

MUNICIPAL HOME RULE PROGRAM

City of Elkins

2021
PROGRESS
REPORT

West Virginia
Municipal Home Rule Board
P. O. Box 11360
Charleston, WV 25339-1360
MunicipalHomeRule@wv.gov
304.558.3356

West Virginia State Code §8-1-5a (m) provides:

“Commencing December 1, 2015, and each year thereafter, each participating municipality shall give a progress report to the Municipal Home Rule Board and commencing January 1, 2016, and each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.”

The Municipal Home Rule Board has developed this standard format for Home Rule Program participating municipalities to prepare and submit their respective Annual Progress Reports. The intent of this standard format is to gather and compile information in a consistent, easily understood, and efficient manner that will be used to develop a concise and practical summary report to the Joint Committee on Government and Finance.

Annual Progress Reports must be submitted electronically as an individual file in PDF format no later than the close of business on the first business day of December, by emailing to WV Municipal Home Rule Board at MunicipalHomeRule@wv.gov.

A. General Information		
Name of Municipality: City of Elkins		
Certifying Official: Jessica Sutton	Title: City Clerk	
Contact Person: Jessica Sutton	Title: City Clerk	
Address: 401 Davis Ave.		
City, State, Zip: Elkins, WV 26241		
Telephone Number: 304.636.1414 ext. 1211	Fax Number: 304.635.7973	
E-Mail Address: jsutton@cityofelkinswv.com		
2020 Census Population: 6,934		
B. Municipal Classification		
<input type="checkbox"/> Class I <input type="checkbox"/> Class II <input checked="" type="checkbox"/> Class III <input type="checkbox"/> Class IV		
C. Attest		
I hereby confirm that I am the authorized official for this municipality and certify that the information submitted herein and attached hereto is true and accurate and that this report addresses each and every initiative included in the original Home Rule Pilot Program Plan Application for this municipality and any subsequent amendments, if applicable.		
Jessica Sutton		12/1/2021
Type Name of Certifying Official	Signature of Certifying Official	Date

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application and Amendment(s). Each non-tax related initiative must be listed on a separate page.

Initiative: "On the spot" citations
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? July 21, 2016
If no, please describe challenges faced in enacting the related ordinance(s).
<p>SUCSESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The authority provided to our Code Enforcement Officer by this initiative created a three-fold benefit to the City. First, the officer can directly confront unsanitary, unsightly, and potentially dangerous issues with a more immediate effect. Second, the citizens of Elkins have renewed confidence that the city is interested in and addressing problems that they see often, and feel are important. Third and final is the relief that is provided to our police department through the transference of responsibility to code enforcement, in appropriate instances, for what they may consider lower priority calls.</p> <p>In response to our lessons learned (see below), actions have been taken to better educate the public, including a document for distribution detailing the most commonly occurring violations and who (police, fire or code enforcement) is responsible for responding, in order to address any confusion, as well as multiple articles published in print and electronically. The creation and hiring of a new city employee – the external affairs specialist – has also allowed an increase in the release of more code-enforcement related information that improves citizen understanding and compliance. Further, the City has created a GIS based dilapidated properties dashboard linked from our website that slows for increased transparency for the public.</p>
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>More public education would have been helpful during and immediately after implementation so that citizens could have a better understanding of the process, the authority granted and more importantly, the limitations on what the code enforcement officer is able to do. In many cases, high visibility issues include a combination of actions by code enforcement and public safety, which take coordination and time to resolve.</p>

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Initiative: Registration and Maintenance of Foreclosed Properties
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? July 16, 2016
If no, please describe challenges faced in enacting the related ordinance(s).
<p>SUCSESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The successful expansion of the City’s Vacant Structures Registration Program to include lenders and trustees who are in the process of foreclosing is a significant tool in the struggle to abate the blight of dilapidated properties around town. The process of foreclosure can be lengthy and imposes no requirements for property maintenance throughout, allowing what are typically already neglected properties to continue to negatively affect communities for significant amounts of time. Since the implementation of this authority the Building Inspector/Code Enforcement Officer has registered several properties held by a lender or trustee. This has proven to be a valuable tool for the city.</p>
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>The problem still exists that even though the City has the authority to require a lender or trustee who is in the process of foreclosing on a property to register as the owner, identifying who the foreclosing entity is can be difficult. Once ownership is confirmed, contact and compliance improve in most cases.</p>

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Initiative: Public Nuisance Liens
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, when was the ordinance enacted?
If no, please describe challenges faced in enacting the related ordinance(s). The City of Elkins has adopted the West Virginia State Building Code and the International Property Maintenance Code, which under W.Va. Code, permits us to file a lien against properties for monies spent to address a cited public nuisance. At this time, the city sees no need for adoption of an additional ordinance.
SUCSESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.
LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.

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Initiative: Satisfaction of Demolition Liens
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, when was the ordinance enacted?
<p>If no, please describe challenges faced in enacting the related ordinance(s).</p> <p>The City of Elkins has adopted the West Virginia State Building Code and the International Property Maintenance Code, which under W.Va. Code, permits us to file a lien against demolished properties, up to an amount determined by the court. At this time, the city sees no need for adoption of an additional ordinance.</p>
<p>SUCSESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.</p>
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

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Initiative: Transfer or Lease of City Property to Private and Non-profit Entities
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? March 2, 2017
If no, please describe challenges faced in enacting the related ordinance(s).
<p>SUCSESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>In 2019 the city entered into a Memorandum of Understanding with a local non-profit development group for the purpose of addressing vacant and dilapidated housing and improving blighted neighborhoods. Although the need for the city to transfer property to this agency have not arisen yet, we continue to work together to identify opportunities.</p> <p>In August 2020 the city did transfer a piece of property located in a highly visible commercial zone to the Randolph County Development Authority. The RCDA has the expertise and resources to effectively advertise and attract business to this location for development. Once a purchase is secured, the RCDA will reimburse the city the appraised value.</p>
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>We suffered no negative effects from the adoption of this initiative and as stated above nor from the successful transfer earlier this year.</p>

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application and Amendment(s). Each non-tax related initiative must be listed on a separate page.

Initiative: Part-time Police Officers
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? April 7, 2016
If no, please describe challenges faced in enacting the related ordinance(s).
<p>SUCCESES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>Since the adoption of our Ordinance allowing the hiring of part-time police officers for longer than three months, the city has utilized this ability twice. In the first instance, an officer who had been hired on and off since 2010, but previously limited to serving only three months consecutively, was able to stay on as needed with the department, while maintaining other employment in the area. His familiarity with department procedures and personnel allowed for a smooth transition on and off the schedule. The ability to hire this officer for longer than three months, grants the department flexibility in his use and time to make other long-term adjustments without sacrificing the integrity of the police force.</p> <p>The second example is of an officer who began his part time employment on October 31, 2016. Effective January 20, 2017, a full-time officer retired which allowed the part-time officer to be considered and eventually hired into the full-time position. Without the ability to keep the part-time officer employed beyond three months, the police department would have suffered the loss of two officers at once and would have likely remained understaffed for several months.</p> <p>The city currently employees four officers who are active military. In addition to weekend and week-long duty requirements, they may be called up for deployment at any time. The ability to keep or hire part-time officers, helps significantly during these occurrences.</p>
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>We suffered no negative effects from the adoption of this initiative. The public and the police department were both in favor of and have responded positively to the City’s adoption of this policy.</p>

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application and Amendment(s). Each non-tax related initiative must be listed on a separate page.

Initiative: Raising Maximum Age for Joining Civil Service Police Departments
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? January 7, 2016
If no, please describe challenges faced in enacting the related ordinance(s).
<p>SUCSESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The city has administered civil service testing for probationary police officers seven times since the implementation of this initiative. While no applicants have been over the age of forty (40), the City still sees value in the authority to hire otherwise qualified officers up to age forty-five (45) for a primary reason that the City remains in direct competition with the WV State Police, the Randolph County Sheriff’s Department and neighboring municipalities in the hiring of new officers. The Sheriff’s Department, who also observes a maximum age of forty-five for applicants, has administered civil service testing as many times, or more, as the city over the last year.</p>
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>We suffered no negative effects from the adoption of this initiative. The public and the police department were both in favor of and have responded positively to the City’s adoption of this policy.</p>

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Initiative: Party Membership Requirements for Election Boards and Civil Service Commissions
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? March 2, 2017
If no, please describe challenges faced in enacting the related ordinance(s).
<p>SUCSESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The City simultaneously passed four separate ordinances to exercise the authority granted by the Board. These included exemption from party affiliation for 1) police civil service commission members; 2) fire civil service commission members; 3) building commission members; and 4) ballot commissioners and poll workers.</p> <p>The City has had the opportunity to appoint four members to the Elkins Building Commission and three members to the Elkins Police Civil Service Commission without having to consider party affiliation. In addition, the municipal elections held in March 2019 and 2021 required the appointment of twenty-five to thirty individuals each time, which is significantly less burdensome with the removal of the party requirements.</p>
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>We suffered no negative effects from the adoption of this initiative. The City, as well as other nominating organizations, appreciate being able to focus on the overall suitability of a candidate instead of political party affiliation, particularly given the low interest in serving.</p>

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Initiative: Business License Categories and Fees
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? June 16, 2016
If no, please describe challenges faced in enacting the related ordinance(s).
<p>SUCSESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The consolidation of categories of business license fees was not a significant change as all categories were already charged the same amount, regardless of being identified separately. However, what the initiative did provide is consistency and efficiency for both business owners and the Treasurer’s department. In addition, the city was able to both raise the fee and institute a penalty for late payment universally. The ability to affect changes across the board has provided an ease to doing business that did not exist before.</p>
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>The Ordinance to implement this changed was not approved on final reading until June 16, 2016, only a few weeks prior to the start of the fiscal year. This created a delay in the ability of the treasurer’s department to issue license renewal forms and inform business owners of the change in the fee and the new penalty structure.</p>

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Initiative: Distance between WVABCA License Holders and Churches
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, when was the ordinance enacted?
If no, please describe challenges faced in enacting the related ordinance(s).
An ordinance was recommended from committee to full council and passed on the first reading with a vote of seven to two (one member was absent). On second reading a motion was passed to postpone the ordinance indefinitely. It has not been revisited since.
SUCCESESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.
LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.
Absent a specific example that the distance requirement is harming economic growth or community enjoyment, council is hesitant to adopt the ordinance. In addition, members of the public and councilors have been vocal about their concern over bars being too close to churches.

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Initiative: "Brunch Bill"
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? September 7, 2017
If no, please describe challenges faced in enacting the related ordinance(s).
<p>SUCSESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>It is difficult to measure the success of this initiative given that the impact is more directly felt by private businesses. However, the City is aware that some businesses holding a "Class A" license that were normally open on Sundays have extended their operating hours and businesses previously not open on Sundays are now for specific purposes (sporting events or private parties). In addition, individuals and organizations within the city frequently host special events during which alcohol is served and now have more flexibility to do so.</p> <p>Further, although the W.V. State Code changed to allow counties to permit serving earlier on Sundays, Randolph County has taken no action to adopt this policy.</p>
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>We suffered no negative effects from the adoption of this initiative. The public and the business owners offering on-site alcohol consumption were both in favor of and have responded positively to the City's adoption of this policy.</p>

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Initiative: Allocation of Funds for City Marketing and Tourism
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? February 7, 2019
If no, please describe challenges faced in enacting the related ordinance(s).
<p>SUCSESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>Included in the annual budget since FY20 is the equivalent of one dollar per capita, per annum as permitted by this new authority. In FY21 the city supported Development Authority in the creation and printing of a Randolph County Experience magazine that will be used to solicit economic and community development. To date in FY22 the city paid for advertisement of a market study funded through Elkins Main Street for the purpose of identifying gaps and potential business owners and opportunities. Both have been well received and proven to be successful tools.</p>
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>We suffered no negative effects from the adoption of this initiative. Community organizations which we frequently partner with see the benefit of the City having internal funds to apply to positive promotions. The pandemic has halted these efforts in 2020.</p>

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Initiative: Intergovernmental Agreements
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment X?
Has the ordinance(s) needed to implement this initiative been enacted? X Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? February 1, 2018
If no, please describe challenges faced in enacting the related ordinance(s).
SUCSESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance. The city has utilized this authority three times since implementation. The process of issuing agreements by resolution as opposed to ordinance provides ease, flexibility, and speed to the process, while still meeting the level of necessary approval and transparency.
LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities. We suffered no negative effects from the adoption of this initiative.

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Initiative: Municipal Court Technology and Maintenance Fee
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment X?
Has the ordinance(s) needed to implement this initiative been enacted? X Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? September 21, 2017
If no, please describe challenges faced in enacting the related ordinance(s).
SUCSESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance. The receipts to date have been over three hundred dollars. Simultaneous with the final reading and adoption of the ordinance implementing the new fee, City Council also approved the purchase of new municipal court software at a cost of twenty-five thousand dollars. While the fee will never generate enough revenue to cover this expense entirely, any amount will be helpful in offsetting the burden to the general fund.
LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities. We suffered no negative effects from the adoption of this initiative.

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Initiative: Reducing the Number of Eligibles from Certified List of Police Civil Service Commission
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? February 1, 2018
If no, please describe challenges faced in enacting the related ordinance(s).
SUCSESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance. The City has conducted civil service testing for probationary police officers five times since the adoption of this authority. During one of these testing cycles, only one candidate was named to the certified list. This candidate was hired within weeks of the list being finalized and sent to the WVSP Academy within a few months. Without this ordinance in place, testing would have been reinitiated immediately at the expense of time and money while also causing our department to remain understaffed for a much longer period.
LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities. We suffered no negative effects from the adoption of this initiative.

Please use this page to report progress on each **tax related initiative** included in your Home Rule Application. Each tax related initiative must be listed on a separate page.

Initiative: Municipal Sales Tax
Was this tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> or N/A <input type="checkbox"/>
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? July 1, 2018
If no, please describe challenges faced in enacting the related ordinance(s).
<p>REVENUES – In the space below, please provide a brief narrative highlighting revenue amounts and revenue categories realized; revenue amounts and revenue categories reduced; net revenue gain; and, any metrics used to track performance.</p> <p>The city has received approximately \$3.5 million in sales tax revenue to date. In exchange for the implementation of this new tax, the city eliminated the manufacturing category of the B&O Tax, which was projected to yield \$64,208.45 in FY19.</p>
<p>SUCCESES – In the space below, please provide a brief narrative highlighting projects, improvements, programming, etc. realized through the implementation of this revenue initiative and any metrics used to track performance.</p> <p>On September 6, 2018, Elkins City Council adopted a five-year strategic plan setting a vision and priorities for the City. The plan has been used to direct the spending of the additional revenues including the demolition of dilapidated properties and related costs; installation of mechanisms to improve transparency and public notification; capitol project investment; implementation of a new Classification and Compensation plan and wage increases for all City employees; and the addition of new staff positions.</p>
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>Although underfunded areas of the city budget were identified and multiple forums were provided to educate and collect input from the public, the city received negative press regarding the lack of specific assignment of the anticipated revenues. The lesson learned is to engage the press sooner in a positive way and possibly to specify more exactly where the additional revenues will be spent.</p>