MUNICIPAL HOME RULE PILOT PROGRAM PHASE II

Senate Bill 317 / March 2014

APPLICATION CHECKLIST
## Municipal Home Rule Pilot Program Phase II

### APPLICATION CHECKLIST

#### SECTION I: APPLICANT INFORMATION

<table>
<thead>
<tr>
<th>Page No.</th>
<th>Description</th>
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<td>1.2</td>
<td>General Information</td>
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<tr>
<td>2</td>
<td>Municipal Classification</td>
</tr>
<tr>
<td>3</td>
<td>Specific Issue(s) to be Addressed</td>
</tr>
<tr>
<td>3</td>
<td>Issue(s) Category: Tax/Organization/Administrative/Personnel/Other</td>
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#### SECTION II: NARRATIVE

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>5.6.7.8</td>
<td>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.</td>
</tr>
<tr>
<td>5.6.7.8</td>
<td>Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.</td>
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</table>
| 5.6.7.8. | 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)  
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. |

#### SECTION III: AFFIDAVITS

<table>
<thead>
<tr>
<th>Page No.</th>
<th>Description</th>
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<tbody>
<tr>
<td>10.11.13.14</td>
<td>Hearing Mandate Verification</td>
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<tr>
<td>15.16.17.18</td>
<td>Publication Mandate Verification</td>
</tr>
<tr>
<td>19,20.</td>
<td>Ordinance Authorizing Submission of Plan</td>
</tr>
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<td>21,22.</td>
<td>Fiscal Impact Worksheets/Formulas (if revenue related)</td>
</tr>
<tr>
<td>23,24.</td>
<td>Attorney Opinion (application complies with statutory requirements)</td>
</tr>
<tr>
<td>25</td>
<td>State of West Virginia Fees Statement (none outstanding)</td>
</tr>
<tr>
<td>26</td>
<td>Requirements Concerning Firearms, Ammunition and Firearm Accessoriers</td>
</tr>
</tbody>
</table>
May 27, 2014

West Virginia Municipal Home Rule Board
West Virginia Development Office
State Capitol Complex, Building 6, Room 553
Charleston, West Virginia 25303

Dear Members of Municipal Home Rule Board;

Please find attached the City of Dunbar “West Virginia Home Rule Pilot Program Application” for the Phase II program period which terminates in July 2019. Dunbar is excited to have the opportunity to apply for participation in the Home Rule Program. The City has benefited from the Home Rule Phase I Program by adopting several of the previous program proposals that have been placed into State Law by the Legislature.

The City of Dunbar proposals target two major areas of concern in the City. Property care and maintenance, and financial options needed by the City to deal with a stagnate economy. These areas of concern are not unique to Dunbar; they are topics of concern all across the State. A person’s home is their single biggest asset and it should be the local governments goal to do whatever they can to protect that asset by making sure that adjoining properties are properly maintained. This takes strong ordinances and financial resources that are outside the ability of most communities to generate in this economy.

The City of Dunbar has been discussing the benefits of the Home Rule Pilot Program for the past two years. Those discussions culminated at a recent public meeting to set priorities for our Comprehensive Plan at which time the Home Rule Pilot Program received a high priority at the meeting and in our on line survey for the Plan.

We thank you for the opportunity to apply for participation in the Home Rule Pilot Program, we think it will provide an avenue for the citizens of Dunbar to be active in addressing pressing City wide issues.

Sincerely;

[Signature]

Terry D. Greenlee
Mayor
Municipal Home Rule Pilot Program Phase II
APPLICATION

SECTION I: APPLICANT INFORMATION

A. General Information

Name of Municipality: City of Dunbar
Certifying Official: Terry D. Greenlee
Contact Person: Bill Cunningham
Address: 210 10th Street
City, State, Zip: Dunbar, West Virginia, 25064
Telephone Number: 304-766-0220
Fax Number: 304-766-0230
E-Mail Address: mayorgreenlee@cityofdunbar.gov
2010 Census Population: 7,851

B. Municipal Classification

☐ Class I  ☐ Class II  ☒ Class III  ☐ Class IV

C. Category of Issues to be Addressed (please attach descriptions for applicable categories)

☒ Tax  ☐ Organization  ☒ Administration  ☐ Personnel  ☐ Other

SECTION II: NARRATIVE (written plan, including the following)

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.

Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.

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)

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.

SECTION III: AFFIDAVITS

Hearing Mandate Verification
Publication Mandate Verification
Ordinance Authorizing Submission of Plan
Fiscal Impact Worksheets/Formulas (if revenue related)
Feasibility Study (if taxes are proposed)
Attorney Opinion (application complies with statutory requirements)
State of West Virginia Fees Statement (none outstanding)
C. CATEGORY OF ISSUES TO BE ADDRESSED

1. Care and Maintenance of Property and Structures: (Administrative) Give the City the power and authority to enter a property and make such repairs as are needed to bring the property into Code compliance and the cost of such repairs becoming a lien on the property.

2. Building and Zoning Code Enforcement Provisions: (Administrative) Give the City building and zoning officers and/or law enforcement officers the power to issue citations for sanitation and exterior/common nuisance violations at the time and place the violation is noted.

3. Municipal Sales and Use Taxes: (Taxes) Requesting authority to impose a Municipal Sales and Use Tax after making modifications to the B&O Tax structure that is currently in place in the City.
SECTION II – NARRATIVE
PREAMBLE: The City of Dunbar proposal for the 2014 Municipal Home Rule Phase II Pilot Program, if granted, will enable the City to more efficiently address pressing property care and maintenance issues and enhance the value of real property in the City while providing the financial resources to meet this goal.

THE PLAN: Pursuant to West Virginia Code Chapter 8, Article 1, Section 5a, the City of Dunbar herein proposes the following Municipal Home Rule Phase II Pilot Program plan:

PROPOSAL 1. Care and Maintenance of Property and Structures: (Administrative) The City of Dunbar consistent with West Virginia Code 8-12-16 has adopted ordinances for the care and maintenance of property. Ordinance 101.99 sets a general penalty for all violations under City Code. However, the code does not provide authority for the City to place a lien on the property for unpaid fines.

Further, West Virginia Code 8-12-16 limits the lien amount municipalities may assess for repairing or demolishing a structure to the assessed value of the property, and does not allow municipalities to address problems with property maintenance that detract from the neighborhood or constitute an eyesore that are not a threat to public safety.

Therefore, the City is proposing that it be given the power and authority, provided it has given proper notice to the owner or owners of the property which is not being properly maintained, to enter the property and make such repairs, alterations, mowing or demolish the property to ensure that the property does not detract from the neighborhood and deteriorate further. The cost of the rehabilitation necessary to bring the property into compliance would constitute a lien against the property without the necessity of obtaining a court order.

There is not a direct financial impact on the City for implementing this proposal. Therefore, Fiscal Impact and Feasibility Worksheets were not prepared
for this proposal. Implementation of this proposal will give the City authority to
more aggressively address problems that can have an adverse impact on
neighborhood property values.

PROPOSAL 2. Building and Zoning Code Enforcement Provisions:
(Administrative) The West Virginia Code does not provide clear authority for
building and zoning officials and City law enforcement officers to directly issue
citations for external sanitation violations and general nuisances at the time a
violation is noted similar to a traffic citation.

As required by West Virginia Code 8-12-16(a) and (d) persons violating City
Code must be given due notice. To comply with the State Code the City first
issues a written notice of violation to the property owner giving them ten (10)
days to correct the deficiency or they will be summoned to municipal court for
further action. Issuance of the summons and scheduling arraignment takes
approximately thirty (30) days. If the person pleads not guilty it is set for hearing
which takes approximately thirty (30) more days to appear on the court docket.
During this period of time the property continues to deteriorate until a few days
before the final court date at which time the owner will address the problem to
try and mitigate the complaint. Then the cycle repeats itself. In essence a person
may only have to mow their grass once during a six (6) month growing cycle.

Dealing with these issues consumes a tremendous amount of time and
manpower that could be more effectively used resolving serous property issues.

The City is proposing that the building and zoning officers and/or law
enforcement officers be given power to issue citations for exterior/common
nuisance violations (including, but not limited to, trash/debris, overgrown weeds,
overgrown grass, junked cars, unlawfully situated motor vehicles, care and
maintenance of vacant structures, broken windows or glass, broken sidewalks and
driveways) at the site of the violation and at the time the violation is recognized,
similar to the manner in which parking citations are issued.

There is not a direct financial impact on the City for implementing this
proposal. Therefore, Fiscal Impact and Feasibility Worksheets were not prepared
for this proposal. Implementation of this proposal will give the City authority to more aggressively address problems that can have an adverse impact on neighborhood property values, and consume large volumes of time of code enforcement officials trying to encourage code compliance.

**PROPOSAL 3. Municipal Sales and Use Taxes:** (Taxes) The City of Dunbar is requesting authority similar to that granted to the City of Charleston, City of Huntington, and City of Wheeling to impose a Municipal Sales and Use Tax under the Municipal Home Rule Phase I Pilot Program.

Pursuant to West Virginia Code 8-13-5 the City of Dunbar currently charges a Business and Occupation Tax ("B&O") consistent with the State Code.

The City of Dunbar has had revenue neutral growth over the past decade. Several major one time construction projects have produced unbudgeted "B&O" taxes that have enabled the City to meet several of its major purchase needs for equipment replacement during this time period. However, the City has been restricted in our ability to make capital improvements while keeping up with inflation. The City needs additional revenue sources to provide for the increased need for senior citizen activity programs, youth recreation and community revitalization projects (building repurposing, demolition and renovation). All of which are necessary for the City to attract new residents and businesses.

West Virginia Code 8-13C-4 prohibits municipalities from imposing a Municipal Sales and Use Tax without eliminating their "B&O" tax if they have one in effect. The Municipal Home Rule Pilot Program Committee under the Phase I Program has approved the implementation of a municipal sales tax by Program communities that have modified their "B&O" tax structure.

The main goal in making this proposal is to generate the revenue the City needs to meet its’ growing financial needs, while creating an environment suitable for business growth. This balance can be found in the limitations placed on the types of businesses that are exempt from municipal sales taxes. Due to the City’s central location in the Kanawha Valley there are numerous professional support businesses in the City that are exempt from municipal sales taxes. Retail
sales are limited to local support businesses and restaurants. The City will eliminate and/or reduce certain "B&O" tax classifications in order to comply with the authority granted the Committee in acting on these proposals. Section III Affidavits Item 4 Financial Worksheets and Impact Statements contains details on this proposal.

The City of Dunbar is requesting that the Municipal Home Rule Pilot Program Committee under the authority granted them under West Virginia Code 8-1-5a approve Dunbar's proposal to impose a Municipal Sales and Use Tax and be exempted from the limitations imposed on municipalities under West Virginia Code 8-13C-4, and further, requests such powers as may be required by the West Virginia State Tax Commissioner for the administration and collection of the municipal consumer sales and use tax by the Tax Commissioner.
SECTION III – AFFIDAVITS

1. HEARING MANDATE VERIFICATION

2. PUBLICATION MANDATE VERIFICATION

3. ORDINANCE AUTHORIZING SUBMISSION OF APPLICATION

4. FISCAL IMPACT WORKSHEETS & FEASIBILITY STUDY

5. ATTORNEY OPINION

6. STATE OF WEST VIRGINIA FEES STATEMENT

7. AGREEMENT TO REQUIREMENTS STATEMANET (FIREARMS)
1. HEARING MANDATE VERIFICATION

   a. Attached is a copy of the ‘NOTICE OF PUBLIC HEARING” published in the newspaper.

   b. Attached are excerpts from the City of Dunbar Comprehensive Plan detailing citizen comments received at the February 24, 2014 public meeting, and an on line survey relative to the WV Home Rule Pilot Program. Both surveys show over 50% of those present or participating in the survey want the City to pursue the Home Rule Pilot Program.

   c. The Home Rule Pilot Program Phase II Application was on the City Council agenda for March 18, 2014 for general public comment. There was overall support expressed for filing the application and no comments were made about the proposals presented for the application and no other areas were brought up to pursue.

   d. The City has had open discussions about the Home Rule Program and solicited public input and comment during the development of the application. The City has been evaluating the option of entering the program for over two years and has involved the public in those evaluations.
PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held at a regular meeting of the City of Dunbar City Council on Monday May 5, 2014 at 6:30pm, in the City Council Chambers, 1st Floor of the Dunbar City Hall, Dunbar, West Virginia on the proposed City of Dunbar Municipal Home Rule Phase II Pilot Program written plan pursuant to W.Va. Code 8-1-5a.

Interested parties may appear at the Public Hearing and be heard with respect to the proposed written plan. A copy of the proposed written plan may be inspected in the City Clerk’s office beginning April 14, 2014 between the hours of 8:30am to 4:30pm daily, Monday through Friday.
Goal Four: Provide for diverse types of housing that support all segments of the population. Please choose the ONE action step which you feel is the most important to implement to achieve Goal Four.

Answer Choices

<table>
<thead>
<tr>
<th>Identify all vacant and dilapidated homes</th>
<th>Responses</th>
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<td>34.25%</td>
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<th>Develop a system to track property maintenance complaints</th>
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<th>Pursue Home Rule status to allow the City to address vacant building and maintenance issues</th>
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<td>Recommendation</td>
<td>Priority</td>
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<td>-------------------------------------------------------------------------------</td>
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<td><strong>Goal 2: Encourage revitalization, redevelopment, and infill development that make Dunbar a desirable place to live and do business</strong></td>
<td></td>
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<tr>
<td>Consider employing an economic development specialist to help with marketing and business development strategies</td>
<td>2</td>
</tr>
<tr>
<td>Develop a marketing and branding campaign to raise awareness of all that Dunbar has to offer</td>
<td>1</td>
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<tr>
<td>Annex surrounding lands to increase tax base and potential development areas</td>
<td>7</td>
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<tr>
<td><strong>Focus revitalization efforts in the central business district</strong></td>
<td>14</td>
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<td><strong>Goal 3: Provide for a safe transportation network that encourages a pedestrian friendly environment</strong></td>
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<td>Develop a sidewalk program to prioritize sidewalk improvements</td>
<td>5</td>
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<tr>
<td>Conduct a feasibility study to determine if Dunbar City Park and Wine Cellar Park could be connected by a recreational trail</td>
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<tr>
<td>Re-open the 12th Street Mall to allow vehicular traffic</td>
<td>6</td>
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<tr>
<td>Consider extending Charles Avenue to 10th Street to allow for better access to and from the Interstate to this section of the City</td>
<td>10</td>
</tr>
<tr>
<td>Open leased parking spaces for public parking in the Central Business District</td>
<td>2</td>
</tr>
<tr>
<td>Install signage directing residents and visitors to parking locations</td>
<td>0</td>
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<tr>
<td><strong>Goal 4: Provide for diverse types of housing that support all segments of the population</strong></td>
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<td>Identify all vacant and dilapidated homes</td>
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<tr>
<td>Develop a system to track property maintenance complaints</td>
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<tr>
<td>Pursue Home Rule status to allow the City to address vacant building and maintenance issues</td>
<td>14</td>
</tr>
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</table>
2. PUBLICATION MANDATE VERIFICATION

a. Attached is the affidavit of publication from the Charleston Newspapers certifying the publication of the Notice of Public Hearing for the Municipal Home Rule Pilot Program Phase II Application on March 28, 2014 and April 4, 2014.

b. Attached is a copy of the minutes of the May 5, 2014 Public Hearing and sign in sheet showing those present.
Please return this portion with your payment.
Make checks payable to: Charleston Newspapers

Legal pricing is based upon 63 words per column inch.

The Daily Mail rate is $.13 per word, the Charleston Gazette rate is $.14 per word, and the Metro Putnam rate is $.13 per word.

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The following publication

was duly published in said newspaper(s) at the stated price for the respective newspaper(s) and during the dates listed below:

Subscribed and sworn to before me this 8th day of April, 2014.

Notary Public of Kanawha County, West Virginia
MINUTES OF A PUBLIC HEARING
CITY OF DUNBAR, WEST VIRGINIA
Monday, May 5, 2013

Call to Order

Mayor Terry Greenlee called the meeting to order in Council Chambers.

Present

The following council members were present: Steve Arnott, Pam Reynolds, Doug Fleshman, Dana Hayes, Tom Bailey, Connie Thompson, Gail Harper, and Everette Sullivan. Others present for the hearing were asked to sign a sheet for record of those in attendance.

Purpose of Hearing

Mayor Greenlee stated the purpose of the public hearing was to hear public comments concerning the proposed City of Dunbar Municipal Home Rule Phase II Pilot Program written plan pursuant to West Virginia Code 8-1-5a.

The Municipal Home Rule was briefly explained. Mayor Greenlee opened the floor for comments and/or questions.

Hearing no comments and/or questions, Mayor Greenlee declared the hearing adjourned.

[Signature]
MAYOR Terry Greenlee

[Signature]
CITY CLERK Connie Fulkner
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
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<tbody>
<tr>
<td>Bill Cunningham</td>
<td>252 Pine Circle, Dunbar</td>
</tr>
<tr>
<td>Steve Scelish</td>
<td>1609 N.W. Ave, Dunbar</td>
</tr>
<tr>
<td>Jo Ann Cornell</td>
<td>1209 Payne Ave, Dunbar</td>
</tr>
<tr>
<td>Judith Williams</td>
<td>122 Moran Avenue</td>
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<tr>
<td>O.C. Long</td>
<td></td>
</tr>
<tr>
<td>Steve Snowdott</td>
<td>326 2nd St.</td>
</tr>
<tr>
<td>Pam Reynolds</td>
<td>400 13th Street</td>
</tr>
<tr>
<td>Doug Habr</td>
<td>454 14th St.</td>
</tr>
<tr>
<td>Connie Shiffler</td>
<td>304 23rd Ave</td>
</tr>
<tr>
<td>Carrie Hogan</td>
<td>103 8th St., Dunbar</td>
</tr>
<tr>
<td>Steve Boals</td>
<td>1827 Johnson Ave, Dunbar</td>
</tr>
<tr>
<td>Dena &amp; Tom Legg</td>
<td>419-214th St., Dunbar</td>
</tr>
<tr>
<td>Jon Rider</td>
<td>161 7th St., Dunbar</td>
</tr>
<tr>
<td>Norma J Heffer</td>
<td>116 4th Ave.</td>
</tr>
<tr>
<td>E. B. Herman</td>
<td>1800 Kan Hl 2</td>
</tr>
<tr>
<td>Janet Harper</td>
<td>2704 Edwards Cir.</td>
</tr>
<tr>
<td>James &amp; Sharon Price</td>
<td>1118 Kanawha Ave, Dunbar</td>
</tr>
<tr>
<td>Howard E Reynolds</td>
<td>1200 Kanawha Ave, Dunbar</td>
</tr>
<tr>
<td>Katherine McCormick</td>
<td>938 18th St, Dunbar</td>
</tr>
</tbody>
</table>
3. ORDINANCE AUTHORIZING SUBMISSION OF PLAN
AN ORDINANCE AUTHORIZING THE SUBMISSION OF HOME RULE PHASE II PILOT PROGRAM.

An Ordinance authorizing the submission of the City of Dunbar Municipal Home Rule Phase II Pilot Program Application, Attached as Exhibit Hereto, to the Municipal Home Rule Board pursuant with WV Code 8-1-5a, in order to be considered in the West Virginia Home Rule Program.

Now, therefore, be it ordained by the Council of the City of Dunbar, West Virginia:

That the Mayor and the City Clerk are hereby authorized and requested to submit the City of Dunbar Municipal Home Rule Phase II Pilot Program Application, attached as an Exhibit hereto, to the Municipal Home Rule board pursuant with West Virginia Code 8-1-5a, in order that the City of Dunbar be considered for participation in the West Virginia Home Rule Phase II Pilot Program.

The Honorable Terry D. Greenlee
Mayor
Connie Fulkner
City Clerk

Date
City of Dunbar Municipal Home Rule Pilot Program Phase II Application Section III Affidavits

4 & 5. FISCAL IMPACT WORKSHEET & FEASIBILITY STUDY – MUNICIPAL SALES & USE TAX

Projected B&O Tax Impact
The fiscal impact of the B&O tax initiatives in Dunbar currently intends to pursue will result in an estimated B&O tax loss of $320,000 annually. In our evaluation of the impacts Dunbar used a three year average for gross sales reported for the Retail classification in B&O tax filings. This average produced estimated retail base sales of $97.6 million annually. Applying the current 0.5% Retail tax rate to the average gross sales results in $488,000. By reducing the Retail tax rate to 0.35%, the estimated tax becomes $341,600, representing a loss of $146,400 in the Retail tax classification annually.

B&O Tax Initiatives
Reduce B&O on Retail from .5% to .35% (146,400)

Estimated B&O Tax Loss $ (146,400)

Projected Municipal Consumer Sales/Use Tax Impact
The base fiscal impact of the municipal consumer sales/use tax is estimated to be more than $650,000 in revenue per year in Dunbar once the tax is in effect for a full calendar year. It is our understanding that the West Virginia State Tax Department of Revenue is currently unable to provide detailed data regarding retail sales tax receipts for the retail tax base in Dunbar or Kanawha County. In order to estimate the impact of a municipal sales/use tax, Dunbar estimated base sales classification under its B&O taxes over the past three years, which produced estimated retail base sales of $97.6 million annually. The proposed tax rate of 1% applied to the estimated retail base sales is estimated to produce $976,000 in revenue. Adjustments were made to this number for the exemption of food sales, leaving approximately $659,000 in revenue annually.

Sales/Use Tax Initiative
Implement 1% Sales/Use Tax $ 976,000
Less: Food Exemption [317,000]
Estimated Sales/Use Tax Revenue $ 659,000

Net Revenue Impact
The estimated net revenue to Dunbar resulting from the $146,000 dollar estimated loss due to the intended reduction of certain B&O tax rates and the $659,000 estimated revenue from the municipal consumer sales/use tax would be an estimated $512,000 annually.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Estimated B&amp;O Credit Implementation</td>
<td>$(146,000)</td>
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<tr>
<td>Estimated Sales/Use Tax Revenue</td>
<td>659,000</td>
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<tr>
<td>Estimated Net Revenue Impact</td>
<td>$512,000</td>
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</tbody>
</table>
6. ATTORNEY OPINION (application complies with statutory requirements)
Applicant: City of Dunbar, West Virginia

Re: City of Dunbar Municipal Home Pilot Program Rule Phase II

Ladies and Gentlemen:

As City Attorney for the City of Dunbar, I have reviewed the West Virginia Code 8-1-5a (2007), Municipal Home Rule Pilot Program Application Guidelines for the proposed City of Dunbar Municipal Home Rule Pilot Program Phase II Application and other documents related thereto (collectively, the "Application") as I have deemed necessary for the purpose of this opinion.

Based upon the examination of such documents and my understanding of the intent of the proposed provisions contained in the Application, it is my opinion that the Application complies with the statutory requirements in that:

1. The Application does not contain any proposed changes to ordinances, acts, resolutions, rules or regulations that are contrary to the:
   a. US or WV Constitutions
   b. Chapter – 60 – A Uniform Controlled Substance Act
   c. Chapter – 61 – Crimes and Their Punishment
   d. Chapter – 62 – Criminal Procedures – of this code

2. The Application 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.

If you require further clarification or additional information please feel free to contact me.

Very truly yours,

Stephen P. Swisher

SPS/db
7. STATE OF WEST VIRGINIA FEES STATEMENT (none outstanding)

CERIFICATION

This is to certify that the City of Dunbar does not have any outstanding fees or charges due the State of West Virginia.

Terry D. Greenlee
Mayor
City of Dunbar
8. AGREEMENT TO REQUIREMENTS STATEMENT (firearms, ammunition and firearm accessories)
Requirements Concerning Firearms, Ammunition and Firearm Accessories

Definitions: As used in this subsection:

(A) Ammunition means fixed cartridge ammunition, shotgun shells, the individual components of fixed cartridge ammunition and shotgun shells, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(B) Firearm accessory means a device specifically designed or adapted to enable the wearing or carrying about one’s person, or the storage or mounting in or on a conveyance, of a firearm, or an attachment or device specifically designed or adapted to be inserted into a affixed onto a firearm to enable, alter or improve the functioning or capabilities of the firearm.

(C) Firearm has the same meaning as in W. Va. § 61-7-2.

General Rule:

(A) Municipalities participating in the Municipal Home Rule Pilot Program may not restrict in any manner the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any revolver, pistol, rifle, or shotgun, or indirectly prohibit the ownership of the ammunition, or, to restrict in any manner the right of any person to purchase, posses, transfer, own, carry, transport, sell or store any other firearm accessory or accouterment, under any order, ordinance or rule promulgated or enforced by the municipality. This rule may not be construed to prevent any law enforcement official with appropriate authority from enforcing any statute enacted by the state.

(B) The authority of a municipality to regulate firearms, ammunition, or firearm accessories may not be inferred from its proprietary authority, home rule status or any other inherent or general power.

(C) Any existing or future orders, ordinances, or rules promulgated or enforced in violation of this subsection are null and void.

(D) A municipality may regulate the carrying of a firearm in municipal buildings dedicated to government operations, other than parking buildings or garages.

Applicability and Effective Dates:

Ninety days after a new municipality has been selected by the Board to participate in the pilot program, or a previously participating municipality has chosen to continue to participate in the pilot program, any municipal gun ordinances previously authorized by the provisions of section five-a, article twelve, chapter eight of this code shall no longer be of any force or effect for any municipality participating in this program, to the extent they are in conflict with the provisions of this subsection: Provided, that no provision in this subsection may be construed to limit the authority of a municipality to restrict the commercial use of real estate in designated areas through planning or zoning ordinances.

Certifying Official Signature (Mayor or designee):