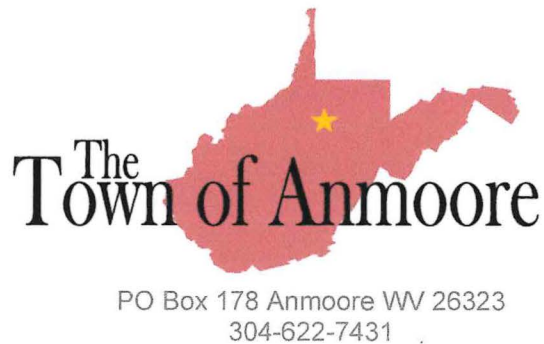




West Virginia

Mayor
P. Eddie Hardman

Recorder
Amanda Cahill



Council
Matt Cahill
Cathy Riley
Manuel Gizzi
Wendy Posey
Alyce Goodwin

West Virginia Municipal Home Rule Program 2024 Application of the Town of Anmoore

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**Town of Anmoore 2024
Home Rule Application**

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HOME RULE APPLICATION, PLAN AND AMENDMENT CHECKLIST

 X Class II legal advertisement of Public Hearing

Dates Nov. 1 2023, and Nov. 8, 2023

 X Notice of Public Hearing to Municipal Home Rule Board (MHRB) and Cabinet Secretary of
every State department October 27, 2023 Certified Mail.

 X Plan available for public inspection 30 days prior to Public Hearing. Posted for Public Oct. 30,
2023, at Anmoore Municipal Building.

 X Hearing
Date Dec. 4, 2023.

 X Ordinance authorizing plan or amendment.
1st reading date Dec. 4, 2023

2nd reading date Dec. 18, 2023

Date of adoption Dec. 18, 2023

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

ATTACHMENTS

 X Affidavit of legal notice of Public Hearing

**Town of Anmoore 2024
Home Rule Application**

 X Minutes of Public Hearing, including comments (if any)

 X Certified copy of ordinance authorizing plan or amendment.

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

 X Affidavit that municipality owes no outstanding State fees

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

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

SECTION II: NARRATIVE

The Town of Anmoore was incorporated in November 1950 with the first official election occurring in 1951. Anmoore is a Class IV municipality in Harrison County located three miles southeast of Clarksburg. It is literally nestled between the larger cities of Clarksburg and Bridgeport at the intersection of WV 58 and Interstate 79. Being at the crossroads of two main roadways in Harrison County and having the exit from Emily Drive, Super Walmart Plaza, come directly into and through our town, makes for high-volume traffic area that creates a plethora of problems for the town. These include but not limited to speeding, drugs, and other crime related activities.

The population was 514 at the 2020 census. The town was originally settled by Andrew Cottrill in 1772. In 1903 acreage was purchased to create the Steelton Addition to the city of Clarksburg and representatives of the Cleveland, Ohio based Grasselli Chemical company agreed to locate a plant on the property. Over the course of many years, the name changed from Steelton to Grasselli to finally Anmoore around 1917 when a post office was established and given the name of Anmoore. The name derived from the nearby Ann Moore Run a tributary of Elk Creek which runs through Anmoore. The Grasselli Chemical company employed many workers that were immigrants from Hungary, Spain, Poland, and Italy. There are still descendants from these immigrants that call Anmoore home today.

Although not large in size or population, Anmoore maintains its own water, sewer and garbage departments, Volunteer Fire Department, paid EMS department, and a Volunteer Parks and Recreation Committee. In 1954 a water distribution system was installed using Clarksburg as its supply source. In the 1970's a sewer system was installed. These systems have now aged and the areas around Anmoore have grown, which has contributed to needed repairs and maintenance that creates a financial burden for the Town of Anmoore. Old water lines lead to high water loss which makes it difficult for the town to keep up with paying for the water and maintenance of the system. A water upgrade project is now in the works which will replace some lines and install new meters for all customers. It is our hope this upgrade will be the first step in the direction of maintaining our water system without undue hardship for the town. The sewer system is undergoing evaluation with flow testing and cameras being placed in the system. The goal is to be able to upgrade before the system begins to deteriorate. In the last year, the town has had to subsidize both the water and the sewer departments to be able to pay the bills. This has taken away funds which would have gone to street upgrades and other public safety projects.

The goal of the town of Anmoore is to be able to pave and upgrade streets on a rotating basis. This has been impossible in the last several years. The town has attempted to pave one or two streets a year. However, the cost is such that this has been limited and our streets and sidewalks leave much to be desired. Other public safety issues such as proper drainage throughout the town need upgrades as well. There is just not enough money in the budget to achieve these extra projects on a regular basis.

Like many of the towns and cities in West Virginia, dilapidated structures are a big problem in our town. Besides being unsightly, and bringing property values down, they are a hot bed of unhealthy issues such as rodents, snakes and any other wildlife that takes up residence in them. Not to

Town of Anmoore 2024 Home Rule Application

mention high grass, weeds, and poison ivy because if the building is not maintained, chances are the areas around are unattractive too. Grants are a great resource, but many require matching funds which are not in the budget. We have many dilapidated buildings which we are vigorously pursuing to get torn down. However, only so much can be done without funding.

Anmoore is blessed with almost six acres of property designated as a park that has not been maintained or developed at its full potential. In the 1970's the town received a grant to start the park, but it was never finished to the original specifications. In 2015, a new commercial playground unit was installed with over fifteen thousand dollars in donations from community members and the Recreation Committee. A pavilion was built with the help of BSA Scouts. This is but a small area of the property being utilized at this time. The potential of this property is only limited by the lack of funds to develop it.

Anmoore is a small town with large dreams, and we believe it has the potential to surpass those dreams with a little extra help. Anmoore will be able to begin to work towards a better future by becoming a part of West Virginia Home Rule Program.

The Town of Anmoore seeks Home Rule authority in the areas of:

1. Issue of on-the spot citations for code violations concerning public nuisance, safety, and health. (ADMINISTRATIVE)
2. Disposition of town property without auction. (ADMINISTRATIVE)
3. 1% municipal sales, service, and use tax. (TAX)

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

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

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

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

Problem Caused by Legal Barrier: Currently, Town code enforcement officials or police are unable to issue "on the spot" for external sanitation violations and common nuisances, but rather are required to send preliminary notices and provide an opportunity to respond, which increases costs to the Town and delays resolution of the issue. The extended time allows property owners to slowly fix health issues, causes increase in manpower hours, and results in decreased compliance by property owners.

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

To the extent not otherwise authorized by state law, all notices of violation or correction for violations that do not fall within one of the categories set forth in paragraph (A) or (B), subdivision (1), subsection (t) of this section issued by the enforcement agency of a municipality that has adopted the state building code shall be served in accordance with the process set forth in the state building code. All notices of violation or correction orders for violations that do not fall within one of the categories set forth in paragraph (A) or (B), subdivision (1), subsection (t) of this section issued by a code enforcement agency of a municipality that has not adopted the state building code shall be served in accordance with the law of this state concerning the service of process

**Town of Anmoore 2024
Home Rule Application**

in civil actions, except that personal service may be made by a code enforcement agency official and the method of service effectuated by mail by the clerk of a court as permitted by Rule 4(d)(1)(D) of the West Virginia Rules of Civil Procedure is effectuated by mailing by a code enforcement agency official and shall be posted in a conspicuous place on the property that is the subject of the notice of violation or correction.

W. Va. Code§ 8-12-16 (i)

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

Conclusion: Allowing "on-the-spot" citations will alleviate unnecessary and cumbersome procedural obstacles and will facilitate efficient management of the Town's ordinances.

2. Disposition of equipment/property without public auction.
{ADMINISTRATIVE}

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

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

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

Specific Legal Barrier: Under W. Va. Code § 8-12-18(b), except in limited circumstances involving sales to the United States, or a state or instrumentality thereof, municipalities may only sell their real or personal property for fair and adequate consideration at public auction with sufficient legal advertisement.

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

Town of Anmoore 2024 Home Rule Application

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

Proposed Solution: The Town 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 Town at less than fair market value to a non-profit lessees.

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

This initiative was amended at the January 17, 2024 Home Rule Board meeting to include a cap of \$10,000 on this specific initiative alone. The amended initiative was accepted and approved by the Board. *

3. 1 % sales tax and corresponding B&O tax changes. (TAX)

Introduction: Home Rule aside, municipal revenue generation is limited to either taxation via municipal business and occupation ("B&O") tax or by imposing a sales tax. The State Code establishes these two taxes to be mutually exclusive. The Town currently imposes B&O taxes and would like to additionally enact a 1% sales tax to generate revenue. Upon review of various recent applications for Home Rule, it is apparent that most municipalities have proposed sales tax components to their proposed Home Rule plans.

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

Problem Caused by Legal Barrier: Home Rule aside, municipal revenue generation is limited to either taxation via municipal business and occupation ("B&O") tax or by imposing a sales tax. The State Code establishes these two taxes to be mutually exclusive. The Town currently imposes B&O taxes and would like to additionally enact a sales tax to generate revenue.

Proposed Solution: The Town proposes an approximate five percent (5%) reduction in its B&O tax through a reduction on **Contracting from 2.00% reduced to 1.00%** with an estimated reduction in B&O taxes of \$8,912.46 and on **Rentals from 1.00% to a rate of 0.50%** with an estimated reduction in B&O taxes of \$11,101.85, while imposing a one percent sales tax on all taxable sales under the West Virginia Code. Based on the aforementioned changes, the Town expects to see a \$20,014.31, (approximately 5%,) reduction in B&O taxes, and, although the Town does not have access to data pertaining to gross sales in its jurisdiction available at this time, believes the additional in revenue from the 1 % sales tax will substantially benefit the Town. See attached Financial Exhibits.

Conclusion: Increased revenues would go into a special fund to provide key public safety municipal services, including but not limited to:

- **Paving of our deteriorating roads and repairing crumbling sidewalks.**
- **Support for grant programs that require matching funds.**
- **Adequate funding to purchase necessary equipment/vehicles to operate efficiently and wages to compete with other entities.**

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

Fiscal Impact Worksheets and Formulas:

Exhibit 1-Financial Statement

As a small town, Anmoore does not have many B&O tax categories which further limits B&O tax collections. The following is the current B&O Classifications and the breakdown for the town.:

- A. Production/Natural Resources-The Town does not at this time have any collection on this category.
- B. Manufactured Products- .30 is the current rate.
- C. Selling Tangible Property: Retailers- .50 Wholesalers- .15
- D. Public Service Utility-We do not have a B&O on utilities so we could not address this category.
- E. Contracting-current rate per \$100 of sales is 2.00%. The council proposes a change to 1.00%. This category varies significantly from year to year. We averaged B&O from 2021 and 2022 to get a total of \$17,824.91. If we cut this by half, the B&O collected would be cut approximately \$8,912.46.
- F. Amusements- The rate is .50 but we do not collect much from this category as shown on chart below.
- G. Services- The rate is 1.00%
- H. Rentals-The town in the last year has lost approximately 8 separate rental units and one apartment complex which will account for lower collections from 2022 to 2023. Therefore, in calculating this category we estimate the B&O will be similar to 2021 at \$22,203.70. The council voted to reduce Rental B&O from 1.00% to .50. This will result in rental B&O reduction of approximately \$11,101.85.
- I. No such category.
- J. Banking Institutions-We do not collect under this category.
- K. Hotel-We do not collect under this category.

As the charts below show, the B&O in the different categories can fluctuate either up or down making it hard to determine the amount of B&O the town will receive in any given year. The town has had a total of \$367,770.97 B&O collected in 2021 and a total of \$423,144.36 in 2022. The average of 2021 and 2022 is \$395,457.67 and 5% of that would be \$19,772.88. The Town proposes a five percent (5%) reduction in its B&O tax through a reduction on **Contracting from 2.00% reduced to 1.00%** with an estimated reduction in B&O taxes of \$8,912.46 and on **Rentals from 1.00% to a rate of 0.50%** with an estimated reduction in B&O taxes of \$11,101.85 for a total of B&O Tax reduction of \$20,014.31.

EXHIBIT 2

Anmoore B&O - Category breakdown / 3 years

| | <u>2021</u> | <u>2022</u> | <u>2023</u> 1st & 2nd Qtrs |
|---|--------------|--------------|-------------------------------|
| <u>B. Manufactured products</u> | \$84,830.51 | \$108,315.02 | \$66,379.47 |
| <u>C. Tangible Property</u> | \$128,465.73 | \$116,327.60 | \$64,259.20 |
| <u>E. Contracting</u> | \$5,527.98 | \$12,296.93 | \$17,360.26 |
| <u>F. Amusement</u> | \$62.76 | \$102.99 | \$60.30 |
| <u>G. Service or Calling - All others</u> | \$126,680.29 | \$144,917.60 | \$83,391.96 |
| <u>H. Rentals</u> | \$22,203.70 | \$41,184.22 | \$11,151.70 |

**Town of Anmoore 2024
Home Rule Application**

ANMOORE B&O - Breakdown per Category - for 3 years

| Business Classification | | Rate per \$100 | 2021 | 2022 | 1st & 2nd Qtr's 2023 |
|-------------------------|---|----------------|--------------|--------------|----------------------|
| A. | Production Coal | 1.00 | | | |
| | Sand, Gravel, or other Material Product not Quarried or | 3.00 | | | |
| | Oil | 3.00 | | | |
| | Natural Gas in Excess of \$1250.00(Quarterly Exemption) | 6.00 | | | |
| | Limestone or Sandstone Quarried or Mined | 1.50 | | | |
| | Timber | 1.50 | | | |
| | Other Natural Resources Products | 2.00 | | | |
| B. | Products | 0.30 | \$84,830.51 | \$108,315.02 | \$66,379.47 |
| C. | Selling Tangible Property: | 0.50 | \$128,465.73 | \$116,327.60 | \$64,259.20 |
| D. | Railways | 1.00 | | | |
| | Electric Light and Power Companies(sales and demand | 4.00 | | | |
| | Water Companies | 4.00 | | | |
| | Electric Light and Power Companies(All other Sales and | 3.00 | | | |
| | Natural Gas Companies, Toll Bridges | 3.00 | | | |
| | All other Public Service or Utility Business | 2.00 | | | |
| E. | Contracting | 2.00 | \$5,527.98 | \$12,296.93 | \$17,360.26 |
| F. | Amusement | 0.50 | \$62.76 | \$102.99 | \$60.30 |
| G. | Service or Calling and All other Business | 1.00 | \$126,680.29 | \$144,917.60 | 83.391.96 |
| H. | Rentals, Royalties, Fees, or Otherwise | 1.00 | \$22,203.70 | \$41,184.22 | \$11,151.70 |
| J. | Small Loans and Industrial Loans | 1.00 | | | |
| K. | Hotel Occupancy | 3.00 | | | |

The Exponent Telegram

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

Advertising Invoice

TOWN OF ANMOORE
PO BOX 178
MEM9496@AOL.COM
ANMOORE, WV 26323

Acct#:922
Ad#:1398448
Phone#:304-622-7431
Date:11/14/2023

Salesperson: CAROLYN SIZEMORE

Classification: Legal Ads

Ad Size: 1.0 x 192.0

Advertisement Information:

| Description | Start | Stop | Ins. | Cost/Day | Total |
|---------------------|------------|------------|------|----------|-------|
| Classified Exponent | 11/01/2023 | 11/08/2023 | 2 | 22.08 | 44.16 |
| Affidavit Fee | - | - | - | - | 3.00 |

Payment Information:

| | | |
|------------|---------|----------------|
| Date: | Order# | Type |
| 10/27/2023 | 1398448 | BILLED ACCOUNT |

Total Amount: 47.16

Amount Due: 47.16

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

Ad Copy

Notice of Public Hearing

Notice is hereby given that a Public Hearing will be held at a Special meeting of the Town Council of Anmoore, West Virginia at the Anmoore Municipal Building located at 56 Plainfield Avenue, scheduled for Monday, December 4, 2023, at 6:30 p.m. This public hearing will address the Ordinance authorizing submission of the Town's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the Public Hearing and be heard in relation to the Town's Home Rule Plan. A copy of the Town's Home Rule Ordinance and Plan is available for inspection at Anmoore Municipal Building beginning Oct. 30, 2023, between the hours of 8:00 a.m.-4:30 p.m., Monday -Friday.

The first reading of the Ordinance, approving the Town of Anmoore's Home Rule plan and application, will be considered by Council for adoption on Monday, Dec. 4, 2023, at 6:30 p.m. immediately following the public hearing at Town Municipal Building. The second reading of the Ordinance, approving the Town of Anmoore's Home Rule plan and application, will be considered by Council for adoption on Monday, Dec. 18, 2023, 7:00 p.m. at Regular Council Meeting.

PUBLISHER'S CERTIFICATE

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

Public Hearing

was published in THE EXPONENT-TELEGRAM 2
time(s) commencing on 11/01/2023 and ending on
11/08/2023 at the request of

TOWN OF ANMOORE.

Given under my hand this 11/08/2023.

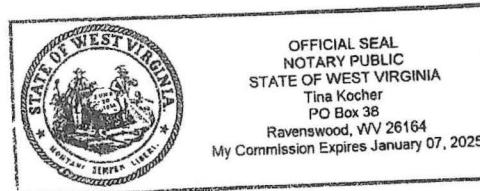
The publisher's fee for said publication is: \$47.16.

Carolyn Sizemore
Classified Manager of The Exponent-Telegram

Subscribed to and sworn to before me this
11/08/2023

Tina Kocher
Notary Public in and for Harrison County, WV

My commission expires on
The 7th day of January 20 25



Mayor
P. Eddie Hardman

Recorder
Amanda Cahill



Council
Matt Cahill
Cathy Riley
Manuel Gizzi
Wendy Posey
Alyce Goodwin

PO Box 178 Anmoore WV 26323
304-622-7431

AGENDA

DECEMBER 04, 2023

PUBLIC HEARING-HOME RULE APPLICATION

AGENDA FOR **SPECIAL SESSION** OF THE COUNCIL OF THE TOWN OF ANMOORE HELD MONDAY, DECEMBER 04, 2023, AT THE **ANMOORE MUNICIPAL BUILDING**, 56 PLAINFIELD AVENUE, ANMOORE, WEST VIRGINIA FOR PUBLIC HEARING ON APPLICATION FOR HOME RULE AND HOME RULE ORDINANCE FIRST READING AT **6:30 PM.**

1. CALL TO ORDER
2. ROLL CALL
3. **PUBLIC HEARING-Relating to submitting to WV HOME RULE BOARD a written plan for the Town of Anmoore.**
4. **HOME RULE ORDINANCE-FIRST READING** of "An ordinance pursuant to the provisions of the W.Va. Code 8-1-Sa, authorizing the Town of Anmoore to submit a written Home Rule proposal to the Municipal Home Rule Board in order to permit participation by the Town of Anmoore in the Municipal Home Rule Program."
5. ADJOURNMENT

Mayor
P. Eddie Hardman

Recorder
Amanda Cahill



The Town of Anmoore

PO Box 178 Anmoore WV 26323
304-622-7431

Council
Matt Cahill
Cathy Riley
Manuel Gizzi
Wendy Posey
Alyce Goodwin

MINUTES

DECEMBER 04, 2023

PUBLIC HEARING-HOME RULE APPLICATION

MINUTES FOR **SPECIAL SESSION** OF THE COUNCIL OF THE TOWN OF ANMOORE HELD MONDAY, DECEMBER 04, 2023, AT THE **ANMOORE MUNICIPAL BUILDING**, 56 PLAINFIELD AVENUE, ANMOORE, WEST VIRGINIA FOR PUBLIC HEARING ON APPLICATION FOR HOME RULE AND HOME RULE ORDINANCE FIRST READING AT **6:30 PM.**

CALL TO ORDER: The meeting was called to order by Mayor Eddie Hardman at 6:30 p.m.

Appointment of Reporter: **Motion** made by Manuel Gizzi to appoint Anna Harvey to be the reporter for the public hearing as the recorder is on vacation, 2nd by Wendy Posey. **Motion Passed Unanimously.**

ROLL CALL: Mayor Eddie Hardman, and council members Manuel Gizzi, Wendy Posey, Cathy Riley, and Alyce Goodwin were present. Amanda Cahill and Matt Cahill are absent due to vacation.

Guests included were Vincent Smith, Mark Critchfield, Alfred Kookan, Edwin B. Cox, Darlene Wilkinson, and Jim Harris.

The Home Rule Plan was explained by the mayor and council to the guests in attendance.

Mayor Hardman declared a Public Hearing relating to submitting a written Home Rule Application to Home Rule Board open for public comment at 6:32 p.m.

Jim Harris 902 Oak Street stated he wanted council to explain what Home Rule would do for the Town. He was not opposed, just wanted more information.

Edwin B. Cox asked about people being charged outside town limits. Mayor explained that mapping and zip code work will be done to alleviate that problem.

Mayor asked if anyone else wished to speak at this time. Mayor declared Public Hearing closed at 6:44 p.m.

After Public Hearing, council moved on to agenda item: **HOME RULE ORDINANCE-FIRST READING** of "An ordinance pursuant to the provisions of the W.Va. Code 8-1-5a, authorizing the

12/04/2023

Town of Anmoore to submit a written Home Rule proposal to the Municipal Home Rule Board in order to permit participation by the Town of Anmoore in the Municipal Home Rule Program.” This was read by title and mayor asked if there were any questions from council.

A **motion** was made by Cathy Riley to approve the Home Rule Ordinance on the first reading, 2nd by Wendy Posey. In a roll call vote Cathy Riley-yes, Wendy Posey-yes, Manuel Gizzi-yes, Alyce Goodwin-yes, and Mayor Eddie Hardman-yes. **Motion passed 5 to 0.**

ADJOURNMENT: The **motion** to adjourn was made by Cathy Riley, 2nd by Manuel Gizzi at 6:46 p.m. **Motion Passed Unanimously.**

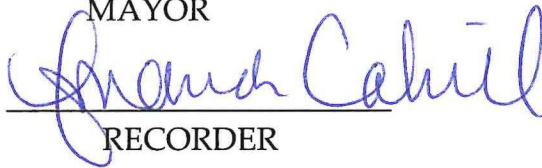
Submitted by Anna Harvey, Reporter



MAYOR



REPORTER



RECORDER

MINUTES APPROVED ON DECEMBER 18, 2023

AFFIDAVIT

STATE OF WEST VIRGINIA

COUNTY OF HARRISON, to-wit:

I, **Anna Harvey, ACTING REPORTER**, do hereby certify that the foregoing is a true and correct record of the proceedings held December 4, 2023, at the Anmoore Municipal Building for the purpose of the Public Hearing on Anmoore's Home Rule Application and the first reading of the Home Rule Ordinance No. 1001 authorizing Anmoore's Home Rule Plan.

This affidavit is sworn by me and submitted this 18th day of December, 2023.

Anna Harvey
Anna Harvey, Acting Reporter

STATE of WEST VIRGINIA

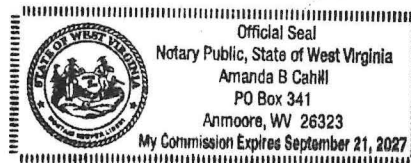
COUNTY of HARRISON, to-wit:

I, Amanda B Cahill, a Notary Public in and for the County and State aforesaid, do hereby certify that P. Eddie Hardman, know and known to me, did swear to and subscribe before me the above affidavit.

Given under my hand this 18 day of December 2023.

My commission expires 9/21/27.

Amanda B Cahill
Notary Public



MAYOR
P. EDDIE HARDMAN
RECORDER
AMANDA CAHILL
COUNCIL
MATT CAHILL
WENDY POSEY
MANUEL GIZZI
ALYCE GOODWIN
CATHY RILEY

The Town of Anmoore

P.O. Box 178 Anmoore WV 26323 304.622.7431

AFFIDAVIT

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

I, P. Eddie Hardman, having been duly sworn, do hereby state and affirm the following:

1. That I am the elected Mayor of the Town of Anmoore, West Virginia, from July 1, 2023, to the present; and
2. That a copy of the Town of Anmoore's proposal Home Rule Plan, contained within its application to the West Virginia Municipal Home Rule Program, was made available for the public inspection at Anmoore Municipal Building, 56 Plainfield Ave., Anmoore, WV 26323, each business day during regular business hours from October 30, 2023, up to and including December 18, 2023; and
3. That a public hearing was properly noticed and held at the Anmoore Municipal Building, 56 Plainfield Ave., Anmoore on the Town of Anmoore's Home Rule Plan on December 4, 2023. The Second Reading was approved on December 18, 2023, and date of Adoption was December 18, 2023.

This affidavit is sworn by me and submitted the 18th day of December 2023.

P. Eddie Hardman

P. Eddie Hardman, Mayor
Town of Anmoore

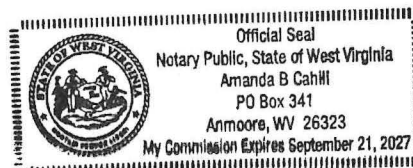
STATE of WEST VIRGINIA
COUNTY of HARRISON, to-wit:

I, Amanda B. Cahill, a Notary Public in and for the County and State aforesaid, do hereby certify that P. Eddie Hardman, know and known to me, did swear to and subscribe before me the above affidavit.

Given under my hand this 18 day of December 2023.

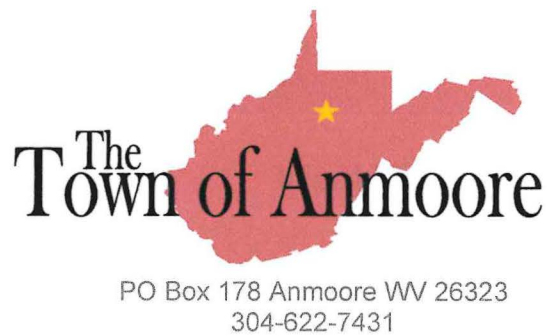
My commission expires 9/21/27.

Amanda B. Cahill
Notary Public



Mayor
P. Eddie Hardman

Recorder
Amanda Cahill



Council
Matt Cahill
Cathy Riley
Manuel Gizzi
Wendy Posey
Alyce Goodwin

Oct. 27, 2023

West Union Bank
Attn: Bank Manager
320 Emily Dr.
Clarksburg, WV 26331

Re: NOTICE OF PUBLIC HEARING FOR HOME RULE

Dear Secretary Hardy,

Notice of Public Hearing

Notice is hereby given that a Public Hearing will be held at a Special meeting of the Town Council of Anmoore, West Virginia at the Anmoore Municipal Building located at 56 Plainfield Avenue, scheduled for Monday, December 4, 2023, at 6:30 p.m. This public hearing will address the Ordinance authorizing submission of the Town's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the Public Hearing and be heard in relation to the Town's Home Rule Plan. A copy of the Town's Home Rule Ordinance and Plan is available for inspection at Anmoore Municipal Building beginning Oct. 30, 2023, between the hours of 8:00 a.m.-4:30 p.m., Monday -Friday.

The first reading of the Ordinance, approving the Town of Anmoore's Home Rule plan and application, will be considered by Council for adoption on Monday, Dec. 4, 2023, at 6:30 p.m. immediately following the public hearing at Town Municipal Building. The second reading of the Ordinance, approving the Town of Anmoore's Home Rule plan and application, will be considered by Council for adoption on Monday, Dec. 18, 2023, 7:00 p.m.at Regular Council Meeting.

Please run as a Class II legal ad for Wednesday, Nov.1, 2023, and Wednesday, Nov.8, 2023.

CC: Department of Commerce
Department of Administration
Department of Environmental Protection
Department of Health & Human Services
Department of Homeland Security
Department of Transportation
Department of Veterans Assistance

Department of Human Resources

Cynthia Persily, Secretary
West Virginia Department of Human Resources
One Davis Square, Suite 100 East
Charleston, WV 25301

Department of Health

Dr. Sherri Young, Secretary
West Virginia Department of Health
One Davis Square, Suite 100 East
Charleston, WV 25301

Department of Homeland Security

Mark Sorsaia, Secretary
West Virginia Department of Homeland Security
1900 Kanawha Blvd East
Building 1, W-400
Charleston, WV 25305

Department of Transportation

Jimmy Wriston, III, Secretary
West Virginia Department of Transportation
1900 Kanawha Blvd East
Building 5
Charleston, WV 25305

Department of Veterans Assistance

Edward A. Diaz, Secretary
West Virginia Department of Veterans Assistance
1900 Kanawha Blvd East
Building 5, Room 205
Charleston, WV 25305

Department of Tourism

Chelsea Ruby, Secretary
West Virginia Department of Tourism
Building 3, Suite 100
1900 Kanawha Blvd East
Charleston WV 25305

Bureau of Senior Services

Denise Worley
West Virginia Bureau of Senior Services
1900 Kanawha Blvd. E
Charleston, WV 25305

Adjutant General of the West Virginia National Guard

Major General Bill Crane
1703 Coonskin Drive
Charleston WV 25311

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Sent To Mitch Carmichael, Secretary

Street and Apt. No., or PO Box No. WV Dept. of Economic Dev. 1900 Kanawha

City, State, ZIP+4® Charleston WV 25305 Blvd East

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Street and Apt. No., or PO Box No. 1900 Kanawha Blvd. East Bldg. 5 Room 205
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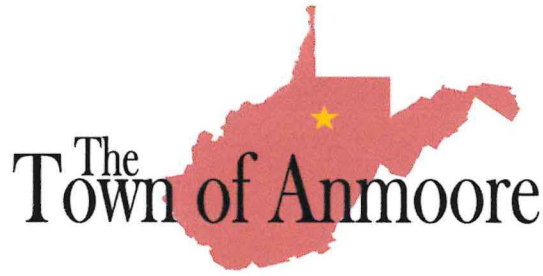
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See Reverse for Instructions

Mayor
P. Eddie Hardman

Recorder
Amanda Cahill



PO Box 178 Anmoore WV 26323
304-622-7431

Council
Matt Cahill
Cathy Riley
Manuel Gizzi
Wendy Posey
Alyce Goodwin

HOME RULE ORDINANCE NO. 1001

An Ordinance pursuant to the provisions of the W.Va. Code 8-1-5a, authorizing the Town of Anmoore to submit a written Home Rule proposal to the Municipal Home Rule Board in order to permit participation by the Town of Anmoore in the Municipal Home Rule Program.

AUTHORIZATION TO SUBMIT A WRITTEN HOME RULE PROPOSAL

WHEREAS, in 2007, the West Virginia Legislature enacted WV Code 8-1-5a, known as the Municipal Home Rule Pilot Program; and

WHEREAS, in 2019, the Municipal Home Rule Pilot Program was made a permanent program, with provisions to add four Class IV municipalities to the program each year; and

WHEREAS, the participation in the Home Rule Program by the Town of Anmoore, a Class IV municipality, would give the Town unique flexibility to apply local solutions to local problems, benefitting the greater community, including residents, visitors, and businesses.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF ANMOORE THAT THE MAYOR is hereby authorized and directed to submit a Home Rule proposal to the Municipal Home Rule Board on January 17, 2024 in accordance with the WV Code 8-1- 5a in order for the Town of Anmoore to be considered in the program as a Class IV municipality during the Fiscal Year 2024-2025.


This Ordinance shall become effective upon passage after second reading.

| FIRST READING | FOR | AGAINST | ABSTAIN | ABSENT |
|------------------|-----|---------|---------|--------|
| Wendy Posey | ✓ | | | |
| Matt Cahill | | | | ✓ |
| Manuel Gizzi | ✓ | | | |
| Cathy Riley | ✓ | | | |
| Alyce Goodwin | ✓ | | | |
| Amanda Cahill | | | | ✓ |
| Eddie Hardman | ✓ | | | |

Passed on First reading and public hearing, December 4, 2023.

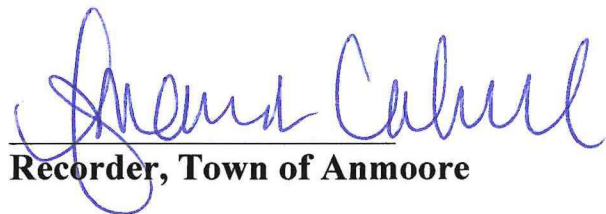
Passed on Second reading, December 18, 2023.

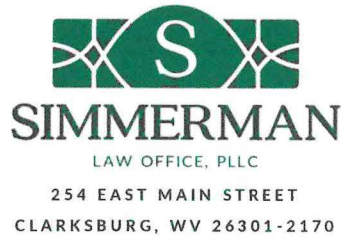
| SECOND READING | FOR | AGAINST | ABSTAIN | ABSENT |
|-------------------|-----|---------|---------|--------|
| Wendy Posey | ✓ | | | |
| Matt Cahill | | x | | |
| Manuel Gizzi | ✓ | | | |
| Cathy Riley | ✓ | | | |
| Alyce Goodwin | ✓ | | | |
| Amanda Cahill | ✓ | | | |
| Eddie Hardman | ✓ | | | |


Mayor, Town of Anmoore

CERTIFICATE OF ENACTMENT

I, Amanda Cahill, Town Recorder, do hereby certify that the foregoing Ordinance NO. 1001 was lawfully ordained and enacted by the Council of the Town of Anmoore at a regular session of the said Council assembled on December 18, 2023.


Recorder, Town of Anmoore



FRANK E. SIMMERMAN, JR.
fes@simmermanlaw.com

CHAD L. TAYLOR
clt@simmermanlaw.com

FRANK E. (TREY) SIMMERMAN, III
trey@simmermanlaw.com

LEGAL ASSISTANT:

STACEY L. FOX
stacey@simmermanlaw.com

TELEPHONE
(304) 623-4900

TELECOPIER
(304) 623-4906

October 26, 2023

Eddie Hardman, Mayor
mayor@anmoorewv.com

Via Email

RE: Compliance Letter – Town of Anmoore, WV
2024 Municipal Home Rule Program
Application

Ladies and Gentlemen:

As Town Attorney for the Town of Anmoore, WV, I have reviewed West Virginia Code § 8-1-5a, the municipal home rule program application guidelines, the proposed 2024 Town of Anmoore, WV Home Rule Application, and other documents related thereto, (“collectively the “Plan”), as I have deemed necessary for the purposes of this opinion.

Based upon my review of such documents and information it is my opinion that the Plan complies with the applicable provisions of West Virginia law, and that the Plan satisfies the statutory requirement set forth in W.Va. Code § 8-1-5a.

The Municipal Home Rule Board may rely upon this opinion.

Very truly yours,

/s/ Frank E. Simmerman, III

Frank E. Simmerman, III

MAYOR
P. EDDIE HARDMAN
RECORDER
AMANDA CAHILL
COUNCIL
MATT CAHILL
WENDY POSEY
MANUEL GIZZI
ALYCE GOODWIN
CATHY RILEY

The Town of Anmoore

P.O. Box 178 Anmoore WV 26323 304.622.7431

AFFIDAVIT Certifying No Delinquent Fees

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

WITNESS THE FOLLOWING SIGNATURE:

Municipality's Name: Anmoore, West Virginia

Print P. Eddie Hardman Title Mayor

Authorized Signature: P. Eddie Hardman

Date: December 18, 2023

STATE of WEST VIRGINIA

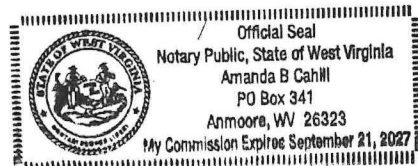
COUNTY of HARRISON, to-wit:

I, Amanda B Cahill, a Notary Public in and for the County and State aforesaid, do hereby certify that P. Eddie Hardman, know and known to me, did swear to and subscribe before me the above affidavit.

Given under my hand this 18 day of December 2023.
My commission expires 9/21/27.

Notary Public Amanda B Cahill

Notary Signature: Amanda B Cahill





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



Matthew R. Irby, State Tax Commissioner

TOWN OF ANMOORE
PO BOX 178
ANMOORE WV 26323-0178

Letter Id: L1248714912
Issued: 11/17/2023

00018801010000



West Virginia State Tax Department

Letter of Good Standing

EFFECTIVE DATE: November 17, 2023

A review of tax accounts indicates that TOWN OF ANMOORE is in good standing as of the effective date of this document. Please note, this Letter of Good Standing expires on **February 15, 2024**.

The issuance of this Letter 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,

Catherine Mitchell, Assistant Director
Taxpayer Services Section