

CITY OF WELLSBURG

MUNICIPAL HOME RULE PROGRAM APPLICATION



Plan Made Available to Public: October 2, 2025

First Publication of Notice of Public Hearing: October 2, 2025

Second Publication of Notice of Public Hearing: October 9, 2025

Public Hearing: November 12, 2025

First Reading of Ordinance: October 14, 2025

Second Reading of Ordinance: November 12, 2025

Meeting of Municipal Home Rule Board: January 7, 2026

City of Wellsburg, West Virginia

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Municipal Home Rule Program APPLICATION CHECKLIST

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

SECTION II: NARRATIVE	
X	Introduction/Executive Summary
X	Specific state laws, policies, acts, resolutions, rules, or regulations that are preventing the municipality to carry out duties in the most cost effective, efficient, and timely manner.
X	Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.
X	Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include: 1) Proposed solution(s) in one of the five areas (tax/administrative/organization/ personnel/other) 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: ATTACHMENTS	
X	Verification of Compliance with Public Hearing Mandate
X	Notice of Public Hearing and Publication Verification
X	Affidavit of Publication
X	Invoice for Published Notices
X	Agenda of Wellsburg City Council: Public Hearing
X	Sign-in Sheet from Public Hearing
X	Agenda of Wellsburg City Council: November 12, 2025
X	Ordinance Authorizing Submission of Application
X	Fiscal Impact
X	Attorney Opinion Letter
X	State of West Virginia Fees Statement

Municipal Home Rule Program APPLICATION

SECTION I: APPLICANT INFORMATION	
A. General Information	
Name of Municipality: City of Wellsburg	
Certifying Official: Steve Maguschak	Title: City Manager
Contact Person: Ryan W. Weld	Title: City Solicitor
Address: 70 Town Square	
City, State, Zip: Wellsburg, West Virginia 26070	
Telephone Number: (304) 230-6954	Fax Number: (304) 230-6951
E-Mail Address: rweld@spilmanlaw.com	
2020 Census Population: 2,455	
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 checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other	

SECTION II: NARRATIVE (written plan, including the following)
<p>Specific state laws, policies, acts, resolutions, rules, or regulations that are preventing the municipality to carry out duties in the most cost effective, efficient, and timely manner.</p> <p>Specific problem(s) created by the laws, policies, acts, resolutions, rules, or regulations.</p> <p>Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules, or regulations. Categorize and include:</p> <p>1) Proposed solution(s) in one of the five areas (tax/administrative/organization/ personnel/other)</p> <p>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.</p> <p style="text-align: center;"><i>See Attached Section II. Narrative.</i></p>

Section II - Narrative

Introduction/Executive Summary

The city of Wellsburg is the county seat of Brooke County, West Virginia, located along West Virginia Route 2 and adjacent to the east bank of the Ohio River. Wellsburg is a part of the Weirton-Steubenville, WV-OH Metropolitan Statistical Area.

Wellsburg is located approximately:

- 17 miles north of Wheeling, West Virginia
- 11 miles south of Weirton, West Virginia
- 45 miles west of Pittsburgh, Pennsylvania
- 8 miles east of Steubenville, Ohio

Wellsburg first received its municipal charter in 1887. Currently, it has a population of approximately 2,455 residents with an estimated median household income of \$27,298 according to the 2020 census. The City is best known for its historic downtown and annual Applefest, which attracts visitors from all over the Tri-State Area.

Wellsburg's history is rooted in the industries of glass and paper manufacturing, but just as in numerous other cities across the country, those industries have long since been shuttered. Wellsburg still maintains a small manufacturing base, with Eagle Manufacturing serving as a global leader in the manufacturing of products ranging from gas cans, fireproof cabinets, to plastics. The majority of Wellsburg's residents work out of town in places such as Pittsburgh, Steubenville, and Wheeling.

Wellsburg maintains its municipal police department led by elected Chief Michael Allman, and a volunteer fire department led by Chief Scott Kins.

Current Mayor Daniel Dudley was elected on June 8, 2021. Steve Maguschak serves as the City Manager. Ryan Weld has served as the City Solicitor since 2018. The City Clerk is Jeannette Paugh.

The Wellsburg City Council is made up of four wards, with each ward represented by two members. Ward One is represented by Scott Kins and Jerry Nichols; Ward Two by Scott Caldwell and Geno Capp; Ward Three by Randy Fletcher and Tom Gaudio; and Ward Four by Larry Swanson and Fred Marino.

All of Wellsburg's elected and appointed officials are dedicated to serving the City's residents in the best way possible while being mindful of the City's limited budget. Like many cities in West Virginia, Wellsburg's largest sources of revenue are its B&O taxes, license taxes, and utility taxes.

For several decades, the City's tax base has been shrinking, leading to declines in revenue. The industries which helped fund Wellsburg's development and growth are now gone. The collapse of those industries, coupled with the demise of local steelmaking, has led to a significant

reduction of not only the City's population, but its sources of revenue as well. While in recent years there have been significant efforts in redeveloping Wellsburg's historic downtown, like many area downtowns, it is not the vibrant business district it once was.

Wellsburg recognizes that a negative feature of the B&O tax is that it is measured by the gross receipts of a business without regard to its expenses, and whether or not the business makes a profit. The City believes that in order to retain its existing business tax base, and to promote its growth beyond its current size, it must rely less on the B&O tax and more on a consumption-based tax structure.

However, West Virginia state law severely restricts the taxing authority of municipalities. For example, while state law allows municipalities to impose up to a 1% sales and use tax, they may only do so if the municipality does not impose a municipal B&O tax. *W. Va. Code § 8-13C-4*.

Approximately half of West Virginia's municipalities impose a B&O tax. Few, if any of them, including the city of Wellsburg, could completely afford to repeal their B&O tax structure in order to impose a 1% sales and use tax. Participation in the Municipal Home Rule Program allows a participating municipality to impose a 1% sales and use tax provided the municipality also reduces its B&O tax.

Wellsburg understands that in order for the Municipal Home Rule Board to authorize the City to impose a 1% sales and use tax, Wellsburg must agree to lower its B&O tax and reduce the burden it places on the business community. The City also understands that if it imposes a 1% sales and use tax, but then subsequently repeals the B&O tax reductions proposed in this application, the City will be required to repeal its sales and use tax.

The City is at a point where, in order to maintain existing businesses and to attract new business, it needs to be less regressive in its thinking and approach. A 1% sales and use tax will not produce a revenue windfall. However, while a sales and use tax would provide a new stream of revenue to the City and allow it to focus on its aging infrastructure - the primary purpose for enacting this tax would be to make the City a more attractive location for employers.

Specific Issues

Issue #1: B&O Tax Rates/Sales and Use Tax

A. Business and Occupation Tax (B&O Tax)

The B&O tax rates imposed by the city of Wellsburg are significantly lower than the maximum rates for the same set forth in *W. Va. § 8-13-5*. Additionally, all taxpayers in the City, not just the producers of natural gas, are allowed an annual \$5,000 exemption; and no taxpayer pays more than \$350,000 in B&O taxes per year.

The chart below compares the maximum B&O tax rates allowed by state law against the City's current rates.

Classification (Business Activity)	Maximum Rate of Tax (§8-13-5)	Current Wellsburg Rate of Tax
Production of Coal	1%	1%
Production of Sand/Gravel	3%	1.606%
Production of Oil/Slag	3%	1.606%
Production of Natural Gas	6%	3.194%
Limestone/Sandstone quarried or mined	1.5%	0.814%
Timber	1.5%	0.925%
Other Natural Resource Products	2%	1.059%
Manufacturing	0.3%	0.20%
Retailers	0.5%	0.24%
Wholesalers	0.15%	0.14%
Electric Power Companies		
Sales & demand charges for domestic purposes and commercial lighting	4%	2.30%
All other sales and demand charges	3%	2.0%
Water Companies	4%	1.628%
Natural Gas Companies	3%	2.05%
Toll Bridges	3%	1.588%
All other taxable public service businesses	2%	2.0%
Contracting	2%	1.0%
Amusements	0.5%	0.5%
Service Business or Calling	1%	0.5%
Rents and Royalties	1%	0.55%
Banking and other Financial Businesses	1%	0.60%
Electric Power Generation	0.3%	NA
Health Maintenance Organizations	0.5%	NA
Business of aircraft repair & maintenance	0.1%	NA

In order to better improve its delivery of essential services and to effectively reduce tax burdens on current and future businesses, Wellsburg is seeking authorization to enact a 1% sales and use tax while reducing its B&O taxes as outlined below.

Prior to enactment of the Municipal Home Rule Pilot Program created under *W. Va. Code § 8-1-5a*, municipalities could only impose a municipal sales and use tax if it entirely repealed its B&O tax, as provided in *W. Va. Code § 8-13C-4(b)*.

Wellsburg B&O taxes currently generate approximately \$785,000 in revenue annually, which is deposited in the City's general revenue fund. Imposing a 1% sales and use tax would generate approximately \$172,000 annually, making elimination of the B&O tax neither practical nor feasible.

\$17.2 million gross taxable sales x 0.01	\$172,000.00
Less Tax Commissioner's administrative fee	<u>12,500.00</u>
Net sales and use tax collections	\$159,500.00

The city of Wellsburg is severely underfunded when it comes to making necessary infrastructure repairs and replacements.

Imposing a 1% sales and use tax would permit the budget for infrastructure repairs and replacements to be increased and provide additional money to fund needed improvements to the City's water department and to other departments that provide essential services to the City's residents along with its commercial and industrial businesses.

1. Identification of the specific laws which prevent the City from carrying out its duties in the most cost-efficient, effective, and timely manner.

Pursuant to *W.Va. Code § 8-13C-4(b)*, the city of Wellsburg may not enact a 1% sales and use tax unless it repeals in its entirety its business and occupation tax (B&O tax).

2. Identification of the problems created by current state law.

Wellsburg would like to change its tax structure by moving away from its B&O tax structure, which is imposed upon businesses at various rates on the gross receipts stemming from certain business activities engaged in within the corporate limits of the city of Wellsburg, and to instead rely on a more consumption-based tax structure, such as a 1% sales and use tax. However, under *W. Va. Code § 8-13C-4*, the City cannot do this without entirely repealing B&O tax. However, it is not financially feasible for the City to repeal its B&O tax and replace it with a sales and use tax. Doing so would be fiscally irresponsible and not in the best interest of the City's residents and businesses.

3. Identification of the proposed solution.

The City proposes to impose a 1% sales and use tax that would be collected by the Tax Commissioner beginning July 1, 2026. At that time, the City's B&O taxes would be reduced in the following ways:

1. The City would allow a credit \$1,000 per year against the B&O tax to restaurants and other businesses that sell prepared foods. The current rate of B&O tax paid by persons who make retail sales of tangible personal property is 0.24% of gross proceeds of sale.

"Prepared food" is defined in *W. Va. Code § 11-15B-2(b)(40)(A)* and means:

"(i) Food sold in a heated state or heated by the seller;

"(ii) Two or more food ingredients mixed or combined by the seller for sale as a single item; or

"(iii) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins or straws. A plate does not include a container or packaging used to transport the food."

"Prepared food," as above defined, "does not include food that is only cut, repackaged or pasteurized by the seller, and eggs, fish, meat, poultry and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, Part 401.11 of its Food Code of 2001 so as to prevent food-borne illnesses." *W. Va. Code § 11-15B-2(b)(40)(B)*.

Additionally, "prepared food," as above defined, does not include:

"(i) Food sold by a seller whose proper primary NAICS classification is manufacturing in Sector 311, except Subsection 3118 (bakeries);

"(ii) Food sold in an unheated state by weight or volume as a single item; or

"(iii) Bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, tortillas." *W. Va. Code § 11-15B-2(b)(40)(C)*."

2. The City also proposes to completely eliminate the B&O tax on the following six (6) classifications:

- i. Production of coal
- ii. Production of sand/gravel
- iii. Production of oil/slag
- iv. Production of natural gas
- v. Limestone/sandstone quarried or mined
- vi. Amusements

3. Additionally, the City proposes to reduce the B&O tax paid for rents and royalties from its current rate of .55% to .25%, making it one quarter (25%) of the maximum rate allowed by the state.

B. Sales and Use Taxes

The proposed 1% sales and use tax would apply to sales of tangible personal property custom software as well as the furnishing of taxable services when the transaction is sourced to the City of Wellsburg and the transaction is subject to state sales and use taxes.

Transactions that are exempt from State sales and use taxes would also be exempt from Wellsburg's sales and use tax. The West Virginia sales tax law presently exempts more than fifty (50) types of sales and service tax transactions. Those same exemptions would also be exempt from Wellsburg's sales and use tax as well.

Additionally, Wellsburg's sales and use tax would not be imposed on sales of motor fuel, sales of motor vehicles, as defined below, or on satellite television services.

COUNSEL WITHDREW THE \$1000 CREDIT FOR RESTAURANTS, & IT WAS NOT APPROVED IN THIS PROPOSAL.

Wellsburg's sales and use taxes would be administered, collected, and enforced by the State Tax Commissioner. Retailers that collect Wellsburg's sales and use tax will remit the tax to the State Tax Commissioner at the same time that State sales and use taxes are remitted. Retailers will not remit the tax to the City, and no sales and use tax returns will be filed with the city of Wellsburg. The Tax Commissioner charges a fee equal to 5% of the sales and use tax collected for the City.

Issue #2: Disposition of City Property Without Auction

1. Identification of the specific laws which prevent the City from carrying out its duties in the most cost-efficient, effective, and timely manner.

Under *W. Va. Code §8-12-18*, except in limited circumstances involving sales to the United States or a state instrumentality thereof, municipalities may only sell their real or personal property for fair and adequate consideration at public auction with sufficient legal advertisement. Similarly, municipalities may only lease real or personal property for fair and adequate consideration by resolution of the municipality's body.

2. Identification of the problems created by current state law.

Presently, the City may only sell property by auction for fair and adequate consideration, and only lease property for fair and adequate consideration. The inability to sell property without auction or to lease property for less than "fair and adequate consideration" prevents the City from entering into transactions that could fill vacant buildings, attract businesses, provide revenue, and encourage the use of city properties, whether it be by private sale to an interested property, by lease for less than fair market value to a private entity attempting to develop business in the area, or by lease to a nonprofit providing a service for the public good.

3. Identification of the proposed solution including all proposed changes to ordinances.

The City will pass an ordinance that will include the following:

1. Allowing the sale of real and personal property by the City at fair market value to private purchasers without auction in such a manner that promotes economic development or provides a service for the public good;
2. Allowing the lease of real and personal property by the City to private lessees for less than fair market value if the private lessees will use the property in such a manner that promotes economic development or provides a service for the public good;
3. Allowing the sale of real and personal property by the City at less than fair market value to nonprofit purchasers without auction; and
4. Allowing the lease of real and personal property by the City at less than fair market value to nonprofit lessees.

PROPOSAL #2 AMENDED TO INCLUDE A CAP OF \$150,000 ON REAL PROPERTY AND A CAP OF \$25,000 ON ALL OTHER PROPERTY

Issue #3: The Issuance of "On the Spot" Citations for Common Nuisances.

1. Identification of the specific laws which prevent the City from carrying out its duties in the most cost-efficient, effective, and timely manner.

W. Va. Code §8-12-5(23) vests municipalities with the authority to, either 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.

2. Identification of the problems created by current state law.

City officials are unable to issue "one the spot" citations 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 results in decreased compliance by property owners.

3. Identification of the proposed solution including all proposed changes to ordinances.

To resolve this issue, the City will enact an ordinance providing its code enforcement officers with the authority to issue "on the spot" citations for certain violations. This citation power shall include, but not be limited to, issues such as abandoned vehicles, high weeds and/or grass, and exterior garbage accumulation and open storage. These citations may be issued to the owner, lessee, sublessee, tenant, occupant, agent, or manager thereof, presently having control over the property in question. An opportunity to respond shall be afforded to the cited party by contesting the citation in municipal court.

Several cities previously accepted into the Home Rule Program have adopted ordinances authorizing on the spot citations and have reported the success of this enforcement tool.

Issue #4: Purchasing Tax Liens on Properties Subject to Delinquent Property Taxes: Right of Redemption by the City

1. Identification of the specific laws which prevent the City from carrying out its duties in the most cost-efficient, effective, and timely manner.

Under *W. Va. Code §11A-3-56(b)*, "[a]ny person who, by reason of the fact that no provision is made for partial redemption of the tax lien on real estate purchased by an individual, is compelled in order to protect himself to redeem the tax lien on all of such real estate when it belongs, in whole or in part, to some other person, shall have a lien on the interest of such other person for the amount paid to redeem such interest."

2. Identification of the problems created by current state law.

Many properties within the City that are habitually dilapidated or in violation of municipal ordinances and building codes are also subject to delinquent tax liens that are sold pursuant to W. Va. Code §11A-3-1 *et seq.* Many times, the purchasers of these tax liens will allow the violations and dilapidated conditions to continue to exist, and many times will continue to allow the property taxes to go delinquent multiple times without ever correcting the problems. Additionally, on properties on which the City has been required to take corrective actions or for which the owners owe delinquent fees, the associated liens filed by the City are subject to foreclosure under W. Va. Code §11A-3-1 *et seq.*, eliminating an opportunity for the City to ever obtain payment of funds due under those liens.

3. Identification of the proposed solution including all proposed changes to ordinances.

Should Wellsburg's application to join the Home Rule program is approved, the City will pass an ordinance with the following provisions:

1. Allowing the City to purchase the tax liens for property within the city of Wellsburg; and
2. Providing that for properties on which the city of Wellsburg has placed liens for municipal services or payment due for corrective actions for code violations, the City, subject to any right of the property owner to redeem, shall be allowed to redeem the subject property, and, if the property is not redeemed by the owner or any other party who has a right to redeem, that the Auditor of the State of West Virginia shall then convey the subject property to the city of Wellsburg upon payment of the amount required under W. Va. Code §11A-3-23.

This will allow the city to recover amounts expended by it for services and corrective actions, and allow the city to convert these otherwise nonproductive properties into assets of the City that can be used for development.

SECTION III: ATTACHMENTS

Appendix A: Verification of Compliance with Public Hearing Mandate

Appendix B: Notice of Public Hearing and Certificate of Publication

Appendix C: Affidavit of Publication

Appendix D: Invoice for Published Notices

Appendix E: Agenda of Wellsburg City Council: Public Hearing

Appendix F: Sign-in from Sheet Public Hearing

Appendix G: Agenda of Wellsburg City Council: November 12, 2025

Appendix H: Ordinance Authorizing Submission of Application

Appendix I: Fiscal Impact

Appendix J: Attorney Opinion

Appendix K: State of West Virginia Fees Statement

Verification of Compliance with Public Hearing Mandate

Municipalities are required to hold a public hearing on their written home rule plans, or on an amendment to a previously submitted written home rule plan, before adopting an ordinance authorizing submission of the written plan, or plan amendment, to the Municipal Home Rule Board.

Notice of the public hearing must be given at least thirty (30) days **before** the day of the public hearing by publication of a Class II legal advertisement in a newspaper of general circulation in the municipality.

A Class II legal advertisement is published once a week for two successive weeks. The legal advertisement may be published any day of the week except a Sunday.

The submission to the Municipal Home Rule Board must include verification of compliance with this publication requirement.

Hearing Mandate Verification

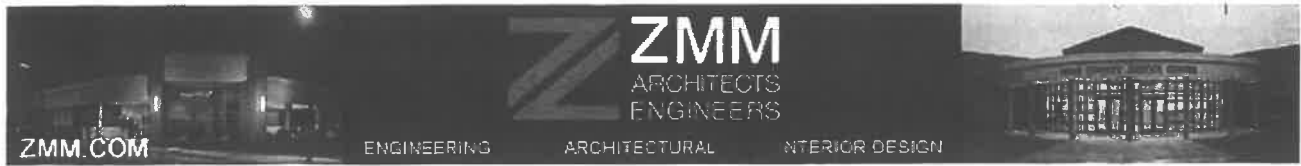
City of Wellsburg
Office of the City Clerk
70 Town Square
Wellsburg, WV 26070

I, the undersigned City Clerk of Wellsburg, West Virginia, do hereby certify that on November 12, 2025, at 6 p.m., a Public Hearing was held on the city's proposed written home rule plan (or the proposed amendment to a previously submitted written plan) in conformity with the requirements of W. Va. Code § 8-1-5a (2013).

Attached are true, correct and complete copies of page one of the Wellsburg City Council Agenda, evidencing the Public Hearing and the signature of citizens who spoke either in favor of or against the written plan and its submission to the Municipal Home Rule Board pursuant to Ordinance No. 2025-05.

Witness the signature of the undersigned City Clerk of the City of Wellsburg, West Virginia, and the seal of the city, this 12th day of November, 2025


Jeannette Paugh
City Clerk



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HANCOCK

Public Notice

by **Weirton Daily Times** — on October 2, 2025

Weirton Daily Times
Author

NOTICE OF PUBLIC HEARING ON CITY OF WELLSBURG'S MUNICIPAL HOME RULE PLAN APPLICATION

Notice is hereby given that a public hearing will be held on the City of Wellsburg's proposed Municipal Home Rule Plan Application at a special meeting of the City Council to be held on November 12, 2025 at 6:00 p.m. at Council Chambers in the City Building, 70 Town Square, Wellsburg, West Virginia. The purpose of the public hearing is to discuss the proposed Home Rule Plan Application. Any interested citizen may attend the public hearing and present comments concerning the Home Rule Plan Application, and all comments shall be considered and utilized by the City Council in the City's

Counties

Select Category

Search ...

All Categories

Submit

application for acceptance into the Municipal Home Rule Program.

The second reading of the ordinance authorizing the City of Wellsburg to submit its Municipal Home Rule Plan Application will take place on November 12, 2025

immediately following the public hearing. Information

More in
Hancock:

**Public
Notice**

*November 18,
2025*

concerning the City of Wellsburg's Municipal Home Rule Plan Application may be viewed at the City Clerk's office

in the City Building, Monday-Friday between the hours of 9 a.m. and 4 p.m. Written comments concerning the

Home Rule Plan Application may be addressed to Steve Maguschak, City Manager, City Building, 70 Town

Square, Wellsburg, WV 26070, or hand delivered to him at the City Building, 70 Town Square, Wellsburg, West

Virginia.

Dated September 29, 2025.

**Public
Notice**

*November 17,
2025*

/s/ Jeanette Paugh

**Public
Notice**

*November 17,
2025*

City Clerk

WDT Oct 2, 9, 2025

Weirton Daily Times

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AFFIDAVIT OF PUBLICATION

State of Florida, County of Orange, ss:

Anjana Bhadoriya, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Weirton Daily Times, a newspaper printed and published in the City of Weirton, County of Hancock, State of West Virginia, and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:

Oct. 2, 2025

Oct. 9, 2025

NOTICE ID: ErigkIX2W5egoWKjDEg5

PUBLISHER ID: lc6111

NOTICE NAME: Notice of Public Hearing - Home Rule Plan

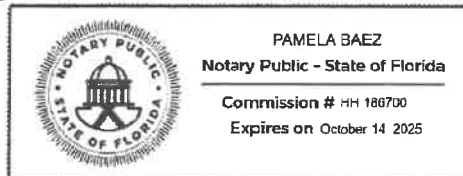
Publication Fee: 70.35

Anjana Bhadoriya

(Signed)

VERIFICATION

State of Florida
County of Orange



Subscribed in my presence and sworn to before me on this: 10/09/2025

[Signature]

Notary Public
Notarized remotely online using communication technology via Proof.

**NOTICE OF PUBLIC HEARING ON
CITY OF WELLSBURG'S
MUNICIPAL HOME RULE PLAN
APPLICATION**

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The second reading of the ordinance authorizing the City of Wellsburg to submit its Municipal Home Rule Plan Application will take place on November 12, 2025 immediately following the public hearing. Information concerning the City of Wellsburg's Municipal Home Rule Plan Application may be viewed at the City Clerk's office in the City Building, Monday-Friday between the hours of 9 a.m. and 4 p.m. Written comments concerning the Home Rule Plan Application may be addressed to Steve Maguschak, City Manager, City Building, 70 Town Square, Wellsburg, WV 26070, or hand delivered to him at the City Building, 70 Town Square, Wellsburg, West Virginia.

Dated September 29, 2025.

/s/ Jeanette Paugh
City Clerk
WDT Oct 2, 9, 2025

Cristi A. Wojcik

From: Column Support <support@column.us>
Sent: Monday, September 29, 2025 11:52 AM
To: Cristi A. Wojcik
Subject: Payment Confirmation

EXTERNAL SENDER



Thank you for using Column!

Notice Name: Notice of Public Hearing - Home Rule Plan

Notice ID: ErIqkIX2W5egoWKjDEg5

Publisher: Weirton Daily Times

Publication Dates: 10/02/25, 10/09/25

Invoice Date: Sep. 29, 2025

Amount Paid: \$70.35

Invoice Number: F561608B-0035

You will be alerted when the affidavit for this notice becomes available.

Invoice receipts are available on the "View Notice" page.

[View Notice](#)

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Invoice from Column

Billed to Spilman, Thomas & Battle PLLC

Invoice #F561608B-0035



INVOICE PAID

\$70.35 USD paid September 29, 2025

[Download Receipt](#)

Notice Name: Notice of Public Hearing - Home Rule Plan
Order Number: lc6111

DESCRIPTION	QTY	PRICE	TOTAL
10/02/2025: Other Notice	1	\$30.83	\$30.83
10/09/2025: Other Notice	1	\$23.12	\$53.95
Affidavit Fee	1	\$10.00	\$63.95
PDF		Subtotal	\$63.95
		Tax(0%)	\$0.00
		Processing Fee	\$6.40
		Amount due	\$70.35

If you have any questions, contact Column at help@column.us.

CITY OF WELLSBURG

70 TOWN SQUARE
WELLSBURG, WV 26070
(304) 737-2104
FAX (304) 737-3004

Public Hearing Notice & Agenda
Wednesday, November 12, 2025
6:00 p.m.
Council Chambers
Called by Mayor Daniel Dudley

Agenda:

1. Home Rule Public Hearing

Notified Parties:

Mayor Daniel Dudley
City Manager Steve Maguschak
City Clerk Jeanette Paugh
City Solicitor Ryan Weld
Councilman Scott Kins
Councilman Jerry Nichols
Councilwoman Scott Caldwell
Councilman Geno Capp
Councilman Randy Fletcher
Councilman Tom Gaudio
Councilman Larry Swanson
Councilwoman Fred Marino
Publication of Notice to City Residents
Weirton Daily Times Newspaper
WTOV 9 Steubenville
WTRF 7 Wheeling

APPENDIX B-7

PUBLIC HEARING

November 12, 2025

The purpose of this public hearing is to receive comments from the public regarding this city's written plan to participate in the Municipal Home Rule Pilot Program and Ordinance No. 2025-05, which authorizes the Mayor to submit the written plan to the Municipal Home Rule Board.

In favor of:

- | | |
|----------|-----------|
| 1. _____ | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

Opposed to:

- | | |
|----------|-----------|
| 1. _____ | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

*No members of the public attended the public hearing that was held at 6:00 p.m. on November 12, 2025. There were, however, two members of the public in attendance that evening, Warren Scott from the Weirton Daily Times, and Nickayla Wiggins from WTOV-9.

CITY OF WELLSBURG

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Agenda City Council

Meeting Tuesday Nov 12th, 2025

Time: 7:00 P.M.

- 1. Roll Call**
- 2. Review of Minutes**
 - a. Regular Council Meeting Notes**
 - b. Committee Meeting Notes**
- 3. Standing Committee Reports**
 - a. Finance**
 - b. Community Service**
 - c. City Property**
 - d. Ordinance**
 - e. Parks & Recreation**
- 4. Special Committee Reports**
 - a. URA-attached**
 - i. Previous meeting minutes**
 - ii. Agenda**
 - iii. URA bank account financials**
 - iv. SBA grant account financials**
- 5. Message from Mayor**
- 6. Comments from the Public**
- 7. Petitions and Communications**
- 8. Standing Board reports**
 - a. Water Sewer reports**
 - b. Building Enforcement Report**
 - c. Planning Commission Report**
 - d. Civil Service Report**
 - e. Urban Renewal Authority**
- 9. City Official reports**
 - a. Finance reports**
 - b. Police Report**
 - c. City Manager report**

"A FRIENDLY LITTLE CITY SINCE 1791"

d. Building/Zone Officer Report

e. City Attorney Report

10. Unfinished Business

a. AED Machine Police Department 2 for the cruisers. Have they been ordered?

b. Finalization of two city council meetings a month. Will we have two or just call special meetings? Can we call a special meeting immediately following a committee meeting?

c. Change the time of the council meetings to 6 instead of 7 need to vote to change

d. Discussion of the appointment of a Building Appeals Board any updates?

e. Vacant building issues any updates?

f. Increase in fines for trash issues after discussion with magistrate. What should they be raised to?

g. Solution for house at 2702 Pleasant Ave. Any updates?

h. Discuss and determine how "lack of payment" of B&O tax should be resolved. Updates if any from Ryan regarding the associate quote to work on this issue.

i. Ordinance 2025-5: An ordinance authorizing the City of Wellsburg to apply to the West Virginia Municipal Home Rule Program (1st Reading)

j. Ordinance 2025-5: An ordinance authorizing City Council to hold two regular meetings per month

k. Discuss the formation of a four-person task force focused on Economic Development of Wellsburg: including bringing new businesses to the city and annexation. Larry to organize any updates?

l. Truck street signs 25th and 26th Street any updates?

m. Renaming the street by the library on 10th street (Swanson)

11. New Business

a. No Outlet sign for Old Washington Pike (Kins)

b. Year End Adjustments for year ending 2025

c. Seeking approval for the New Years Eve Fireworks of \$4750 (Mayor)

d. Decorate Central Park Nov 15th, 2025 (Mayor)

e. Lynn Jones would like to apply for a handicap parking spot for 156 17th St. Wellsburg, WV 26070

12. Executive Session

13. Adjournment

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WELLSBURG AMENDING THE ADMINISTRATIVE CODE BY ENACTING A NEW ARTICLE THEREOF AUTHORIZING THE CITY OF WELLSBURG TO SUBMIT AN APPLICATION AND WRITTEN PLAN TO ALLOW THE CITY OF WELLSBURG TO PARTICIPATE IN THE MUNICIPAL HOME RULE PROGRAM CONSISTENT WITH THE REQUIREMENTS OF WEST VIRGINIA CODE §8-1-5a.

ARTICLE 126

APPLICATION FOR MUNICIPAL HOME RULE PROGRAM

126.01 APPLICATION TO PARTICIPATE IN THE MUNICIPAL HOME RULE PROGRAM.

The mayor is hereby authorized and directed to submit to the Municipal Home Rule Board, in accordance with the requirements of W. Va. Code §8-1-5a and the application guidelines of the Board, the application and written plan, and to request that the Municipal Home Rule Board approve the application and written plan thereby allowing the City of Wellsburg to participate in the Municipal Home Rule Program. The mayor and the city administration are further authorized to do all things reasonably necessary to obtain approval by the Municipal Home Rule Board of the City's application and written plan.

A copy of the Application is available for review at the office of the city manager and is intended to be read as a part hereof.

126.02 COMPLIANCE WITH REQUIREMENTS OF THE HOME RULE PROGRAM.

This Ordinance was presented to and read a first time by Council at its regularly scheduled meeting held on October 14, 2024.

The City had previously published notice of the public hearing on the Home Rule Application as required by West Virginia Code § 8-1-5a on October 2, 2025 and October 9, 2025.

A copy of the Home Rule application and written plan and this ordinance has been made available to the public for inspection at the office of the City Manager, 70 Town Square, Wellsburg, West Virginia.

On November 12, 2025 at 6:00 p.m. in the City Council Chambers, 70 Town Square, Wellsburg, West Virginia, the City conducted a public hearing, during which interested parties had the opportunity to appear and their comments be heard and considered.

Immediately following said public hearing on November 12, 2025, Council conducted the second reading of this ordinance and adopted the same by a majority of members by a roll call vote.

126.03 EFFECTIVE DATE OF ORDINANCE.

This ordinance shall be effective immediately upon adoption.

By the administration:

First Reading date: October 14, 2025

Motion made by Council Member: Randy Fletcher

Motion seconded by Council Member: Larry Swanson

Second Reading date: November 12, 2025

Motion made by Council Member: Tom Gaudio

Motion seconded by Council Member: Larry Swanson

Passed by the Council of the City of Wellsburg, West Virginia, on the 12th day of November 2025.

By: 
Mayor

Attest: 
City Clerk

November 20, 2025

West Virginia Municipal Home Rule Board
1900 Kanawha Boulevard East
Building 1, W-300
Charleston, WV 25305

Re: Application of the City of Wellsburg to Participate in the Municipal Home Rule Program

Members of the Board:

As attorney for the city of Wellsburg, West Virginia, I have reviewed W. Va. Code §8-1-5a, the Application Guidelines for Participation in the Municipal Home Rule Program, and the Application of the City of Wellsburg to participate in the Home Rule Program, including all attachments thereto.

Based upon my examination of these documents, and my understanding of the application, it is my opinion that this application complies with the provisions and requirements of W. Va. Code §8-1-5a.

The application does not include any proposed changes to ordinances, acts, resolutions, rules, or regulations that are contrary to the provisions of W. Va. Code §8-1-5a(i)(1) through (24) or prohibited by W. Va. Code §8-1-5a(j)(1), (2), and (3), except that Wellsburg's written plan does include a proposal to reduce business and occupation taxes and impose a 1% municipal sales tax that would be collected by the State Tax Commissioner, as permitted by W. Va. Code §8-1-5a(i)(14).

The Municipal Home Rule Board may rely upon this opinion. If you have any questions, please contact me at 304.230.6954 or via e-mail at rweld@spilmanlaw.com.

Very respectfully,



Ryan W. Weld
City Attorney

CITY OF WELLSBURG

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WELLSBURG, WV 26070
(304) 737-2104
FAX (304) 737-3004

Affidavit Certifying No Delinquent Fees

In compliance with the requirement of W. Va. Code § 8-1-5a(c)(1), 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: Wellsburg, West Virginia

Authorized Signature: Stephen Puggascher Date: 12/3/25

Stephen Puggascher
Name

City Manager
Title

State of West Virginia
County of Brooke, to-wit:

Taken, subscribed, and sworn to before me this 3rd day of December, 2025.

My Commission expires: February 9, 2026, 20 26

AFFIX NOTARY SEAL HERE:

