

# Home Rule Plan & Amendment Template

|   |  |   |              |
|---|--|---|--------------|
| <b>SECTION I: APPLICANT INFORMATION</b> |  |   |              |
| Type of Submission:                     | <input checked="" type="checkbox"/> Initial Plan   | <input type="checkbox"/> Proposed Amendment |              |
| Name of Municipality:                   | City of Montgomery   |   |              |
| Certifying Official:                    | Greg Ingram  | Title:                                      | Mayor        |
| Contact Person:                         | Greg Ingram  | Title:                                      | Mayor        |
| Address:                                | 706 3rd Avenue   |   |              |
| City, State, Zip:                       | Montgomery WV 25136  |   |              |
| Telephone Number:                       | 304 442-5181   | Fax Number:                                 | 304 442 5395 |
| E-Mail Address:                         | GIngram@montgomery.wv.gov  |   |              |
| Municipal Classification:               | <input type="checkbox"/> Class I <input type="checkbox"/> Class II <input type="checkbox"/> Class III <input checked="" type="checkbox"/> Class IV |   |              |

|   |
|---|
| <b>SECTION II: NARRATIVE (proposed plan or plan amendment)</b>  |
| <ol style="list-style-type: none"> <li>1. Identify the specific state laws, policies, acts, resolutions, rules, or regulations that prevent the municipality from carrying out specific duties in the most cost effective, efficient, and timely manner.</li> <li>2. Describe the specific problem(s) created by above stated laws, policies, acts, resolutions, rules, or regulations.</li> <li>3. Define each proposed solution to the above described problem(s), including all proposed changes to law, policies, acts, resolutions, rules, or regulations.</li> <li>4. See State Tax Department website for instructions regarding municipal sales and use tax (Business, Sales and Use Tax):<br/> <a href="https://tax.wv.gov/Business/SalesAndUseTax/MunicipalSalesAndUseTax/Pages/MunicipalSalesAndUseTax.aspx">https://tax.wv.gov/Business/SalesAndUseTax/MunicipalSalesAndUseTax/Pages/MunicipalSalesAndUseTax.aspx</a> </li> </ol> |

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| <b>SECTION III: ATTACHMENTS</b>  |
| <ol style="list-style-type: none"> <li>1. Completed Plan and Amendment Checklist.</li> <li>2. Affidavit of legal advertisement providing notice of the public hearing.</li> <li>3. Minutes of public hearing, including comments (if any).</li> <li>4. Copy of adopted ordinance authorizing submission of plan or amendment to Municipal Home Rule Board.</li> <li>5. Fiscal statement demonstrating municipality's ability to manage costs or liabilities associated with proposal (if proposal is revenue related).</li> <li>6. Affidavit of authorized municipality representative that municipality owes no outstanding State fees.</li> <li>7. Attorney opinion letter stating that application and plan or amendment complies with applicable State law.</li> </ol> <p><b>NOTE:</b> Submit eight originals and one electronic copy of initial plan or amendment to the Municipal Home Rule Board a minimum of 30 days before a Board meeting.</p> |

## HOME RULE APPLICATION, PLAN AND AMENDMENT CHECKLIST

- Class II legal advertisement of Public Hearing  
Dates 8/15/19 8/22/19
  - Notice of Public Hearing to Municipal Home Rule Board (MHRB) and Cabinet Secretary of every State department
  - Plan available for public inspection 30 days prior to Public Hearing
  - Hearing  
Date 9/24/19
  - Ordinance authorizing plan or amendment  
1<sup>st</sup> reading date 6/11/19  
2<sup>nd</sup> reading date 7/24/19  
Date of adoption 10/28/19
  - Required narrative presentation of each separate proposal (see Sample Form Application)
- ATTACHMENTS**
- Affidavit of legal notice of Public Hearing
  - Minutes of Public Hearing, including comments (if any)
  - Certified copy of ordinance authorizing plan or amendment
  - Fiscal statement demonstrating municipality's ability to manage costs or liabilities associated with proposals
  - Affidavit that municipality owes no outstanding State fees
  - Attorney opinion letter that application and plan or amendment complies with applicable State law
  - Submit eight (8) originals and one (1) electronic copy of application plan or amendment to the MHRB
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**West Virginia Municipal Home Rule Program Application of the City of  
Montgomery November 12, 2019**

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**West Virginia Municipal Home Rule Program**

**2019 Application of the City of Montgomery**

**Table of Contents**

**Section I: Application Information**

- A. General Information**
- B. Municipal Classification**
- C. Categories of Issues to Be Addressed**

**Section II: Narrative**

- Mayor's Introduction and Executive Summary**
- Section II A: Imposition of a Municipal Sales Tax**
- Section II B: Liens for Actions Taken in Regard to Eyesores and Dilapidated Building**
  - Attachments: Numbered List of Dilapidated Properties (30) and labeled images of each property**
- Section II C: Disposition of Property Without Auction**
- Section II D: Intergovernmental Agreement by Resolution**

**Section III: Affidavits & Legal Notices**

- A. Affidavit of Legal Publication and Posting**
- B. Notice of Public Hearing to WV Department of Revenue**
- C. Council Minutes of Public Hearing from September 24, 2019**
- D. Statement of Good Standing from WV State Tax Department**
- E. Affidavit Certifying No Delinquent Fees**
- F. Attorney Opinion**
- F. City of Montgomery Comprehensive Plan**

**Section I: Applicant Information**

**A. General Information**

Name of Municipality: City of Montgomery

Certifying Official: Greg Ingram, Mayor

Contact Person: Greg Ingram, Mayor

Address: 706 Third Avenue

City, State, Zip: Montgomery WV 25136-2037

Telephone: 304-442-5181

Fax: 304-442-5395

Email Address: [gingram@montgomerywv.gov](mailto:gingram@montgomerywv.gov)

2010 Census Pop.: 1,664

**Montgomery City Council**

Fred Lockard

Jennifer Adkins

Roger Landers

Shawn Malhotra

Carol Vickers

David White, Recorder

Greg Ingram, Mayor

**B. Municipal Classification**

Class IV

**C. Categories of Issues to Be Addressed**

Tax     Organization     Administrative     Personnel     Other



706 Third Avenue  
Montgomery, West Virginia 25136

Phone: 304-442-5181  
Fax: 304-442-5395

**GREG INGRAM**  
Mayor

**DAVID WHITE**  
Recorder

**COUNCIL**  
Jennifer Bunner  
Roger D. Landers  
Fred Lockard  
Shawn Malhotra  
Carol Vickers

The City of Montgomery  
Home Rule Application  
October 10, 2019

The city of Montgomery will submit application to complete Class IV, West Virginia Home Rule status per WV code 8-1-5A

Pursuant to the economic downturn in the coal industry, the exodus of West Virginia Tech, and the closure of Valley High School, mandates that Montgomery change the way it manages the business of the city for the service to its residents. By virtue of necessity, we have demonstrated our ability to lead, and be responsible for the commitments we make.

Please also reference SB656 a 2016 bill signed into law by then Governor Earl Ray Tomblin, and its successor bill SB1001 in 2019 signed into law by Governor Jim Justice. Both legislatures and both governors have promulgated and mandated state assistance to the Upper Kanawha Valley region, specifically Montgomery, Smithers, Pratt, and Gauley Bridge. The awarding of home rule to Montgomery will certainly declare the Secretary of Revenue's compliance with these new state laws.

Montgomery started preparation for change in 2016, this included many hours, days, months and years of economic and community studies, costing hundreds of thousands of dollars. Those studies are listed below:

- "Your Voice, Your Valley" by West Virginia Development Office, and Region 4 Planning and Development Council; (eight-month study completed by Aspen Institute of North Carolina, and Center for Rural Entrepreneurship
- "Strategically Positioning Montgomery, WV for the Future" By Virginia Tech Office of Economic Development. Virginia Tech, Blacksburg Virginia
- "The River Cities Trail Master Plan for Montgomery and Smithers" by Healthy Places for Healthy People (Appalachian Regional Commission).
- "Economic Trends in Montgomery and Smithers West Virginia" By WVU College of Business and Economics.

- “Montgomery Comprehensive Plan” By WVU Law Clinic
- “Regional Comprehensive Plan” by WVU Law Clinic (In Process)
- Zoning Plans for Montgomery” by WVU Law Clinic. (In Process)

The Montgomery Comprehensive plan adopted in February 2019 directed by the WVU law Clinic, Vision statement declares;

***“Montgomery is a historic, welcoming, community, nestled between the Allegheny mountains and along the Kanawha River. Our community provides convenient access to recreation and tourism, while serving as the regional hub for business and educational opportunities, health care, and public transportation. Our rich diversity provides for a haven for artisans and entrepreneurs”.***

Very Important in the statement is that Montgomery is the **“Regional Hub for Business”** This is Key in any and all revitalization efforts in the Upper Kanawha Valley.

The 6 Critical issues identified in the comprehensive plan are listed in 1-7 of the plans:

- Effectiveness of municipal facilities and services
- Abandoned and dilapidated buildings
- Need for recreational and tourism services
- Increased economic development
- Improvement of public transportation
- Regional partnerships.

All listed issues are also identified in the economic and community study plans listed at the outset of this document. The previous study ideas and conclusions were incorporated into this comprehensive plan.

In referencing the above accomplished studies and roadmaps, we have demonstrated our commitment to fulfill the directives of the comprehensive plan by implementing several key strategies listed in the plan. ***One initiative listed in the Comprehensive Plan implementation matrix in Chapter 7, is to Request Home Rule Status.*** Please award us, the implementation of home rule that has been supported in comprehensive plan public meetings, and the entire city council of Montgomery.

Montgomery and Smithers have Pioneered a cooperative dual-government vehicle to allow Montgomery and Smithers to share common expenses, and employees, to serve the essential services of both communities. This Vehicle is the first in the State of West Virginia and is titled "The Upper Kanawha Valley Strategic Initiative Council". Its board consist of both Mayors, a city council member from both municipalities and a business owner from each community. This joint government initiative has received approval of both City Councils, and the Secretary of State of West Virginia. In addition, it has gained a state-wide reputation as a co-government agency that works.

Montgomery won the 2019 West Virginia grand prize "Make it Shine Award" due to our beautification initiatives to clean up the City of Montgomery.

We have demonstrated a heavy policing strategy that has resulted in less crime and drug activity. We assist Kanawha and Fayette County police agencies in the UKV.

We have created agreements with outside agencies and municipalities to co-sponsor constructive initiatives, projects and grants.

We are assisting other communities with code enforcement, by Co-existence with Smithers, and sending our code enforcement officer to Cowen West Virginia, to assist them in creating their own code enforcement agency.

We are assisting WVU in filling the vacant building on the Tech Campus.

We work diligently with BridgeValley Community and Technical College, and Montgomery General Hospital.

We are jointly working with the women's club of Montgomery to revitalize the community center by installing a new kitchen and handicap accessibility, the women's club has donated \$25,000 to this \$82,000 project. The city is currently applying for a \$50,000 grant to finalize the vision.

We have successfully negotiated with Amtrak to install a 1.7 M upgrade to the Amtrak boarding station in Montgomery. This subject project is in final stages of completion.

Montgomery is addressing another item in the studies and comprehensive plan by constructing a \$250,000 river access and fishing pier at the end of Jackson street.

We could list numerous initiatives and forward-thinking accomplishments achieved in the past 4 years, but in the preservation of time, we will close with the following; "We have Leadership ability", a true and demonstrated statement to support the capacity to manage, lead, and accomplish the Home Rule Permissions we apply for today.

Section II A Implementation of Municipal Sales Tax

Section II B Liens for actions taken in regard to eyesores and Dilapidated building

Section II C Disposition of Property Without Auction

Section II D Intergovernmental Agreements by Resolution

This document illustrates the forward thinking of the Montgomery Mayor, Council, and staff of the ability to, "think logically and in an organized manner" to get things done and the capacity to cooperate with other government entities for the common good of UKV society requirements. The Montgomery

government has demonstrated in the past 4 years the ability to lead, with a purpose, and follow-through to accomplish objectives. We have the demonstrated ability and energy to be an elite home rule municipality and can be relied upon to succeed in a fair and consistent manner.

We are trailblazers who request an opportunity to make our community and all that surrounds us, all it can be, and we can accomplish this with the awarding of city home rule status.

Respectfully submitted,



Greg Ingram  
Mayor

## Section II A

### Imposition of Municipal Sales Tax

1. **State law precludes the City of Montgomery's capacity to discharge governmental obligations in an effective and timely manner.**

Applicable Law: *West Virginia Code Section 8-13-5, 8-13C-4(a), 8-13C-4(b)*

2. **Problem the present state of law presents to the City of Montgomery**

Revenue in the City of Montgomery is limited to Business and Occupation taxes and a recently adopted City User Fee, a copy of which is attached hereto and incorporated herein. The revenue derived from B&O taxes has dropped from \$619,971 in 2008 to \$355,700 in 2018. This decline is due in large part by the departure of WVU Tech, declines in the coal industry and a significant population decline.

The basis for the institution of B&O taxes is based on a model where businesses were attracted to municipalities to have access to city services and customers. That model has changed significantly, with an ever-growing increase in decentralized sale operations and internet sales.

Over time, the City has been forced to constantly decrease public services. In the aforementioned ten-year period, the City has been forced to close the City pool, located in the area of town where public recreation is most needed, reduce government personnel in all departments, struggle to maintain declining streets and sidewalks and unable to complete projects geared to improve the quality of life for senior citizens, a growing segment of the city's population. All the while, the City continues to provide to citizens and visitors; police, fire, public works, code enforcement, parks and recreation and government administration.

3. **Solution**

*West Virginia Code Section 8-13C-4(b)* allows municipalities to impose a municipal sales and service tax and use tax on sales subject to the State's consumer sales and use tax. A municipal sales and use tax in the amount of 1% would provide the City revenue to provide essential services while creating an environment conducive to economic development. The City of Montgomery seeks the authority to institute a 1% sales and use tax. This

authority would empower the City to adjust B&O tax rates to provide incentives for much needed economic development.

#### **4. Projected Financial Impact**

It is projected the imposition of a municipal sales tax would generate \$198,731.78 in revenue.

#### **Narrative**

Like many small communities Montgomery has weathered the storms of inflation, the exit of residents, and the exit of WVU Tech and Valley High school; resulting in the exodus of many businesses in Montgomery and the UKV. To regain any stability in the region we will require the financial ability to rebuild after this devastation, and normal inflation. The municipal sales tax and reductions in B&O taxes will provide two items. 1. Reduce the B&O tax to draw new investment into the area, and 2. Raise additional revenues on sources that Montgomery does not currently have the authority to do. The net revenue will be reinvested into city services and amenities; two elements lacking for Montgomery, and UKV residents. This municipal sales tax will in no way replace the damage triggered by WVU, and reach the revenue of 2008, but will offset some of that loss.

**Fiscal Impact Worksheets Formulas**  
**New Sales Tax and Business and Occupation Tax Restructuring**

| Column1               | Column2                       | Column3                        | Column4            | Column5       | Column6             |
|-----------------------|-------------------------------|--------------------------------|--------------------|---------------|---------------------|
| Business Category     | Current B&O Rate per \$100.00 | Proposed B&O Rate per \$100.00 | Projected B&O 2020 | Estimated B&O | Estimated Sales Tax |
| Professional          | 1                             |                                | \$ 18,317.08       | \$ 18,317.08  | \$ -                |
| Mineral               | 1.67                          |                                | \$ -               | \$ -          | \$ -                |
| Manufactured          | 0.3                           | 0.2                            | \$ 395.24          | \$ 206.45     | \$ 1,032.25         |
| Retailers             | 0.5                           | 0.4                            | \$ 98,849.76       | \$ 79,079.81  | \$ 197,699.53       |
| Wholesale             | 0.15                          |                                | \$ 3,553.16        | \$ 3,553.16   | \$ -                |
| Electric              | 4                             |                                | \$ 66,878.96       | \$ 66,878.96  | \$ -                |
| Natural Gas           | 5.5                           |                                | \$ -               | \$ -          | \$ -                |
| Utilities             | 3                             |                                | \$ -               | \$ -          | \$ -                |
| Gas                   | 3                             |                                | \$ 5,474.56        | \$ 5,474.56   | \$ -                |
| Water                 | 3                             |                                | \$ 17,119.64       | \$ 17,119.64  | \$ -                |
| Contracting           | 2                             |                                | \$ 62,438.44       | \$ 62,438.44  | \$ -                |
| Loan/Banking          | 1                             |                                | \$ 10,704.72       | \$ 10,704.72  | \$ -                |
| Amusement             | 0.5                           | 0.25                           | \$ -               | \$ -          | \$ -                |
| Other                 | 1                             |                                | \$ 60,558.04       | \$ 60,558.04  | \$ -                |
| Rental                | 1                             |                                | \$ 70,747.24       | \$ 70,747.24  | \$ -                |
| <b>Total for Year</b> |                               |                                | \$ 415,036.84      | \$ 395,078.10 | \$ 198,731.78       |

In the proposed Home Rule Plan for the City of Montgomery, Business and Occupation Taxes would be reduced in three categories which are currently regulated by state code. An additional 1% Sale and Use Tax would be implemented on those categories currently affected by the 6% W.Va. State Sales and Use Tax. Estimates above are based on projected B&O Taxes for 2019-2020 fiscal year.

## Section II B

### Liens for Actions Taken in Regard to Eyesores and Dilapidated Building

1. **Problem:** With the departure of WVU Tech, a declining population and deterioration of realty in the City, the need to effectively and efficiently repair, alter and/or demolish property is limited by the time and expense involved in seeking judgments for enforcement in either Kanawha or Fayette County Magistrate or Circuit Court. Many issues, such as cutting grass on abandoned or delinquent properties result in the use of City time and resources which are not at such an amount individually that the above referenced court actions are justifiable.
2. **Authority:** *West Virginia Code Sec. 8-12-16* governs the adoption of ordinances regulating the repair, closing and/or demolition of dwellings or buildings unfit for human habitation. It allows every municipality to file liens against real property for an amount that reflects all costs incurred by the municipality for repairing, altering, improving, closing and/or demolishing the subject property, requiring legal action in county court to obtain said lien.

Additionally, *West Virginia Code Sec. 8-12-5(23)* provides municipalities with the authority to provide for the elimination of hazards to public health and safety and to abate public nuisances, but does not provide for a mechanism to file liens against property for fees incurred in removing such.

3. **Solution:** The City may, after due notice and providing the right to a hearing in the matter, repair, alter, demolish, mow overgrown grass, collect trash or rubbish, and without county court approval, place a lien on the subject property for the amount expended by the City in taking said action.

## List of vacant/ dilapidated structures - Montgomery

- ✓1. 30 4<sup>th</sup> avenue – Vacant/Dilapidated- Private owned
- ✓2. 90 4<sup>th</sup> avenue- vacant/dilapidated- Private owned
- ✓3. 94 4<sup>th</sup> avenue – slated for demo- Private owned
- ✓4. 141 6<sup>th</sup> avenue – vacant/dilapidated- Private owned
- ✓5. 202 6<sup>th</sup> avenue- vacant/dilapidated- Private owned
6. 502 6<sup>th</sup> avenue – Demolished – Private owned
7. 504 6<sup>th</sup> avenue – Demolished – Private owned
- ✓8. 217 south Jackson street - Vacant/ dilapidated – Private owned
- ✓9. 315 Ferry street- Slated for demo- City Owned
- ✓10. 317 Ferry Street – Slated for Demo- City owned
- ✓11. 325 Ferry Street- Vacant/ Dilapidated – Private owned
- ✓12. 616 Fayette Pike – Vacant/ Dilapidated- Private Owned
- ✓13. 909 Fayette Pike – Vacant/ Dilapidated – Private Owned
- ✓14. 808 3<sup>rd</sup> avenue – Slated for Demo- City Owned
- ✓15. 810 3<sup>rd</sup> Avenue – Slated for Demo- City Owned
- ✓16. 1410 3<sup>rd</sup> avenue – Vacant/ Dilapidated- Private Owned
- ✓17. 1412 3<sup>rd</sup> avenue – Vacant/ Dilapidated – Private Owned
- ✓18. 1412 ½ 3<sup>rd</sup> avenue – Vacant/Dilapidated – Private Owned
- ✓19. FOE 4<sup>th</sup> avenue – Vacant/ Dilapidated – Private owned
- ✓20. Top Hat 4<sup>th</sup> avenue – Slated for Demo- City Owned
- ✓21. Old Simmons School – Vacant/ Dilapidated – Private owned
- ✓22. 1024 First Avenue – Vacant/ Dilapidated- Private owned
- ✓23. 1028 First Avenue – Vacant/ Dilapidated – Private owned
- ✓24. 1006 Third Avenue – Vacant/ Dilapidated – Private Owned
- ✓25. 911 Fayette Pike – Vacant/ Dilapidated – Private Owned
- ✓26. 104 South Early Street – Vacant/ Dilapidated – Private Owned
- ✓27. 43 Gaines Street – Vacant/ Dilapidated – Private Owned
- ✓28. Old School Fifth Avenue- Vacant/ Dilapidated – Private owned
- ✓29. 67 Gaines Street – Vacant/ Dilapidated – Private Owned
- ✓30. 57 Gaines Street – Vacant/ Dilapidated – Private Owned



30 4th Avenue

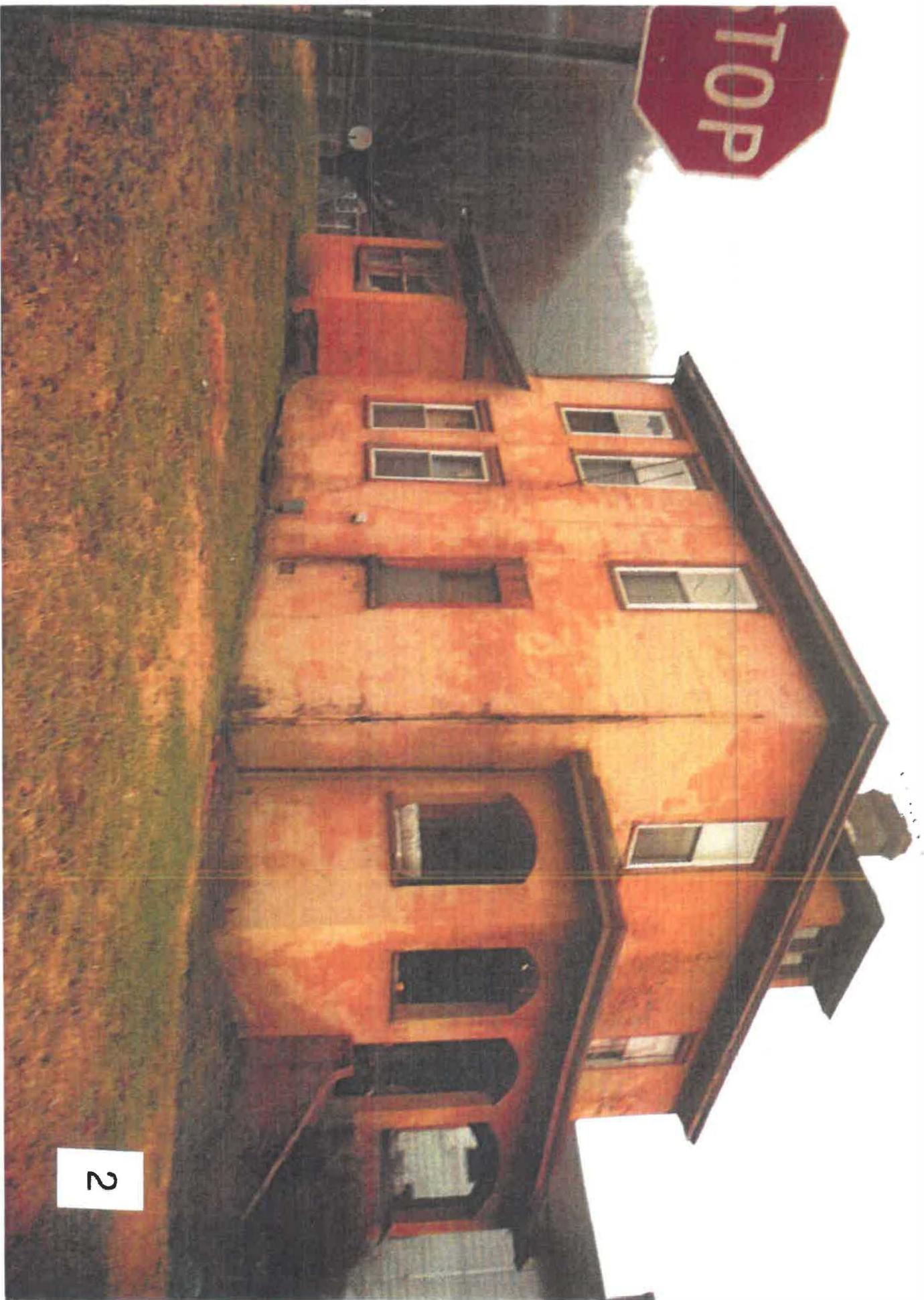


90 4th Avenue



1

94 4th Ave.



2

94 Fourth Avenue



3

94 fourth Avenue



141 6th Avenue

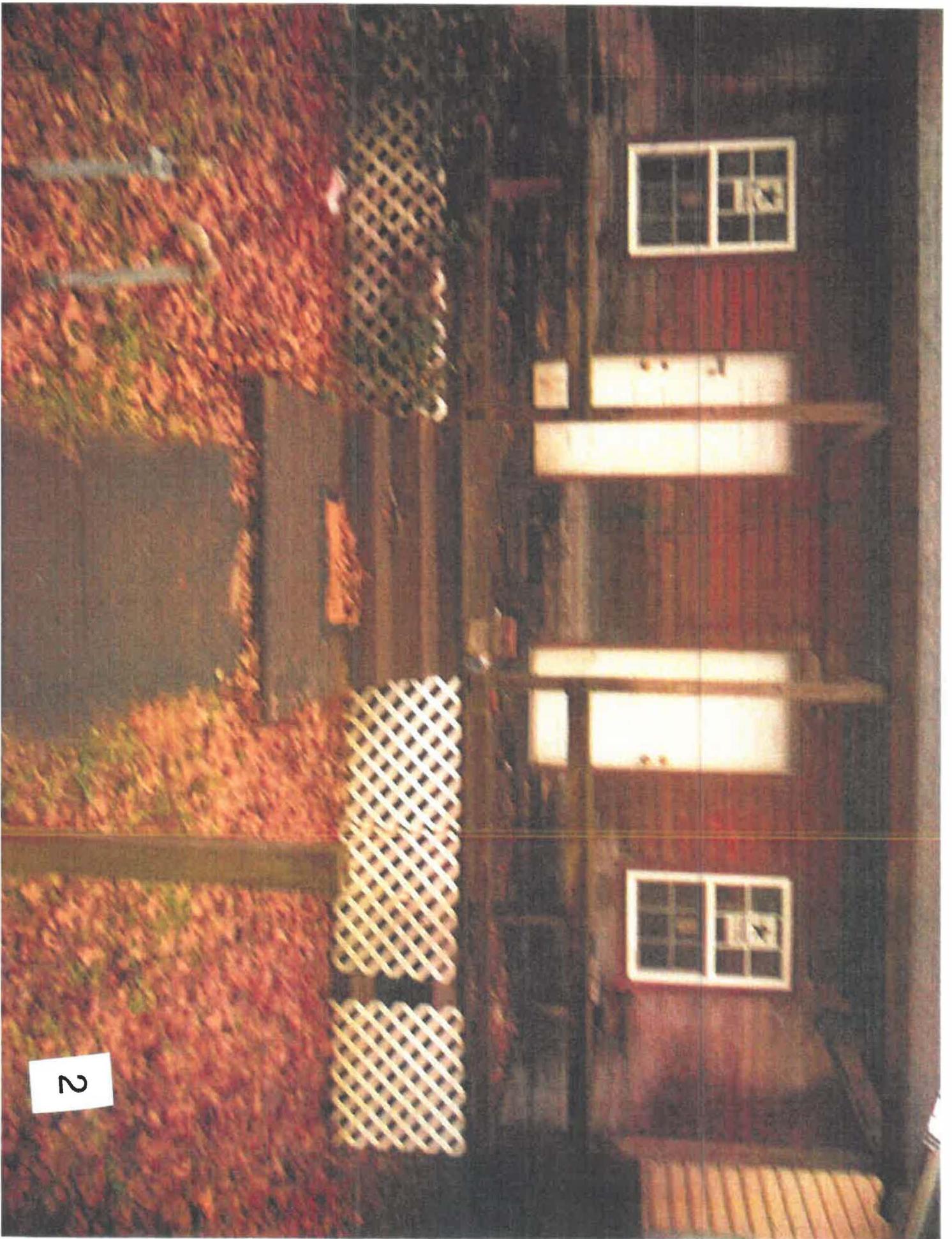


202 6th Avenue



217 S. Jackson St.

1



217 S. Jackson Street

2



217 S Jackson Street

3



4



217 S. Jackson Street

5

Odd Fellows Bldg.

315 Ferry Street

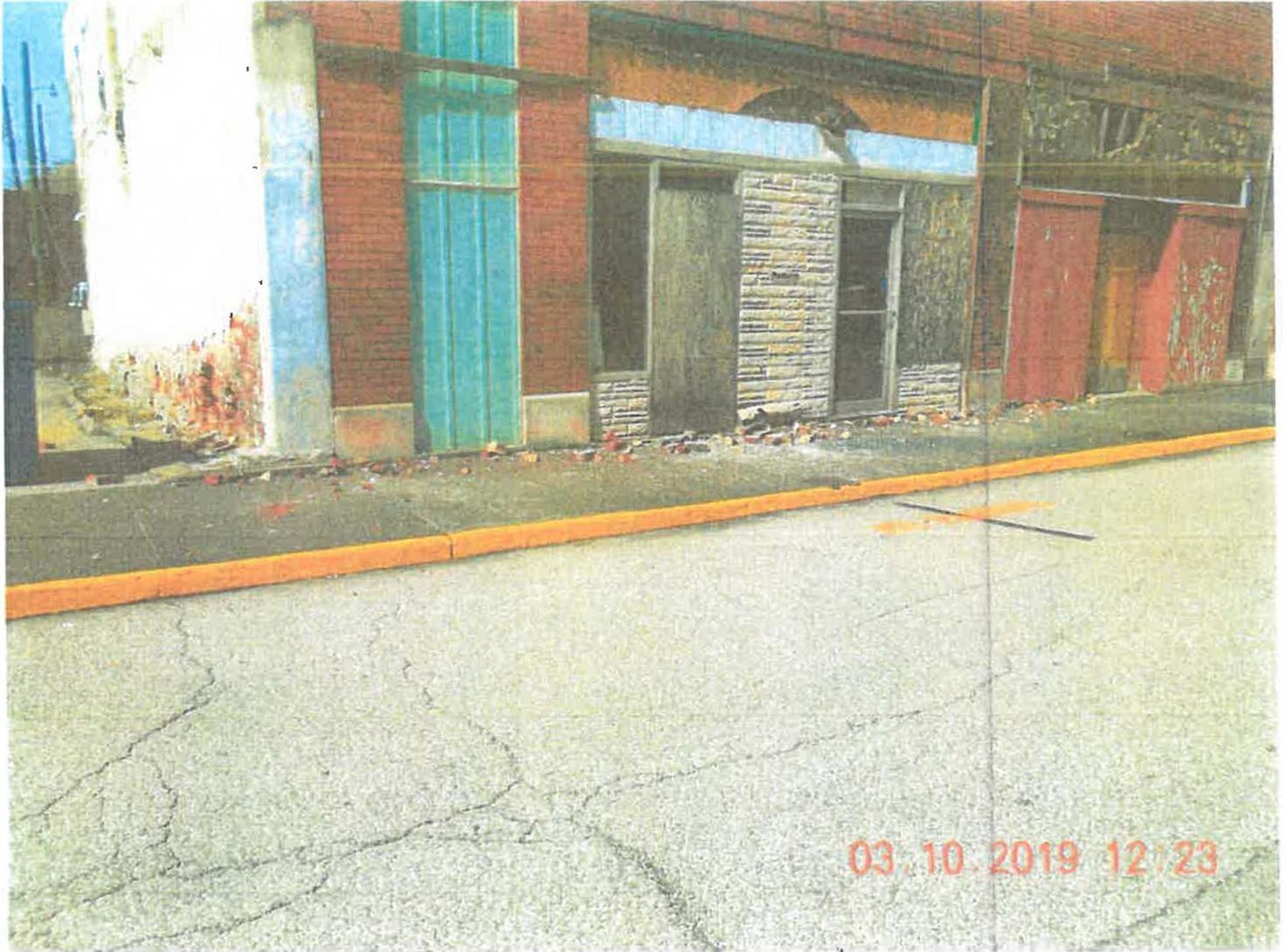




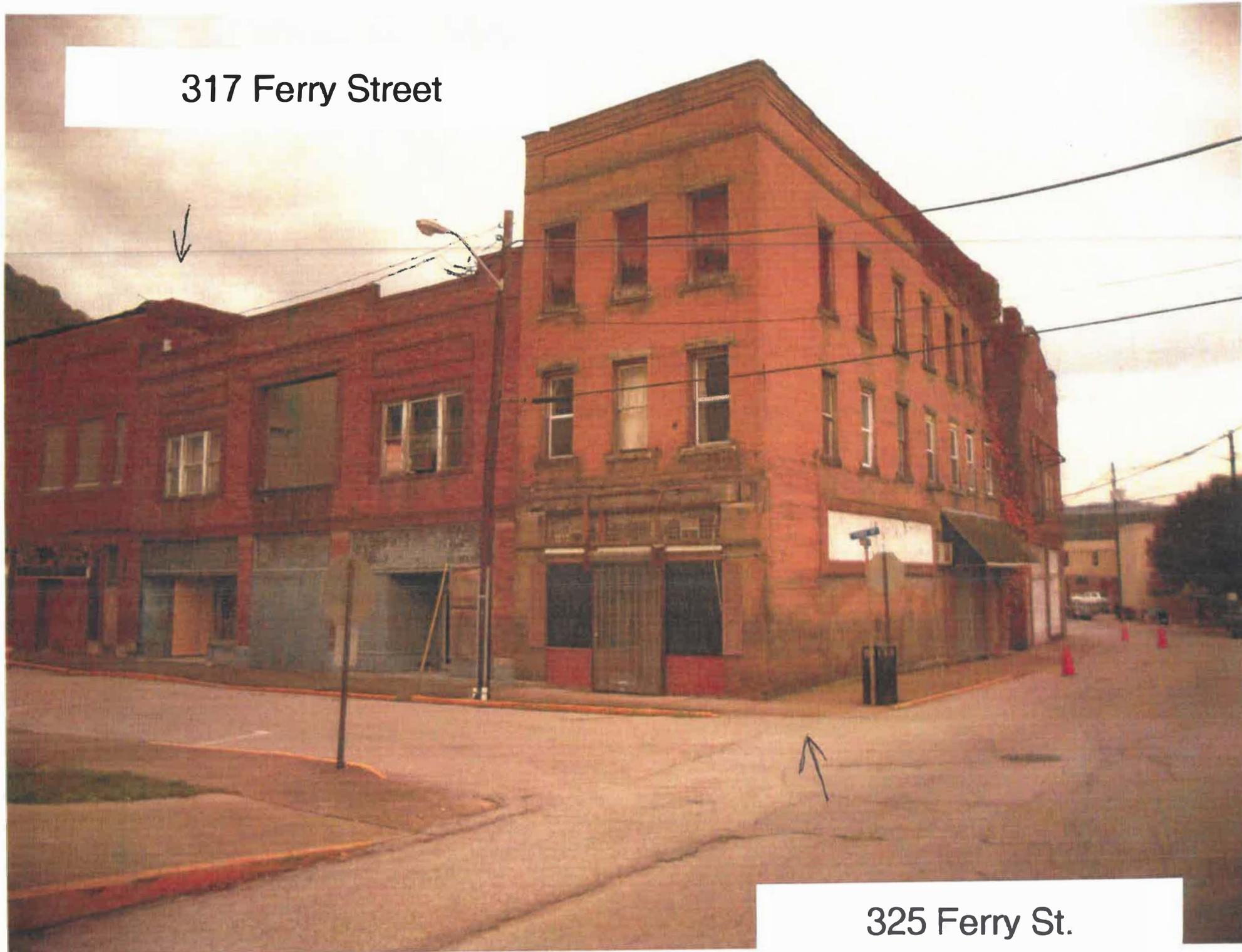








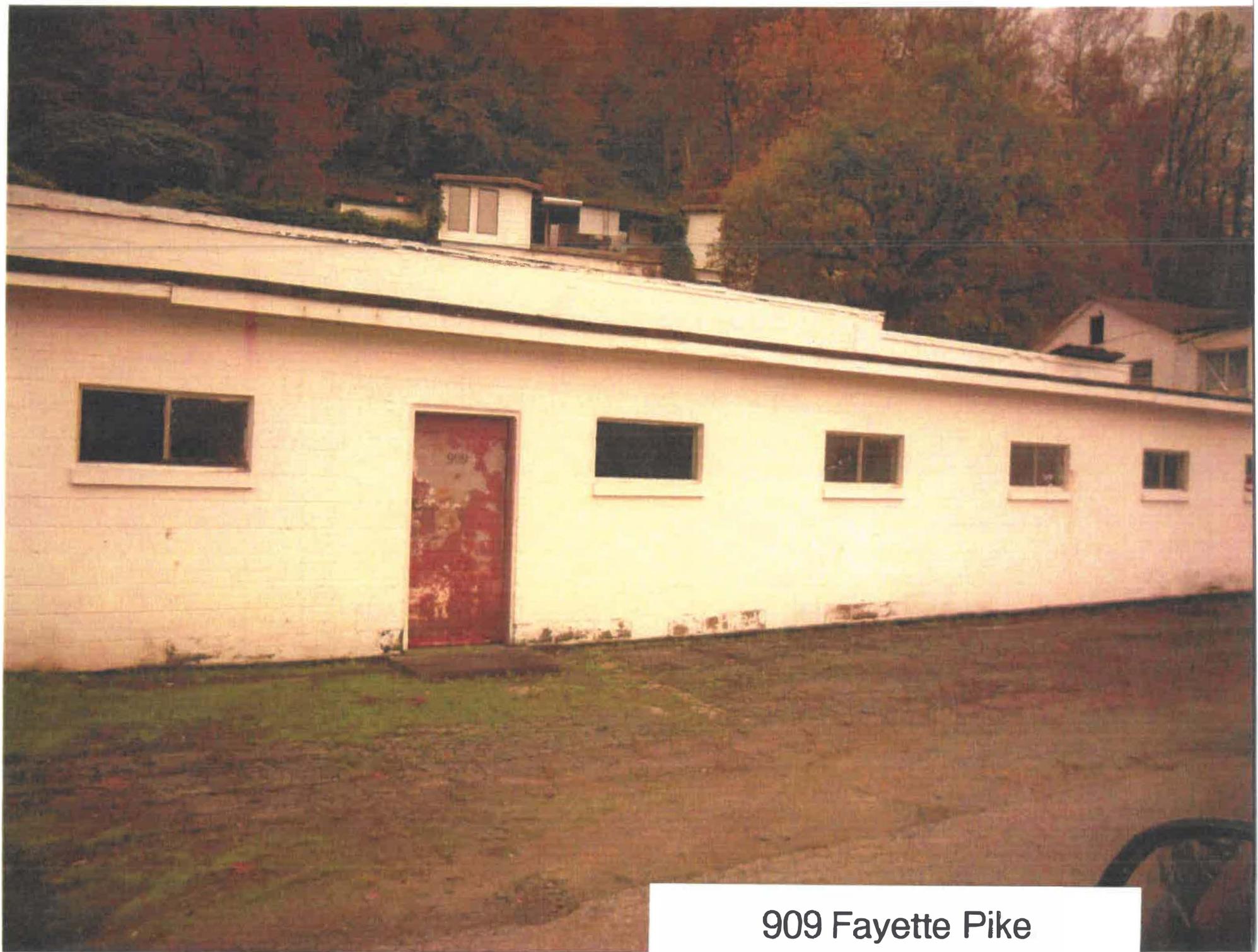
317 Ferry Street



325 Ferry St.



616 Fayette Pike



909 Fayette Pike



808 3rd Avenue



810 3rd Avenue

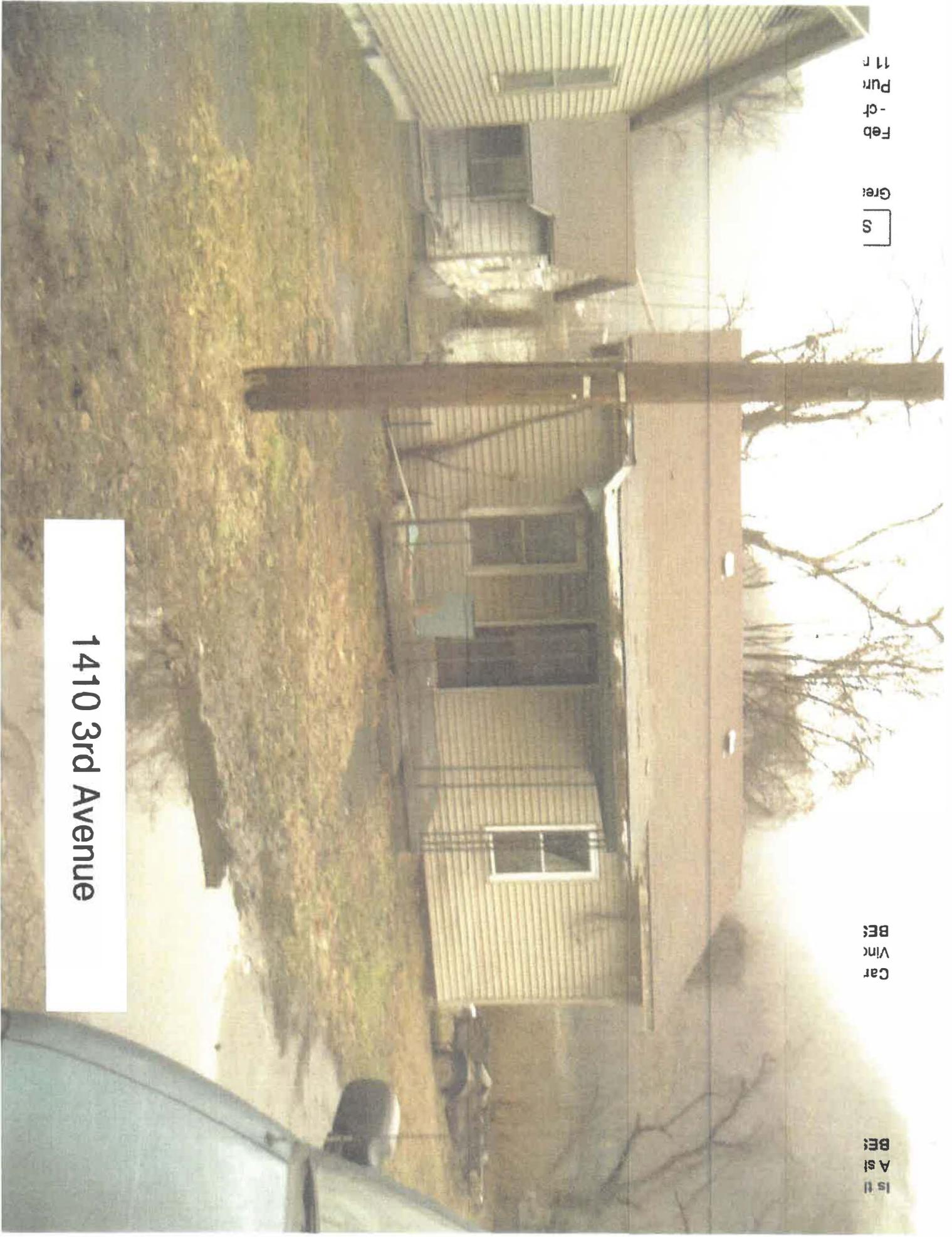
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1410 3rd Avenue





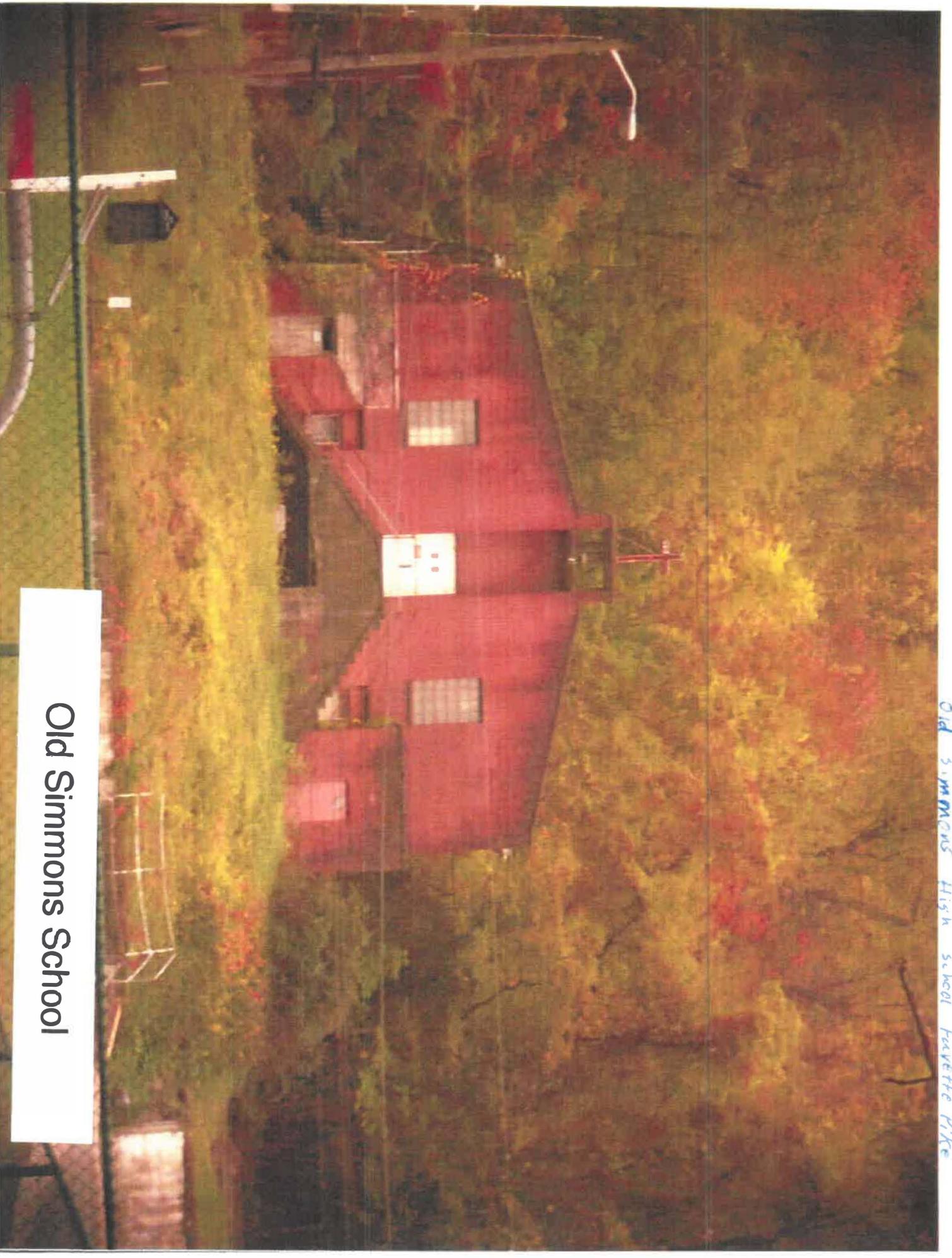
1412 1/2 3rd Avenue



FOE 4th Avenue



Top Hat 4th Avenue

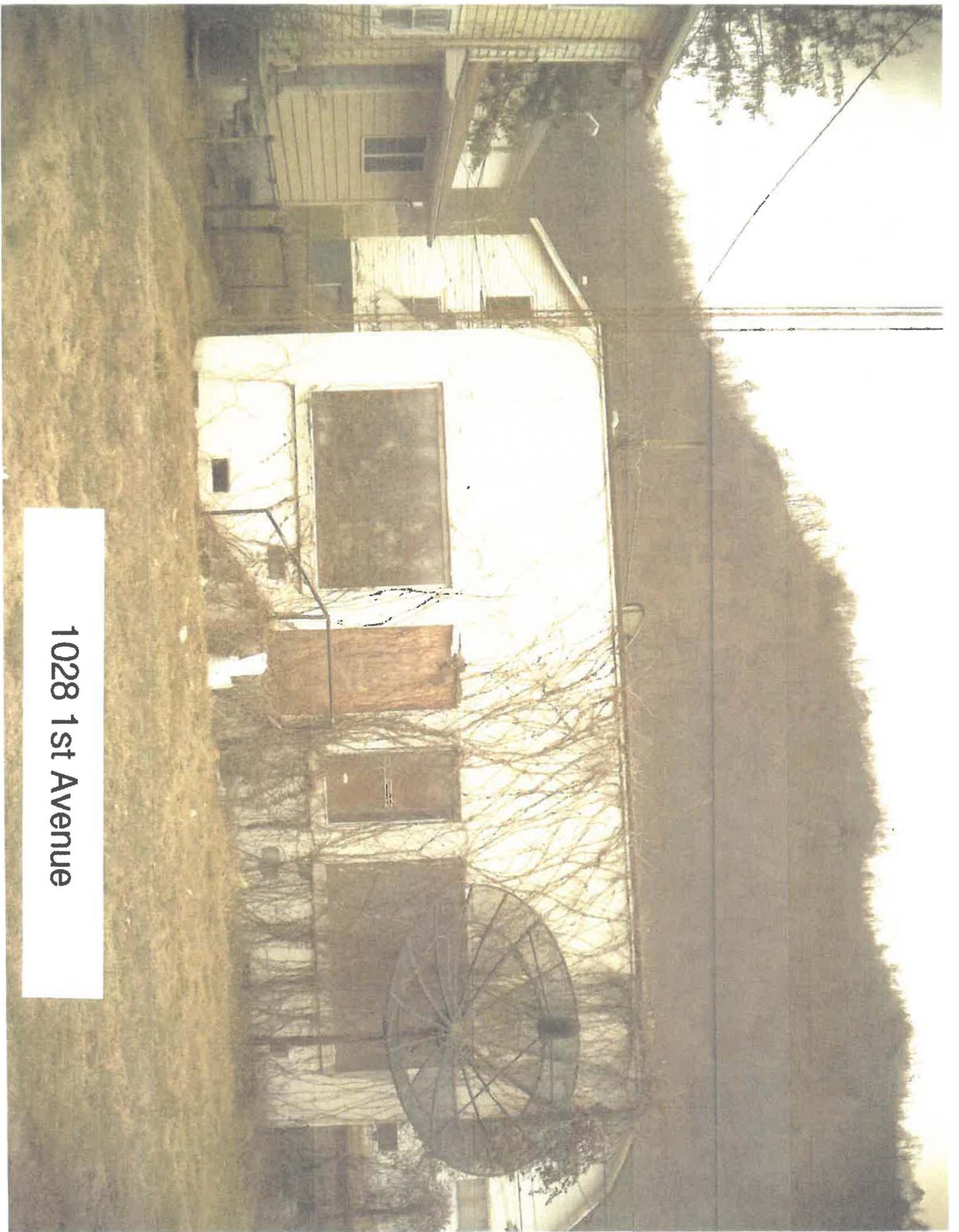


Old SIMMONS High School Fayette Pike

Old Simmons School



1024 1st Avenue



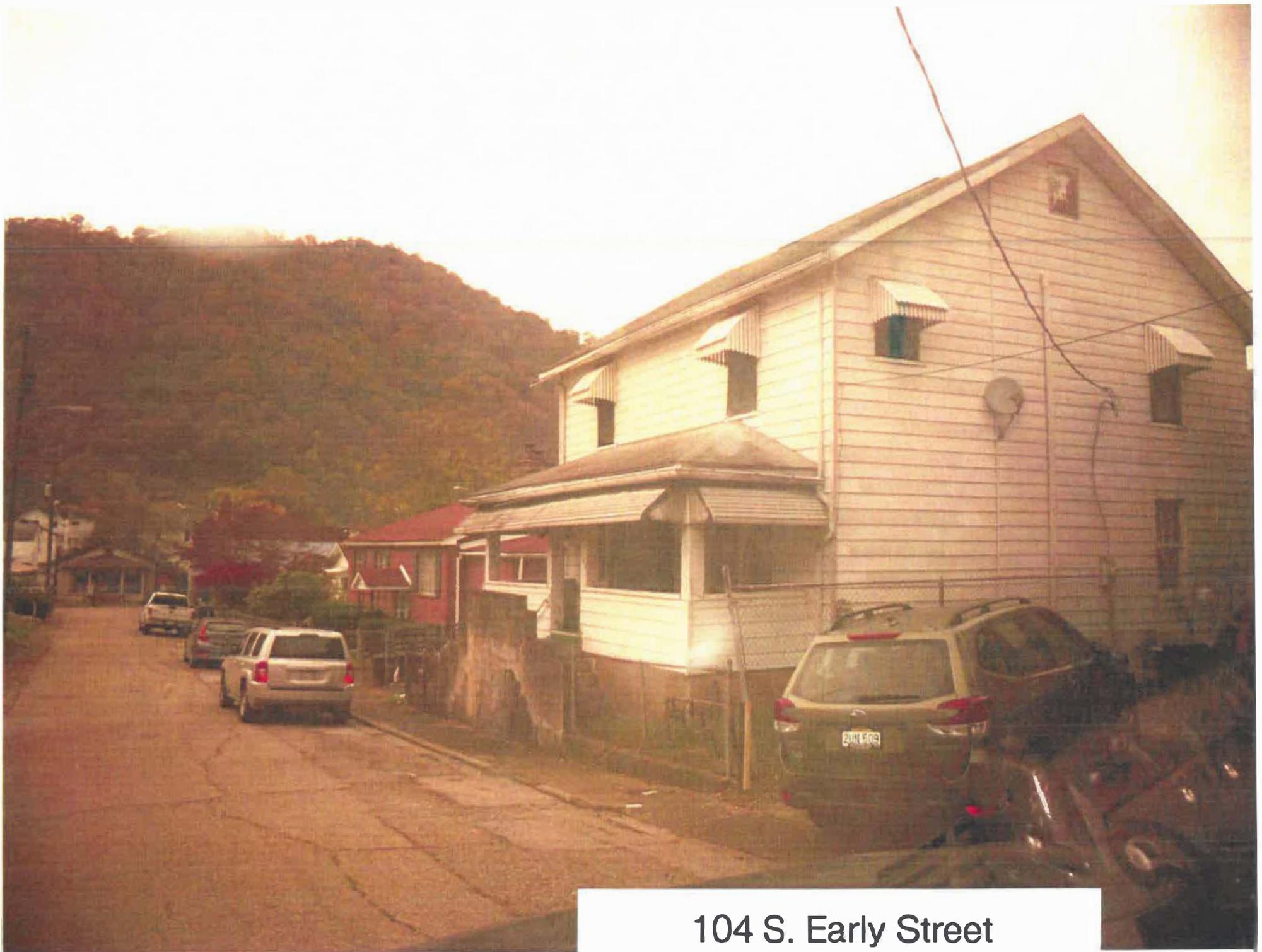
1028 1st Avenue



1006 3rd Avenue



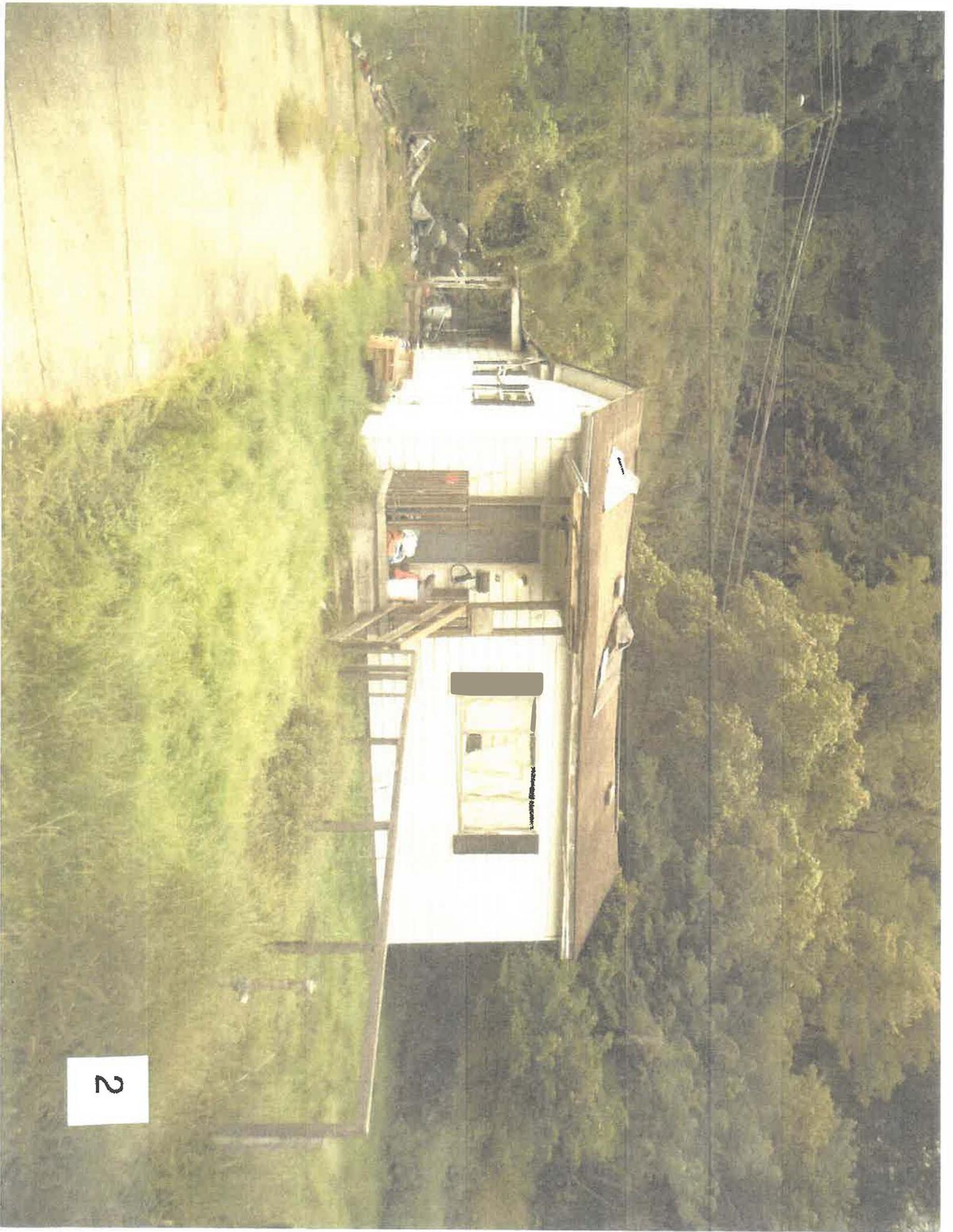
911 Fayette Pike



104 S. Early Street



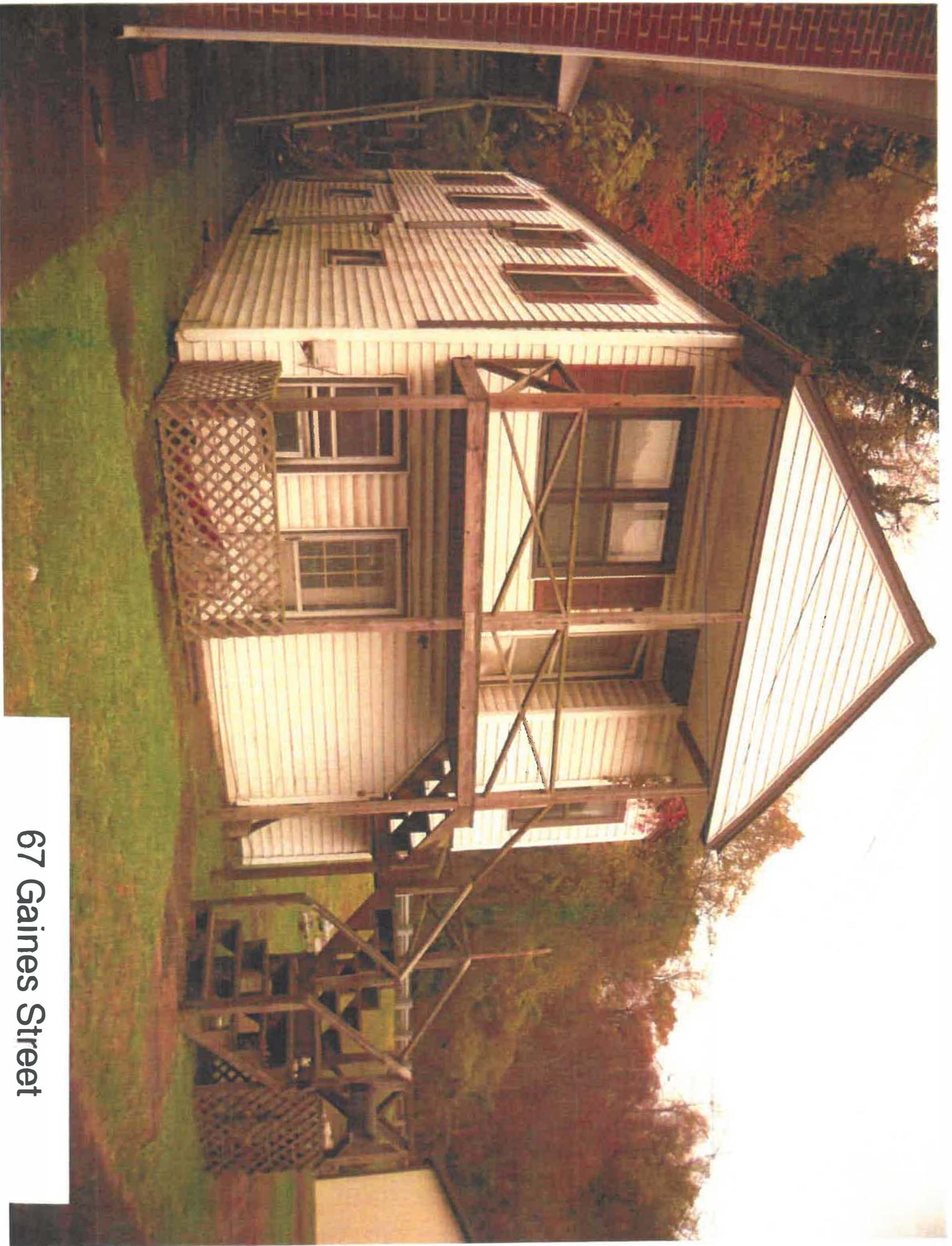
43 Gaines Street



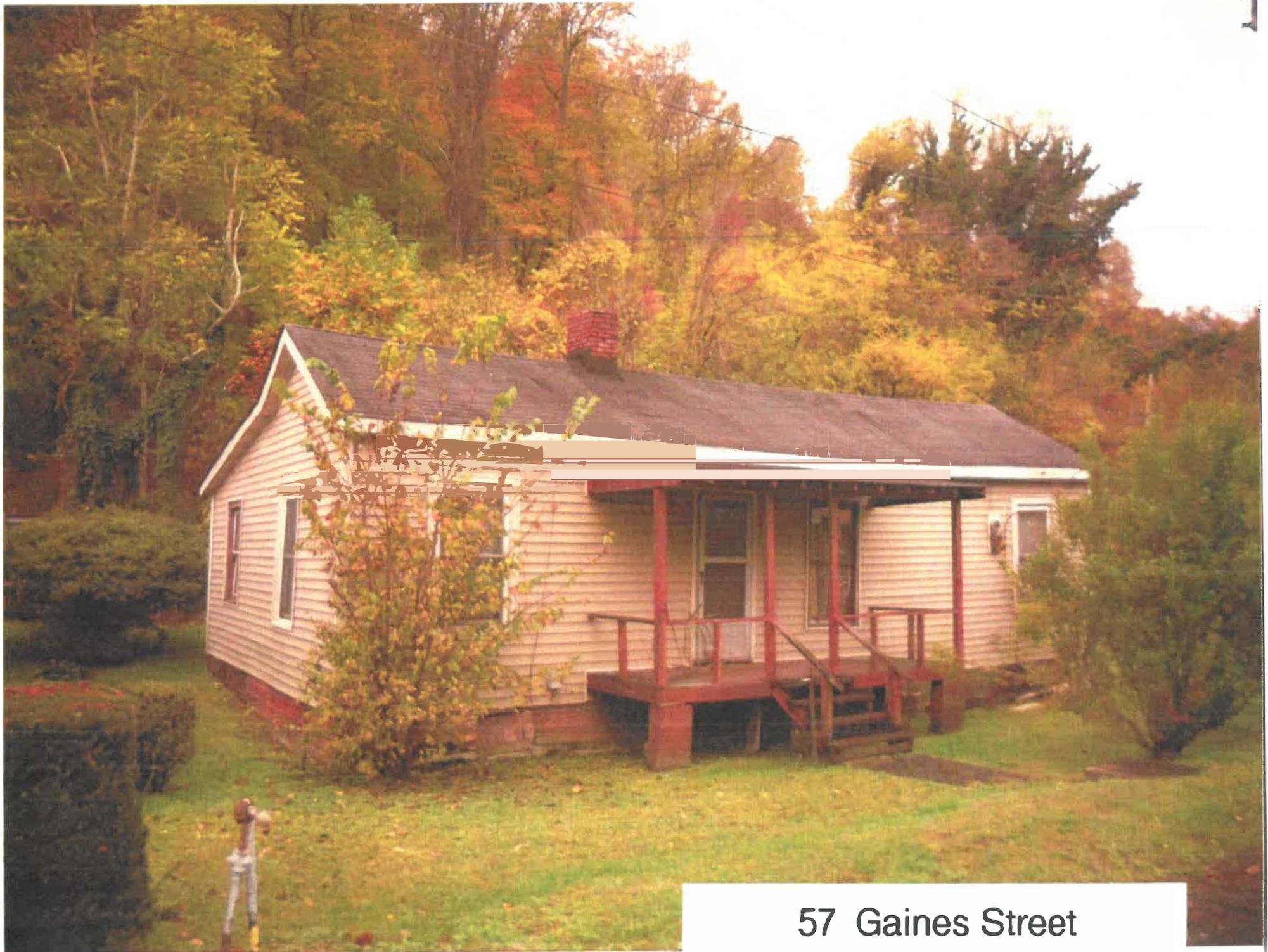
2



Old School 4th/5th Avenue



67 Gaines Street



57 Gaines Street

## Section II C

### Disposition of Property Without Auction

1. **Problem:** Pursuant to State law, the City may only sell and lease property through an auction process. The inability to sell property without auction when appropriate prevents the City from entering into transactions that could fill vacant buildings, attract commercial interests, provide desperately needed revenue and encourage the use of properties owned by the City for the good the public.
2. **Authority:** Pursuant to West Virginia Code Sec. 8-12-18, except in limited circumstances involving sales to the federal government, the state or an instrumentality thereof, the City may only sell real or personal property for fair and adequate consideration at a public auction with sufficient legal advertisement. Similarly, the City may lease said property, with resolution by City Council.
3. **Solution:** The City shall pass an ordinance permitting the following: 1. To allow the sale of realty or personalty to private purchasers without auction in such a manner that promotes economic development or provides a service for the public good; 2. To allow the lease of realty or personalty to private lessees for less than market value if such lease promotes economic development or provides a service for the public good; 3. To allow the sale of realty or personalty to private purchasers at less than market value without auction in such a manner that promotes economic development or provides a service for the public good; 4. To allow the lease of real or personal property by the City at less than fair market value to non-profit lessees.

### Narrative

Montgomery has experienced many instances where an individual or business will purchase property at public auction for investment purposes. In many cases they hold the property in a stagnate state until such time it falls into disrepair and becomes an eyesore and/or becomes a burden on the municipality. Eventually the municipality must spend a large amount of intellectual capital and public funds to rectify the blight. This is a common failed investment policy across West Virginia, and Montgomery wishes to be proactive in selling the property, with a purpose and arrangements for the common good of the community.

This is among the well-defined suggested action plans in our community studies and our comprehensive plan.

Property the City has acquired to date for demolition and future economic improvements:

- 808 3<sup>rd</sup> Avenue
- 812 3<sup>rd</sup> Avenue
- 314 Ferry Street
- 317 Ferry Street
- Top Hat building 4<sup>th</sup> Avenue
- 812 Fourth Avenue
- Tabit office complex
- Old City Hall at 706 Third Avenue
- Additions to be added when deeds entered

Proposed public service and economic improvements that could involve private investors needing property at affordable rates. These examples are included in our comprehensive plan and regional studies.

- Chic Filet or other retail food establishments
- Farmers Market with retail establishments included
- Sheetz or fuel station type retail business
- Open air, under roof, pavilion for community events and festivals
- Grocery Store business
- Day boat trailer parking at river Access points
- Campgrounds
- Walking trails and trail heads
- Small manufacturing and repair class of business.

## Section II D

### Intergovernmental Agreements by Resolution

1. **Problem:** *West Virginia Code Sec. 8-11-3(10)* states that before a municipality can enter into a contract or other agreement with another jurisdiction, the City Council of the municipality must first pass an ordinance to authorize the execution of the agreement. There is no corresponding law which would prohibit such an agreement with a non-governmental entity.

Of course, in conformity with State law, *West Virginia Code Sec. 8-11-4*, before adopting an ordinance, the proposed ordinance must be read by title at no less than two regular meetings of city council. By Charter, the City of Montgomery meets one time a month on the second Tuesday of the month. Accordingly, each such agreement requires a minimum of two months to execute.

This delay presents two pressing issues for the City. First, with the economic downturn in the Upper Kanawha Valley over the past decades, the need to work more closely with the Town of Smithers, which is essentially adjacent to the City, has become a necessity. When mutually beneficial agreements can be derived, the present delay in implementing such agreements serves no public purpose. Second, as the City rests in two counties, Fayette and Kanawha, the need to take advantage of intergovernmental agreements linking three governing bodies can be a tedious undertaking. A delay in executing such agreements when timed with the various meeting times of the differing governments is a cumbersome process.

The ability to enter agreements by resolution with one reading would be enormously beneficial to the City of Montgomery, with its unique geographical and jurisdictional situation.

2. **Authority:** *West Virginia Sec. 8-11-3(10) and 8-11-4.*
  3. **Solution:** The City of Montgomery proposes that it be permitted to adopt an ordinance which would permit the City to enter into intergovernmental agreements with another jurisdiction by resolution. In so doing, the ordinance could require the executive authority to make a showing that time is of the essence when operating under this authority.
-

## **Narrative**

With the hasty move of West Virginia Tech, and the closure of Valley High School, Montgomery has, by necessity, reacted to the 15.2M dollar impact this has imposed on the Municipality and UKV region.

An example of the timely struggle to react quickly was the pioneering of the Upper Kanawha Valley Strategic Initiative Council.

Montgomery and Smithers had to wait on two readings of each respective council to confirm the concept and approve the mayors to move forward with developing this initiative. We then waited on Fayette County Commission and then Kanawha County Commission meetings to request startup funding. After four months, we started the process to draft charters and bylaws and then work with the Secretary of State's office to form this new concept.

This process could be streamlined in future endeavors with the intergovernmental agreements by resolution in place. In addition, Montgomery and Smithers have combined many services where it takes two readings from each council to ratify some of the progressive steps, we have taken. This request would certainly streamline and in some cases assist in meeting deadline applications for assistance.

# Affidavit of Legal Publication and Posting

Ad Number 77074

## Affidavit of Legal Publication and Posting

STATE OF WEST VIRGINIA

COUNTY OF Kanawha, TO-WIT

I Shelley Watson Classified Advertising

Representative of the The Charleston Gazette-Mail, a newspaper

published in the county of Kanawha, West Virginia, hereby

certify that the annexed publication was inserted in said

newspaper CGM

The cost of publishing said annexed advertisement

as aforesaid was \$ 35.97

Commencing On: 08/15/2019

Ending On: 08/22/2019

Given under my hand this day 08/22/2019

Sworn to and subscribed before me 08/22/2019  
at Charleston, Kanawha County, West Virginia

Constantine P. Rappald

Notary Public of, in and for Kanawha County, West Virginia

MY COMMISSION EXPIRES: January 2022

Shelley Watson



## PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held at the regular meeting of Montgomery City Council on Tuesday, September 24, at 7:00 p.m., in the Council Chamber at 706 3rd Avenue, Montgomery, West Virginia, authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the Public Hearing and be heard with respect to the City's proposed Home Rule Plan. A copy of the plan may be inspected at City Hall beginning, July 31, 2019, between the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday.

LC ~~77074~~ 77074  
8-15,22,2019

**Acc.Id:** 66732  
**Name:** CITY OF MONTGOMERY  
**Phone:** 304-442-5181  
**Address:** 706 3RD AVE  
**City:** MONTGOMERY  
**State:** WV  
**Postcode:** 25136  
**Class:** 9010 Legal Notices  
**Edition:** CGM CGM  
**Start:** 08/15/2019  
**Stop:** 08/22/2019  
**Issues:** 2  
**Units:** 33.00  
**Order ID:** HC 77074  
**TFN:** C  
**TFN cycle:**  
**Rep:** MASMITH  
**Status:** OK  
**Source:** EM  
**Paytype:** BI  
**Rate:** LG  
**Cost EXC**  
**GST:** 35.97  
**Tax:** 0.00  
**Total Charge:** 35.97  
**Printed on:** 08/13/2019 08:29:44  
**Printed by:** CRAPPOLD



# Merkel suggests Brexit deal

By Frankfurter Times

BERLIN — German Chancellor Angela Merkel raised the possibility that negotiations between Britain and the European Union might lead to a deal that would end both sides.

Speaking Wednesday alongside U.K. Prime Minister Boris Johnson before the two leaders held bilateral talks in Berlin, Merkel said that a deal could be struck by the end of October unless the British court to overturn the Brexit deal.

Johnson, on his first visit to Germany since becoming prime minister last month, suggested he appeared to acknowledge that the fall is now in Britain's court to avert an economically devastating no-deal Brexit by proposing a viable solution to the Irish border issue.

"There are abundant solutions which are preferred which have already been discussed," Johnson said without elaborating. "I don't think in the future we have to be very active."

"What risk is in the mix in an EU-Japan-EU trade talks as the deal shows how we can address the issue of the Northern Irish border and that is what we want to do," Johnson said.

Johnson had insisted Monday that the Irish border backdrop clause must be dropped and replaced with "alternative arrangements" to regulate cross-border trade.

The EU says the backdrop is merely an insurance policy meant to avoid chequering between Ireland and Northern Ireland which were a backdrop for sectarian violence in the past, and won't be needed if other nations are found for goods moving across the border.

The backdrop was part of the withdrawal agreement for Britain to leave the EU. It was negotiated with the EU but it was rejected in the U.K. Parliament three times.

Johnson's stance that Britain will leave the EU without a deal has alienated many in Europe. The EU's agriculture chief warned that Britain threatens to without a deal has alienated many in Europe.

German President Frank-Walter Steinmeier went to Berlin Wednesday to question whether Johnson was serious about seeking new Brexit talks or whether he was planning to blame the EU if it appeared emboldened Wednesday as the deal was far from certain.

Yet Johnson is expected to return Wednesday, where German Chancellor Angela Merkel will meet with him.

# Hong Kong police, protesters in standoff after sit-in

By Johnson Lal and Yuen van Dan

HONG KONG — Hong Kong riot police faced off briefly with protesters on Wednesday evening following a demonstration of a violent attack there by anti-government protesters.

Near the end of the evening, the police began what they called a "dispersal operation, using maximum force" after some protesters blocked roads at the station entrance against a group of remaining protesters who sprayed a firehose and sprayed water on the floor to slow a police advance while pulling up trash from a wheelbarrow and



Protesters stand amid haze from tear gas during a protest in Hong Kong.

Protesters in a makeshift blockade. They also discharged fire extinguishers, creating a cloud obscuring

visibility. The station entrance shutters were lowered barricading the protesters inside.

The confrontation ended without further incident as police retreated and protesters left on trains. The blockade at the station ended earlier in the evening as protesters commemorated the July 1 rampage by a group of men suspected of organized crime linked in what was a shocking escalation of the city's summer of protest.

The protesters observed a moment of silence then covered their right eyes in reference to a woman who reportedly suffered a severe eye injury from a police pepper spray.

Many sat on the station floor while others walked off why around the concourse in a protest march.

Chanting "Liberate Hong Kong" and "Revolution of our times," they also drew attention to what they say is the lack of progress by police in investigating the attack, which left both protesters and passers-by injured.

Protesters have accused the police of colluding with the attackers by pointing to their delayed response, but authorities have denied it. Police say they have arrested 28 people in connection with the attack but haven't charged anyone yet. They say some of those arrested have tried links referring to organized crime syndicates.



Venezuela's National Assembly President and self-proclaimed interim President Juan Guaidó, center, José Guaito, 3rd Secretary of the National Assembly, left, and Edson Ferrer, secretary of the National Assembly, right, attend a meeting with regional and municipal leaders in Caracas, Venezuela, Wednesday.

# In Venezuela, Guaidó questions Maduro on claims about US talks

By Scott Smith and Fabiana Sanchez

CARACAS, Venezuela — Venezuelan opposition leader Juan Guaidó on Wednesday cast doubt on President Nicolás Maduro's claim that he is even now in secret talks with the United States, saying it only reflects disarray within the Venezuelan government.

Guaidó spoke a day after Maduro and President Donald Trump said high-level officials in their respective administrations had been meeting about ending the South American nation's deepening crisis.

In his first public remarks since the matter Guaidó said the Venezuelan government was dysfunctional and that its hardliners would be disappointed to hear about alleged talks with the U.S.

"What's clear are the contradictions of the regime," he said in an event in Caracas. "How many times have we seen how dehumanized the regime is? If they've been effective in anything, it's in communications and in propaganda."

Guaidó's comments are seen as dialogue and foreign attention more than his face in the past, as a delegation of opposition leaders who were invited to Washington in June, there they strategized for a visit by Maduro from power.

Steinmeier, Maduro, has sent two embassies of his government to Russia. Defense Minister Vladimir Padrono Lopez recently visited Mexico to fortify military ties, and Vice President Dicky Rodríguez met Wednesday with Russia's Foreign Minister Sergey Lavrov in talks aimed at expanding economic, military and other relations between the two nations.

David Smilde, a senior fellow at the Washington Office on Latin America, who has spent decades researching Venezuela, said these parallel moves demonstrate the critical role that Russia and the United States have taken in Venezuela's conflict.

"They're having their own high-level meetings with Russia, while the opposition is in D.C.," Smilde said. "This shows the level that this is a geopolitical conflict."

Legal Notices: Advertisement for Mercedes County Board of Education regarding a meeting on August 23, 2019.

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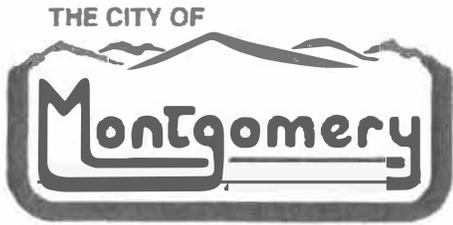
Legal Notices: Advertisement for Mercedes County Board of Education regarding a meeting on August 23, 2019.

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706 Third Avenue  
Montgomery, West Virginia 25136

Phone: 304-442-5181  
Fax: 304-442-5395

GREG INGRAM  
Mayor

DAVID WHITE  
Recorder

COUNCIL  
Jennifer Bunner  
Roger D. Landers  
Fred Lockard  
Shawn Malhotra  
Carol Vickers

August 12, 2019

Mr. Dave Hardy  
Department of Revenue  
Chair of the Home Rule Board  
1900 Kanawha Blvd. E  
Building 1, W-300  
Charleston, WV 25305

Dear Mr. Hardy,

The City of Montgomery is providing notice of a public hearing scheduled for Tuesday, September 24, 2019 at 7:00 p.m. at Montgomery City Hall. This public hearing will address the City's application for Home Rule. A copy of the notice that will be printed in the Charleston Gazette is attached and has also been sent to the cabinet secretary of every state department.

If you have any questions, please feel free to contact me at 304-442-5181.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Ingram", is written over a faint, larger version of the signature. Below the signature, the name "Greg Ingram" and the title "Mayor" are printed in a standard sans-serif font.

Greg Ingram  
Mayor

Cc: Department of Commerce  
Department of Administration  
Department of Environmental Protection  
Department of Health & Human Services  
Department of Military Affairs and Public Safety  
Department of Transportation  
Department of Veterans Assistance

**Notice of Public Hearing**

HEARING

The public hearing to consider Home Rule for the City of Montgomery is now called to order.  
(7:00 pm)

The floor is now open for public comments. If you wish to comment, please come to the front of the room and state your name address, then make your comment.

Attorney Brian Parsons explained what Home Rule is about and some of the advantages of being a Home Rule City. Attorney Parsons also explained how the Land Bank system works. Dr. Carl Kennedy wanted to know if we would still charge a B&O tax if we become a Home Rule City. Attorney Parsons explained and said yes, we would still have a B&O tax. Mayor Ingram once again asked if there were any more comments? No response. Last chance for public comment on Home Rule. No response. This public hearing is now closed. Meeting adjourned at 8:05 pm.

  
\_\_\_\_\_  
Mayor Greg Ingram Chair  
\_\_\_\_\_  
Recorder David White

## Council Minutes of Public Hearing



**AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT A HOME RULE PROPOSAL TO THE MUNICIPAL HOME RULE BOARD IN ACCORDANCE WITH WEST VIRGINIA CODE SECTION 8-1-5A.**

**BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MONTGOMERY, WEST VIRGINIA:**

That the Mayor is hereby authorized to submit the Home Rule Application to the Municipal Home Rule Board in accordance with *West Virginia Code Sec. 8-1-5a* in order for the City of Montgomery to be included in the Pilot Program. A copy of the Application Proposal is attached hereto.

This ordinance was read on the 11<sup>th</sup> day of June, 2019 and a second time on the 9<sup>th</sup> day of July, 2019, after which a public hearing was had on September 24<sup>th</sup>, 2019 and a third time on the 28<sup>th</sup> day of October, 2019, the Council for the City of Montgomery approved the Ordinance by voice vote, and the same becomes effective as of the 28<sup>th</sup> day of October, 2019.

(Town Seal)

  
RECORDER DAVID WHITE

  
MAYOR GREG INGRAM

Prepared by Brian D. Parsons,  
Attorney for the City of Montgomery  
P. O. Box 16  
Fayetteville, West Virginia 25840



STATE OF WEST VIRGINIA  
State Tax Department, Taxpayer Services Division  
P.O. Box 885  
Charleston, WV 25323-0885



Dale W. Steager, State Tax Commissioner

MONTGOMERY CITY OF  
706 THIRD AV  
MONTGOMERY WV 25136

Letter Id: L0726583232  
Issued: 10/18/2019

## West Virginia State Tax Department

### Statement of Good Standing

EFFECTIVE DATE: October 18, 2019

A review of tax accounts indicates that MONTGOMERY CITY OF is in good standing as of the effective date of this document. Please note, this Statement of Good Standing expires on **January 16, 2020**.

The issuance of this Statement of Good Standing shall not bar any audits, investigations, assessments, refund or credits with respect to the taxpayer named above and is based only on a review of the tax returns and not on a physical audit of records.

Sincerely,

Nicole Grant, Tax Unit Supervisor  
Taxpayer Services Division

## Statement of Good Standing

atL103 v.31

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Taxpayer Services Division ■ P.O. Box 885 ■ Charleston, WV 25323-0885  
Toll Free (800) 982-8297 ■ [www.tax.wv.gov](http://www.tax.wv.gov)

APPENDIX \_\_\_\_\_

**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: Montgomery, West Virginia

Authorized Signature: 

Date: 10-30-19

State of West Virginia

County of Fayette, to-wit:

Taken, subscribed, and sworn to before me this 30<sup>th</sup> of October 2019.

My commission expires: 4-12-23

AFFIX NOTARY SEAL HERE: Angela Tackett



**Affidavit Certifying No Delinquent Fees**



706 Third Avenue  
Montgomery, West Virginia 25136

Phone: 304-442-5181  
Fax: 304-442-5395

GREG INGRAM  
Mayor

DAVID WHITE  
Recorder

**COUNCIL**  
Jennifer Bunner  
Roger D. Landers  
Fred Lockard  
Shawn Malhotra  
Carol Vickers

October 24, 2019

West Virginia Municipal Home Rule Board  
West Virginia Development Office  
West Virginia Department of Commerce  
Capitol Complex, Bldg. 6, Room 525  
Charleston, West Virginia 25305-0311

**Re: Home Rule Application  
City of Montgomery, West Virginia**

Chairman Hardy:

I represent the City of Montgomery as the appointed City Attorney. I have had an opportunity to review *West Virginia Code Section 8-1-5a* regarding the City's proposed participation in the Home Rule Pilot Program.

Based on my examination of the attached Application and the Exhibits incorporated therein and the aforementioned *West Virginia State Code*, it is my opinion that the Application complies with the requirements of *West Virginia Code Sec. 8-1-5a*.

The Application does not provide for any proposed changes to resolutions, acts, ordinances, rules or regulations that are contrary to the provisions of *West Virginia Code Sec 8-1-5 a(i)(1-24)* or attempts to do any act prohibited by *Sec. 8-1-5 a(j)(1-3)* and that this Application is fully compliant with *West Virginia Code Sec. 8-1-6*.

I thank the Board for the consideration of this Application and should any additional information be required, please advise.

With Regards

Brian D. Parsons  
Montgomery City Attorney

BDP

**Attorney Opinion**