

MUNICIPAL HOME RULE  
PILOT PROGRAM

City/Town of NITRO,  
WEST VIRGINIA

2018  
PROGRESS  
REPORT

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

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

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

Annual Progress Reports must be submitted electronically as an individual file in PDF format no later than the close of business on December 3, 2018, by emailing Courtney Shamblin at [courtney.d.shamblin@wv.gov](mailto:courtney.d.shamblin@wv.gov), West Virginia Department of Revenue, West Virginia Home Rule Pilot Program, State Capitol Complex, Building 1, Room W-300, Charleston, West Virginia 25305, 304-558-3356.

<b>A. General Information</b>		
Name of Municipality: Nitro, West Virginia		
Certifying Official: Dave Casebolt	Title: Mayor	
Contact Person: John Montgomery	Title: Member, Nitro City Council	
Address: 214 Brookhaven Drive		
City, State, Zip: Nitro, West Virginia 25143		
Telephone Number: 304-776-6458	Fax Number: n/a	
E-Mail Address: montysmob@suddenlink.net		
2010 Census Population: 7178		
<b>B. Municipal Classification</b>		
<input type="checkbox"/> Class I	<input type="checkbox"/> Class II	<input checked="" type="checkbox"/> Class III
<input type="checkbox"/> Class IV		
<b>C. Pilot Program Entry Phase</b>		
<input type="checkbox"/> Phase I (2007 Legislation)	<input checked="" type="checkbox"/> Phase II (2014 Legislation)	<input type="checkbox"/> Phase III (2015 Legislation)
<b>D. Attest</b>		
I hereby confirm that I am the authorized official for this municipality and certify that the information submitted herein and attached hereto is true and accurate and that this report addresses each and every initiative included in the original Home Rule Pilot Program Plan Application for this municipality and any subsequent amendments, if applicable.		
David Casebolt		11-16-2018
Type Name of Certifying Official	Signature of Certifying Official	Date

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

<p><b>Initiative:</b> The City obtained authority to enact an ordinance that:</p> <p>(1) creates an automatic lien that attaches to all real property immediately upon the imposition of all Nitro municipal fees respecting such property;</p> <p>(2) authorizes Nitro to foreclose on said property, under applicable West Virginia law respecting foreclosure procedures, without the requirement of going to circuit court;</p> <p>(3) requires closing agents, attorneys and others, to contact the City of Nitro prior to closing any real estate transaction involving real property within the City and that all such delinquent fees imposed on said property be paid in full from/at closing; and</p> <p>(4) requires the transferee of real property located within the City to record the deed to the property with the clerk of the County in which the property is located, and that the deed be recorded within 12 months of the date the transfer occurs.</p>			
<p>Category of Issues Addressed (check all that apply)</p> <p><input type="checkbox"/> Organization                      <input checked="" type="checkbox"/> Administration                      <input type="checkbox"/> Personnel                      <input type="checkbox"/> Other</p>			
<p>Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/>?</p>			
<p>Has the ordinance(s) needed to implement this initiative been enacted?    <input checked="" type="checkbox"/> Yes                      <input type="checkbox"/> No</p>			
<p>If yes, when was the ordinance enacted? June 16, 2015</p>			
<p>If no, please describe challenges faced in enacting the related ordinance(s)</p>			
<p>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>Municipal Service Fee collections initially increased, but have since leveled off at that higher level. The City Attorney is still in the process of drafting the notice to be sent to all closing agents, attorneys, and others who will be involved in closing transactions. However, there has been a positive response from those parties as the municipal service fee collection requirement has become known.</p> <p>2018. The City currently has 34 liens on file for non-payment of the Municipal Service Fee. Additionally, the most recent review of the collections indicate that for the current calendar year, delinquent Municipal Service Fee collections have increased by an amount in excess of \$100,000.</p>			

LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.

While the City has moved forward in other activities, as demonstrated in other initiatives in this Progress Report, the City is demonstrably moving forward in this initiative as well..

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

<p><b>Initiative:</b> The City obtained authority to adopt a city administrative procedures ordinance pursuant to which it would be able to promulgate administrative regulations covering all aspects of the collection of its B &amp; O tax, municipal service fee, business license tax and other taxes, fees and programs administered by the City.</p>			
<p>Category of Issues Addressed (check all that apply)</p>			
<input type="checkbox"/> Organization	<input checked="" type="checkbox"/> Administration	<input type="checkbox"/> Personnel	<input type="checkbox"/> Other
<p>Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/>?</p>			
<p>Has the ordinance(s) needed to implement this initiative been enacted?      Yes      <input checked="" type="checkbox"/> No</p>			
<p>If yes, when was the ordinance enacted?</p>			
<p>If no, please describe challenges faced in enacting the related ordinance(s)</p> <p>The City is in the process of drafting the ordinance. The problems are substantial in that the ordinance will need to include appropriate procedural references to other ordinances and Department policies, hearing procedures applicable to all revenue-raising activities, hearing procedures relevant to property maintenance activities, and hearing procedures relevant to planning and zoning actions. This will all need to fit within the required legal framework. This is a time-consuming, labor intensive activity and quite complex.</p>			
<p>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>There is no success to report on this issue because success will not be measureable until the ordinance is completed.</p>			
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>As noted above, the City cannot measure success until the ordinance is completed. The lesson learned to this point is that it takes time to complete preparation for moving forward. Additionally, it appears the City may have “bit off more than it can chew.”</p>			

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<p><b>Initiative:</b> The City obtained authority to enact an ordinance providing for municipal oversight of the expenditure of public funds by all public, quasi-public and non-profit organizations affiliated with and located within the City.</p>			
<p>Category of Issues Addressed (check all that apply)</p>			
<input type="checkbox"/> Organization	<input checked="" type="checkbox"/> Administration	<input type="checkbox"/> Personnel	<input type="checkbox"/> Other
<p>Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/>?</p>			
<p>Has the ordinance(s) needed to implement this initiative been enacted?    Yes    <input checked="" type="checkbox"/> No</p>			
<p>If yes, when was the ordinance enacted?</p>			
<p>If no, please describe challenges faced in enacting the related ordinance(s)  Drafting of the necessary ordinance has commenced; however, considerable work remains.</p>			
<p>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.  There can be no success until the necessary ordinance is completed.</p>			
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.  Additional time is necessary before lessons may be learned.</p>			

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<p><b>Initiative:</b> The City obtained authority to reduce speed limits on State highways going through the City, upon the basis of an engineering and traffic investigation, and to have such reductions become effective upon the effective date of an appropriate ordinance</p>			
<p>Category of Issues Addressed (check all that apply)</p> <p><input type="checkbox"/> Organization                      x Administration                      <input type="checkbox"/> Personnel                      <input type="checkbox"/> Other</p>			
<p>Was this non-tax initiative a part of your original plan application x                      or                      a plan amendment <input type="checkbox"/>?</p>			
<p>Has the ordinance(s) needed to implement this initiative been enacted?                      x Yes                      <input type="checkbox"/> No</p>			
<p>If yes, when was the ordinance enacted? June 16, 2015</p>			
<p>If no, please describe challenges faced in enacting the related ordinance(s)</p>			
<p>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>While the City Council has enacted an ordinance authorizing reduction of the speed limits in certain areas, the actual speed limits have not yet been reduced. The City has received considerable negative public comments relating to change of the proposed speed limits. However, a positive aspect is apparent in that it does appear that more attention to the legal speed limits is being paid by vehicle operators. Additionally, the Police Department is now located adjacent to one of the areas of concern, and that also appears to have a positive effect.</p>			
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>The lesson to be learned is to not get too far ahead of the public when trying to accomplish certain actions.</p>			

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

<b>Initiative:</b> The City obtained authority to enact an ordinance to establish the procedure for selling City owned property valued at less than \$10,000 without going through the auction process.			
Category of Issues Addressed (check all that apply)			
<input type="checkbox"/> Organization	<input checked="" type="checkbox"/> Administration	<input type="checkbox"/> Personnel	<input type="checkbox"/> Other
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?			
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, when was the ordinance enacted? June 16, 2015			
If no, please describe challenges faced in enacting the related ordinance(s)			
<p>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The City followed the procedure provided in the ordinance. Five old (junk) City–owned vehicles were sold for a total amount of \$3,553.00. The City Council approved the respective sales. More revenue was obtained by the City than would have been obtained if the sales had gone through the auction procedure.</p> <p>2018. The City is currently going through this procedure again. The vehicles involved are Nitro Regional Waste Water Department vehicles, an agency of the City, and the fire boat. We will provide information on this vehicle sales event in the 2019 Report.</p>			
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>If fair and transparent procedures are established and then followed, the public benefits.</p>			

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<p><b>Initiative:</b> The City was authorized to enact an ordinance to allow the sale by ABCA Class I Retailers of beer and alcoholic beverages at 10:00 a.m. on Sundays.</p>	
<p>Category of Issues Addressed (check all that apply)</p> <p> <input type="checkbox"/> Organization                              <input checked="" type="checkbox"/> Administration                              <input type="checkbox"/> Personnel                              <input type="checkbox"/> Other       </p>	
<p>Was this non-tax initiative a part of your original plan application                      or                      a plan amendment <input checked="" type="checkbox"/>?</p>	
<p>Has the ordinance(s) needed to implement this initiative been enacted?                      <input checked="" type="checkbox"/> Yes                      <input type="checkbox"/> No</p>	
<p>If yes, when was the ordinance enacted? November 1, 2016</p>	
<p>If no, please describe challenges faced in enacting the related ordinance(s)</p>	
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The ordinances was enacted quite recently and has not been in existence long enough to determine any successes. However, there was not much in the way of public comment at the public hearings. The authority under the ordinance is available to retailers and while there has been some participation, the activities do not appear to be earth-shattering.</p>	
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>Generally, if the public is provided all of the necessary information about an action otherwise determined by some to be wrong, the public will be supportive.</p>	

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

**Initiative:** The City obtained authority to enact an ordinance that imposes a 1% municipal consumers sales and service tax and a 1% municipal use tax that would be administered, collected and enforced by the State Tax Commissioner.

Was this tax initiative a part of your original plan application  or a plan amendment ?

Has the ordinance(s) needed to implement this initiative been enacted?  Yes  No

If yes, when was the ordinance enacted? January 6, 2015

If no, please describe challenges faced in enacting the related ordinance(s)

**REVENUES** – In the space below, please provide a brief narrative highlighting revenue amounts and revenue categories realized; revenue amounts and revenue categories reduced; net revenue gain; and, any metrics used to track performance.

For the Fiscal Year ending June 30, 2016, (the first year of the City’s Municipal Sales Tax), the total sales tax revenue received was \$1,502,832. This is considerably more than the estimated amount approximating \$950,000.

The City reduced by 50% the municipal B&O tax rate on the following classifications: Banking, Amusements, Manufacturing and Wholesale Sales. The City calculated that this will result in an annual reduction of \$50,956 in the municipal B&O tax revenues.

Following is a table demonstrating the net Sales Tax gain.

	Sales Tax Received (Accrual Accounting)	B&O Tax Reduction	Net Sales Tax Revenue Gain
FY 2016	\$1,502,832	\$50,956	\$1,451,926
FY 2017	1,768,057	38,333	1,729,724
FY 2018	1,569,318	46,313	1,523,004

As demonstrated in the following section, the revenues are not going to waste.

**SUCCESSSES** – In the space below, please provide a brief narrative highlighting projects, improvements, programming, etc. realized through the implementation of this revenue initiative and any metrics used to track performance.

The City Council is of one mind in moving forward with projects to correct long-ignored City needs. Following are problems addressed in FY 2016:

1. Made increased payments into the Fireman and Police pension funds.
2. Renovated the interior of the City Hall and installed all new windows and doors on the exterior.
3. Purchased equipment, including equipment to mill streets, and to repair and maintain City streets.
4. Purchased a street sweeper for use in the MS4 program.
5. Installed a needed new telephone system in City Hall.
6. Continued City beautification through Streetscape.
7. Commenced rebranding the City to support the City's designation as a "Living Memorial To WW I" which included purchasing life size replicas of Doughboy statues that were placed at the Nitro/St. Albans Bridge entrance to the City, redesigning letterheads, and many other actions.
8. Completed a major renovation of the library to support increased usage.
9. Completed renovation of the City museum which also supports the branding effort.
10. Moved and expanded the food pantry.
11. Assisted high school ball field repairs.
12. Through use of engineering consultants completed study with recommendations for correcting major storm drainage problems.
13. Removed several dilapidated structures.
14. Purchased a new financial accounting system.
15. Expanded both the street paving and street concrete work.
16. Made payments on new police cars.

Following are the problems addressed in 2017.

1. Continued making increased payments into the Fireman and Police pension funds.
2. Purchased a 2-story structure to be used for the Police Department, Municipal Court and City Council chambers. It is financed for a 20 year period with the monthly payments being approximately one-half of the monthly rent for the space previously used for those activities.
3. Started repair of the riverbank which has eroded to such an extent that the city park, and the high school football field and soccer field are being affected. The riverbank is being rapped, a walkway will be constructed, shrubs and grasses are being planted, and a covered stage area is being constructed for community entertainment events.
4. As a follow-up to the renovations to the interior of City Hall, the exterior of City Hall was renovated.
5. The Memorial Park was constructed. It incorporates a stage, brick walk-ways with Nitro veterans names on the brick pavers, flags, a doughboy statute, shrubbery and grasses, and a large mural on the wall of an adjacent building.
6. Repairs at Ridenour Lake have started. The large sump pump has been repaired. The banks of the feeder creek are being rapped to reduce erosion.
7. Continued substantially increasing the amount expended on street repairs, street paving and street concrete work.
8. Entered into a contract for design and engineering for correcting major storm water drainage system repairs.
9. Subsequent to obtaining bids, the City entered into a contract with an engineering firm to design a unified landscaping scheme for public ways throughout the City.
10. More dilapidated structures were removed.

Following are the problems addressed in 2018.

1. Continued making additional payments (\$275,000) into the Fireman pension fund; this pension fund is only 16% funded while the police pension fund is better funded.
2. Completed renovation of the new structure to be used as the police station, municipal court and City Council chambers.
3. Completed the river bank stabilization project at a cost of \$700,000.
4. Purchased a diagnostic machine to enable the city garage to make repairs and perform maintenance on large vehicles such as garbage trucks and fire engines. Otherwise, it was necessary to transport the vehicles elsewhere in the State which was a rather expensive action.
5. Continued providing additional funds for the repair and maintenance of City streets. This is an ongoing activity.
6. Purchased a new computer program to better manage the different accounts, including municipal fee collections.
7. While the City has received the engineering report and plans for the storm drainage system, the cost will be quite high and so the project is being studied to determine feasibility.
8. Obtained major repairs and performed substantial maintenance on the parking areas at Ridenour Lake.
9. City Council is reviewing the unified landscaping scheme for public ways throughout the City. It will be implemented during Calendar Year 2019.
10. The City has developed a plan where it purchases tax delinquent, dilapidated properties in the City, goes through the process, either statutory or directly with the property owner, of obtaining a deed, clean up the property, and then sell the properties to the highest bidders who can then build appropriate structures.

This is part of the continuing 10-15 year City improvement program.

LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.

The lesson learned during implementation of this initiative is that patience is necessary because not all activities may be immediately accomplished. City Council has developed a plan for projects to be accomplished during the next four years.