



September 16, 2016

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

Re: City of Nitro Municipal Home Rule Plan Amendment

Dear Members of the Municipal Home Rule Board:

On behalf of the citizens and elected officials of the City of Nitro ("Nitro"), I am submitting eight (8) original copies of the Amendment to Nitro's Home Rule Plan. A PDF copy of this Amendment to Nitro's Home Rule Plan will be sent *via* email to Debbie Browning at the West Virginia Development Office.

In 2014, pursuant to the authority provided by W. Va. Code Section 8-1-5a, the Municipal Home Rule Board (the "Board") selected the City of Nitro, along with other municipalities, to participate in the West Virginia Municipal Home Rule Pilot Program Phase II and approved the original Home Rule Plan submitted by Nitro. The authority granted by the Board has allowed Nitro to move forward with municipal development plans in a disciplined manner. To that end, Nitro has successfully and responsibly exercised its powers under Home Rule and has, without challenge from either its City Council or its citizenry, judiciously implemented its Home Rule Plan.

Nitro now seeks to amend its Home Rule Plan. The City of Nitro respectfully requests that it be granted the power under W. Va. Code Section 8-1-5a to amend its approved Home Rule Plan to permit the City to allow certain Alcohol Beverage Control Administration Class "A" license holders to begin serving alcohol at ten o'clock a.m. on Sundays. Applicable information is provided in the enclosed materials.

Should the Board have any questions about Amendment to Nitro's Home Rule Plan or need any additional information, please do not hesitate to contact me.

Sincerely,

David Casebolt, Mayor
City of Nitro, West Virginia

Amended Municipal Home Rule Pilot Program Phase III APPLICATION

SECTION I: APPLICANT INFORMATION	
A. General Information	
Name of Municipality: Nitro, West Virginia	
Certifying Official: Dave Casebolt	Title: Mayor
Contact Person: John Montgomery	Title: Member, City Council
Address: 214 Brookhaven Drive	
City, State, Zip: Nitro, West Virginia 25143	
Telephone Number: 304-776-6458	Fax Number:
E-Mail Address: montysmob@frontier.com	
2010 Census Population: 7,178	
B. Municipal Classification	
<input type="checkbox"/> Class 1 <input type="checkbox"/> Class II <input checked="" type="checkbox"/> Class III <input type="checkbox"/> Class IV	
C. Category of Issues to be Addressed (please attach descriptions for applicable categories)	
<input type="checkbox"/> Tax <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other	

SECTION II: NARRATIVE (written plan, including the following)
HOME RULE PLAN AMENDMENT
INTRODUCTION
<p>The City of Nitro is located along WV Route 25 and Interstate 64, on the Kanawha River, halfway between Charleston and Huntington, West Virginia. The Norfolk Southern Railroad also maintains a rail line through Nitro. The City is situated in both Kanawha County and Putnam County, and has a population of 7,178, as determined by the 2010 census.</p> <p>Nitro may literally be called a "boom town" in that the City is named after the World War I munitions plant that was located in the area that became Nitro; the munitions plant manufactured nitro cellulose for use in munitions used in the War. Ground was broken on December 23, 1917 for the construction of the first of twenty-seven 200-bed barracks; the people who lived in the barracks were employed to construct the munitions plant. During the 11 months it took to build the plant, over 100,000 construction workers were on the payroll. The name Nitro was selected by the Federal Ordinance Department.</p> <p>After the end of World War I, the munitions plant closed and the population dispersed to other locations, both in and around West Virginia. Nitro was incorporated in 1932 and, like a Phoenix, rose to great heights. Subsequent to incorporation, the Kanawha Valley became known as Chemical Valley and Nitro became the location of major chemical manufacturing plants. The work force consisted of several thousand employees from Nitro and surrounding areas, many of whom traveled 60-70 miles a day to work in the plants. However, the City suffered economically when the chemical plants were moved to other locations outside of West Virginia.</p> <p>The City is located on the banks of the Kanawha River, adjacent to Interstate 64 and there is a railroad transecting the City with a rail yard located there. There are prime locations for warehouses, an intermodal transportation facility and other commercial activities. Joint efforts</p>

between the City Administration and residents of the City have resulted in well-defined economic plans, a twenty-year Nitro streetscape and pedestrian master plan, plans for a new water-park and City park, and other major improvements. These plans provide City leadership with a clear vision, and will help guide them in prioritizing projects and making fiscally responsible decisions.

In 2014, pursuant to the authority provided by W. Va. Code Section 8-1-5a, the Municipal Home Rule Board (the "Board") selected the City of Nitro ("Nitro"), along with other municipalities, to participate in the West Virginia Municipal Home Rule Pilot Program Phase II and approved the original Home Rule Plan submitted by Nitro. The authority granted by the Board has allowed Nitro to move forward with the previously mentioned plans in a disciplined manner. To that end, Nitro has successfully and responsibly exercised its powers under Home Rule and has, without challenge from either its City Council or its citizenry, judiciously implemented its Home Rule Plan.

And while the foregoing demonstrates that Nitro has developed extensive plans to guide its course into the future, the City also seeks to take advantage of opportunities that are presented that will facilitate that process, and that is the reasoning behind this amendment to the City's Home Rule Plan.

SPECIFIC STATE LAWS, POLICIES, RULES, OR REGULATIONS

W. Va. Code Sections 60-7-12(a)(5); 60-8-34; 11-16-18(a)(1), all attached as Exhibit A hereto.

PROBLEM: WEST VIRGINIA STATE CODE RESTRAINS RESTAURANTS AND HOTELS DURING BRUNCH HOURS BY PROHIBITING THE SERVICE OF ALCOHOL BEFORE THE HOUR OF ONE O'CLOCK P.M. ON SUNDAYS

A Short History of Brunch

According to the Smithsonian, Sunday was popularized in the 1930's by hotels as a dining option for travelers on a day when many restaurants were closed. Combining two services (breakfast and lunch) into one provided staffing and kitchen economies for the establishments. Restaurants soon also began offering brunch service and began popularizing the inclusion of morning cocktails such as Bloody Marys, Bellinis or Mimosas. The popularity of brunch extended as women entered the post-World War II workforce and began looking for an option to preserve the tradition of a Sunday meal with family and friends, but without the time spent in the kitchen preparing that meal. More and more, weekend mornings became the preferred time for groups of friends with career and family obligations to get together. Brunch also offered a form of celebration on holidays like Mother's Day and Easter, and in the last decade has given rise to new traditions like the bridal brunch.

West Virginia Liquor Laws

Since the repeal of Prohibition, West Virginia has maintained various laws regulating the sale of alcohol, including the current prohibition on the sale of alcohol before one o'clock on Sundays. As the popularity of brunch grew, some restaurants and hotels in Nitro and other West Virginia municipalities began offering brunch service, but have indicated that the inability to serve the traditional brunch cocktails until the afternoon has stifled attendance and resulted in limited revenue. On behalf of its membership, the West Virginia Hospitality and Travel Association has advocated for a relaxation of the State's liquor laws to allow alcohol to be served before one o'clock on Sundays so that establishments can capitalize on the popularity of brunch and maximize their revenue from brunch service.

SOLUTION: THE CITY OF NITRO DESIRES TO AUTHORIZE CERTAIN CLASS "A" ABCA LICENSE HOLDERS TO SERVE ALCOHOL BEGINNING AT TEN O'CLOCK A.M. ON SUNDAYS.

Cities that have been approved as Home Rule cities are permitted to modify the time at which alcohol may be served on Sundays within their cities, and such a modification is the type of innovative solution that was intended by the Legislature when it enacted the Home Rule statute. The Legislature has acknowledged the value of the Home Rule Program as an incubator for municipalities to try new ideas and solutions to overcome administrative and economic restraints and has enacted several State laws that began as one City's idea in the Home Rule Program. With regard to this issue, several cities have already successfully enacted their own ordinances regarding Sunday alcohol sales through Home Rule, and if authorized to do the same, Nitro's enactment will provide citizens with the opportunity to witness and experience an unrestricted, traditional brunch service.

Although counties currently do not have Home Rule powers, the Legislature recently addressed the issue of relaxing restrictions on Sunday alcohol sales on a county-wide basis. During the 2016 regular session, the Legislature enacted law that provides a mechanism for interested counties to place the issue on the ballot. Regardless, counties and municipalities often serve a much different population. While a brunch is generally more popular in urban areas, Nitro includes a destination tourism area that provides hotel, restaurant and other activities to in-State customers and customers from out-of-State locations, and those individuals should be able to experience the traditional brunch service. The Nitro Convention and Visitors Bureau ("CVB") has requested the City move forward with this issue. Additionally, Nitro's history has led to a fledgling tourism activity and the branding the City as a Living Memorial to World War I. Nitro remains supportive of any action the County may take to make earlier alcohol service available countywide. The Kanawha County Commission appears to have an interest in moving forward with the election procedure; successful establishment by Nitro of the traditional Sunday brunch will also benefit the county and any other municipality that may be considering Home Rule enactment or countywide election by demonstrating the benefits of relaxing Sunday alcohol restrictions.

There is good reason to believe that enactment of this power by Nitro will benefit its citizenry and result in an economic enhancement within the City. The owner of the destination tourism locates his business would realize additional revenue each Sunday if alcohol service were to begin at 10:00 a.m.; however, that location has not been able to estimate the economic impact. Others have indicated an interest in providing a brunch and related activities, but those businesses are also not able to determine the economic impact. The general view is that this is an activity that will evolve but the amount of time for that evolution to occur is unknown. The expanded window for alcohol service may also facilitate more events on Sundays benefitting caterers and event venues. Any increased revenue for hospitality business will result in additional business and occupation tax for the City and increased sales tax revenue for both the City and the State. There may also be additional benefits to the City, State, and its citizens from increased working hours and/or tips for servers and other hospitality workers.

The CVB and its Board of Directors, which is composed of civic leaders and people involved in the City's hospitality and tourism industries, fully support the City's use of Home Rule to allow earlier Sunday alcohol service in Nitro. Aside from the potential direct financial benefit, relaxing Sunday liquor laws and allowing restaurants in the City to be fully operational on Sunday enhance the City's image in the eyes of business and leisure travelers thereby enriching their travel experience in Nitro and promoting Nitro as a historic, hip destination.

SPECIFIC POWER REQUESTED UNDER THIS PROPOSED AMENDMENT TO NITRO'S HOME RULE PLAN.

The City of Nitro respectfully requests that it be granted the power under W. Va. Code Section 8-1-5a to amend its approved Home Rule Plan to permit the City to allow certain Alcohol Beverage Control Administration Class "A" license holders to begin serving alcohol at ten o'clock a.m. on Sundays.

SECTION III: AFFIDAVITS

Hearing Mandate Verification

Publication Mandate Verification

Ordinance Authorizing Submission of Plan

Fiscal Impact Worksheets/Formulas (if revenue related)

Feasibility Study (if taxes are proposed)

Attorney Opinion (application complies with statutory requirements)

State of West Virginia Fees Statement (none outstanding)



Appendix A
Verification of Compliance with Public Hearing Mandate

City of Nitro
Office of the City Recorder
P.O. Box 308
Nitro, WV 25324

I, the undersigned City Recorder of Nitro, West Virginia, do hereby certify that on September 6, 2016, at 6:30 pm, a Public Hearing was held on the City's proposed amendment to its written home rule plan in conformity with the requirements of West Virginia Code § 8-1-5a.

Attached are true, correct and complete copies of page one of the Nitro City Council Agenda, evidencing the Public Hearing and the signature of citizens who spoke either in favor or against the written plan and its submission to the Municipal Home Rule Board pursuant to Ordinance No. 16-3.

Witness the signature of the undersigned City Recorder of the City of Nitro, West Virginia, and the seal of the City, this 16th day of September, 2016.

Rita Cox
City Recorder

**Appendix A, Verification of Compliance with Public Hearing Mandate
Attachment 1. Public Hearing Mandate Verification
First page of Council Agenda Showing Public Hearing.**

NITRO CITY COUNCIL
MINUTES
AUGUST 2, 2016

CALL TO ORDER: The meeting was called to order at 7:00 pm by Mayor Dave Casebolt. Attending along with Mayor Casebolt were Recorder Rita Cox, Ward 1 Councilwoman Donna Boggs, Ward 2 Councilman Bill Racer, Ward 4 Councilman Michael Hill, Councilmen at Large Andy Shamblin, Bill Javins, and John Montgomery, City Treasurer John Young and City Attorney Johnnie Brown. Ward 3 Councilwoman Laurie Elkins was absent.

INVOCATION/PLEDGE OF ALLEGIANCE: The Invocation was given by Councilman Andy Shamblin and the Pledge of Allegiance was led by Councilwoman Donna Boggs.

FUTURE DATES OF COUNCIL: Mayor Casebolt said the future dates of Council are August 16, September 6 and 20.

APPROVAL OF COUNCIL MINUTES: Recorder Rita Cox said the minutes for July 19 would be ready for the next meeting of Council.

GOALS FOR COUNCIL FOR CURRENT TERM: Mayor Casebolt said he was waiting for a few more Council members to submit the goals they want for the current term and would present those at a future meeting.

OLD BUSINESS

FIRST READING ARTICLE 711 BUSINESS AND OCCUPATION TAX ECONOMIC DEVELOPMENT TAX CREDIT:

COUNCILMAN JOHN MONTGOMERY MADE THE MOTION THAT COUNCIL PASS ON FIRST READING ARTICLE 711 BUSINESS AND OCCUPATION TAX ECONOMIC DEVELOPMENT TAX CREDIT. THERE WAS A SECOND BY COUNCILMAN BILL JAVINS. Councilman Montgomery explained that this ordinance was only given one reading originally and had never been passed on second reading. The reading of the original ordinance contained errors and this is the corrected version. COUNCIL VOTED FOR THE MOTION.

FIRST READING AN ORDINANCE TO APPLY TO HOME RULE BOARD FOR AMENDMENT RELATING TO THE SUNDAY BRUNCH: COUNCILMAN JOHN MONTGOMERY MADE THE MOTION THAT COUNCIL PASS ON FIRST READING AN ORDINANCE TO APPLY TO HOME RULE BOARD FOR AMENDMENT RELATING TO THE SUNDAY BRUNCH WITH A SECOND BY RECORDER RITA COX. VOTING FOR THE MOTION WERE COUNCILWOMAN BOGGS, RECORDER COX, AND COUNCILMEN MONTGOMERY, JAVINS, RACER AND HILL. COUNCILMAN SHAMBLIN VOTED AGAINST THE MOTION AND THE MOTION CARRIED.

ESTABLISHING A PUBLIC HEARING FOR APPLICATION TO HOME RULE BOARD RELATING TO SUNDAY BRUNCH: COUNCILMAN MONTGOMERY MADE THE MOTION THAT A PUBLIC HEARING BE HELD ON SEPTEMBER 6 AT 6:30 PM IN COUNCIL CHAMBERS ON THE APPLICATION TO HOME RULE BOARD RELATING TO SUNDAY BRUNCH. THERE WAS A SECOND BY RECORDER COX AND THE MOTION CARRIED. VOTING FOR THE MOTION WERE RECORDER COX, COUNCILWOMAN BOGGS, AND COUNCILMAN JAVINS, MONTGOMERY, HILL, AND RACER. VOTING IN OPPOSITION TO THE MOTION WAS COUNCILMAN SHAMBLIN.

**Appendix A. Verification of Compliance with Public Hearing Mandate
Attachment 2. Photocopy of Sign-In Sheet for Public Hearing**

**PUBLIC HEARING
SEPTEMBER 6, 2016**

The purpose of this Public Hearing is to receive comments from the public regarding this City/s written plan to amend this City's Municipal Home Rule Pilot Program Phase II Application to permit the City to allow certain Alcohol Beverage Control Administration Class "A" license holders to begin serving alcohol at ten o'clock a.m. on Sundays.

In favor of the proposed Plan:

- | | |
|-----------------------------------|-----------|
| 1. <u><i>Peter Cox</i></u> | 6. _____ |
| 2. <u><i>Bill Jones</i></u> | 7. _____ |
| 3. <u><i>William J. Green</i></u> | 8. _____ |
| 4. <u><i>John W. Williams</i></u> | 9. _____ |
| 5. _____ | 10. _____ |

Opposed to the proposed Plan:

- | | |
|-------------------------------|-----------|
| 1. <u><i>Andy Humble</i></u> | 6. _____ |
| 2. <u><i>Alma Boggess</i></u> | 7. _____ |
| 3. <u><i>Vera Boyce</i></u> | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

**Publication Mandate Verification
Appendix B, Verification of Publication of Notice of Public Hearing
Attachment 1, Photocopy of invoice from newspaper**

Charleston Newspapers

P.O. BOX 2993
Charleston, WV 25330
Billing 348-4818
Classified 348-4648
1-800-WVA-NEWS

LEGAL ADVERTISING INVOICE

INVOICE DATE	08/18/16
ACCOUNT NBR	094131100
SALES REP ID	0010
INVOICE NBR	006173001

BILL TO:

CITY OF NITRO
PO BOX 241
NITRO WV 25143 USA

Please return this portion with your payment.
Make checks payable to: Charleston Newspapers

AMOUNT PAID: _____

INVOICE DATE	08/18/16
ACCOUNT NBR	094131100
SALES REP ID	0010
INVOICE NBR	006173001

Legal pricing is based upon 65 words per column inch. Each successive insertion is discounted by 25% of the first insertion rate.
The Charleston Gazette-Mail rate is \$14 per word.

DATE	REP	TYPE	DESCRIPTION	LN NUMBER	LN SIZE	PAGE	CHARGE AMOUNT	NET AMOUNT
08/03	LEGR	GZ	LEGALNOTICECITYOF	0835830	1X0350			
			006173001		3.50	9.10	31.85	31.85
08/17	LEGR	GZ	LEGALNOTICECITYOF		1X0350			
			006173002		3.50	9.10	31.85	
			LEGAL DISCOUNT 25%				7.96	23.89
			TOTAL INVOICE AMOUNT					55.74

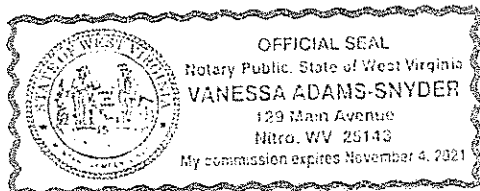
State of West Virginia,

Michael Parsons
CHARLESTON GAZETTE MAIL,

do solemnly swear that the legal notice of:
LEGALNOTICECITYOFNITR

was duly published in said newspaper(s) at the stated price for the respective newspaper(s) and during the dates listed below: 08/03/16-08/17/16

Subscribed and sworn to before me this 30th day of AUG, 2016



[Signature]
Notary Public of Kanawha County, West Virginia

**Appendix B, Verification of Publication of Notice of Public Hearing
Attachment 2. Photocopy of legal notice**

LEGAL NOTICE

The City of Nitro, West Virginia, will hold a public hearing at 6:30p.m. on September 6, 2016 in the City Council Chamber to receive comments from the public on the proposed City of Nitro Municipal Home Rule Pilot Program, Phase II plan amendment, pursuant to W. Va. Code § 8-1-5a.

Interested parties may appear at the Public Hearings and be heard with respect to the proposed amendment requesting approval to allow sale of alcoholic beverages by certain Alcohol Beverage Control Administration Class "A" license holders beginning at 10:00 a.m. on Sundays. A copy of the proposed written plan amendment may be inspected at the City Hall begin at 10:00 am on Sundays. A copy of the proposed written plan amendment may be inspected at the City Hall beginning August 4, 2016 between the hours of 8:00 a.m. and 4:00 p.m. daily, Monday through Friday.

(635830)



Appendix C
Certified Copy of Ordinance Authorizing Submission of Written Plan

Attachment 1, Ordinance Certification Letter.

I, the undersigned City Recorder of Nitro, West Virginia, do certify that the foregoing ordinance is a true, correct and complete copy of Ordinance 16-3 authorizing submission of the City's amendment to its written plan to the Municipal Home Rule Board, which was adopted by the City Council of the City of Nitro, West Virginia on September 6, 2016.

Witness the signature of the undersigned City Recorder of the City of Nitro, West Virginia, and the seal of the City, this 16th day of September, 2016.

Rita Cox
City Recorder

ORDINANCE NO. 16-3

Introduced in Council:

August 2, 2016

Introduced by:

Councilman at Large John Montgomery

An ordinance authorizing the City of Nitro, West Virginia, to submit to the Municipal Home Rule Board a proposed amendment, attached hereto as Exhibit A, to the City of Nitro Municipal Home Rule Plan consistent with the requirements of West Virginia Code § 8-1-5a requesting approval to allow the sale of alcoholic beverages by certain Alcohol Beverage Control Administration Class "A" license holders beginning at 10:00 a.m. on Sundays.


BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, that on behalf of the City of Nitro, the Mayor and the Administration of the City are hereby authorized and requested to submit to the Municipal Home Rule Board, a proposed amendment, attached hereto as Exhibit A, to the City of Nitro Municipal Home Rule Plan consistent with the requirements of West Virginia Code § 8-1-5a requesting approval to allow the sale of alcoholic beverages by certain Alcohol Beverage Control Administration Class "A" license holders beginning at 10:00 a.m. on Sundays.

Passed on First Reading August 2, 2016

Passed on Second Reading September 6, 2016



Dave Casebolt, Mayor



Rita Cox, Recorder

Appendix D
FISCAL IMPACT WORKSHEET FOR PROBLEM AND PROPOSED SOLUTION

Municipality: Nitro, West Virginia

Person who prepared fiscal statement: John E. Montgomery

Telephone number: (304) 776-6458

Email address: montysmob@frontier.com

Problem Number: 1 and Solution Number: _____

Category of Issue:

Tax Organization Administration Personnel

Type of Solution:

Ordinance Act Resolution Rule Regulation

A. Fiscal Note Summary

1. Summarize in a clear and concise manner what impact this solution would have on costs and revenues of the municipality if the proposed solution is implemented as written.

The City of Nitro respectfully requests that it be granted the power under W. Va. Code Section 8-1-5a to amend its approved Home Rule Plan to permit the City to allow certain Alcohol Beverage Control Administration Class "A" license holders to begin serving alcohol at ten o'clock a.m. on Sundays. While there will be no increase in costs to the City, there will be an increase in revenues to the extent the Alcohol Beverage Control Administration Class "A" license holders decide to participate.

2. Summarize in a clear and concise manner what impact this solution would have on residents and/or persons doing business in the municipality if the proposed solution is implemented as written.

This solution should have no impact on the residents of Nitro. Insofar as the businesses in Nitro are concerned, only those businesses that are Alcohol Beverage Control Administration Class "A" license holders will be impacted because they will have the opportunity to sell alcohol at an earlier time on Sundays.

B. Fiscal Impact Detail – Municipality

Show overall effect in Item 1 and in Item 2 or 3.

In Item 4, explain the numbers entered in Items 1 and 2 or 3.

Effect of Solution	First Fiscal Year In Which Implemented	Second Fiscal Year
1. Estimated Total Cost	-0-	-0-
a. Personal Services	-0-	-0-
b. Current Expenses	-0-	-0-
c. Repairs & Alterations	-0-	-0-
d. Assets	-0-	-0-
e. Other	-0-	-0-
2. Estimated Total Revenue Gain	unknown	unknown
3. Estimated Total Revenue Loss	-0-	-0-

4. Explanation of How Estimates Were Determined. Include the formula used or attach the worksheet.

The City should not have any additional costs, expenses, personal services, or repairs and alterations because the City will not be doing anything different than what it normally does. Additional costs, expenses and personal services will be a matter for any participating Alcohol Beverage Control Administration Class "A" license holders.

Presuming this proposal is approved, the City views the subsequent ordinance to be providing the Alcohol Beverage Control Administration Class "A" license holders with an opportunity to participate in the activity. The City has not yet received confirmation that participation will actually occur, although the indications are positive. As a result, the amount of additional revenue to be received is unknown at this time.

C. Community Assessment – Estimated Impact of Solution on Residents and Businesses During First Full Fiscal Year of Operation.

1. What groups will be affected by this solution?

While there does not appear to be any actual impact resulting from the early sale of alcoholic beverages on Sunday mornings, those residents who are more religious seem to be a little bit upset.

2. What will be the impact(s) on these groups?

There should be no actual physical or economic impact. It is more of a personal view that people should not be drinking alcohol beverages on Sunday mornings.

3. What evidence was used to form this opinion view?

General comments during conversations with members of the public.

4. What plans do you have, if any, to mitigate any negative impacts identified?

There are no plans to mitigate the described personal views.

D. Additional Information

None.

Appendix G
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: Nitro, West Virginia

Authorized Signature: _____

Date: 9/16/16

Print Name and Title: John Young, City Treasurer

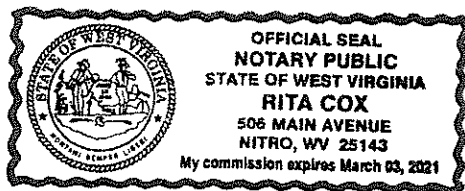
State of West Virginia

County of Kanawha, to-wit:

Taken, subscribed, and sworn to before me this 16th day of September, 2016

My Commission expires: March 3, 2021

AFFIX NOTARY SEAL HERE:





PULLIN, FOWLER
FLANAGAN,
BROWN & POE, PLLC

ATTORNEYS AT LAW

JAMESMARK BUILDING
901 QUARRIER STREET
CHARLESTON, WV 25301

PHONE: (304) 344-0100
FAX: (304) 342-1545

600 NEVILLE STREET
SUITE 201
BECKLEY, WV 25801

PHONE: (304) 254-9300
FAX: (304) 255-5519

2414 CRANBERRY SQUARE
MORGANTOWN, WV 26508

PHONE: (304) 225-2200
FAX: (304) 225-2214

261 AIKENS CENTER
SUITE 301
MARTINSBURG, WV 25404

PHONE: (304) 260-1200
FAX: (304) 260-1208

REPLY TO: Charleston
SENDERS E-MAIL: jbrown@pffwv.com
www.pffwv.com

September 16, 2016

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

RE: City of Nitro: Proposed Amendment to Home Rule Plan (Sunday Brunch Ordinance)

Dear Board:

I have acted as counsel for the City of Nitro for the proposed amendment the City of Nitro's Home Rule Plan.

I have reviewed the requirements of W. Va. Code 8-1-5 *et seq.*, and am of the opinion that the proposed amendment complies with relevant West Virginia Code.

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

Very truly yours,

/s/ Johnnie E. Brown

Johnnie E. Brown
City Attorney

JEB/jms