



*Opportunity lives here.*

**515 West  
Main Street  
P.O. Box 1310  
Bridgeport, WV 26330-6310**

Robert L. Greer, Mayor  
A. Kim Haws, City Manager  
Harry "Hank" Murray, III, Recorder

## MUNICIPAL HOME RULE PILOT PROGRAM

2016 Amendment

APPLICATION



### *City Council:*

Diana Cole Marra  
John S. Wilson, Sr.  
Dustin Vincent  
Jeff Smell  
LJ Maxey

  
\_\_\_\_\_  
A. Kim Haws, City Manager  
\_\_\_\_\_  
Robert L. Greer, Mayor

\*Made available to the public August 11, 2016

\*Presented to the WV Municipal Home Rule Board October 3, 2016

## Municipal Home Rule Pilot Program Phase III

### APPLICATION CHECKLIST

| <b>SECTION I: APPLICANT INFORMATION</b> |  |
|---|--|
| Page No.                                |  |
| <b>2</b>                                | General Information  |
| <b>4</b>                                | Municipal Classification   |
| <b>5</b>                                | Specific Issue(s) to be Addressed                                  |
| <b>4</b>                                | Issue(s) Category: Tax/Organization/Administrative/Personnel/Other |

| <b>SECTION II: NARRATIVE</b> |  |
|------------------------------|--|
| Page No.                     |  |
| <b>5</b>                     | Specific state laws, policies, acts, resolutions, <b>rules</b> or regulations that are preventing the municipality to carry out duties in the most cost effective, efficient, and timely manner.   |
| <b>5</b>                     | Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.  |
| <b>5</b>                     | Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include:<br>1) Proposed solution(s) in one of the five areas (tax/administrative/organization/personnel/other)<br>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. |

| <b>SECTION III: AFFIDAVITS</b> |   |
|--------------------------------|---|
| Page No.                       |   |
| <b>6</b>                       | Hearing Mandate Verification  |
| <b>8</b>                       | Publication Mandate Verification                                    |
| <b>15</b>                      | Ordinance Authorizing Submission of Plan                            |
| <b>N/A</b>                     | Fiscal Impact Worksheets/Formulas (if revenue related)              |
| <b>17</b>                      | Attorney Opinion (application complies with statutory requirements) |
| <b>18</b>                      | State of West Virginia Fees Statement (none outstanding)            |



## Table of Contents

|  |           |
|--|-----------|
| <b>Executive Summary .....</b>   | <b>2</b>  |
| <b>Application, Section I: Applicant Information .....</b>                       | <b>4</b>  |
| <b>Application, Section II: Narrative .....</b>                                  | <b>5</b>  |
| <b>Introduction .....</b>  | <b>5</b>  |
| <b>Specific Problem to be addressed by<br/>Bridgeport’s Home Rule Plan .....</b> | <b>5</b>  |
| <b>Proposed Solution .....</b>   | <b>5</b>  |
| <b>Conclusion .....</b>  | <b>5</b>  |
| <b>Application, Section III: Affidavits .....</b>                                | <b>6</b>  |
| <b>Hearing Mandate Verification .....</b>  | <b>6</b>  |
| <b>Publication Mandate Verification .....</b>                                    | <b>8</b>  |
| <b>City Council Agenda indicating Public Hearing .....</b>                       | <b>9</b>  |
| <b>City Council Minutes from Public Hearing .....</b>                            | <b>11</b> |
| <b>City Council Agenda indicating Second Reading of Ordinance.....</b>           | <b>13</b> |
| <b>Ordinance Authorizing Submission of Plan .....</b>                            | <b>15</b> |
| <b>Brunch Bill Ordinance .....</b>   | <b>16</b> |
| <b>Attorney Opinion .....</b>  | <b>17</b> |
| <b>State of West Virginia Fees Statement (none outstanding) .....</b>            | <b>18</b> |

## **EXECUTIVE SUMMARY**

The City of Bridgeport, a Class III Municipal Corporation, Harrison County, West Virginia, having a population of approximately 8,149, was selected as a participant in the West Virginia Home Rule Pilot Program by the West Virginia Municipal Home Rule Board at its meeting held on May 21, 2008, as to all sections of its application. Bridgeport's original application contained four sections, (1) relating to restrictions on municipal participation in public schools; (2) the requirement that a municipality charge license and taxes not to exceed antiquated amounts previously authorized by the State; (3) authorizing the City to annex property to which it is best suited to provide public services under certain circumstances; and (4) authorizing Bridgeport as a Class III municipality to issue its own tax increment financing. The Board, at its meeting held on the 17<sup>th</sup> day of March, 2011, approved an amendment to the Home Rule authority of the City authorizing fire fees outside of the corporate limits of the City and authorizing a lien for the collection thereof.

In 2014, the Home Rule Board approved the City's amendment to revise its application relating to intergovernmental agreements, civil service as it relates to supervisory personnel, and procurement of engineering and architectural services.

The City of Bridgeport revised their application in 2015 to increase the municipal sales tax within the city limits by 1%. The sales tax increase started in July 2016. At the beginning of 2016, under Home Rule, the City was given authority to provide local certification and supervision of code enforcement officials and inspectors.

Bridgeport, centrally located at the intersection of U.S. Route 50 and Interstate 79 between Clarksburg and Fairmont, West Virginia, has enjoyed strong population growth and significant economic and commercial development. Bridgeport attributes its growth and economic and commercial development not only to its location but also to its dedication to providing excellent services to its citizens, both residential and commercial. Throughout all of its growth, the residents of Bridgeport have managed to maintain the small community atmosphere. The community is very family-oriented and works together to provide advantages to the area youth, as well as senior citizens.

Bridgeport takes great pride in the quality and efficiency of its administrative staff and believes that the amendments to its Home Rule Plan herein set forth will add to and improve the efficient management of its assets and the efficiency with which it carries forth its municipal purposes. Approval of this plan will ensure that the City can continue improving the services and quality of life provided to its residents.

The City proposes to enact an ordinance to allow the sale of alcoholic beverages by certain alcohol beverage control administration Class "A" license holders beginning at 10:00 A.M. on Sundays.

**SECTION I: APPLICANT INFORMATION**

**A. General Information**

Name of Municipality: City of Bridgeport

Certifying Official: A. Kim Haws      Title: City Manager

Contact Person: A. Kim Haws      Title: City Manager

Address: 515 W. Main Street, PO Box 1310

City, State, Zip: Bridgeport, WV 26330

Telephone Number: 304-842-8225

Fax Number: 304-842-8201

E-Mail Address: [kim.haws@bridgeportwv.com](mailto:kim.haws@bridgeportwv.com)

2010 Census Population: 8,149

**B. Municipal Classification**

Class I \_\_\_\_\_ Class II \_\_\_\_\_ Class III X Class IV \_\_\_\_\_

**C. Category of Issues to be Addressed**

Please identify areas to be addressed through home rule: (Check all that apply)

Taxing \_\_\_\_\_ Organization \_\_\_\_\_ Administrative \_\_\_\_\_ Personnel \_\_\_\_\_ Other X

(Please describe-attach additional pages for each category):

Please see a summary description of each category on the following pages.

---

## **SECTION II: NARRATIVE**

### **PERMIT CERTAIN ALCOHOL BEVERAGE CONTROL ADMINISTRATION CLASS "A" LICENSE HOLDERS TO SELL ALCOHOLIC BEVERAGES BEGINNING AT 10:00 A.M. ON SUNDAYS**

**Introduction:** At the heart of North Central West Virginia, Bridgeport has proven to be a major growth area in the state. Bridgeport is continuously recognized for its outstanding schools and as a great place to live, do business and raise a family. In an effort to continue that growth, and to provide a standard of excellence its residents deserve, the City would like to amend its Home Rule Application in the following manner.

The City proposes a plan to allow the sale of alcoholic beverages by certain alcohol beverage control administration Class "A" license holders beginning at 10:00 A.M. on Sundays.

**Problem:** West Virginia State Code prohibits restaurants and bars from serving alcohol before 1:00 P.M. on Sundays. The City of Bridgeport has become a destination city for many individuals. Whether they come for recreation purposes, weddings, bridal showers, hotel stays, shopping, or meetings; many families, individuals and businesses are in the city on weekends. With 13 hotels, a conference center and numerous restaurants, the weekend business is booming. However, local businesses are turning away business because patrons are traveling to other areas to enjoy beverages with their Sunday brunches.

**Proposed Solution:** Cities that have been approved as Home Rule cities are permitted to modify the time at which alcohol may be served on Sundays within their cities, and such a modification is the type of innovative solution that was intended by the Legislature when it enacted the Home Rule Statute.

The City of Bridgeport believes that permitting its restaurants and hotels with certain ABCA licenses to offer alcohol sales beginning at 10:00 A.M. on Sundays would help make them more competitive and more profitable, resulting in increased B&O taxes to the city, increased sales tax revenue for the city and the state, and likely increased tips for serves at these establishments.

**Conclusion:** By allowing the sale of alcohol prior to 1:00 P.M. on Sundays will result in an economic enhancement to businesses in the City. The CVB and business owners in the hospitality and tourism industries fully support the City's use of Home Rule to allow earlier Sunday alcohol service in Bridgeport.

## SECTION III: AFFIDAVITS

### AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, after first having been duly sworn, upon her oath, deposes and says:

1. That she is the duly appointed and acting City Clerk of the City of Bridgeport, Harrison County, West Virginia;
2. That she is familiar with the Application of the City of Bridgeport, Harrison County, West Virginia, to amend its written Home Rule Plan pursuant to the provisions of West Virginia Code §8-1-5;
3. That notice of a public hearing relating to the proposed amendment was duly published:
4. at least thirty (30) days prior to the date of the proposed hearing held on September 12, 2016, as shown by the Certificate of Publication of the Clarksburg Publishing Company attached hereto as Exhibit C;
5. That a copy of the proposed amendment to Bridgeport's written plan was available for inspection at the Bridgeport City Hall for at least thirty (30) days prior to the holding of said hearing in the form attached hereto and made a part hereof as Exhibit C;
6. That a public hearing (on agenda as Exhibit A) with respect to the proposed amendment was held at 7:00 p.m. in the Council Chambers of the City of Bridgeport on September 12, 2016, as reflected by the minutes attached hereto as Exhibit B;
7. That zero (0) appeared in person with comments at said public hearing with respect to the proposed amendment;
8. That subsequent to said public hearing an Ordinance authorizing the filing of the Application was duly adopted by the governing body of the City of Bridgeport at a meeting held on September 12, 2016, and a second reading at a meeting held on September 26, 2016, a copy of which Ordinance is attached as Exhibit D;
9. That comments made at the public hearing, if any, are reflected in the minutes thereof attached hereto as Exhibit B.



Further affiant saith not.

Andrea Kerr

Andrea Kerr, City Clerk  
City of Bridgeport

Taken, subscribed and sworn to before me this 22<sup>nd</sup> day of September, 2016, by Andrea Kerr, City Clerk of the City of Bridgeport.



Sherril R. Matheny  
Notary Public in and for Harrison County,  
West Virginia

My commission expires:

September 13, 2020

**Publication Mandate Verification**

about:blank

**PUBLISHER'S CERTIFICATE**

I, Low Ha Greathouse  
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:

**NOTICE OF PUBLIC HEARING**

was published in THE EXPONENT-TELEGRAM 2 time(s) commencing on 08/11/2016 and ending on 08/18/2016 at the request of

**CITY OF BRIDGEPORT.**

Given under my hand this 09/22/16.

The publisher's fee for said publication is: \$91.83.

[Signature]  
Classified Manager of The Exponent-Telegram

Subscribed to and sworn to before me this 09/22/16

[Signature]  
Notary Public in and for Harrison County, WV

My commission expires on

The 29<sup>th</sup> day of August 2017



**NOTICE OF PUBLIC HEARING CITY OF BRIDGEPORT HARRISON COUNTY, WEST VIRGINIA HOME RULE PLAN AMENDMENTS**

Notice is hereby given that the City of Bridgeport, Harrison County, West Virginia, will hold a public hearing on Monday, September 12, 2016 at 7:00 p.m. in Council Chambers of City Hall at 515 W. Main Street, Bridgeport, West Virginia, 26330. The purpose of the public hearing will be to discuss and hear public comments with respect to the City of Bridgeport's proposed amendments to its written Home Rule Plan and Application for Amendment to such plan to allow the sale of alcoholic beverages by certain Alcohol Beverage Control Administration Class "A" license holders beginning at 10:00 a.m. on Sundays. This information will be considered by the governing body of the City of Bridgeport, its Application to be filed with the West Virginia Home Rule Board for the amendments set forth in the Application. The City of Bridgeport's proposed Home Rule Plan Application for Amendments is available for public inspection in the office of the City Manager, at Bridgeport, City Hall, 515 W. Main Street, Bridgeport, West Virginia, beginning August 11, 2016, Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. Said proposed Home Rule Amendments and Application can also be found on Bridgeport's website at bridgeportwv.com.

All interested citizens are invited to attend the public hearing scheduled on Monday, September 12, 2016 at 7:00 p.m. to present oral or written comments with respect to the proposed amendments to the Home Rule Plan. Until that time written comments may also be presented and addressed to A. Kim Haws, City Manager, City of Bridgeport, 515 W. Main Street, Bridgeport, West Virginia, 26330. After the public hearing the governing body of the City of Bridgeport will consider on two readings an Ordinance authorizing the Application for Amendments.

Robert L. Green, Mayor

## City Council Agenda indicating Public Hearing

**TO:** NEWS MEDIA, CITY DEPARTMENTS & INTERESTED PARTIES  
**PURPOSE:** BRIDGEPORT CITY COUNCIL MEETING AGENDA  
**DATE:** SEPTEMBER 12, 2016  
**TIME:** 7:00 P.M. REGULAR SESSION  
**PLACE:** BRIDGEPORT CITY HALL  
515 WEST MAIN STREET

### AGENDA

**INVOCATION BY REVEREND TOM HORNE-LIFEWAY BIBLE FELLOWSHIP CHURCH  
PLEDGE OF ALLEGIANCE**

**APPROVE MINUTES OF AUGUST 22, 2016 REGULAR COUNCIL MEETING**

**REPORT BY MAYOR**

**REPORT BY CITY MANAGER**

**PUBLIC HEARING REGARDING HOME RULE ORDINANCE-TO ALLOW THE SALE OF  
ALCOHOLIC BEVERAGES BY CERTAIN ALCOHOL BEVERAGE CONTROL  
ADMINISTRATION CLASS "A" LICENSE HOLDERS BEGINNING AT 10:00 A.M. ON  
SUNDAYS**

#### **AWARDS & PRESENTATIONS:**

1. Proclamation presented to the 11-12 year old Bridgeport Little League All-Star Team for capturing its 3<sup>rd</sup> straight State Championship and advancing to the final 3 of the Southeast Regional Tournament in Warner Robbins, GA.

#### **REPORTS:**

#### **PUBLIC COMMENTS:**

#### **UNFINISHED BUSINESS:**

1. Second and Final Reading of an Ordinance to Update the State Building Code to reflect the 2015 Edition of the International Code Council.

#### **NEW BUSINESS:**

1. First Reading of an Ordinance Authorizing Submission of an Application to the West Virginia Municipal Home Rule Board for Amendment to the City's Home Rule Plan; which will allow the sale of alcoholic beverages by certain Alcohol Beverage Control Administration Class "A" License Holders beginning at 10:00 a.m. on Sundays.
2. First Reading of an Ordinance for Cross-Connection and Backflow Prevention in Accordance with the West Virginia State Bureau of Public Health.
3. Consider and act on the Bridgeport Development Authority's recommendation for a Façade Improvement Grant for proposed project for Carder Motors.

4. Consider and act on the Bridgeport Development Authority's recommendation for an Economic Development Grant for proposed Mountain State Brewing Company project.
5. Consider and act on the Bridgeport Development Authority's recommendation for an Economic Sustainability Incentive for proposed Linea Esthetics.
6. Budget Revisions and/or Authorizations.

**EXECUTIVE SESSION, If Needed:**

To discuss matters involving the sale or lease of property, personnel matters, and advance construction planning which, if made public, might adversely affect the interests of the City, to discuss matters with counsel pursuant to the attorney/client privilege and as to matters not included on this agenda to determine if official action is necessary.

## City Council Minutes from Public Hearing

September 12, 2016

### **BRIDGEPORT CITY COUNCIL MINUTES**

City of Bridgeport  
County of Harrison  
State of West Virginia

#### **REGULAR SESSION:**

At 7:02 p.m. Bridgeport City Council met in regular session in the Council Chambers of the Bridgeport Municipal Complex at 515 West Main Street.

#### **COUNCIL MEMBERS PRESENT:**

Mayor Robert L. Greer, Recorder Hank Murray, Councilors Diana Cole Marra, Dustin Vincent, Jeff Smell, LJ Maxey and John S. Wilson, Sr.

#### **COUNCIL MEMBER(S) ABSENT:**

None

#### **CITY STAFF PRESENT:**

City Manager Kim Haws, City Clerk Andrea Kerr, Police Chief John Walker, Randy Spellman and City Attorney Dean Ramsey

#### **INVOCATION AND PLEDGE OF ALLEGIANCE:**

The Invocation was given by Reverend Tom Horne of Lifeway Bible Fellowship Church, followed by the Pledge of Allegiance.

#### **APPROVAL OF MINUTES:**

Minutes of the August 22, 2016 City Council meeting were unanimously approved on a motion by Councilor Jeff Smell; seconded by Councilor Dustin Vincent.

#### **REPORT BY MAYOR:**

- Mayor Greer noted the 15<sup>th</sup> Anniversary of September 11, 2001. He said that we all still remember and thank our first responders here. He asked that Police Chief John Walker share that with Chief Phil Hart.
- Mayor Greer proclaimed September 19 through September 23, 2016 as Heroin and Opioid Awareness Week.

#### **REPORT BY CITY MANAGER:**

None

#### **PUBLIC HEARING REGARDING HOME RULE ORDINANCE-TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN ALCOHOL BEVERAGE CONTROL ADMINISTRATION CLASS"A" LICENSE HOLDERS BEGINNING AT 10:00 A.M. ON SUNDAYS**

- Mayor Greer stated that no one has signed up to speak about the hearing and asked if anyone would like to speak. No one came forward and Mayor Greer declared the public hearing regarding the home rule ordinance closed at this time.

#### **AWARDS AND PRESENTATIONS:**

- Proclamation presented to the 11-12 Year Old Bridgeport Little League All Star Team for capturing its 3rd straight State Championship and advancing to the final 3 of the Southeast Regional Tournament in Warner Robbins, GA.

## **BRIDGEPORT CITY COUNCIL MINUTES**

September 12, 2016

Page Two

### **REPORTS:**

None

### **UNFINISHED BUSINESS:**

1. Second and Final Reading of an Ordinance to Update the State Building Code to reflect the 2015 Edition of the International Code Council.
  - o Councilor Diana Cole Marra made a motion to approve. Motion was seconded by Councilor Jeff Smell and unanimously approved.

### **NEW BUSINESS:**

1. First Reading of an Ordinance Authorizing Submission of an Application to the West Virginia Municipal Home Rule Board for Amendment to the City's Home Rule Plan; which will allow the sale of alcoholic beverages by certain Alcohol Beverage Control Administration Class "A" License Holders beginning at 10:00 a.m. on Sundays.
  - o Councilor John S. Wilson, Sr. made a motion to approve. Motion was seconded by Councilor Diana Cole Marra and approved by a vote of 5-1, with Councilor LJ Maxey opposed.
2. Consider and act on the Bridgeport Development Authority's recommendation for a Façade Improvement Grant for proposed project for Carder Motors.
  - o Randy Spellman gave a description of the project and what the Façade Improvement Grant would cover.
  - o Councilor Jeff Smell made a motion to approve 50% of the exterior façade improvements based upon only two sides being visible to the right-of-way, 100% of the signage and 0% for the paving being requested. All pending eligible receipts being turned in to the Finance Department. Motion was seconded by Councilor Diana Cole Marra and unanimously approved.
3. Consider and act on the Bridgeport Development Authority's recommendation for an Economic Development Grant for proposed Mountain State Brewing Company project.
  - o Randy Spellman explained the project and the grant.
  - o Councilor Diana Cole Marra made a motion to approve. Motion was seconded by Jeff Smell and unanimously approved.
4. Consider and act on the Bridgeport Development Authority's recommendation for an Economic Sustainability Incentive for proposed Linea Esthetics.
  - o Randy Spellman said that this individual is locating in the old Bridgeport Express Care location. He went on to explain the incentive.
  - o Councilor John S. Wilson, Sr. recused himself from the vote and discussion.
  - o Councilor Jeff Smell made a motion to approve. Motion was seconded by Councilor Dustin Vincent and unanimously approved.
5. Budget Revisions and/or Authorizations.
  - o None

## **City Council Agenda indicating Second Reading of Ordinance**

**TO:** NEWS MEDIA, CITY DEPARTMENTS & INTERESTED PARTIES  
**PURPOSE:** BRIDGEPORT CITY COUNCIL MEETING AGENDA  
**DATE:** SEPTEMBER 26, 2016  
**TIME:** 6:15 P.M. WORK SESSION  
7:00 P.M. REGULAR SESSION  
**PLACE:** BRIDGEPORT CITY HALL  
515 WEST MAIN STREET

### **AGENDA**

**INVOCATION BY REVEREND TOM HORNE-LIFEWAY BIBLE FELLOWSHIP CHURCH  
PLEDGE OF ALLEGIANCE**

**APPROVE MINUTES OF SEPTEMBER 12, 2016 REGULAR COUNCIL MEETING**

**REPORT BY MAYOR**

**REPORT BY CITY MANAGER**

**AWARDS & PRESENTATIONS:**

2. Proclamation to declare October as Domestic Violence Awareness Month.
3. Proclamation to declare October as Breast Cancer Awareness Month.
4. Recognition of Mike Cook, Bridgeport Resident and Little League World Series Umpire.

**REPORTS:**

1. Report by Rick Rock regarding Airline Carriers at North Central WV Regional Airport.

**PUBLIC COMMENTS:**

**UNFINISHED BUSINESS:**

2. Second and Final Reading of an Ordinance Authorizing Submission of an Application to the West Virginia Municipal Home Rule Board for Amendment to the City's Home Rule Plan; which will allow the sale of alcoholic beverages by certain Alcohol Beverage Control Administration Class "A" License Holders beginning at 10:00 a.m. on Sundays.
3. First Reading of an Ordinance for Cross-Connection and Backflow Prevention in Accordance with the West Virginia State Bureau of Public Health.

**NEW BUSINESS:**

7. First Reading of an Ordinance amending, enacting and reenacting, Section 737.38 providing for Exterior Improvement Incentives.
8. Consider and appoint Shawn Angus Morgan to the Police Civil Service Commission for a term of four (4) years.
9. Resolution authorizing Mayor Robert L. Greer to enter into contract with Division of Justice & Community Services to receive and administer a JAG Grant for the Drug Task Force.
10. Resolution authorizing Mayor Robert L. Greer to enter into contract with Division of Justice & Community Services to receive and administer a PRO JAG Grant.
11. Consider recommendation to Harrison County Commission for replacement of Chris McCarthy on the Centra Board.

12. Request for Contract Approval of the Installation of Tall Turf Fescue Sod.
13. Request for Contract Approval for the 2016 Striping of City Streets Project.
14. General Fund Budget Revision #3.
15. Capital Reserve Fund Budget Revision #3.
16. Budget Revisions and/or Authorizations.

**EXECUTIVE SESSION, If Needed:**

To discuss matters involving the sale or lease of property, personnel matters, and advance construction planning which, if made public, might adversely affect the interests of the City, to discuss matters with counsel pursuant to the attorney/client privilege and as to matters not included on this agenda to determine if official action is necessary.



**Ordinance Authorizing Submission of Plan**

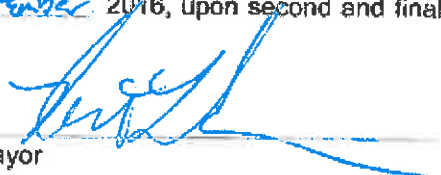
**AN ORDINANCE AUTHORIZING SUBMISSION OF AN APPLICATION TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD FOR AMENDMENT TO THE CITY'S HOME RULE PLAN; WHICH WILL ALLOW THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN ALCOHOL BEVERAGE CONTROL ADMINISTRATION CLASS "A" LICENSE HOLDERS BEGINNING AT 10:00 A.M. ON SUNDAYS**

**BE IT ORDAINED** by the governing body of the City of Bridgeport, Harrison County, West Virginia, that the Mayor, Recorder and City Manager be and they are hereby authorized to submit to the West Virginia Municipal Home Rule Board an Application for approval of an amendment of its Home Rule Plan, as the same may be amended or supplemented, to allow the sale of alcoholic beverages by certain Alcohol Beverage Control Administration Class "A" License Holders beginning at 10:00 a.m. on Sundays.

**BE IT FURTHER ORDAINED**, that the Mayor, Recorder and City Manager be and they are hereby authorized to execute such Application for and on behalf of the City and to certify this Ordinance to the Municipal Home Rule Board of the State of West Virginia in accordance with the rules and regulations applicable thereto and to take any and all action necessary with respect to said Application and to execute such other documents, hearings, notices, certificates, and affidavits as are necessary or convenient to the filing of such Application.

Adopted this 26<sup>th</sup> day of September 2016, upon second and final reading.

  
Recorder

  
Mayor

**Brunch Bill Ordinance**

Page Intentionally Left Blank:

Ordinance to be inserted once City is authorized to continue with Amendment  
to Home Rule Plan

**Attorney Opinion**

Law Offices

## WEST & JONES

360 Washington Avenue  
P. O. Box 2348  
Clarksburg, West Virginia 26302-2348  
TELEPHONE (304) 624-5501  
FAX (304) 624-4454  
Email: deanramsey@westandjones.com

DEAN C. RAMSEY, PLLC  
NORMAN T. FARLEY  
JOHN C. ASHCOM, JR.

JAMES C. WEST, JR.  
RETIRED  
JERALD E. JONES  
RETIRED

September 27, 2016

Municipal Home Rule Board  
Building 6, Room 525  
Charleston, WV 25305-0311

RE: Application of the City of Bridgeport, West Virginia,  
for Amendment to its Home Rule Plan Authorized  
September 2016 – Sale of Alcohol – 10:00 a.m. Sunday

Ladies and Gentlemen:

We are counsel to the City of Bridgeport, a municipal corporation and political subdivision of the State of West Virginia, "City", in Harrison County of said State. As such counsel, we have examined (i) the Application of the City of Bridgeport, West Virginia for Amendment to its Municipal Home Rule Plan authorized by Bridgeport City Council to be filed by Ordinance adopted on September 26, 2016, (ii) the general information provided in such Application, and the narrative therein provided, (iii) the Affidavit and Verification of the Public Hearing held pursuant to the provisions of Section 5a of Article 1, of Chapter 8 of the West Virginia Code, (iv) the Affidavit of Publication of Notice of said hearing in the Clarksburg Exponent-Telegram, a newspaper of general circulation in Bridgeport, West Virginia, (v) a copy of the Ordinance authorizing submission of the plan adopted on first reading on September 12, 2016, and on second reading on September 26, 2016, subsequent to the aforementioned public hearing, the amendments approved at said meeting, the Affidavit of the City Clerk with respect to notice and hearing with respect to the adoption of the ordinances proposed to be adopted pursuant thereto, and the ordinances attached to said Affidavit.

Based upon the foregoing and upon our examination of such other documents, statutes, and regulations, as we have deemed necessary, we are of the opinion as follows:

1. We are of the opinion that the City has complied with the provisions of West Virginia Code 8-1-5a.

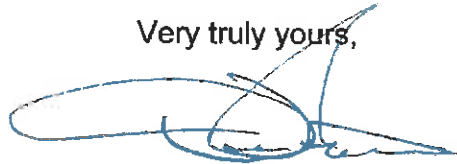
2. That said approved amendments and proposed ordinances comply with the statutory requirements of West Virginia Code 8-1-5a.

3. The Plan does not contain any proposed changes to ordinances, acts, resolutions, rules or regulations that are contrary to the US or WV Constitutions, WV Code Chapter 60 – A Uniform Controlled Substances Act, WV Code Chapter 61 – Crimes and Their Punishment, or WV Code Chapter 62 – Criminal Procedure, and the Plan does not contain any proposed changes to ordinances, acts, resolutions, rules or regulations that would create a defined contribution employee pension or retirement plan for its employees currently covered by a defined benefit pensions plan, or those matters prohibited by the provisions of WV Code §8-1-5a.

4. That to the best of the knowledge and belief of the undersigned there is now pending no litigation, action, suit, proceeding or investigation of law or in equity before any court, public board or body, pending or threatened, wherein an unfavorable decision would prevent the Municipal Home Rule Board from rendering a decision with respect to said Application.

This opinion may be relied upon by the Municipal Home Rule Board with respect to the City of Bridgeport's 2016 Application for Amendment to its Home Rule Plan pursuant to the authority granted by West Virginia Code 8-1-5a.

Very truly yours,



Dean C. Ramsey

DCR:nsm

**State of West Virginia Fees Statement**

None Outstanding