



City of Ronceverte
Home Rule Application
2024

Order of Contents

City of Ronceverte, West Virginia Municipal Home Rule Application

Letter from the Mayor	3
Section I -Applicant Information	
• Applicant Information	5
• Completed Plan Checklist.....	6
Section II- Narrative	
• Executive Summary	8
• Issue 1 -Sales Tax.....	9
• Issue 2 - On the Spot Citation.....	10
• Issue 3 - Disposition of City Property	12
• Issue 4-Shortened Period of Time for Forfeiture of Structures When Owners of Properties That Have Been Dilapidated of Uninhabitable Refuse to Address Code Violations	13
• Issue 5 - Manage Blighted and Vacant Properties, Place Lien on City Remediated Properties Without Court Order	15
• Issue 6 - Collect Liens for Demolition Expenses.....	16
Section III -Affidavits	
• Affidavit of Public Notice	18
• Minutes of Public Hearing.....	22
• Ordinance Authorizing Submission of Plan.....	24
• Fiscal Impact Worksheet.....	25
• Letter of Good Standing	26
• Attorney Opinion Letter	27
• Letter showing the Sales Tax Ordinance was submitted for review to the State Tax Department.....	28



CITY OF RONCEVERTE

P.O. Box 417
Ronceverte, West Virginia 24970
(304) 647-5455

May 29, 2024

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

**RE: City of Ronceverte, West Virginia Application and Written Plan
West Virginia Municipal Home Rule Program**

Dear Member of the Municipal Home Rule Board:

On behalf of the citizens and elected officials of the City of Ronceverte, I am pleased to submit eight {8} original copies and one {1} electronic copy of the City's application and proposed plan to participate in the Home Rule Program.

Written Plan Made Available to the Public:	May 29, 2024
First Publication of Notice of Public Hearing:	June 6, 2024
Second Publication of Notice of Public Hearing:	June 13, 2024
First Reading of Ordinance:	June 3, 2024
Public Hearing:	July 1, 2024
Second Reading and Adoption of Ordinance:	July 1, 2024

I respectfully request this application be an agenda item for your July 2024 meeting. We thank you for your consideration in this vital matter and look forward to working in concert with you for the betterment of our state. If you have questions or require additional information, please do not hesitate to contact me anytime.

Respectfully, ,)

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Mayor

Section I

Applicant Information

The below section provides information related to the applicant, the City of Ronceverte, West Virginia.

General Information

Municipality:	City of Ronceverte
Certifying Official:	Deena Pack, Mayor
Contact Person:	Pamela Mentz, City Administrator
Address:	P.O. Box 417 693 Edgar Avenue Ronceverte, WV 24970
Telephone:	304-647-5455
Fax:	304-647-5473
Website:	www.cityofroncevertewv.gov
Email address:	www.administrator@cityofronceverte.com
2020 census population:	1,426 {2022}
Council Members:	Mark Trent Tanya Hazelwood Gail White Ashley Guet Scott Voglesong
Recorder:	Leah Smith
Mayor:	Deena Pack
Municipality Classification:	IV
Issues to be Addressed:	Administrative Tax

HOME RULE APPLICATION, PLAN, & AMENDMENT CHECKLIST

☒ Class II legal advertisement of Public Hearing

Dates June 6, 2024 & June 13, 2024

☒ 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 July 1, 2024

☒ Ordinance authorizing plan or amendment

1st reading date June 3, 2024

2nd reading date July 1, 2024

Date of Adoption July 1, 2024

☒ Required narrative presentation of each separate proposal

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 cost 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

Section II

Narrative

The City of Ronceverte is a community in Greenbrier County and was first laid out in 1871, by Cecil Clay but not incorporated until 1882. Its name is derived from the French for Greenbrier, i.e., "Ronceverte", that is "brier green." Ronceverte is situated on the north bank of the Greenbrier River and the mainline of the Chesapeake & Ohio Railway. By 1906, Ronceverte had a population of about 1,500 and was an important shipping point for railroad ties, lumber, and agricultural products.

Like many small industrial towns, Ronceverte has seen its ups and downs. The demise of the river logging industry hit hard, and the city became just another city along the railways route. Ronceverte is a community, like many, that has unique assets and opportunities for growth and development that will appeal to many types of people. Community surveys repeatedly identified several assets that are highly valued by residents including the small-town charm and friendly people. Affordable and low cost of property at the same time, there are also issues of concern expressed by residents that inhibit growth, impede progress, and deter people from investing. Dilapidated buildings and negligent landlords along with the poor condition of streets and sidewalks and the general appearance of the town gets the city overlooked by investors. Recently, through the efforts of local entrepreneurs and like-minded organizations, Ronceverte is experiencing a resurgence in popularity. Improvements to the downtown have been a cause for growth after a long period of stagnancy.

Ronceverte is a hidden gem nestled along the picturesque Greenbrier River. Our town, with its rich history and scenic beauty, offers a warm embrace to residents and visitors alike. Explore the tranquility of our parks, enjoy outdoor adventures along the river, and savor the unique blend of small-town hospitality that defines Ronceverte. The pride in the community is evident by the active number of people engaged in civic activities and in promoting the community's excellent quality of life.

The cities' goal is to protect historic resources by encouraging proper restoration design standards and promoting infill construction that is compatible in design. We want to encourage property owners to maintain responsibility for the proper maintenance and upkeep of their buildings and lots. There is emphasized focus on the cleanliness and appearance of public spaces and promoting the development and retention of business and industry that is environmentally safe and work with existing businesses to retain them.

Because Ronceverte is a small city it is hard to rely on our property tax base alone to do the things that are needed. To do the repairs and upgrades to the downtown area, we need to create revenue to be able to do these things. The 1% Sales & Use Tax would allow us to make those improvements in the downtown area.

Issue 1: Municipal Sales and Use Tax

Category- Tax

Specific Barrier

West Virginia State Code§ 8-13-5,§ 8-13C-4(a) ,§ 8-13C-4(b)

Specific Problems Created by Law

WV Code§ 8-13-5 sets forth standards by which municipalities can apply a Business and Occupation Tax ("B&O") on all businesses operating within the corporate limits of the municipality but prohibits municipalities from charging a tax rate higher than the maximum rates imposed by the State. The City of Ronceverte does not impose a B&O Tax on its businesses within the city.

WV Code§ 8-13C-4(b) permits municipalities to charge a 1% sales and use tax if they repeal their B&O Tax. The revenue generated by a 1% sales tax will be used to update downtown lighting, sidewalks, and streets.

Proposed Solution

With the authority pursuant to West Virginia Code§ 8-1-5a, the City of Ronceverte seeks to enact an ordinance that imposes a 1% municipal sales and use tax that would be administered, collected, and enforced by the State Tax Commissioner and conform with the requirements of West Virginia Code§ 11-10-11c and the requirements of the Streamlined Sales and Use Tax Administration Act as codified in West Virginia Code§ 11-15B-1 et seq. As allowed by West Virginia State Code, the City of Ronceverte seeks to enact a municipal sales and use tax.

THE CITY WITHDREW THIS PROPOSAL AT THE APRIL 22, 2025 MEETING OF THE WV MUNICIPAL HOME RULE BOARD.

Issue 2: "On the Spot" Citations

Category-Administrative

The City of Ronceverte desires to clean up areas that have become unsightly due to the owner's neglect in removing vegetation and other debris. Specifically, the City of Ronceverte seeks the authority for its code enforcement officer, building officer, and/or City's police department to cite property owners "on the spot" for violations of the City ordinances concerning property maintenance, safety, and health hazards. Presently, City code enforcement officials are unable to issue citations "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 automatically increases costs to the City and delays resolution of the issue. This requires additional manpower and the lack of immediate citation power results in decreased compliance by property owners.

Specific Legal Barrier

WV Code§ 8-12-16 allows municipalities to adopt ordinances regulating 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 for the costs of repairs, alterations, improvements, demolition, etc. WV Code§ 8-12-5(23) further vests municipalities with the authority to, by ordinance or resolution, provide for the 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 provide authority for granting citation powers to code enforcement officials.

In fact, from WV Code§ 8-12-16, in pertinent parts, the language restricts enforcement agents to the powers granted to civil process servers that all orders issued by the enforcement agency shall be served in accordance with the law of this State concerning the service of process in civil actions, and be in a conspicuous place on the premises affected by the complaint or order, provided that no ordinance may be adopted without providing for the right to apply to the circuit court for a temporary injunction restraining the enforcement agency pending final disposition of the cause.

Specific Problem Caused by Law

The result of the above code language is that, before citing property owners for property maintenance and related nuisance violations (e.g., sanitation issues, garbage buildup, graffiti, unmaintained lawns, unsafe or broken sidewalks), building and zoning inspectors must follow an onerous process of first posting public notice ten (10) days prior (warnings) and then applying for and receiving approval from the City's municipal court before a citation is issued. This process is inefficient, costly, and leads to an extended delay between the identification of a public nuisance and compliance from the property owner. In fact, because this process is so time-consuming and injurious to the apparent authority of the City's enforcement agents, non-compliance by the property owner is the more likely outcome.

Proposed Solution

The City of Ronceverte seeks authority to enact an ordinance providing its code enforcement officers the authority to issue "on the spot" citations for certain violations. This citation power will

extend to sanitation, drainage, sidewalks in disrepair, high weeds, grass, or both, graffiti, exterior garbage accumulation, and open storage in residential districts.

These citations may be issued to the owner, lessee, sub-lessee, tenant, occupant, or agent or manager thereof, presently having control over the property in question and an opportunity to respond will be afforded to the cited party by contesting the citation in municipal court. The citation will be administered substantially similar to how traffic citations are administered and are subject to appeal to the Municipal Court of the City.

Other municipalities already accepted in the "Home Rule" program have adopted Ordinances authorizing "on the spot" citations and have reported the success of this enforcement tool. Ronceverte intends to follow the models implemented by other participating Home Rule Municipalities.

Issue 3: Disposition of City Property

Category-Administrative

Under§ 8-12-18 of the WV Code, the City must convey or lease for fair market value, buildings or land to non-profit organizations providing services that benefit the citizens of the City. Such sale may create a financial burden for the non-profit, and by leasing such property to these organizations, the City retains liability inherent therein. It is proposed that the City be allowed to lease or convey (without auction) for less than fair market value buildings and land to non-profit organizations who are providing services to the public, that, in their absence, the City itself might have to finance or administer; provided that a test similar to that imposed by WV Code§ 1-5-3 is met and that ownership of the land or building would revert to the City in the event the non-profit ceased to provide such services to the public consistent with§ 8-32-1.

Additionally, WV Code§ 8-12-18(b) mandated that municipalities hold public auctions for the sale of all real and personal property within excess of one thousand dollars (\$1,000) and announce such auction in a Class II legal advertisement. When the primary purpose is to facilitate economic development within the City and/or the availability of necessary or convenient resources for the benefit of its citizenry, the City proposes that it be permitted to convey real and/or personal property with a value in excess of one thousand dollars (\$1,000) for fair market value without having to follow the auction procedures outlined in WV Code§ 8-12-18(b). This would avoid costly and time-consuming auction procedures and the possibility that the City would be precluded from conveying property for the desired use in a situation where the primary goal is to facilitate growth and/or to make available necessary and convenient resources for the benefit of Ronceverte and its residents.

THE CITY AMENDED THEIR PROPOSAL TO REFELCT A \$25,000 CAP ON THIS PROPOSAL.

Issue 4: Shortened Period of Time for Forfeiture of Structures When Owners of Properties That Have Been Dilapidated or Uninhabitable Refuse to Address Code Violations
Category-Administrative

Specific Barrier

West Virginia Code § 8-12-16(A)(n), which states that:

If a registration fee remains delinquent for two (2) years from the date it was placed on record in the clerk of the county commission in which the property is located and assessed, the municipality may take action to receive the subject property by means of forfeiture. Should the municipality take steps necessary to receive the subject property, the municipality then becomes the owner and takes the property subject to all liens and real and personal property taxes.

Specific Problem Caused by Law

West Virginia Code § 8-12-16(A)(n), as shown above, provides cities like Ronceverte a toll for addressing "uninhabitable" structures that violate building codes and are a serious threat and problem for neighborhoods.

This process allows the City to investigate and inspect uninhabitable properties with code violations, notify an owner with detailed information that the property will be registered as noncompliant by both posting on the property and sending certified mail, and provide the owner forty-five (45) days to fix the code violations or make a plan for fixing them in a reasonable time.

The law, as it stands, allows the owner the right to appeal for ninety (90) days after the receipt of notice about the code violations. Only after this intensive process takes place, may the municipality register the fee for code noncompliance with the county clerk. Then, that fee assessment can be appealed within thirty (30) days by the property owner, before it becomes finalized as a lien on the property.

If at the time that fee for the uninhabitable property violations remains unpaid, the City can take the structure in forfeiture - but only after two (2) years of waiting. With this, the City does not have authority under West Virginia law to deal with an uninhabitable property with code violations where the owner completely refuses to fix the violations or work with the city, for a period of at least twenty-eight (28) months; a period of which hinders the clean-up and repair of City neighborhoods.

Proposed Solution

Without altering any of the protections for owners of uninhabitable properties to fix the issues mentioned above, the City of Ronceverte seeks a shortened period between the time that they owner of a dilapidated property refuses to address the problem, and the time that the City can take the structure by forfeiture and finally start to remedy the problems with the City's own resources.

As mentioned above, the timeframe for initiating this forfeiture hinders the City, and the City of Ronceverte seeks to shorten that period of waiting after noncompliance from two (2) years to a period of twelve (12) months.

Together with the initial 120 days of property owner protections, this change will allow the City of Ronceverte to address the dilapidated properties in a total of sixteen (16) months (120 days plus the twelve (12) month waiting period), rather than the current span of 28 months (120 days plus two (2) years waiting) and is altogether more reasonable for remediation to occur in a timely fashion.

Issue 5: Manage Blighted and Vacant Properties Place Lien on City Remediated Properties Without Court Order
Category-Administrative

Specific Barrier

West Virginia Code§ 8-12-16

Specific Problem Caused by Law

WV Code§ 8-12-16 only permits municipalities to:

adopt ordinances regulating the repair, alteration, or the vacating and disposing or removal or demolition ... Of any dwellings or other buildings unfit for human habitation due to dilapidation, defects increasing the hazard of fire, accidents, or other calamities, lack of ventilation, light, or sanitary facilities or any other conditions ... which would cause such dwellings or other buildings to be unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare.

This does not allow municipalities to address problems with property maintenance that detract from the neighborhood or constitute eyesores but do not yet constitute a threat to public safety. Additionally, WV Code§ 8-12-16 limits the lien amounts municipalities may assess for repairing or demolishing a structure to the assessed value of the property and requires that the municipality obtain a court judgement for the imposition of the lien.

Proposed Solution

The City of Ronceverte desires to be given the power and authority, after due notice to the owner(s) of property, which is not being properly maintained, to enter the property and to maintain, repair, or demolish the property, and/or to mow or trim unkempt grass, brush, or trees to ensure that the property does not detract from the neighborhood or deteriorate further. The cost of that rehabilitation would constitute a lien against the property without the necessity of obtaining a court order or engaging in any further court action. Said lien would then become part of the property tax lien, or have priority with other liens against the property.

Issue 6: Collect Liens for Demolition Expenses

Category-Administrative

Specific Barrier

West Virginia Code§ 11A-3-52 and West Virginia Code§ 11A-3-14

Specific Problem Caused by Law

Current state law for sale of property with delinquent taxes restricts the City from collection of demolition liens. The City is experiencing a vast increase of blighted properties within the City limits. Many of these structures are dilapidated and uninhabitable.

Proposed Solution

The City of Ronceverte seeks to enact a policy where someone purchasing property at a tax lien auction must satisfy the municipality's demo lien to obtaining title to the property.

Currently, the statute provides that the Sheriff can refuse to issue a Certificate of Sale if there are subsequent years' taxes due at the time of the sale. In accordance with WV Code§ 11A-3-14, the City proposes that its demolition liens be collected at the tax sale auction in addition to the delinquent property taxes. The Sheriff shall require payment of any demolition liens due at the time of the sale before the Certificate of Sale is issued. At such, the highest bidder present at the sale must bid and pay the amount of taxes, interest, and charges for which the tax lien on any real estate is offered for sale, in addition to paying the City's demolition lien before the sheriff can issue a Certificate of Sale for the purchase money.

Section III

Affidavit of Public Hearing

ECENT CORP DBA WV DAILY NEWS,
VIRGINIAN REVIEW, HINTON NEWS
PO 801, 471
La.,Is:burg, WV 2 01
;d;ownfr-9@11.VC1n son
lillp-lhwcin com

DAILY (NEWS
VmGtNtIIN.-f ,AEIJIEW
HINTON NEWS

INVOICE

CITY OF RONCEVERTE
PO BOX417
RONCEVERTE, WV 24970

27153
06/10/2024
Due on receipt

DATE	DESCRIPTION	QTY	RATE	AMOUNT
Daily News Legal	Applicaion to WV Municipal Home Rule prog. 11.32" June ti	11.32	5.75	65.09
Daily News Legal	Application to WV Municipal Home Rule prog. 11.32" June 13	11.32	4.3127208	48.82
Daily News Legal	Legal processing fee		5.00	5.00
				118.91
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				118.91
				\$118.91

NOTICE OF PUBLIC HEARING CITY OF RONCEVERTE APPLICATION TO WEST VIRGINIA MUNICIPAL HOME RULE PROGRAM

Notice is hereby given by the City of Ronceverte that it will hold a public hearing on Monday, July 1, 2024, at 7:00 p.m. in the City Council Chambers at City Hall located at 693 Edgar Avenue, Ronceverte, West Virginia 24970.

The purpose of this public hearing is to discuss the City of Ronceverte's proposed Home Rule written plan and application pursuant to the provisions of West Virginia Code § 1-5a, as amended. The information gathered and presented at this public hearing will be utilized by the City of Ronceverte in its application to the Municipal Home Rule Board.

The City of Ronceverte's proposed Home Rule Program written plan will be available for public inspection in the City Hall located at 693 Edgar Avenue, Ronceverte, West Virginia, 24970 beginning on May 31, 2024, during normal business hours. Monday through Friday (excluding holidays), between the hours of 8:00 a.m. and 4:30 p.m.

All interested citizens are invited to attend the public hearing on Monday, July 1, 2024, at 7:00 p.m. and to present oral comments concerning the City's proposed Home Rule plan at that time. Written comments may also be addressed to: City Administrator, City of Ronceverte, P.O. Box 417, Ronceverte, West Virginia 24970.

The first reading of the ordinance approving the City of Ronceverte's Home Rule written plan and application will take place at the regularly scheduled Council Meeting on Monday, June 3, 2024. The second reading of the ordinance will take place immediately after the public hearing at the regularly scheduled Council meeting on Monday, July 1, 2024.

Attest:
 Mayor
 /s/ Diana Pack,
 City Administrator
 (6.13m)

The West Virginia Daily News
PO Box 471,
Lewisburg, WV 24901
PHONE: 304-645-1206

AFFIDAVIT OF PUBLICATION

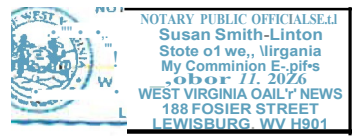
STATE OF WEST VIRGINIA
COUNTY OF GREENBRIER,
TO WIT:

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Manager, Legal Notices Department,
of The West Virginia Daily-News, a
daily newspaper of general circulation
published at Lewisburg, West Virginia, in
the County of Greenbrier, State of West
Virginia, do certify that publication of the
advertisements attached
hereto was made in 1 (R) V-)
issues
newspaper, dated



Given under my hand this 12th
of June, 2024
Sandra L. Holmes
Manager, Legal Notices Department

Subscribed and sworn to before me this fJ£ day of f(tc), 1--=RJ, ' 2024
My commission expires 14-
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Publication Fee: \$-t, ""l. S..r., ., ' -- /-----





CITY OF RONCEVERTE

P.O. Box 417
Ronceverte, West Virginia 24970
(304) 647-5455

May 31, 2024

Mr. Dave Hardy, Secretary and Chairman
Department of Revenue
Home Rule Board
1900 Kanawha Blvd. E
Building 1, W-300
Charleston, WV 25302
Via Certified Mail

Dear Mr. Hardy,

The City of Ronceverte is providing notice of a public hearing scheduled for July 1, 2024, at 7:00 pm in the City of Ronceverte City Hall located at 693 Edgar Avenue, Ronceverte, West Virginia. The public hearing will address the city's intent to submit a Home Rule Application. I have attached a copy of the notice which will appear in the West Virginia Daily News, 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 304-647-5455.

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Pamela ;.,;er
City Administrator

CC: C. Edward Gaunch, Secretary Department of Commerce
Allen McVey, Secretary Department of Administration
Harold Ward, Secretary, Department of Environmental Protection
Bill J. Crouch, Secretary, Department of Health, and Human Resources
Jeff Sandy, Secretary Department of Homeland Security
Byrd White, Secretary Department of Transportation
Secretary Department of Veterans Assistance
Chelsea Ruby, Secretary Department of Tourism
Mitch Carmichael, Secretary Department of Economic Development



CITY OF RONCEVERTE

P.O. Box 417
Ronceverte, West Virginia 24970
(304) 647-5455

NOTICE OF PUBLIC HEARING CITY OF RONCEVERTE

APPLICATION TO WEST VIRGINIA MUNICIPAL HOME RULE PROGRAM

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The purpose of this public hearing is to discuss the City of Ronceverte's proposed Home Rule written plan and application pursuant to the provisions of West Virginia Code 8-1-5a, as amended. The information gathered and presented at this public hearing will be utilized by the City of Ronceverte in its application to the Municipal Home Rule Board.

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All interested citizens are invited to attend the public hearing on Monday, July 1, 2024, at 7:00 pm and to present oral comments concerning the City's proposed Home Rule plan at that time. Written comments may also be addressed to: City Administrator, City of Ronceverte, P.O. Box 417, Ronceverte, West Virginia 24970.

The first reading of the ordinance approving the City of Ronceverte's Home Rule written plan and application will take place at the regularly scheduled Council Meeting on Monday, June 3, 2024. The second reading of the ordinance will take place immediately after the public hearing at the regularly scheduled Council meeting at 7:00 pm July 1, 2024. If adopted this ordinance will take effect upon passage. Both readings of the ordinance will take place at City Hall, Council Chambers, 693 Edgar Avenue, Ronceverte, West Virginia 24970.

Dated June 3, 2024

Is/ Deena Pack,
Mayor
Is/ Pamela Mentz
City Administrator

Minutes of Public Hearing

Minutes of City of Ronceverte Council Meeting

July 01, 2024

Special Session

Second Open Meeting for Comments

The Council of the City of Ronceverte met in special public comment on Home Rule session on Monday, July 01, 2024, at 7:01 pm in the Marie Leist Council Chamber at 693 Edgar Avenue, Ronceverte, West Virginia 24970.

PRESENT:

City Recorder Leah Smith, Councilmembers, Mark Trent, Tanya Hazelwood, Ashley Guet, Scott Vogel song

ABSENT:

Mayor Deena Pack, and Councilmember Gail White

CALL TO ORDER:

City Recorder Leah Smith led and called the meeting to order at 7:36 pm in the absence of Mayor Deena Pack

Leah Smith gave detailed directions of the city's request for Home Rule

Items of the City's application for Home Rule

- One (1) % Sales Tax for Vendors doing business in the City of Ronceverte City Limits
- Ability to issue on the spot citations for violations of Chapter 5 ordinances.
- Expedited timeline for forfeiture of dilapidated properties
- Ability to dispose of city property through WV Surplus, Gov. Deals or sealed bids for property over \$1,000 using Fair Market Value
- Ability to put liens on properties for repayment of asbestos testing, asbestos abatement when necessary and demolition and other costs.

CITIZENS COMMENTS:

Dan Withrow commented that the city was moving in a positive direction better than past times.

Vi Hedrick commented on the Homeless individuals with signs asking for money near the Public Library on Walnut Street.

Additional Comments that had not signed up to speak:

Eric Mercer inquired about the sidewalk grant and abilities to contact citizens.

Joel and Martha Dufett spoke out against the Home Rule Proposal. Questions regarding Stormwater properties.

City of Ronceverte Minutes

Open Meeting Comments

Second Reading of Proposal of Home Rule

July 1, 2024

Leah Smith motioned the open comments meeting for the second reading of the proposed Home Rule for the City of Ronceverte be adjourned. Tanya Hazelwood seconded the motion. In favor five (5), two (2) absent (Pack and White). Motioned carried adjourned at 7:35 pm.

Submitted by: Pamela Mentz

Approved by: Deena Pack

Ordinance Authorizing Submission of Plan



CITY OF RONCEVERTE

P.O. Box 417
Ronceverte, West Virginia 24970
(304) 647-5455

Ordinance Number: 2024-03

AN ORDINANCE AUTHORIZING THE CITY OF RONCEVERTE TO SUBMIT TO THE MUNICIPAL HOME RULE BOARD AN APPLICATION AND WRITTEN PLAN TO ALLOW THE CITY TO PARTICIPATE IN THE PERMANENT MUNICIPAL HOME RULE PROGRAM CONSISTENT WITH THE PROVISIONS OF WEST VIRGINIA CODE 8-1-Sa

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

WHEREAS, the West Virginia Legislature in 2019 made the Municipal Home Rule Pilot Program a permanent program, with provisions that up to four Class IV municipalities may apply to the Municipal Home Rule Board for participation in the Municipal Home Rule Program; and

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

WHEREAS, the City of Ronceverte desires to submit an application and written plan to the Municipal Home Rule Board requesting approval to participate in the permanent Municipal Home Rule Program; and

WHEREAS, the provisions of Senate Bill 4 require that all municipalities participating in the Municipal Home Rule Program shall pay an annual assessment of \$2000.00 for the operation and administration of the Municipal Home Rule Board.

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

SECTION 1: The Mayor is hereby authorized and directed to submit the Municipal Home Rule Board, in accordance with the provisions and requirements of W.Va Code 8-1-Sa, as amended, the application and written plan, and to request that the Board approve the application and written plan thereby allowing the City to participate in the permanent Municipal Home Rule Program.

SECTION 2: The Mayor and the City's officers are further authorized to do all things reasonably necessary to obtain approval of the City's application and written plan including, but not limited to, payment of the \$2000.00 annual assessment if and when such assessment is made by the Municipal Home Rule Board.

SECTION 3: This Ordinance shall be effective upon passage after second reading and public hearing.

Passed on First Reading: June 3, 2024 Adopted on Second Reading: July 1, 2024

Public Hearing: Jul 1, 2024

Fiscal Impact Worksheet



CITY OF RONCEVERTE

P.O. Box 417
Ronceverte, West Virginia 24970
(304) 647-5455

Fiscal Statement

The costs and liabilities involved with the City of Ronceverte's Home Rule Application include the administrative fee from the West Virginia State Tax Department for administering, collecting, and enforcing the municipal sales and use tax revenue on the City's behalf will be taken out of the revenue from the 1% sales and use tax. The annual assessment owed to the Municipal Home Rule Board by all Home Rule cities of \$2,000.00 will be taken out of the revenue created by the 1% Sales and Use Tax. The City of Ronceverte does not currently have a B&O Tax for the vendors in the city. Therefore, there is no decrease in B&O tax.

The estimated revenue from the implementation of the municipal sale and use tax is \$7,000.00.

As such, the City can cover all anticipated costs and liabilities associated with the Home Rule Program.


Deena Pack, Mayor

Letter of Good Standing

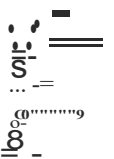
STATE OF WEST VIRGINIA
State Tax Department, Taxpayer Services Division
P. O. Box 885
Charleston, WV 25323-0885



Matthew R. Irby, Tax Commissioner

RONCEVERTE CITY OF
PO BOX 417
RONCEVERTE WV 24970-0417

Letter Id: L0544957088
Issued: 09/25/2024
Account#:



West Virginia State Tax Department

Letter of Good Standing

EFFECTIVE DATE: September 25, 2024

A review of tax accounts indicates that RONCEVERTE CITY OF is in good standing as of the effective date of this document. Please note, this Letter of Good Standing expires on December 24, 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 Division

01101, 38

Taxpayer Services Division ■ P. O. Box 885 ■ Charleston, WV 25323-0885
(304) 556-3333 ■ www.tax.wv.gov

Attorney Opinion Letter

li@Q The Ford Law Firm, LLC

2 J6 Ran,olph Street, West, L<!wisbur!(), West Virginia 2.J90I
304-645-1858 I Fax: J04-645-1918

Richard E. Ford, 1921-2016
Richard E. Ford, Jr.
R. Grady Ford

grndy.fordfl1fordlawwv.<om
fordlaww,.com

September 5, 2024

Deena Pack, Mayor, City of Ronceverte
Pameln Mentz, Manager, City of Ronceverte
P.O. Box417 Box417
Ronceverte, WV 24970

Re: Home Rule Application

Dear Mayor Pack and Manager Mentz:

As you requested, I have reviewed the City of Ronceverte's Home Rule Application. Based on that review, I am able to opine, as city attorney for the City of Ronceverte, that Ronceverte's Home Rule Application for Home Rule complies with the requirements of West Virginia Code Chapter 8, Articles 1 through 5.

Should you need anything else from me, don't hesitate to let me know.

;?g.!!!!!!

R. Grady Ford, Esq.

RGF/mmr
cc: File, Client



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2. Print your name and address on the reverse so that we can return the card to you.
3. Attach this card to the back of the manpiece, or on the front if space permits.

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8. Article PS Form 3811, July 2015 PSN 7530-<2-000-9053

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ADMINISTRATIVE SERVICES

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For delivery information, visit our website at www.usps.com.
OFFICIAL USE
Services & Fees (check box, add fee as appropriate)
Return Receipt (hardcopy)
Certified Mail Restricted Delivery
Full Signature Required
Full Signature Restricted Delivery
Postage and Fees
Mr. Dave Hardy
Rule Board
April 2015 PSN 7533 03-030-9247

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