

City of Chester

Municipal Home Rule Application

CITY OF CHESTER



600 Indiana Avenue
Chester, WV 26034

Plan Made Available to the Public: September 27, 2019

Public Hearing: October 28, 2019

First Ordinance Reading: October 28, 2019

Second Ordinance Reading: November 4, 2019

Submitted to the WV Municipal Home Rule Board: November 26, 2019

The City of Chester, West Virginia

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Municipal Home Rule Program

APPLICATION CHECKLIST

SECTION 1: APPLICANT INFORMATION	
	General Information
	Municipal Classification
	Specific Issue(s) to be Addressed
	Issue(s) Category: Tax/Organization/Administrative/Personnel/Other

SECTION II: NARRATIVE	
	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 matter.
	Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.
	Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include: <ol style="list-style-type: none"> 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.

SECTION III: AFFIDAVITS	
	Hearing Mandate Verification
	Publication Mandate Verification
	Ordinance Authorize Submission of Plan
	Fiscal Impact Worksheets/Formulas (if revenue related)
	Attorney Opinion (application complies with statutory requirements)
	State of West Virginia Fees Statement (none outstanding)

Municipal Home Rule Program
Application

SECTION I: APPLICANT INFORMATION	
Type of Submission: <input checked="" type="checkbox"/> Initial Plan <input type="checkbox"/> Proposed Amendment	
A. General Information	
Name of Municipality: City of Chester	
Certifying Official: Ken Morris	Title: Mayor
Contact Person: Tara Ayers	Title: Assistant City Clerk
Address: 600 Indiana Avenue	
City, State, Zip: Chester, WV 26034	
Telephone Number: (304) 387-2820	Fax Number: (304) 387-2766
E-Mail Address: taraayers.cityofchester@gmail.com	
B. Municipal Classification	
<input type="checkbox"/> Class I <input type="checkbox"/> Class II <input checked="" type="checkbox"/> Class III <input type="checkbox"/> Class IV	
C. Category of Issues to be Addressed (please attach descriptions for applicable categories)	
<input checked="" type="checkbox"/> Tax <input type="checkbox"/> Organization <input type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other	

Section II: Narrative (proposed plan, including the following)
Specific state laws, policies, acts, resolution, rules, or regulations that prevent the municipality from carrying out specific duties in the most cost effective, efficient, and timely matter.
Specific problem(s) created by laws, policies, acts, resolutions, rules, or regulations.
Proposed solution(s) to the perceived problem(s) including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include: <ol style="list-style-type: none"> 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.

Section III: Affidavits
Hearing Mandate Verification
Public Mandate Verification
Ordinance Authorize Submission of Plan
Fiscal Impact Worksheets/Formulas (if revenue related)
Feasibility Study (if taxes are proposed)
Attorney Opinion (application complies with statutory requirements)
State of West Virginia Fees Statement (none outstanding)

SECTION II: NARRATIVE

Introduction/Executive Summary

Chester, incorporated in 1907, is the northern most city in the state of West Virginia. It rests between the borders of Ohio and Pennsylvania. Its current claim to fame is that it is home to the “World’s Largest Teapot” (a popular roadside attraction) but was formerly known as the home to Rock Springs Park. Rock Springs Park was a popular amusement park and attraction up until 1970. Like most cities in the Ohio River Valley, pottery was the major industry and employer. Today, many of our residents’ employers operate outside Chester city limits. Mountaineer Race Track & Gaming Resort, Homer Laughlin China, the Ergon refinery, Beaver Valley Nuclear Power Station, and several other coal fired power plants employ many Chester residents.

Chester is proud to offer 24/7 local police coverage; a street department and the Chester Volunteer Fire Department offers 24/7 fire protection and fire prevention outreach to Chester and the surrounding area. Chester’s water and sewer services are provided by the Chester Water Department (an autonomous public utility). Chester is home to the award-winning A.T. Allison Elementary School, which holds grades pre-K through 4th grade. The Lynn Murray Memorial Library resides in the same complex as the elementary school and has served the community for many years. Chester is home to three city parks, including Chester City Park, a large multi-use park which contains our new Davis Brothers Pharmacy Pavilion (a permanent stage for entertainment purposes). All our parks are maintained by the Chester City Park Board.

The actual home to the City of Chester offices is the former Chester High School. Chester has repurposed this building as an office, council chambers, a police station, court room, home to the Chester Water & Sewer Department in addition to several local businesses and a church. It also serves as a community center, where our citizens conduct birthday parties, dances, basketball games, and wrestling matches. Chester is also home to several non-profit organizations which includes the American Legion Post 121, Veterans of Foreign Wars Post 6450, Chester Lions Club, Chester Beautification Committee, Chester Historical Society, several church organizations, and other types of volunteer-based groups. These groups are the life blood of Chester, providing much needed services and outreach to our area and its residents. Visitors to our city often comment on how kind and welcoming our citizens are, the ultimate compliment for our city and a source of pride for all.

As of the 2010 US Census, Chester is home to 2,585 citizens, steady decline since the peak of our population (3,805) in the 1940s. This is a significant factor to the decline in the city’s revenue, but not the only cause. In the early 2000’s, Chester benefited greatly from the addition of casino gaming to the Mountaineer Race Track & Gaming Resort. A portion of the gaming proceeds was given to the local municipalities and served as a major source of income. However, as gaming revenue has declined over the past few years due to competition, so has revenue. Chester had become dependent on this revenue to be able to pay for anything other than the

basic day to day operation; i.e. road repair and reconstruction; the purchase of vehicles and large equipment; beautification and infrastructure projects; in addition to increases in the cost of doing business. Chester has reached the point where it is barely able to function without cutting services or employees. Infrastructure concerns have been voiced by potential new industries and businesses. Budgets have been trimmed, purchases have been cancelled and its employees have gone long periods of time without a cost of living increase. West Virginia State law restricts the City of Chester's ability to regularly and effectively generate revenue for essential services and economic development in a manner and method consistent with local resources and current economic conditions. Therefore, it is in the best interest for Chester, West Virginia to seek Home Rule status.

Without an increase in revenue, Chester will be forced to borrow money without a clear ability to pay it back. Services will be cut and our hard-working employees will face reduced hours or complete lay off. Our citizens will be negatively impacted and infrastructure will continue to deteriorate. The Ohio River Valley is about to become the epicenter of oil and gas development in the United States and Chester is in unique position to grow and prosper; however, it needs to be able to service this industry with an appropriate level of infrastructure and amenities. The prospect of losing out to neighboring communities and therefore missing out on years of prosperity and growth is real. Action is proposed below in the form of this application for Home Rule.

This Home Rule application from the City of Chester identifies the following Home Rule powers which it seeks in these central themes. Authority to enact a municipal sales tax of 1% with a reduction in municipal business & occupation tax (B&O). This authority would allow Chester to place a tax of 1% on sales within the corporate boundaries, while reducing the rate of its business & occupation taxes.

Due to declining revenue, Chester feels that this step is an appropriate way to help ensure general long-term viability, pay for infrastructure projects, and maintain a high level of service, all while spreading or reducing the tax burden on the business community and citizens. A sales tax allows the city to broaden its tax base beyond the citizens and local businesses to non-residents using city services for their work or business.

Specific Legal Barrier

§8-13C-4. Municipal sales and services taxes.

(b) Alternative municipal sales tax – on and after the first day of July, 2015, notwithstanding subsection (a) of this section, and in addition thereto in the case of qualifying municipality, any municipality that does not impose, or cease to impose, the business and occupation or privilege tax authorized by section five, article thirteen of this chapter has the plenary power and authority to impose, by ordinance, an alternative municipal sales and service tax at a rate not to exceed one percent, subject to the provisions of this article: Provided, That:

(1) The tax does not apply to any purchase of tangible personal property, custom software or the results of taxable services in a transaction completed within the corporate limits of the municipality before the first day of July 2017, or before such later date specified in the ordinance of the municipality imposing the tax; and (2) the effective date of the tax, or of a change in the tax, shall be no earlier than the first day of the calendar quarter that a minimum begins one hundred eighty days after notice of the tax, or of change in the rate of tax, is provided to the Tax Commissioner as provided in section six of this article.

Specific Issues

Prior to the enactment of the Municipal Home Rule Program, West Virginia Code §8-1-5a, municipalities could only impose a municipal sales and use tax if it repealed the Business & Occupational Tax, according to West Virginia Code §8-13C-4. In as much as the City of Chester already faces challenges due to the recession, declining Lottery and Table Game Revenues, and the need for major capital investments and infrastructure improvements elimination of the B&O Tax revenue would be devastating. Currently Chester will procure approximately \$365,000.00 in revenue during the 2019-2020 fiscal year from their Business & Occupation tax and imposing a 1% Sales and Use Tax would generate approximately \$257,511.61 additional net revenue. Hence the total elimination of the B&O Tax would not be an economically sound financial decision. Also, an elimination of the current Business & Occupation tax would cause the City to lose additional revenue from entities that are not required to pay a sales tax, such as professional services, groceries, gas, and even construction.

As such, the City of Chester is looking for authority to enact a municipal sales tax of 1%, with a reduction in municipal business & occupational tax within the corporate boundaries. In order to maintain and improve essential services and infrastructure, a 1% sales tax is the most

prudent way to help stabilize the long-term financial future, while placing a minimal tax burden on the cities citizens.

Proposed Solution

If approved for the City of Chester, Home Rule would provide the tools necessary to improve infrastructure and services we provide to all. With a municipal Sales and Use tax of 1% and the retention of some of our B&O tax revenue, the city can utilize the opportunity to make strides in the right direction. The City of Chester would propose, upon approval of the 1% Sales tax, B&O tax upon two categories; amusements and rents & royalties would be eliminated. B&O Tax rates in two categories; retail would decrease from .0023 to .0018 and service business would decrease from .0029 to .0025. Making these adjustments would benefit the citizens and small businesses and help alleviate the tax burden upon those that own rental properties, in addition to reducing administrative costs in those categories. The City of Chester will undertake an annual review of all of our B&O rates in order to see if more reductions can be prudently enacted.

Fiscal & Economic Benefit of Proposed Solutions

The City of Chester could expect a net fiscal benefit of approximately \$257,511.61 annually with an approval of the Home Rule application. This increase in our budget will enable the City to continue making improvements to infrastructure and services. Currently the city only budgets \$20,000 for maintenance of streets and repaving, which is woefully insufficient. Approval of Home Rule Application would give it the means to substantially increase the budget allowing for the purchase of much-needed equipment for our police department.

In a nutshell, the City of Chester is a small community that could prosper substantially because it is potentially in the center of the oil and gas development; however it needs to be able to provide the services, infrastructure, and amenities that the businesses require.

Fiscal Analysis

B&O Tax Rates

Category	Maximum State Rates	Current Tax Rate	Proposed Rate
Amusements	.0050	.0035	Eliminate
Banking	.0100	.0100	.0100
Contracting	.0200	.0200	.0200
Manufacturers	.0030	.0027	.0027
Rents & Royalties	.0100	.0023	Eliminate
Retailers	.0050	.0023	.0018
Service Business	.0100	.0029	.0025
Wholesalers	.0015	.0015	.0015
Public Utilities	.0200	.0200	.0200
Natural Gas	.0400	.0400	.0400
Electric Sales Dom/Com	.0300	.0300	.0300
Electric Other	.0600	.0300	.0300

The average retail sales for the past four fiscal years are \$31,209,941.70.

The City is estimating that of the total retail sales approximately 1,209,941.70 are tax exempt per the WV Code on exemption of sales tax.

By eliminating the B&O tax collected on Amusements and Rents & Royalties, and by reducing the tax rate on retailers and service business, we estimate a reduction in our B&O taxes collected for the 2019/2020 fiscal year to be \$25,488.39.

Total Retail Sales	\$31,209,941.70
Less Tax Exempt Sales	<u>1,209,941.70</u>
Total Taxable Sales	\$30,000,000.00
Total Taxable Sales	\$30,000,000.00
1% Tax Rate	<u>0.01</u>
Total Sales Tax Generated	\$300,000.00
Total Sales Tax Generated	\$300,000.00
Less 5% Tax Commissioner Admin Fee	15,000.00
Less Annual Assessment	2,000.00
Less B&O Elimination/Reduction	<u>25,488.39</u>
Net Available for New Projects	\$257,511.61

Administrative Matters

If approved, the Municipal Sales and Use Tax would be completely administered, collected, and enforced by the Tax Commissioner at the same time and in the same manner as the State Consumer Sales and Service tax and Use Tax. Once a quarter, the State Treasurer will send to the City of Chester the amount of tax owed to the City pursuant to WV Code §8-13C-7. The city understands and intends to coordinate the increase and sales tax and the decrease/elimination of the B&O Tax on the same date to avoid any sort of budget issues.

Boundary Database

Any municipality that imposes a sales tax is required to provide the Tax Commissioner with a boundary database, which the City of Chester will submit to the State Tax Commissioner in the format required if Home Rule is approved. The information provided will include all of the 9-digit zip codes that are located in whole, or in part, within our city limits.

Conclusion

The City of Chester strives to provide the best services and infrastructure that is possible within its budget. The opportunity to impose the 1% sales tax would give the City the ability to better prepare respond and foster continued growth economically and to provide better services to our citizens. Without the ability to charge Municipal Sales and Use Tax the City of Chester will be in an extremely difficult financial situation rather soon.

Municipal Sales Tax / B&O Feasibility Study

Category	2015-2019 Average Gross Amount	Current Rate	Current B&O Revenue	New Proposed Rate Reduction	New Proposed B&O Revenue	B&O Reduction
Amusements	171,551.32	0.0035	600.43	-	-	600.43
Banking	3,533,134.89	0.01	35,331.35	0.0100	35,331.35	-
Contracting	3,067,361.57	0.02	61,347.23	0.0200	61,347.23	-
Manufacturers	6,629,195.47	0.0027	17,898.83	0.0027	17,898.83	-
Rents & Royalties	2,138,911.29	0.0023	4,919.50	-	-	4,919.50
Retailers	31,209,941.70	0.0023	71,782.87	0.0018	56,177.90	15,604.97
Service Business	10,908,737.60	0.0029	31,635.34	0.0025	27,271.84	4,363.50
Wholesalers	9,976,581.33	0.0015	14,964.87	0.0015	14,964.87	-
Public Utilities	275.38	0.02	5.51	0.0200	5.51	-
Natural Gas	665,079.56	0.04	26,603.18	0.0400	26,603.18	-
Electric Sales Dom/Com	835,314.99	0.03	25,059.45	0.0300	25,059.45	-
Electric Other	305,132.13	0.03	9,153.96	0.0300	9,153.96	-
Tax Reported	-	-	68,091.42	-	68,091.42	-
	\$69,441,217.23		\$367,393.93		\$341,905.54	\$25,488.39

Total Retail Sales	\$31,209,941.70
Less Tax Exempt Sales	<u>1,209,941.70</u>
Total Taxable Sales	\$30,000,000.00
Total Taxable Sales	\$30,000,000.00
1% Tax Rate	<u>0.01</u>
Total Sales Tax Generated	\$300,000.00
Total Sales Tax Generated	\$300,000.00
Less 5% Tax Commissioner Admin Fee	15,000.00
Less Annual Assessment	2,000.00
Less B&O Elimination/Reduction	<u>25,488.39</u>
Net Available for New Projects	\$257,511.61

Explanation of City of Chester Sales Tax / B&O Tax Proposal

As part of the feasibility study for the proposed Home Rule authority for the City of Chester, WV with respect to the establishment of a %1 sales tax and reduction of certain B&O Taxes, Chester provides the following background and information:

- 1) Elimination of B&O Rates: As part of the Home Rule proposal, Chester intends to eliminate the B&O taxes in two categories; Amusements, Rents & Royalties

- 2) Reduction of B&O Rates: As part of the Home Rule proposal, Chester intends to reduce the B&O taxes in two categories; Retailers – current rate .0023, new rate .0018; Service Business – current rate .0029, new rate .0025
- 3) Net result: Under the changes proposed in this application, the City of Chester expects to gain approximately \$257,511.61 in annual additional net tax revenues, taking into account the expected increase in revenues from sales tax, decrease in B&O taxes, and West Virginia State Tax Department administration fee. This amount will help address the significant shortfall in gaming/lottery revenue that is impacting the town's financial health.

Public Hearing

Notice of Public Hearing and Special City Council Meeting

Municipal Home Rule Plan & Application

Notice is hereby given by the City of Chester, West Virginia that it will hold a public hearing on October 28, 2019 at 6:00 p.m. in the City Hall, council chambers, 600 Indiana Avenue, Chester, WV.

The purpose of this public hearing is to discuss the City of Chester's proposed written plan for Home Rule. This information will be utilized by the City of Chester in its application for acceptance into the West Virginia Municipal Home Rule Program, established by W.Va. Code §8-1-5a.

The City of Chester Home Rule plan will be available for public inspection beginning September 27, 2019 in the Municipal City Clerk's Office at the City of Chester's City Hall, 600 Indiana Avenue, Chester, West Virginia, during regular business hours of 9:00 a.m. to 4:00 p.m.

Interested citizens are invited to attend the public hearing scheduled Monday, October 28, 2019 at 6:00 p.m., and to present oral or written comments concerning the City of Chester's proposed Home Rule plan. Written comments may be addressed to the Office of the Mayor, City of Chester, 600 Indiana Avenue, Chester, WV 26034.

The first reading of the Ordinance 2019-16, approving the City of Chester's Home Rule plan and application, will be considered by Council for adoption on October 28, 2019 at 6:00 p.m. immediately following the public hearing at City Hall, council chambers, 600 Indiana Avenue, Chester, West Virginia.

The second reading of the Ordinance 2019-16, approving the City of Chester's Home Rule plan and application, will be considered by Council for adoption on November 4, 2019 at 6:00 during its regularly scheduled council meeting at the City Hall, council chambers, 600 Indiana Avenue, Chester, West Virginia.

Please run as a Class II legal ad for September 19th and September 26th

Ogden News Publishing of Ohio, Inc Print Ad Proof

ADNo: 183617 Customer Number: L00611
Customer Name: CITY OF CHESTER Company:
Address: 600 INDIANA AVENUE SANDRA PARKINS
City/St/Zip: CHESTER ,WV 26034
Phone: (304) 387-2820 Solicitor: 24
Category: 80 Class: 599 Rate: WL-0 Start: 9-19-2019 Stop: 9-26-2019
Lines: 56 Inches: 5.64 Words: 298

Credit Card: Expire:
Order Number:
Cost: 67.03 Extra Charges: 2.00 Adjustments: .00
Payments: .00 Discount: .00
Balance: 69.03

PUBLIC NOTICE
Notice of Public Hearing and
Special City Council Meeting
Municipal Home Rule Plan &
Application

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9-19,26, 2019 Adv.

PAID
\$69.03
Check # 5740
Date 10-4-19
Yara Ayen

CHESTER CITY COUNCIL PUBLIC HEARING & SPECIAL MEETING

AGENDA

October 28, 2019

ROLL CALL:	PRESENT	ABSENT
Councilman Thomas Paisley	_____	_____
Councilman John Woodruff	_____	_____
Councilman Ed Wedgewood	_____	_____
Councilman Jason Thorn	_____	_____
Councilman Steve Shuman	_____	_____
Mayor Ken Morris	_____	_____
Solicitor Michael Adams	_____	_____
City Clerk Sandi Parkins	_____	_____
Asst. Clerk Tara Ayers	_____	_____
Asst. Clerk Raegan Headley	_____	_____

Minutes for the last Council Meeting that was held on October 7, 2019 will be read during the next regularly scheduled Council Meeting on November 4, 2019.

Old Business:

New Business:

- Public Hearing on Home Rule Application

No Vote Required

- First Reading of Ordinance 2019-16 The Chester Home Rule Application Adoption by title only

1st 2nd VOTE:

- First Reading of Ordinance 2019-16 The Chester Home Rule Application Adoption

1st 2nd VOTE:

Adjournment

SIGN IN SHEET

CHESTER CITY COUNCIL PUBLIC HEARING & SPECIAL MEETING AGENDA

October 28, 2019 at 6:00 p.m.

Tara Ayers - Asst. City Clerk

John C Woodhuff 2ST Ward

Ed Wedgewood 3rd Ward

JASON THORN 4th





Ken Raines

Tanara Reed

Tom Parsley

Vicki Parsley

Julio Ruff

**CHESTER CITY PUBLIC HEARING & SPECIAL COUNCIL MEETING
MINUTES FROM OCTOBER 28, 2019 PUBLIC HEARING & SPECIAL MEETING**

A SPECIAL MEETING of the Common Council of the City of Chester was called to order on Monday, October 28, 2019 at 6:00 p.m. by Mayor Kenneth Morris.

Roll call was taken.	Present:	Absent:
	Tom Paisley	Solicitor, Michael Adams
	John Woodruff	City Clerk, Sandi Parkins
	Ed Wedgewood	Asst. Clerk Raegan Headley
	Jason Thorn	
	Steve Shuman	
	Mayor, Ken Morris	
	Asst. City Clerk, Tara Ayers	

The Mayor brought the Public Hearing and Special Meeting to order at 6:00 p.m. on Monday, October 28, 2019.

Because this is a Special Meeting, Minutes from the previous meeting were not read.

The purpose of the Special Meeting was to hold a Public Hearing and Special Meeting to approve the first reading of Ordinance 2019-16, The Chester Home Rule Application Adoption. The Mayor asked the public if anyone had any questions, there were no questions or comments.

The Mayor explained the program to those in attendance. The Home Rule Program would allow the City of Chester to apply a 1% sales and use tax on transactions within the city limits. To meet all of the requirements of the program the City would have to simultaneously reduce and/or eliminate the B&O taxes that are currently being levied. Currently the city is facing a decrease in revenue and is in need of additional income. The potential funds would enable the city to work on improving infrastructure to make the City of Chester a more inviting place for business development, a safer place for our residents, and potentially new homeowners. The Mayor also stated that if we do not become eligible for the program that we could face a potential loss of services.

The Mayor asked again if anyone had any objections to the Ordinance 2019-16, Chester Home Rule Application Adoption. Having no objections or comments the Mayor proceeded with the first reading of the Ordinance.

First Reading of Ordinance 2019-16 The Chester Home Rule Application by title only. Steve Shuman made a motion to have the First Reading by title only. Tom Paisley seconded the motion. Motion Carried 5-0.

Mayor Ken Morris Read the Ordinance by title. "An Ordinance of the City of Chester, West Virginia, Authorizing the Application to The Municipal Home Rule Board to Participate in The Home Rule Program Under West Virginia Code §8-1-5a." Ed Wedgewood made a motion to accept the first reading of Ordinance 2019-16. Jason Thorn seconded the motion. Motion Carried 5-0.

A motion was made by Ed Wedgewood to adjourn; motion was seconded by Tom Paisley. Motion Carried 5-0.

Adjournment:

Time 6:11p.m.



Tara Ayers

Asst. City Clerk

Minutes Approved on November 4th, 2019

**CHESTER CITY COUNCIL MEETING
MINUTES November 4th, 2019**

The regular meeting of the Common Council of the City of Chester was called to order on Monday, November 4, 2019 at 6:00 pm by Mayor Kenneth Morris. The Mayor led everyone in the Pledge of Allegiance.

Roll call was taken.	Present:	Absent:
	Tom Paisley	City Clerk Sandi Parkins
	John Woodruff	Asst. City Clerk, Raegan Headley
	Ed Wedgewood	
	Jason Thorn	
	Steve Shuman	
	Mayor, Ken Morris	
	Solicitor, Michael Adams	
	Asst. City Clerk, Tara Ayers	

Minutes from the October 7th, 2019 meeting were read by Tara Ayers. Jason Thorn moved to accept the minutes. Steve Shuman seconded the motion. Motion carried 5-0.

Minutes from the October 28th, 2019 Public Hearing & Special Meeting were read by Tara Ayers. Ed Wedgewood moved to accept the minutes as corrected. Jason Thorn seconded the motion. Motion carried 5-0.

Receipts for the General Fund from 10/06/2019 through 11/02/2019 were in the amount of \$95,579.58. Steve Shuman made the motion to accept the monies and place the funds in the proper accounts, and Ed Wedgewood seconded the motion. Motion carried 5-0.

Bills for the same period were in the amount of \$53,098.44. John Woodruff made the motion to pay all bills, Ed Wedgewood seconded the motion. Motion carried 5-0.

Building Fund receipts for the same period were \$4,832.00. Ed Wedgewood moved to accept the monies and place the funds in the proper accounts, and Steve Shuman seconded the motion. Motion carried 5-0.

Bills for the Building Fund for the same period were \$5,821.36. Ed Wedgewood moved that bills be paid from the Building Fund. Jason Thorn seconded the motion. Motion carried 5-0.

Public Comments:

Senator Ryan Weld – Senator Weld stopped in at the Council Meeting to introduce himself and to let Council know that if there is anything that he can do to help the City to let him know. He

stated that he has been working a lot on dilapidated buildings, he is familiar with Home Rule, and he is the Solicitor for Wellsburg. Council thanked him for coming.

Mike Dotson – Home Rule – Mike said that he has been waiting for 12 years for Home Rule to become a possibility and he wanted to thank council for finally taking the steps to apply for the program.

Grace Miller – Semi Truck & Grass – Grace Miller was unable to attend so Susan Hineman spoke for her. She stated that Miller was wanting to know if anything could be done about the semi truck parked up by EJ's Restaurant and the tall grass. Chief Murray stated that he has spoke with the owner before and would send another letter to the owner.

Unfinished Business:

Open Bids on 1990 Dump Truck: Mayor Morris stated that we were going to open and accept bids for the dump truck and that whomever has the highest bid will have until Friday at 4:00 to make payment arrangements in the City Clerks Office, if payment has not been made then we will go to the second highest bid.

Bid #1 – David McPhearson - \$410.00

Bid #2 – Oakmont Auto Sales - \$1,676.00

Bid #3 – Loretta Kendall - \$613.00

Bid #4 – Ron Dunlap - \$711.90

Bid #5 – Mike Geibel - \$452.99

Bid #6 – Beaners Logging - \$2,501.00

Bid #7 – Randy Cox - \$1,250.00

Ed Wedgewood made a motion to accept the highest bid of \$2,501.00 from Beaners Logging. Tom Paisley seconded the motion. Motion Carried 5-0.

Second Reading of the Cross-Connection and Backflow Prevention Program/Ordinance for the Water Department by title Only. Tom Paisley made a motion to read the Ordinance by title only. Jason Thorn Seconded the motion. Motion Carried 5-0.

Mayor Ken Morris read the Cross-Connection and Backflow Prevention Program/Ordinance for the Water Department by Title only. Ed Wedgewood made a motion to accept the Second reading. Tom Paisley seconded the motion. Motion Carried 5-0.

Second Reading of Ordinance 2019-16 The Chester Home Rule Application by title only. Steve Shuman made a motion to have the Second Reading by title only. Ed Wedgewood seconded the motion. Motion Carried 5-0.

Mayor Ken Morris Read the Ordinance by title. “An Ordinance of the City of Chester, West Virginia, Authorizing the Application to The Municipal Home Rule Board to Participate in The Home Rule Program Under West Virginia Code §8-1-5a.” Ed Wedgewood made a motion to

accept the second reading of Ordinance 2019-16. John Woodruff seconded the motion. Motion Carried 5-0.

Garage Doors Bid – Steve stated that Omega Doors was the cheapest bid to fix all three doors that need work done on them at \$1,390.00. Steve stated that he also received bids from Dr. D. Ed Wedgewood made a motion to get the garage doors fixed. Jason Thorn seconded the motion. Motion Carried 4-0. Steve abstained.

New Business:

Bids for Office Alarms - Council reviewed the bids that were received for office alarms.

- **AB Security Services** –
 - Total for Clerks Office \$955.00 with a \$19.99 monthly monitoring charge and 2 year contract
 - Total for Police Clerks Office \$955.00 with a \$19.99 monthly monitoring charge and 2 year contract.
- **Sayre Electric** –
 - Material & Labor to install system with 1 panic button is \$645.00
 - Each additional panic button would be \$100.00 each
 - If alarm system can not be connected to fax line an additional cost of \$125.00 would be added.
 - Monitoring Fee Cost
 - \$17.00 a month paid annually
 - \$18.00 a month if paid semi-annually
 - \$19.00 a month if paid quarterly
- **Tri State Lock & CCTV** –
 - Total for Clerks office & Police Clerks Office \$600.00 with no monthly monitoring charge

Ed Wedgewood made a motion to accept the bid from Tri-State Lock & CCTV. Jason Thorn seconded the motion. Motion Carried 5-0.

The updated Employee Handbook was handed out during the council meeting. Council decided they wanted to have time to review the handbook and have a working meeting before they made any decisions. Ed Wedgewood made a motion to table until next meeting. Steve Shuman seconded the motion. Motion Carried 5-0.

2020 Census Resolution – Council read a 2020 Census resolution that the Mayor explained is a resolution that shows that the City of Chester supports the 2020 Census. Ed Wedgewood made a motion to accept the Resolution. Jason Thorn seconded the motion. Motion Carried 5-0.

Police Pension Fund Resolution to Approve Tara Ayers as a signer – Steve Shuman made a motion to accept the resolution. Ed Wedgewood seconded the motion. Motion Carried 5-0.

Police Pension Fund Resolution to Approve contract with Cunningham Associates – Steve Shuman made a motion to accept the resolution. Jason Thorn seconded the motion. Motion Carried 4-0. Ed Wedgewood abstained

Mike Dotson – Open Bids for PTAC Unit for Memory Lane – Mike Dotson stated that no bids were submitted.

Approve Holiday Schedule – Council reviewed the 2020 Holiday Schedule. Ed Wedgewood made a motion to accept the Holiday Schedule. John Woodruff seconded the motion. Motion Carried 5-0.

Meeting Times to be discussed – Council discussed the times of the meeting being moved back to 5:00 starting in January. John Woodruff made a motion to move the meeting times back to 5:00 starting at the January 6th, 2020 meeting. Ed Wedgewood seconded the motion. Motion Carried 5-0.

One Time Salary Adjustment – Council discussed doing a one time salary adjustment of \$500.00 for full time employees and \$250.00 for part time employees. Ed Wedgewood made a motion to make the one time salary adjustment. Jason Thorn seconded the motion. Motion Carried with a 3-1 vote. Tom Paisley opposed. Steve Shuman abstained.

Clean computers – Clerks Office – Tara Ayers asked council for permission to get the computers looked at in the clerks office. She informed council that they are running slow and are needing to be rebooted multiple times a day. Ed Wedgewood made a motion to allow the clerks office to have someone come in and look at the computers. Jason Thorn seconded the motion. Motion Carried 5-0.

Approve copier lease/contract – Tara Ayers explained to council that our copier lease is now over and that we own our current copier. If we continue to stay with Borden Office equipment it will cost \$30.00 a month to maintain. Huges Office Equipment submitted a quote for \$84.18 a month with a newer copier. Ed Wedgewood made a motion to stay with Borden Office equipment. Jason Thorn seconded the motion. Motion Carried 5-0.

Executive Session – Litigation Matters. Steve Shuman made a motion to go into executive session at 6:55 p.m. Tom Paisley seconded the motion. Motion Carried 5-0. No decisions were made during Executive Session. Ed Wedgewood made a motion to return to regular meeting at 7:31 p.m. Jason Thorn seconded the motion. Motion Carried 5-0.

Reports:

Solicitor Adams: no report

Councilman Report: no report

City Clerk Report: no report

Building Report: Mike Dotson submitted a written report. He also said that with the help of Steve Shuman and the others from the Street department they were able to replace the lights in the gymnasium and save around \$1,500.00 He also informed council that the handicap entrance has been fixed.

Historical Fund: no report

Street Department Report: Written Report Submitted.

Police Department Report: Chief Murray submitted a written report.

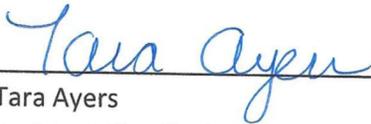
Fire Department Report: No report

City Park Report: No report.

The next meeting will be **December 2nd, 2019** at 6:00 pm.

Adjournment:

Ed Wedgewood made a motion to adjourn with a second by Jason Thorn. Motion carried 5-0. The meeting was adjourned at 7:32 pm.



Tara Ayers
Assistant City Clerk

Minutes Approved November 25th 2019

Ordinance Numbered 2019-16

**An Ordinance of the City of Chester, West Virginia,
Authorizing the Application to The Municipal Home Rule Board to Participate in The
Home Rule Program Under West Virginia Code §8-1-5a**

WHEREAS, the City of Chester is seeking to improve its economic, social, and infrastructure, and in general enhance the overall quality of life of its residents; and

WHEREAS, the City of Chester finds that certain West Virginia statutes, policies, and rules are making the City's efforts in these regards overly difficult and cumbersome; and

WHEREAS, pursuant to West Virginia Code §8-1-5a(a)(7)(b), which was effective on June 7, 2019 the West Virginia Legislature granted the Municipal Home Rule Program permanent status; and

WHEREAS, The City of Chester is defined to be a Class III city under state law, and so is eligible to participate in said Program; and

WHEREAS, the Common Council further finds that participating in the Municipal Home Rule Program is in the public interest; and

WHEREAS, the City of Chester's participation in the Municipal Home Rule Program would allow the City a reasonable flexibility to efficiently, effectively, and responsibly pursue and achieve its aforementioned goals;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF CHESTER COUNCIL:

1. Upon its passage, this Ordinance shall be titled and officially known as the "Home Rule Authorization Ordinance".
2. The Mayor and City Clerk of Chester are hereby authorized to complete and submit, consistent with the form of Home Rule Plan attached hereto and otherwise in accordance with the provisions of West Virginia Code §8-1-5a, a formal Application and a proposed Home Rule Plan to the Municipal Home Rule Board for its consideration and approval.
3. This Ordinance shall take effect immediately upon its adoption following its second reading.

First Reading: 28th day of October, 2019

Second Reading: 4th day of November, 2019

Passed: 4th day of November, 2019.

ATTESTED:

Tara Ayers Date: 11-4-19
City Clerk of Chester,
Sandy Parkins
OR
Assistant City Clerk of Chester,
Tara Ayers

Kenny Morris Date: 11/4/19
Mayor of City of Chester,
Kenny Morris

600 Quarrier Street
Charleston, West Virginia 25301

101 South Queen Street
Martinsburg, West Virginia 25401

125 Granville Square
Suite 400
Morgantown, West Virginia 26501



1217 Chapline Street
Wheeling, West Virginia 26003

Post Office Box 390
Wheeling, West Virginia 26003

www.bowlesrice.com

501 Avery Street
Parkersburg, West Virginia 26101

Southpointe Town Center
1800 Main Street, Suite 200
Canonsburg, Pennsylvania 15317

480 West Jubal Early Drive, Suite 130
Winchester, Virginia 22601

November 25, 2019

Michael A. Adams
Telephone — (304) 230-1808
Facsimile — (304) 230-1819

E-Mail Address:
madams@bowlesrice.com

West Virginia Municipal Home Rule Board
P.O. Box 11360
Charleston, West Virginia 25339
MunicipalHomeRule@wv.gov

VIA USPS AND EMAIL

Re: Application of the City of Chester
West Virginia Municipal Home Rule Program Application

Dear Board Members:

We have acted as counsel to the City of Chester in connection with its application to the West Virginia Municipal Home Rule Application. For purposes of the opinions contained in this letter, we have examined West Virginia Code §8-1-5a, the Municipal Home Rule Application Guidelines, and the Municipal Home Rule Application of the City of Chester (the "Application"). As to any facts relevant to our opinion which we did not independently establish, we have relied upon factual representations contained within the Application and any documentation submitted contemporaneously therewith.

We find that the Application does not include proposals that will make changes to ordinances, acts, resolutions, rules, and regulations contrary to environmental laws; bidding on government construction and other contracts; the Freedom of Information Act; the Open Governmental Proceedings Act; wages for construction of public improvements; the provisions of West Virginia Code §8-1-5a; the City of Chester's written plan. Further, we find that the Application does not propose to pass any ordinance, act, resolution, rule, or regulation pertaining to the Constitution of the United States, the Constitution of the State of West Virginia; Federal law or crimes and punishment; Chapters 60A, 61, and 62 of the West Virginia Code or other state crimes and punishment; pensions or retirement plans; annexation; taxation; tax increment financing; extraction of natural resources; marriage and divorce laws; laws regarding professional licenses or certification; regulations regarding state buildings and fire codes; Federal laws affecting the state's compliance with or jeopardize federal funding; rules governing engineering or architecture services; the provisions of West Virginia Code Chapter 17C; laws governing communication technologies or telecommunications carriers; laws governing firearms or accessories thereof; persons or property outside the boundaries of the City; imposes unpermitted duties upon other government entities; or imposes an occupation tax, fee, or assessment payable by a nonresident of a municipality, except to

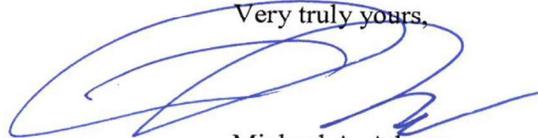
West Virginia Municipal Home Rule Board
November 25, 2019
Page 2

the extent that the Application proposes a municipal sales tax of up to one percent in connection with the reduction of the City of Chester's Business and Occupation Tax, as to amenities, rents, retailers and service businesses, as permitted by West Virginia Code §8-1-5a(i)(14).

Finally, as evidenced by the documentation enclosed with the Application, the City of Chester made available a copy of the Application for public viewing and published thirty days' advance notice of a public hearing on the Application, conducted such a public hearing, and adopted an ordinance authorizing the City of Chester to submit the Application. Further, as evidenced by the documentation enclosed with the Application, the City of Chester is current in payment of all state fees.

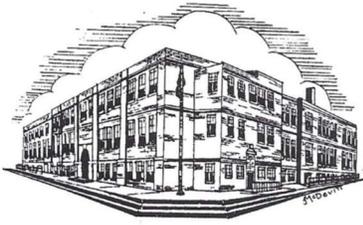
Based upon the foregoing, we opine that the City of Chester's Application for participation in the West Virginia Municipal Home Rule Program does not violate the provisions of West Virginia Code §8-1-5a. This opinion is solely for the benefit of the Municipal Home Rule Board in connection with the Application of the City of Chester to the WV Municipal Home Rule Program, and without our written consent, this opinion letter may not be used or relied upon by any other person for any purposes whatsoever.

Very truly yours,



Michael A. Adams
Special Counsel

MAA/mas



CITY OF CHESTER

600 Indiana Avenue • Chester, West Virginia 26034

Telephone (304) 387-2820 • Fax (304) 387-2766

KEN MORRIS, Mayor

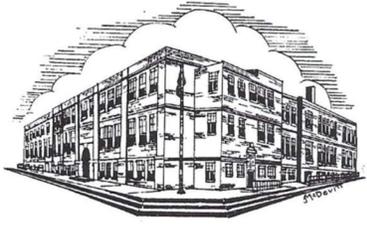
To the Members of the Home Rule Board,

Please use this as confirmation that the City of Chester West Virginia is in good standing and current with any and all obligations which would be due to the State of West Virginia.

Please contact me if you need any additional information.

Thank you,

Mayor Kenneth L. Morris



CITY OF CHESTER

600 Indiana Avenue • Chester, West Virginia 26034

Telephone (304) 387-2820 • Fax (304) 387-2766

KEN MORRIS, Mayor

To the Members of the Home Rule Board,

This is to certify that the requirements of Chapter 8, Article 11, Section 4 of the Code of West Virginia, 1931, as amended, concerning ordinances pertaining to the raising of revenue for the municipality are not applicable to the Home Rule Program, it will fully comply with the provisions of the aforementioned code section as well as any applicable rules and regulations.

Sincerely,

Kenneth L. Morris
Mayor