. Motion passed 5-0

**ANNOUNCEMENTS:** This is the last council meeting at this location. We will be closed on Friday, February 14<sup>th</sup>, to begin moving. Monday, February 17<sup>th</sup>, is a Holiday, so we normally would be closed anyway. This will allow us four days to move and get ready to open on February 18<sup>th</sup>, at new location. We start on Friday at 8:00 AM.

**REQUESTS FOR CITY FUNDING:** No requests pending.

**UPDATE ON GATEWAY CENTER:** Dan Hill Construction is finished. Gym Floor is down. Base Cove for gym is on order by Steve Wolfe. Brian Whittington will be cleaning, waxing and buffing the tile floor. The gym was used for election on Saturday. Things went smooth after all the problems were solved by Friday. We have donated gravel which Steve will grade and spread on the parking lot. The Senior Citizen Bus will unload riders for lunch

from this lot. Brian Parsons complimented Mayor Cavalier and City Clerk Dorsey for their hard work on preparing application for USDA loan.

**OLD BUSINESS:** Home Rule Proposal to Board of initial application on April 8, 2020. A motion to approve the second reading of proposal made by Councilwoman Cavalier and seconded by Councilman Keglör. Motion passed 5-0

**BUSINESS LICENSE REQUESTS:** None pending

**NEW BUILDING PERMIT REQUEST:** None pending

**PRESENTATION BY ACTIV SOUTHERN WV:** Mayor Cavalier introduced our guest, Erin Reed, who spoke to council about services provided by this origination. Programs available through ACTIV are free to citizens. The program is run by volunteers who are trained and certified for the activity for which they are volunteering. Equipment is also provided. Councilwoman Cavalier will be Erin's contact person in the city.

Mayor introduced Crissy Frances who is the Resource Coordinator for Resource Pantry located in the Starting Points location. Crissy covered some of the services provided from the pantry. Clothing, cleaning products, diapers and wipes for infants. The pantry does not help with utilities. These requests are referred to United Way. Hams for Fams is a program done monthly. The first 50 people are eligible for hams. They provide baby food. There is no food pantry at this location.

**MAYOR'S REPORT:** The mountain on the move. EPA is looking for bats on the mountain. This will delay start of construction about two weeks. Senior center renovations will start on February 11, 2020.

**POLICE DEPARTMENT REPORT:** The written report is in file. In addition, there were two B&E's

**CODE ENFORCMENT OFFICER REPORT:** Brian will be working on the floors at Gateway Center.

**COUNCIL COMMENTS;** Councilman Giannini commented that the alley behind the Oakland Church of God trailer park has a lot of trash piled up. Mr. Hill commented that it is being cleaned up. Councilman Giannini also commented about the trash around the Jordan house. This is being addressed by the Building Commission.

Councilman Keglор brought up problem with dumpsters. We need more dumpsters. This problem will be worked on.

Councilman Whittington noted that we are missing street signs.

**ADJOURNMENT:** A motion to adjourn made by Councilwoman Cavalier and seconded by Councilman Keglор. Motion passed 5-0

---

MAYOR

---

RECORDER


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

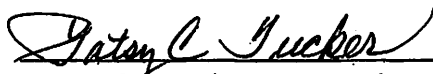
**BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SMITHERS, WEST VIRGINIA:**

That the Mayor is hereby authorized to submit the Home Rule Application to the Municipal Home Rule Board in accordance with *West Virginia Code Sec. 8-1-5a* in order for the City of Smithers to be included in the Pilot Program. A copy of the Application Proposal is attached hereto.

This ordinance was read on the 8<sup>th</sup> day of July, 2019 and a second time on the 12<sup>th</sup> day of August, 2019, after which a public hearing was had on February 10<sup>th</sup>, 2020 and a third time on the 10<sup>th</sup> day of February, 2020, the Council for the City of Smithers approved the Ordinance by voice vote, and the same becomes effective as of the 10<sup>th</sup> day of February, 2020.



  
\_\_\_\_\_  
D. Anne Cavalier, Ed.D., Mayor

  
\_\_\_\_\_  
Patsy C. Tucker, Recorder

Prepared by Brian D. Parsons,  
Attorney for the City of Smithers  
P. O. Box 16  
Fayetteville, West Virginia 25840



STATE OF WEST VIRGINIA  
 State Tax Department, Taxpayer Services Division  
 P.O. Box 885  
 Charleston, WV 25323-0885



Dale W. Steager, State Tax Commissioner

SMITHERS CITY OF  
 PO BOX 489  
 SMITHERS WV 25186-0489

Letter id: L1065926688  
 Issued: 03/04/2020

**West Virginia State Tax Department**

**Statement of Good Standing**

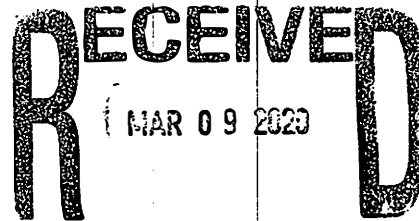
**EFFECTIVE DATE: March 4, 2020**

A review of tax accounts indicates that SMITHERS CITY OF is in good standing as of the effective date of this document. Please note, this Statement of Good Standing expires on **June 2, 2020**.

The issuance of this Statement of Good Standing shall not bar any audits, investigations, assessments, refund or credits with respect to the taxpayer named above and is based only on a review of the tax returns and not on a physical audit of records.

Sincerely,

Nicole Grant, Tax Unit Supervisor  
 Taxpayer Services Division



**WEST VIRGINIA  
STATE TAX DEPARTMENT  
BUSINESS REGISTRATION  
CERTIFICATE**

ISSUED TO:  
**SMITHERS CITY OF  
2 GREYHOUND LANE A  
SMITHERS, WV 25186-0000**

**BUSINESS REGISTRATION ACCOUNT NUMBER: 1047-8798**

This certificate is issued on: **03/04/2020**

*This certificate is issued by  
the West Virginia State Tax Commissioner  
in accordance with Chapter 11, Article 12, of the West Virginia Code.*

*The person or organization identified on this certificate is registered  
to conduct business in the State of West Virginia at the location above.*

**This certificate is not transferrable and must be displayed at the location for which issued.**

This certificate shall be permanent until cessation of the business for which the certificate of registration was granted or until it is suspended, revoked or cancelled by the Tax Commissioner.

Change in name or change of location shall be considered a cessation of the business and a new certificate shall be required.

TRAVELING/STREET VENDORS: Must carry a copy of this certificate in every vehicle operated by them.  
CONTRACTORS, DRILLING OPERATORS, TIMBER/LOGGING OPERATIONS: Must have a copy of this certificate displayed at every job site within West Virginia.



**Affidavit Certifying No Delinquent Fees**

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

WITNESS THE FOLLOWING SIGNATURE:

Municipality's Name: Smithers, West Virginia

Authorized Signature: *Dawn Crask*

Date: *3/6/2020*

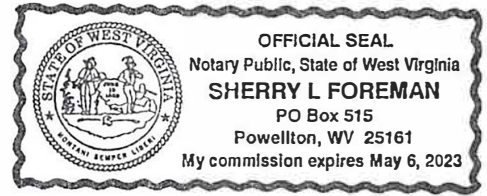
State of West Virginia

County of Fayette, to-wit:

Taken, subscribed, and sworn to before me this *6*<sup>th</sup> day of *March*, 2020.

My commission expires: *May 6, 2023*

AFFIX NOTARY SEAL HERE: *Sherry L. Foreman*



# CITY OF SMITHERS

518 Michigan Avenue Post Office Box 489  
Smithers, West Virginia 25186

Phone: (304) 442-5282

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D. Anne Cavalier Ed. D., Mayor  
Patsy C. Tucker, Recorder

Council Members  
Alma Bowles  
Rhea Cavalier  
Stephen Giannini  
Robert Keflor  
Thomas Whittington, Jr.

February 7, 2019

West Virginia Municipal Home Rule Board  
West Virginia Development Office  
West Virginia Department of Commerce  
Capitol Complex, Bldg. 6, Room 525  
Charleston, West Virginia 25305-0311

**Re: Home Rule Application  
City of Smithers, West Virginia**

Chairman Hardy:

I am fortunate to represent the City of Smithers as the appointed City Attorney. I have had an opportunity to review *West Virginia Code Section 8-1-5a* regarding the City's proposed participation in the Home Rule Pilot Program.

Based on my examination of the attached Application and the Exhibits incorporated therein and the aforementioned *West Virginia State Code*, it is my opinion that the Application complies with the requirements of *West Virginia Code Sec. 8-1-5a*.

The Application does not provide for any proposed changes to resolutions, acts, ordinances, rules or regulations that are contrary to the provisions of *West Virginia Code Sec 8-1-5 a(i)(1-24)* or attempts to do any act prohibited by *Sec. 8-1-5 a(j)(1-3)* and that this Application is fully compliant with *West Virginia Code Sec. 8-1-6*.

I thank the Board for the consideration of this Application and should any additional information be required, please advise.

With Regards,  
  
Brian D. Parsons  
Smithers City Attorney

BDP

