2016 Amendment
Program Application
Municipal Home Rule Pilot
West Virginia
City of Clarksburg
STATE OF WEST VIRGINIA
PREMISES STATEMENT (NONE OUTSTANDING)

ATTORNEY OPINION

PUBLISHER'S CERTIFICATE PUBLIC HEARING

ORDINANCE AUTHORIZING SUBMISSION OF PLAN

CITY COUNCIL MINUTES (UNAPPROVED)

CITY COUNCIL AGENDA 2ND READING/PUBLIC HEARING

CITY COUNCIL APPROVED MINUTES

CITY COUNCIL AGENDA 1ST READING

PUBLISHER'S CERTIFICATE PUBLIC HEARING

D. APPLICATION SECTION III: AFFIDAVITS

C. APPLICATION SECTION II: NARRATIVE

B. APPLICATION SECTION I: APPLICANT INFORMATION

A. EXECUTIVE SUMMARY

TABLE OF CONTENTS

West Virginia
City of Clarksburg,
Katherine A. Conner, Mayor
Affixature.

Sincerely,

The application of our amendment hereinafter, please do not hesitate to contact me.

Thank you again for playing such an important role in making government more efficient and effective.

At this time, we are submitting a second amendment to our Home Rule Application and, as in the

Re:
Home Rule Second Amendment

Charleston, WV 25302
Building 6, Room 225
State Capitol Complex
West Virginia Department of Commerce

West Virginia Home Rule Program

June 6, 2016
By email or phone@cityofclarksburgwv.com, my office. I can be reached Monday through Friday, from 8am to 4:30pm at (304) 624-1677 or
If you have any questions of if I can be of any further assistance please do not hesitate to contact

Clarkshurg residents and the visitors,

amendment to the Charter and if necessary, having the ability to improve the quality of life for the
The City of Clarksburg is submitting a second amendment to our Home Rule Plan. This
our residents.

on behalf of my office and the elected officials of Clarksburg, West Virginia, I extend our

June 6, 2016

Re: Home Rule Second Amendment

Chadwick, West Virginia 25030
Building G, Room 257
State Capital Complex
West Virginia Department of Commerce
West Virginia Home Rule Pilot Program

Office of
City Manager
City of Clarksburg

WEST VIRGINIA
This is the second amendment of Clarksville's Home Rule Plan.

Members of the court were well aware of the need for a ruling from the Circuit Court, and Clarksville was placed on the list of municipalities that had not had a Home Rule Board. The City of Clarksville was granted Home Rule Board powers on October 6, 2014, as to all sections of its annexation. The annexation of Clarksville's original West Virginia Home Rule Pilot Program by the West Virginia Municipal Home Rule Board as of 16,000 was included as a participant in the West Virginia having a population of approximately 16,000.

The City of Clarksville is a Class II Municipal Corporation located in Harrison County, West Virginia.

EXECUTIVE SUMMARY

West Virginia
City of Clarksville
The City of Cherksburg is located at the intersection of two (2) major highways and the second busiest interchange in the state, Interstate 79. The City of Cherksburg (the City) is tucked away in the hills of North-Central West Virginia.

The abundance of recreational facilities, Cherksburg also has one of the best preserved historic industrial and government services, along with a thriving business community, with an advantage of a small hometown community. Cherksburg residents enjoy a rich mixture of retail, and U.S. Route 50. Cherksburg enjoys the amenities of the larger city in the region with the two (2) highly traveled highways and the second busiest interchange in the state; Interstate 79. The City of Cherksburg (the City) is tucked away in the hills of North-Central West Virginia.

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

(please describe each additional page for each category)

Organizational: X

Personal

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

C. Category of Issues to be Addressed

Class I

Class II

Class III

Class IV

B. Municipal Classification

2010 Census Population: 16,000+

E-Mail Address: information@cityofclarksburg.wv.gov

Fax Number: 304-624-1677

City, State, Zip: Clarksburg, WV 26301

Address: 222 West Main Street

Contact Person: Martin Howes

Title: City Manager

Certifying Official: Martin Howes

Title: City Manager

Name of Municipality: City of Clarksburg

A. General Information

Section 1: Applicant Information

West Virginia

City of Clarksburg
A Short History of Brunch

Sundays

Hours by Prohibiting the Service of Alcohol Before the Hour of One O’clock P.M. on
West Virginia State Code

Problem: West Virginia State Code

Section 60-1-12(a)(4)(i) attached Exhibit A hereof,
Specific State Laws, Policies, Rules or Regulations: WV State Code Section 60-7-12(a) 60-

Plan:

City would like to amend its Home Rule Application in the following manner:

- In an effort to continue our growth, and to provide a standard of excellence to residents,
- In addition to continuing to redefine itself, Clarksburg is an outstanding place to live, work, and play.
- Harrison County. The City has been successful of developments of three (3) brownfields sites.

Introduction: Clarksburg is the center of North Central West Virginia.

Permit Sale of Alcohol Before 1:00 P.M. on Sundays

Section II: Narrative

City of Clarksburg

West Virginia
different population. A survey of Google search interests in "brunch" published in the

2016 Regular Session, the Legislature enacted new laws to provide a mechanism for interested

Although Centers do not currently have home rule powers, the Legislature did recently address

In the City of Clarksburg,

citizens with the opportunity to witness and experience an unrestricted, traditional brunch service

through Home Rule and its authorization to do so. Clarksburg's attempt will provide

Shepherdstown has already successfully enacted its own rule regarding Sunday alcohol sales.

Since laws that began as one City's idea in the Home Rule Program. With regard to this issue,

I believe that there have been several
can be overcome by administrative and economic treatments and has enacted several

acknowledged the value of the Home Rule Program as an incubator for municipalities to try new

Rule City is not contrary to the provisions of the Home Rule Statute. The Legislature has

See 8-1-5(a)(a)(II) (modified on time for sale of alcohol within a Home

innovative solution that was intended by the Legislature when it enacted the Home Rule Statute.

alcohol may be served on Sundays within their cities, and such a modification is the type of

Cities that have been approved as Home Rule cities are permitted to modify the time at which

License Holders to Serve Alcohol Beginning at Ten O'clock AM on Sundays.

Proposed Solution: The City of Clarksburg desires to authorize certain class of "ABCA

and maximize their revenue from brunch service.

and before one o'clock on Sundays so that establishments can capitalize on the popularity of brunch

Association has advocated for a relaxation of the state's liquor laws to allow alcohol to be served

limited revenue. On behalf of its membership, the West Virginia Hospitality and Travel

to serve the traditional brunch cocktails until the afternoon has shifted attendance and resulted in

West Virginia municipalities began offering brunch service, but have indicated that the inability

Sundays. As the popularity of brunch grows, some restaurants and hotels in Clarksburg and other

alcohol, including the current prohibition on the sale of alcohol before one o'clock AM on

Since the repeal of prohibition, West Virginia has maintained various laws regulating the sale of

West Virginia Liquor Laws

City of Clarksburg,

West Virginia
Washington Post indicates that brunch is much more popular in urban areas than in rural areas.

Given that the interests of Clarksburg and those of the rest of the county may be varied, restaurant and hotel owners and operators in Clarksburg and the Clarksburg Visitor's Bureau have requested that the City pursue this issue now. The City remains supportive of any action the county may take to make alcohol available countywide. Successful enforcement by Clarksburg now will also benefit the county and any other city or county that may be considering Home Rule enactment or countywide election by demonstrating the benefits of relaxing Sunday alcohol restrictions prior to the time in which such an issue could be placed on a countywide ballot.

There is good reason to believe that enactment of this power by Clarksburg will benefit its citizens and companies within the City's limits. We believe the potential for increased business and entertainment in Clarksburg is significant. The expanded window for alcohol service may also facilitate more events on Sundays benefiting caterers and event venues. Festivals which carryover into Sunday would also have the ability to add increase sales by allowing for the sale of wine and beer before 1:00 p.m. if they choose. All of this increased revenue will result in additional business and occupation tax for both small and large hospitality businesses in Clarksburg.

There may also be additional benefits to the City state, and its citizens from increased working hours and tips for servers and other hospitality workers.

The CVB and its Board of Directors, which is composed of civic leaders and people involved in the City's hospitality and tourism industries, fully support the City's use of Home Rule to allow earlier Sunday alcohol service in Clarksburg. Aside from the potential direct financial benefit, the City's image in the eyes of business and leisure travelers thereby enriching their travel experience in Clarksburg and promoting Clarksburg as a hip, historic destination. The City envisions the reinforcement of Clarksburg's position as the region's entertainment and cultural destination with the recently announced revitalization and construction of the Robinson Grand Performing Arts Center.
allow certain Alcohol Beverage Control Administration Class "A" license holders to begin
WV State Code Section 8-1-24 to amend its approved Home Rule Plan to permit the City to
Conclusions: The City of Clarksburg respectfully requests that it be granted the power under
way for the City to meet these goals and strengthen its social vitality.
and retaining its current residents. The establishment of earlier Sunday alcohol service is another
a range of lifestyle choices. These goals are instrumental in attracting new residents to the City
West Virginia
City of Clarksburg
The 27th day of August 2017

My commission expires on

Notary Public in and for Harrison County, W.Va.

Subscribed to and sworn to before me this

06/23/16

Secretary, Manager of the Exponent-Telegram

The publishers fee for said publication is:

$39.28

Given under my hand this 06/23/16,

City of Clarksburg

ending on 06/14/2016 at the request of
2 time(s) commencing on 06/07/2016 and
was published in THE EXPONENT-TELEGRAM

PUBLIC HEARING

that the annexed:

County and State thereof, do hereby certify
of Clarksburg,

 קשר

TELEGRAM a newspaper of general

Classified Manager of THE EXPONENT

PUBLISHER'S CERTIFICATE
ORDER OF BUSINESS

Council Chambers at 6:30 P.M. for a Conference Session
Prior to the Regular Council Meeting. Council will be meeting in

AGENDA FOR REGULAR MEETING OF COUNCIL OF THE CITY OF CLARKSBURG

AGENDA

ORDER OF BUSINESS

CITY OF CLARKSBURG
10. Adjournment

9. Council Comments

Appointments to the Code Appeals Board

E. Consideration of Appointment of City Manager's
Appeals

E. Consideration of Appointment to the Board of Zoning
Agent of Record for Workers' Compensation

D. Consideration to Authorize the City Manager to Execute An

Demolition of Structures as Stated Within the TIF Plan

C. Consideration to Authorize the Use of the TIF Funds For

Performing Arts Center Project

B. Consideration of Waiving Competitive Bidding and Awarding

Interior Demolition Contract for Robinson Grand

At 10:00 A.M. on Sundays

Control Administration Class "A" License Holders Beginning Sale of Alcoholic Beverages by Certain Alcohol Beverages State Code Section 8-1-54 Requesting Approval to Allow The Municipal Home Rule Plan Consistent with West Virginia Municipal Home Rule Board A Proposed Amendment.

To the Municipal Home Rule Board a Proposed Amendment Consistent with the City of Clarksburg, West Virginia, to Submit Council of the City of Clarksburg, West Virginia, An Ordinance of the City

8. New Business:

7. Unfinished Business
General Updates

AGENDA ITEM NO. 3  CITY MANAGER'S REPORT/UPDATES

June 16, 2016

Hi everyone, as you know, the June 2016 Council Meeting has been canceled. We have decided to proceed with the meeting as scheduled. Here are the agenda items for tonight:

1. Council Update
2. Council Member's Report/Updates

MOTION

UNANIMOUSLY, of the minutes of the Regular Session of Council held on June 2, 2016.  MOTION

SECONDED By: Commissioner Capehart, For Approval.

MOTION

Moved by Mayor Brower, Seconded by Commissioner Capehart. GEORGE DEAN ANDERSON, CHAIRMAN

DUE: 6/30/16

CERTIFICATIONS OF RECOGNITION

The Council has approved the following recognitions:

The Mayor was elected and the pledge led by Commissioner Kennedy.

Council Members Present:

Chad Williams
George Morgan
Kevin Kerney
Mayor George Morgan
Commissioner Capehart

Also Present:

Mayor George Morgan
Winston-Mahaley, WSHU Board Member
George Morgan, City Attorney

The Council meeting is printed at 2 p.m. on the Council Meeting in Council Chambers, 222 West Main Street, June 16, 2016.
2. **Elections**

**Notice:**
In accordance with the election laws, the primary election will be held on the first Tuesday in June. The runoff election will be held on the second Tuesday in June. The early voting period will be from 9:00 AM to 5:00 PM on the first Monday in May and the second Monday in May. The election results will be certified by the county election officials.

3. **FOIA**

**Notice:**
The Freedom of Information Act (FOIA) is a federal law that provides public access to records of federal agencies. Under FOIA, the Public Information Officer (PIO) must release information that is requested in writing, unless it falls under one of the exemptions listed in the law. The PIO is responsible for maintaining public access to records and for ensuring that the law is followed. The PIO may also be contacted for information on accessing records and for obtaining FOIA forms.

4. **Economic Development**

**Notice:**
Economic development is an important area of focus for the city. The Economic Development Department is responsible for creating and retaining jobs, attracting new businesses, and fostering economic growth. The department works with local businesses, organizations, and individuals to identify opportunities for collaboration and to support their efforts to grow and succeed. The department also provides resources and assistance to new and existing businesses to help them thrive.

5. **Sanitary Board**

**Notice:**
The Sanitary Board is responsible for maintaining the city’s sanitary systems, including the collection and disposal of solid waste. The board meets regularly to discuss and make decisions on issues related to the sanitary systems, such as the location of new sanitary facilities, the disposal of solid waste, and the treatment of sewage. The board also works with the city’s engineering department to design and construct new sanitary facilities and to ensure that existing facilities are maintained in good working order.

6. **Pond Contamination**

**Notice:**
A pond located within the city limits was found to be contaminated with a chemical that poses a threat to the environment. The city’s environmental department is working to assess the extent of the contamination and to develop a plan for remediation. The public is encouraged to stay away from the pond and to report any signs of contamination to the environmental department. The department will also be providing more information on the measures being taken to address the contamination issue.
A. **MOTION by Vice Mayor Mitchell, SECONDED by Councilmember Captain**

**APPROVE** THE CONTRACT FOR ROBINSON GRAND PERFORMING ARTS CENTER PROJECT

**MOTION by Vice Mayor Mitchell, SECONDED by Councilmember Captain**

**APPROVE** THE DEMOLITION PERMITS AS STATED WITHIN THE FF PLAN

**MOTION by Vice Mayor Mitchell, SECONDED by Councilmember Captain**

**APPROVE** THE Dドラマ OF THE USE OF THE FF FUNDS

**MOTION by Vice Mayor Mitchell, SECONDED by Councilmember Captain**

**APPROVE** THE LICENSING OF AN ALCOHOLIC BEVERAGE CONTROL CODE SECTION 8-2.5 AND板材 APPROVAL OF THE BLUE PLAN CONSISTENT WITH THE CITY OF CHARLESTON AND ATTACHED HEREWITH AS EXHIBIT A. TO THE CITY OF CHARLESTON.

**MOTION by Vice Mayor Mitchell, SECONDED by Councilmember Captain**

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APPROVED UNANIMOUSLY
by the City Manager’s Recommendation or Council in the Code Appeals Board.

MOTION by Vice Mayor Mahle to SECONDS by Councilmember Those who approved

TO THE CODE APPEALS BOARD

CONSIDERATION OF CONFIRMATION OF CITY MANAGER’S APPOINTMENTS.

MOTION by Vice Mayor Mahle to SECONDS by Councilmember Those who approved

E. CONSIDERATION OF APPOINTMENT TO THE BOARD OF ZONING APPEALS

Before coming to the Board of Zoning Appeals. Review the Code or Zoning

APPROVED UNANIMOUSLY.
by Councilmember Those who approved
EXHIBIT A TO THE CITY OF CLARKSBURG'S MUNICIPAL HOME RULE BOARD A PROPOSED AMENDMENT ATTACHED HEREETO AS CLARKSBURG, WEST VIRGINIA TO SUBMIT TO THE MUNICIPAL HOME HEARING OF AN ORDAINANCE OF THE CITY COUNCIL OF THE CITY OF CLARKSBURG OF SECOND AND FINAL READING AND PUBLIC CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC

8. UNFINISHED BUSINESS:

A. UPON TERM EXPIRATION OF CURRENT APPOINTMENT:

- APPOINTMENT TO HARASSON COUNTY SENIOR CITIZENS BOARD

7. MAYOR'S INFORMATION:

6. CITY MANAGER'S REPORT/UPDATE

5. PUBLIC HEARING ON AMENDMENT TO THE CITY'S HOME RULE PLAN TO BEGINNING AT 10:00 A.M. ON SUNDAYS

- REVISE CONTROL ADMINISTRATION CLASS "A" LICENSE HOLDERS

ALLOW THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN ALCOHOL PETITIONS, COMMUNICATIONS AND PUBLIC HEARINGS

4. REGULAR SESSION – JUNE 16, 2016

3. APPROVAL OF MINUTES:

2. PRAYER (to be given by Councilmember Lopez)

1. ROLL CALL

ORDER OF BUSINESS

CITY OF CLARKSBURG

AGENDA

7:00 P.M.

AGENDA FOR REGULAR MEETING OF COUNCIL OF THE CITY OF CLARKSBURG TO BE HELD ON THURSDAY, JULY 7, 2016 AT THE CLARKSBURG MUNICIPAL BUILDING – COUNCIL CHAMBERS, 22 WEST MAIN STREET, CLARKSBURG, WEST VIRGINIA AT 7:00 P.M.
II. APPOINTMENT

10. COUNCIL COMMENTS

E. CONSIDERATION OF APPOINTMENT TO THE SANITARY BOARD

D. CONSIDERATION OF A REQUEST FOR AN ABANDONMENT OF AN UNIMPROVED/UNOPENED PORTION OF HAYES AVENUE

C. GRAND PERFORMING ARTS CENTER

B. APPROVE THE ASBESTOS ABATEMENT OF THE ROBINSON FACILITY

A. CONSIDERATION OF A REQUEST TO WAIVE COMPETITIVE BIDDING REQUIREMENTS FOR THE CONSTRUCTION OF AN INDOOR BATTLING MODEL DOZER FROM STATE EQUIPMENT COMPANY FOR THE AMOUNT OF $22,595

NEW BUSINESS:

A. AMON SUNDAYS
ADMINISTRATION CLASS "A" LICENSE HOLDERS BEGINNING AT 10:00 AM IN CONSISTENT WITH WEST VIRGINIA STATE CODE SECTION 8-1-2.4

B. REPEALS BY CERTAIN ALCOHOL BEVERAGE CONTROL REQUIREMENTS REQUIRING APPROVAL TO ALLOW THE SALE OF ALCOHOLIC
Property would result in a savings to the City as well as get the property back on the tax rolls.

The councilman noted that the code appeals board would appeal this matter to the Code Appeals Board. Mr. Smith emphasized that the city’s promulgation of the code is dependent upon the councilman’s decision to enforce the ordnance. He also mentioned that the condition of the properties would go on a bid until the city could agree with the bidder.

Mr. Smith noted that he would be concerned with the condition of the properties. Mr. Smith stated that the properties would be in violation of the city’s code. He also noted that the properties would also be in violation of the city’s code.

Jason Smith, a resident of the area, stated that he was concerned with the condition of the properties. He also noted that he had witnessed several instances of vandalism on the properties.

Mr. Smith also noted that he had concerns about the condition of the properties. He stated that he had witnessed several instances of vandalism on the properties.

There was no further discussion on the matter.

Motion:

Motion to approve the following motion: Motion by Vice Mayor Malherbe, seconded by Councilmember Captain for approval.

The motion was approved by voice vote.

Mayor Catherine Cooks
Vice Mayor Jim Malherbe
Charm Lopes
Ragan Kennedy
Robert Calhoun
Gary Bowden

Also Present:

WEST VIRGINIA WITH MAYOR GOFF’S PRESENCE
P. M. AT THE CHARLESTON MUNICIPAL BUILDING – COUNCIL CHAMBERS, 222 W. MAIN STREET, CHARLESTON.

The Charleston City Council met in Regular Session on Thursday, July 7, 2016 at 7:00

July 7, 2016
General Updates

Presented by Anthony Bello
distributed by Martin C. Home
July 7, 2016

CITY MANAGER'S REPORT/UPDATE

AGENDA ITEM NO. 6

LICENSE HOLDERS BEGINNING AT 10:00 A.M. ON SUNDAYS
BEVERAGE CONTROL ADMINISTRATION CLASS "A" ALCOHOL BEVERAGE LICENSEES BY CERTAIN ALCOHOL HOME RULE PLAN TO ALLOW THE SALE OF PUBLIC HEARING ON AMENDMENT TO THE CITIES

Mayor Quinn asked Mr. Rumber to discuss this matter with the City Manager upon his return and concurs with Council regarding the same.

Mr. Rumber:

The remainder of the building is scheduled to be completed during September.

2. A change order has been approved to replace two (2) additional doors as well as a (d) sconce.

3. The pressure controller, JLR Driveway, is anticipated to be completed by the end of August.

4. The electrician, Electrica is expected to complete their portion of work by mid-June.

5. Mountain Ridge Excavation has been approved to complete their portion of work by mid-July.

6. Watermain - Watermain construction has been approved to complete their portion of work by the end of May.

7. Doctor from Sheehan Equipment Company for the amount of $22,796.

8. Doctor - The administrative recommendations authorizing the purchase of a 2014 Case Model

9. Doctor - The administrative recommendation authorizing the purchase of a 2014 Case Model

10. Doctor - The administrative recommendation authorizing the purchase of a 2014 Case Model

11. Jackson Square - The increase in HVAC unit has been installed outside of the building.
CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING

UNFINISHED BUSINESS:

BEGINNING AT 10:00 A.M. ON SUNDAYS
BEYOND THE CONTROL ADMINISTRATION CLASS "A" LICENSE HOLDERS ALLOW THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN ALCOHOL WEST VIRGINIA STATE CODE, SECTION 8-1-14a, PROVIDING APPROVAL TO CLARKSBURG'S MUNICIPAL HOME RULE PLAN CONSISTENT WITH PROPOSED AMENDMENT ATACHED HERETO AS EXHIBIT A TO THE CITY OF CLARKSBURG, TO SUBMIT TO THE MUNICIPAL HOME RULE BOARD A WEST VIRGINIA TO BE CONSIDERED AT THE CITY COUNCIL, OF THE CITY OF CLARKSBURG, NOT IN OR AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF CLARKSBURG.

A. MOTION Approved UNANIMOUSLY. SECOND by Councilmember Johnson. TABLED MOTION by Councilmember Johnson. Seconded by Councilmember Long. ADOPTED APPOINTMENT.

AGENDA ITEM NO. 7: MAYOR'S INFORMATION

AGENDA ITEM NO. 7:

1. The 5K Glow Run benefiting the West Virginia Italian Heritage Festival will be Saturday, July 16th at 9:00 p.m. Following the Glow Run, there will be a celebration held in Jackson Square called "Glow in the Square." July 16th.
2. Ribbon Cutting – Harrison County YMCA Whole Kids Foundation Community Garden – Monday, July 11th at Noon
3. dedication – "Portraits of Hope" Playround at Clarkshurg City Park on Friday, July 8th at 11 a.m.

EVENTS

Economic Development

Council considerawarding bids – Thursday, July 21st
Bid opening – Wednesday, July 20th
Pre-bid meeting – Wednesday, July 13th
Demolition – As a reminder, the timeline for the TTP Demolition is as follows:
PERFORMING ARTS CENTER

AUTHORIZE THE ABSTAINING ABSENT MEMBER OF THE ROBINSON GRAND

CONSIDERATION TO WAIVE COMPETITIVE BIDDING REQUIREMENTS AND

APPROVE UNANIMOUSLY.

MOTION: By Vice Mayor Mihalego, SECONDED by Commissioner Lapecco.

FACILITY

BASEBALL LEAGUE FOR THE CONSTRUCTION OF AN INDOOR BATTING

APPROVED UNANIMOUSLY.

MOTION: By Vice Mayor Mihalego, SECONDED by Commissioner Lapecco.

DOOR PROPER FOR THE AMOUNT OF $23,956

APPROVED THE PURCHASE OF A 44,000 LB. CLASS 244 CASE MODEL

CONSIDERATION TO WAIVE COMPETITIVE BIDDING REQUIREMENTS AND

NEW BUSINESS:

UNANIMOUSLY.

MOTION: By Vice Mayor Mihalego, SECONDED by Commissioner Lapecco.

ALGAE CONTROL

APPROVED UNANIMOUSLY.

MOTION: By Vice Mayor Mihalego, SECONDED by Commissioner Lapecco.

NEW BUSINESS:

APPROVED.

MOTION: By Vice Mayor Mihalego, SECONDED by Commissioner Lapecco.

APPROVED.

MOTION: By Vice Mayor Mihalego, SECONDED by Commissioner Lapecco.

APPROVED.

MOTION: By Vice Mayor Mihalego, SECONDED by Commissioner Lapecco.

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MOTION: By Vice Mayor Mihalego, SECONDED by Commissioner Lapecco.

APPROVED.
Council member Lopez: Council appeared to have no objections thereon.

Jackson Square: Pflaume would be unveiled on Monday (July 11th) at 1:00 pm. at the square.

Advised that the unveiling of the “Welcome to Historic Zephyr” Monument in Jackson Square will take place on Monday, with Mayor. Mayor advised that the unveiling of the monument will take place at 1:00 pm. on Monday.

Mayor: Advised that the unveiling of the monument will take place at 1:00 pm. on Monday.

MOTION: APPROVED UNANIMOUSLY.

COUNCIL COMMENTS:

E. CONSIDERATION OF APPOINTMENT TO THE SANITARY BOARD

APPROVED UNANIMOUSLY.

MOTION: By Councilmember Lopez, SECONDED by Vice Mayor Mather.

D. CONSIDERATION OF A REQUEST FOR AN ABANDONMENT OF AN UNIMPROVED/LONGPENDING PORTION OF HAVES AVENUE

APPROVED UNANIMOUSLY.

MOTION: By Councilmember Kennedy, SECONDED by Councilmember Bowden, in receipt of the above-cited motion for an abandonment, the Planning & Zoning Commission.

APPROVED UNANIMOUSLY.

MOTION: By Councilmember Bowden, in receipt of the above-cited motion for an abandonment, the Planning & Zoning Commission.

APPROVED UNANIMOUSLY.

MOTION: By Councilmember Bowden, in receipt of the above-cited motion for an abandonment, the Planning & Zoning Commission.

APPROVED UNANIMOUSLY.

MOTION: By Councilmember Bowden, in receipt of the above-cited motion for an abandonment, the Planning & Zoning Commission.

APPROVED UNANIMOUSLY.
Councilmember Caplan: Advised that he has asked the City Manager to work with the Finance Director to see if there was a way to put the additional $5,000 for the Senior Citizens Center back in the budget which would result in a $25,000 contribution. Further, noted the successful Wheeling Symphony performance on Saturday night and informed of concerns as to the need for additional funding for such evening events and to relay such concerns to the Park Board.

Councilmember Kennedy: Suggested that the venue be re-considered for next year's Wheeling Symphony event. Noting that the Amphitheater is not a conductive venue for families, opined that if the City of Clarksburg should host a venue for families, that the City of Clarksburg should have been more of a leader in the flood relief efforts noting the many area organizations that participated. Mayor Goins remarked that a lot of people in our community stepped up to assist in such efforts, and that the same may have gone unnoticed.

Councilmember Bowden: Remarked on the flood devastations that have occurred in the southern part of the state noting our thoughts and prayers are with these individuals.

Councilmember Wright: There being no further business to come before Council at this time, Motion by Councilmember Lopez, Seconded by Vice Mayor Malfregot and APPROVED UNANIMOUSLY for adjournment.

Annette M. Wright, City Clerk
Approved: July 21, 2016
Amendment of the City's Home Rule Plan:

CITY OF CLARKSBURG, WEST VIRGINIA:
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE

WHEREAS, the Clerk of the Council believes that the City can enhance its position as one of the

WHEREAS, the Council has determined that allowing alcohol sales at Sunday morning

WHEREAS, the Clarksbury Convention and Visitors Bureau and its Board of Directors,

WHEREAS, the City's image of the eyes of business and leisure travelers and

WHEREAS, the owners of restaurants and hotels in the City to fully participate in Sunday

WHEREAS, the law that allows for Sunday service on Sundays, and has been enforced by the

WHEREAS, the owners of restaurants and hotels in the City to enforce the law that allows for Sunday service on Sundays, and has been enforced by the local authorities.

WHEREAS, the City's image of the eyes of business and leisure travelers and

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WHEREAS, the Clarksbury Convention and Visitors Bureau and its Board of Directors,

WHEREAS, the City's image of the eyes of business and leisure travelers and

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WHEREAS, the owners of restaurants and hotels in the City to enforce the law that allows for Sunday service on Sundays, and has been enforced by the local authorities.
This Ordinance shall be effective upon passage.

SECTION 1. Effective Date

Reasonably necessary to obtain approval by the Board of this application, Rule Pilot Program. The Mayor and the Administrator are hereby authorized to do all things allowing the City of Clarksville to be considered for participation in the West Virginia Home and to request approval by the Board of the City of Clarksville Home Rule Pilot Plan. Immediately of the Municipal Home Rule Board, an application to the Municipal Home Rule Pilot Program,
PUBLISHER'S CERTIFICATE

PUBLIC HEARING

THE EXPOINIENT-TELEGRAM, a newspaper of general circulation published in the city of Clarksville, County and State aforesaid, do hereby certify that the annexed:

was published in the EXPOINIENT-TELEGRAM 2 times(s) commencing on 06/21/2016 and ending on 06/28/2016 at the request of

CITY OF CLARKSBURG.

Given under my hand this 06/29/16.

The publisher's fee for said publication is:

$63.06.

Subscribed to and sworn to before me this

06/29/16

Notary Public in and for Harrison County, Wv

My commission expires on

The 29th day of August 2017

SARALEE HURST

Classified Manager of The Exponent-Telegram
Permit Sale of Alcohol Before 1:00 P.M. on Sundays

Ordinance to be approved once City is authorized to amend plan.

The City will be presenting bullet points of ordinance at the Home Rule Board Public Meeting.
The Municipal Home Rule Board may rely upon this opinion:

CURRENTLY COVERS BY A DEFEATED BONANZA PROFITS PLAN

provision of the plan for its employees

resolutions, rules, or regulations that would create a defined

The plan does not contain any proposed changes to definitions, acts.

1. The plan does not contain any proposed changes to ordinances, acts.

2. Resolutions, rules or regulations that are contrary to the

required requirements in the plan.

3. The resolution that the amended plan complies with the required

provisions contained in the plan. It is my opinion that the amended plan complies with the required

provisions contained in the plan.

Re: CITY OF CLARKSBURG, WEST VIRGINIA

Application

Date: June 6, 2016

LORD J. MORGAN

City Attorney of Clarksburg

City of Clarksburg Municipal Home Rule Proposal

350 Lee Ave

CLARKSBURG, WEST VIRGINIA 26301

TELEPHONE: 304-349-2311

FAX: (304) 629-4242

YOUNG MORGAN & CANN, PLLC

LAW OFFICES OF

JAMES A. MORGAN

GREG MORGAN

YOUNG MORGAN & CANN, PLLC
City Manager

Marvin Howard, ICMA-CP

Respectfully,

Whomsoever@clarkeburgwv.com

Monday through Friday, 8:00 am to 4:30 pm at 304/624-1677 or contact me by email at

If you have any questions or concerns moving forward, please do not hesitate to call my office.

West Virginia

that the City of Clarksburg is current on all fees and has no outstanding fees due to the State of
the City of Clarksburg is in accordance with West Virginia Revenue Statement. This letter is to acknowledge
In re: regard to the Section III: Affidavits Application Checklist Requirements, please accept this as

Re: West Virginia Revenue Statement

Chasity Howard, West Virginia 25303
Building G, Room 225
State Capitol Complex
West Virginia Department of Commerce
West Virginia Home Rule Pilot Program

June 6, 2016