CITY OF LEWISBURG

Municipal Home Rule

Pilot Program – Phase III

APPLICATION
# City of Lewisburg Home Rule Application
## Phase III

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February 18, 2016

West Virginia Development Office
West Virginia Home Rule Pilot Program
State Capitol Complex
Building 6, Room 553
Charleston, West Virginia 25305-0311

Re: City of Lewisburg Municipal Home Rule Plan

Dear Members of the Home Rule Board:

On behalf of the citizens and elected leaders of the Municipality of Lewisburg, I am submitting eight (8) copies of the Municipality’s written plan to participate in Phase III of the Municipal Home Rule Pilot Program. A PDF copy of this written plan will be sent by email to Debbie Browning at the West Virginia Development Office.

Lewisburg is a Class III municipality located in Greenbrier County, West Virginia. The municipality has a total area of 3.75 square miles. Approximately 3.75 square miles are land and 0 square miles of water. The municipality has 3,830 people, 2,972 households, and 2,405 families residing in the City.

Lewisburg is principally a tourism based economy complemented by a healthy mix of retail, financial services and some small industry. Lewisburg has a vibrant downtown of locally owned shops and restaurants within a clean, well maintained historic district. Lewisburg features a strong performing arts scene with outstanding venues including one of only four Carnegie Hall performing arts halls in the world, Greenbrier Valley Theatre (the State Theatre of West Virginia) and the Lewis Theatre, home to Trillium Dance Collective and a restored movie theater. As the county seat of Greenbrier County, Lewisburg serves as the commercial hub of southeastern West Virginia. Higher education, in the form of the West Virginia School of Osteopathic Medicine and the Greenbrier Campus of New River Community and Technical College, is a strong component to the local economy.

The median income in Lewisburg is $36,644 (vs. Greenbrier County median income of $33,944). Lewisburg is a Certified Arts Community and was named the Coolest Small Town in America by Budget Travel Magazine in 2011. There are approximately 500 hotel and motel rooms located within Lewisburg. The City of Lewisburg operates a regional water system serving over 10,000 people. Active local community foundations include the Hollowell Foundation, the Hamilton Family Foundation, and the Greenbrier Valley Community Foundation.
Lewisburg has a commercial airport located 3 miles north of town with two flights daily to Washington D.C. (Dulles).

Lewisburg is also home to a regional visitors center built in 2010 that is located downtown which promotes Greenbrier, Summers, Pocahontas and Monroe Counties. The center houses the Greenbrier County Convention and Visitors Bureau which is Lewisburg’s designated CVB. The center is open 362 days a year and welcomes 37,000 visitors per year.

We look forward to participating in Phase III of the Municipal Home Rule Pilot Program. Should the Board have any questions about our written plan or need any additional information, please do not hesitate to contact me.

Sincerely,

[Signature]

John Manchester
Mayor
Section I
Application
SECTION 1: APPLICATION INFORMATION

General Information

Name of Municipality: City of Lewisburg
Certifying Official: John Manchester Title: Mayor
Contact Person: John Manchester Title: Mayor
Address: 942 Washington Street West
City, State, Zip: Lewisburg, West Virginia 24901
Telephone Number: (304) 645-2080 Fax (304) 645-2194
E-Mail Address: jmanchester@lewilsburgh-wv.com
2010 Census Population: 3830

Municipal Classification

Class I Class II Class III Class IV

Category of Issues to be Addressed (please attaché descriptions for applicable categories)

Tax Organization Administration Personnel
Category of Issues to be Addressed

1. **Building and Zoning Administration Enforcement Provisions (Administrative)**  Permit building and zoning administrators and/or City law enforcement officers to issue “on the spot” citations for external sanitation violations.

2. **Sale, Lease or Disposition of Other Municipal Property (Administrative)**  Authorize the sale of municipal surplus property without being required to advertise surplus property as a Class II legal advertisement or be sold at a public auction using an auctioneer.
Section II
Narratives

Background
Currently, there is no authority under state law that would permit building and zoning administrators or City law enforcement officers to issue “on the spot” citations for external sanitation violations or common nuisances.

W.Va. Code §8-12-16 mandates certain procedural and notice requirements including a requirement that, “all orders issued by the enforcement agency shall be served in accordance with the law of this state concerning the service of process in civil actions” and a requirement that such orders “be posted in a conspicuous place on the premises affected by the complaint or order....” Further, W.Va. Code §8-12-16(d) currently mandates that “no ordinance shall be adopted without providing therein for the right to apply to the circuit court for a temporary injunction restraining the enforcement agency pending final disposition of the cause.”

Rationale for Request
Currently, building and zoning administrators issue citations only after application for approval by the Municipal Court. The process of successfully prosecuting a building or zoning violation may take a month or more, and fosters recidivism from violators who will correct violations to get a case dismissed, then re-offend, knowing the prosecution clock will start anew. It is proposed that building and zoning administrators and/or City law enforcement officers be given power to issue citations for reoccurring exterior sanitation/common nuisance violations (including, but not limited to, trash/rubbish, overgrown weeds/grass, junked or otherwise unlawfully situated motor vehicles, maintenance of vacant structures, broken windows or glass, failure to maintain sidewalks and driveways) at the site of the violation and at the time the violation is recognized, similar to the manner in which traffic citations are issued.

Financial Impact
The City in the past has used its own workforce to mow overgrown properties neglected by property owners who have either abandoned their property or ignored notices by the City to
clean up the property. Though we have incurred this cost, the additional cost required to try to collect through the court system often makes it not cost effective to pursue collection. Cleaning up neglected properties takes manpower away from other, more pressing projects.

Over the last several years the City has contracted with a local lawn company to now some of the larger neglected properties such as foreclosures. Even though this has alleviated the pressure on staff to mow these properties, it has put a financial hardship on the City’s budget for additional funding of unnecessary costs for mowing expenses.

For example in 2011 the City spent $1,080 on one foreclosed property because the bank refused to maintain the property even after being notified numerous times that it was in need of being mowed. The City did remit billing to the bank in question without any success in collecting any money for this service. Because this property was located in a very prominent neighborhood within the City, the City could not refuse to mow or maintain the property.

Another area the City has incurred cost is dilapidated buildings. Over the last several years the City has demolished two structures in residential neighborhoods in close proximity to the downtown area because they had been neglected. Each of these properties cost the City approximately $10,000 to have demolished and cleaned up. This is an expense that possibly could have been avoided if the City could have been proactive and issued on the spot citations to property owners before the property became in such disrepair.

A building maintenance code provision like this has proven successful in the Home Rule cities of Charleston and Huntington. We request similar authority for our City.
2. Sale, Lease or Disposition of Other Municipal Property (Administrative)

Rationale for Request

The City of Lewisburg requests that it be granted the authority to sell surplus property on an online auction site in lieu of advertising using a Class II legal advertisement or holding a public auction.

West Virginia State Codes in §8-12-18. Sale, lease or disposition of other municipal property. (b) In all other cases involving a sale, any municipality is hereby empowered and authorized to sell any of its real or personal property or any interest therein or any part thereof for a fair and adequate consideration, the property to be sold at public auction at a place designated by the governing body, but before making any sale, notice of the time, terms and place of sale, together with a brief description of the property to be sold, shall be published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code and the publication area for the publication shall be the municipality. The requirements of notice and public auction shall not apply to the sale of any one item or piece of property of less value than one thousand dollars and under no circumstances shall the provisions of this section be construed as being applicable to any transaction involving the trading in of municipality owned property on the purchase of new or other property for the municipality and every municipality shall have plenary power and authority to enter into and consummate any trade-in transaction.

Financial Impact

The City of Lewisburg proposes to adopt an ordinance allowing the City to sell our surplus property on an online auction site or through sealed bids after properly advertising in a local newspaper, instead of having to advertise and conduct a public auction. Either of these types of sale will save the City the cost of having to advertise the surplus property and the cost of hiring an auctioneer as the online auction sites do not charge to advertise your items on their site.

Other states such as Illinois allow their townships to advertise their surplus property in this manner.

This will save the City advertising cost of $150 to $200 per occurrence and the cost to hire an auctioneer (between 10% and 20% of the value of items sold).
Section III
Affidavits
Section III
A. Hearing Mandate Verification
Hearing Mandate Verification

City of Lewisburg
Office of the Recorder
942 Washington St. West
Lewisburg, WV 24901

I, the undersigned Recorder of Lewisburg, West Virginia, do hereby certify that on [February 14th], at 7:45 p.m. a Public Hearing was held on the City’s proposed written home rule plan in conformity with the requirements of W. Va. Code §8-1-5a (2013).

Attached are true, correct and complete copies of page one of the Lewisburg City Council Agenda, evidencing the Public Hearing and the signature of citizens who spoke either in favor of or against the written plan and its submission to the Municipal Home Rule Board pursuant to Ordinance No. 256.

Witness the signature of the undersigned Recorder of the City of Lewisburg, West Virginia, and the seal of the City, this 17th day of February, 2016.  

Shannon Beatty, CMC  
Recorder
PUBLIC HEARING

February 16, 2016

The purpose of this public hearing is to receive comments regarding this City's written plan to participate in the Phase III of the Municipal Home Rule Pilot Program and Ordinance No. 256 which authorizes the Mayor to submit the written plan to the Municipal Home Rule Board.

In favor of:

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Opposed to:

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No one spoke at the public hearing neither for or against.

Sharron Beaty
Recorder
Section III
B. Publication of Mandate Verification
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Subtotal: 27.56
Sales Tax: 
Total Invoice Amount: 27.56
Payment/Credit Applied: 
TOTAL: 27.56
AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA
COUNTY OF GREENBRIER,
TO WIT:

I, Louise Basnett, one of the editors of The West Virginia Daily News, a daily newspaper of general circulation published at Lewisburg, West Virginia, in the County of Greenbrier, State of West Virginia, do certify that publication of the advertisement or advertisements attached hereto was made in two (2) issues of said newspaper, dated

30 Dec. 2015

Given under my hand this 16th day of January, 2016

Louise Basnett
Editor or Publisher

Subscribed and sworn to before me this 16th day of January, 2016
My commission expires Sept. 11, 2020

Judy Steele, Notary Public

Publication Fee: $
Mountain Media, LLC
P.O. Box 429
Lewisburg, WV 24901
(304)647-5724

BILL TO

City of Lewisburg
942 Washington Street, West
Lewisburg, WV 24901

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| Total    | $12.94                                           |

Mountain Media, LLC
P.O. Box 429
Lewisburg, WV 24901
(304)647-5724

BILL TO
City of Lewisburg
942 Washington Street, West
Lewisburg, WV 24901

Invoice

DATE     INVOICE #
1/2/2016   2016-43775

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Net 20

Total $17.25

MOUNTAIN MEDIA, LLC
Post Office Box 429, Lewisburg, WV 24901
304-647-5724

CERTIFICATE OF PUBLICATION

STATE OF WEST VIRGINIA
COUNTY OF GREENBRIER, SS:

I, Brandy Wykle, one of the Editors or Agents of Mountain Messenger, a weekly newspaper of general circulation published in the County of Greenbrier, State of West Virginia, do certify that publication of the advertisement or advertisements Notice of Public Hearing attached hereto was made in 2 issue(s) of the newspaper, dated January 2nd, 2016 and January 9th, 2016.

Given under my hand this 13th day of January, 2016

______________________________
Brandy Wykle
Editor or Publisher

$30.19
Publication fee

Subscribed and Sworn to before me
This 13 day of January, 2016
My commission expires: August 20, 2023.

______________________________
[Signature]
Notary Public
NOTICE

Notice is hereby given that a public hearing will be held on Tuesday, February 16, 2016, at 7:30 PM in the Paul R. Cooley Council Chamber at Lewisburg City Hall, 942 Washington Street, West on the proposed City of Lewisburg Municipal Home Rule Pilot Program, written plan pursuant to West Virginia 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 Recorder’s office beginning, December 30, 2014, between the hours of 8:30 AM and 4:30 PM daily, Monday through Friday, and the Greenbrier County Public Library during normal operating hours. (30dec6ja)

HELP WANTED: Daytime waitress needed. Part-time flexible hours, some experience necessary. Call 304-647-4700. 29-31dec

WANTED

WORK WANTED: Experienced Caregiver for elderly. Looking for full-time/part-time work in Greenbrier County area. Any shift. Call 304-667-9279. decfx

WORK WANTED: Mother and daughter team will care for your child in their Lewisburg home. Certified in daycare work. References available. Affordable rates. Call 304-661-6179 if no answer leave message, I will return your call ASAP. 24augfx

FOR SALE

FOR SALE: Old Kentucky Log Cabin, sound logs. Circa 1803. 859-335-0931. 28dec-1janp

FOR SALE: 3 Male puppies, 1/8 Anatolian, 7/8 Great Pyrenees. Ready to go. $300 each. Call 304-619-0012 or 304-651-8023. 22-30dec

FOR SALE: Salt rising bread $6. Cinnamon rolls 6 for $15.00 or $25/dozen. Call Lowell 304-497-2747 or 304-661-0938. Will deliver.
LEWISBURG CITY COUNCIL MEETING  
Tuesday, February 16, 2016  
At Lewisburg City Hall  342 Washington Street  
In the Paul H. Conley Court Chamber  
Regular Session Agenda  
7:00 p.m.

1. Call to Order  
2. Consent  
3.Motion to Adjourn  
4. Warden Reports and Council Committee Reports  
   - City Manager's Report  
   - Fire Chief's Report  
5. Announcements  
   - Special Session January 7, 2016  
   - Regular Session January 11, 2016  
6. Communications from the Mayor  
   - Lewisburg Farmers Market  
7. Proclamations  
   - International Women's Week 2016  
8. Ordinances  
   - Ordinance 295 - New Lot Application, 2nd Reading and Public Hearing  
   - Ordinance 296 - Approval to Issue Agreement, 1st Reading  
9. Communications from City Council Members  
10. Communications from Boards and Commissions  
   - Planning Commission Report  
   - Report from the Planning Commission Meeting of January 4, 2016  
   - The French Grill, LLC, 131 Virginia Street, Greensboro County, Zoning Application  
11. Communications from the Police Department  
   - Report from Assistant Chief Teague  
   - Annual report  
12. Communications from the Fire Department  
   - Report from Chief Pennington  
   - Renewal of Mutual Aid Agreements  
   - Annual report  
13. Communications from Council Committees  
   - Finance Committee  
   - Report from the February 9, 2016 meeting  
   - Approval to Purchase Generator at Station #5  
   - Approval to Purchase Generator at Station #6  
   - Approval to Purchase Generator at Station #7  
   - Water Plant Operator in Training or Class II Operator after July 1, 2016  
14. Public Works Committee  
   - Report from the February 1, 2016 meeting  
15. Public Safety Committee  
   - No meeting attended  
16. Adjournment
State of West Virginia
County of Greenbrier

I, Shannon Beatty, Recorder of the City of Lewisburg, West Virginia, a municipal corporation, do certify that the foregoing is a true and exact copy of an Ordinance duly adopted by the City Council of said city on the 17th day of February, 2016.

Dated this 17th day of February, 2016.

Shannon Beatty, CMC
Recorder
ORDINANCE 256

AN ORDINANCE AUTHORIZING THE MUNICIPALITY OF LEWISBURG TO SUBMIT TO THE MUNICIPAL HOME RULE BOARD AN APPLICATION AND WRITTEN PLAN CONSISTENT WITH THE REQUIREMENTS OF W.Va. CODE §8-1-5a (2013) TO ALLOW THE MUNICIPALITY TO PARTICIPATE IN PHASE III OF THE MUNICIPAL HOME RULE PILOT PROJECT.

Now, therefore, be it ordained by the Council of the Municipality of Lewisburg, West Virginia:

That on behalf of the Municipality of Lewisburg, the Mayor and the Administration of the Municipality are hereby authorized and requested to submit to the Municipal Home Rule Board, in accordance with the requirements of W. Va. Code §8-1-5a (2013) and application guidelines of the Board, the application and written plan and to request the Board to approve the application and written plan thereby allowing the City to participate in Phase III of the Municipal Home Rule Pilot Program and to do all things reasonably necessary to obtain approval by the Board of the City’s application and written plan.

Be it further ordained by the City Council of the City of Lewisburg that this Ordinance shall take effect after passage.

1st Reading: January 12, 2016

2nd Reading: February 16, 2016

THE CITY OF LEWISBURG
WEST VIRGINIA, a municipal corporation

By: John Manchester
Mayor

I, the undersigned Recorder of the City of Lewisburg, State of West Virginia, do hereby certify that the foregoing enactment of an ordinance was duly passed and adopted by the City Council of the City of Lewisburg, and that the proposed ordinance was read by title with at least one (1) week intervening between each meeting, the publication requirements have been met, and that the Ordinance is now in full force and effect.

Attest:
Shannon Beatty, CMC
City Recorder
December 22, 2015

Patsy Trecost, Chairman
West Virginia Municipal Home Rule Board
c/o Debbie Browning
West Virginia Development Office
West Virginia Department of Commerce
Capitol Complex, Building 6, Room 525
Charleston, West Virginia 25305-0311

RE: Application of Lewisburg, West Virginia, to participate in Phase III of
Municipal Home Rule Pilot Program

Dear Chairman Trecost:

As attorney for the Municipality of Lewisburg, West Virginia, I have reviewed W.Va. Code §8-1-5a
(2013), the Application Guidelines for Participation in Phase III of the Municipal Home Rule Pilot
Program and the Application of the Municipality to participate in Phase III of the Pilot Program,
including all attachments thereto.

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

The Application does not include any proposed changes to ordinances, acts, resolutions, rules or
regulations that are contrary to the provisions of W.Va. Code §8-1-5a (j) (1) through (7) or
prohibited by W.Va. Code §8-1-5(k) (1) through (12).

The Municipal Home Rule Board may rely upon this opinion. If you have any questions, please
contact me.

Sincerely,

Jesse O. Guills, Jr.
West Virginia State Bar Id # 1504
Municipal Attorney

cc: The Honorable John Manchester, Mayor
City of Lewisburg
Affidavit Certifying No Delinquent Fees

In compliance with the requirement of W. Va. Code §8-1-5a(c)(1), I hereby swear or affirm under penalty of law for false swearing (W.Va. Code §61-5-3) that the municipality listed below is current in the payment of all fees to the State of West Virginia.

WITNESS THE FOLLOWING SIGNATURE:

Municipality’s Name: Lewisburg, West Virginia

Authorized Signature: [Signature] Date: February 18, 2016

Print Name and Title: Susan Honaker, Treasurer

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

Taken, subscribed, and sworn to before me this 18 day of February, 2016

My Commission expires: July 19, 2022

AFFIX NOTARY SEAL HERE:

[Notary Seal]

Shannon Ninnemann