MUNICIPAL HOME RULE PROGRAM

City of Elkins

2024 PROGRESS REPORT

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

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

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

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

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

A. General Information				
Name of Municipality: City of Elkins				
Certifying Official: Sutton Stokes		Title: City Clerk		
Contact Person: Sutton Stokes		Title: City Clerk		
Address: 401 Davis Ave.				
City, State, Zip: Elkins, WV 26241				
Telephone Number: 304.636.1414 ext. 1211		Fax Number: 304.635.7973		
E-Mail Address: suttonstokes@cityofelkinsv	wv.com			
2020 Census Population: 6,934				
B. Municipal Classification				
Class I Class II X C	Class III	Class IV		
C. Attest				
I hereby confirm that I am the authorized official for this municipality and certify that the information submitted herein and attached hereto is true and accurate and that this report addresses each and every initiative included in the original Home Rule Pilot Program Plan Application for this municipality and any subsequent amendments, if applicable.				
Sutton R. Stokes S	S.R. Sta	rkes	10/21/2024	
Type Name of Certifying Official Si	ignature	of Certifying Official	Date	

Non-Tax-Related Initiatives

Initiative: "On the spot" citations	
Was this non-tax initiative a part of your original plan application ${f X}$ or $\$ a plan amendment \square ?	
Has the ordinance(s) needed to implement this initiative been enacted? X Yes \Box No	
If yes, when was the ordinance enacted? July 21, 2016	
If no, please describe challenges faced in enacting the related ordinance(s).	

SUCCESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.

The authority provided to our Code Enforcement Officer by this initiative created a three-fold benefit to the City. First, the officer can directly confront unsanitary, unsightly, and potentially dangerous issues with a more immediate effect. Second, the citizens of Elkins have renewed confidence that the city is interested in and addressing problems that they see often, and feel are important. Third and final is the relief that is provided to our police department through the transference of responsibility to code enforcement, in appropriate instances, for what they may consider lower priority calls.

In response to our lessons learned (see below), actions have been taken to better educate the public, including a document for distribution detailing the most commonly occurring violations and who (police, fire or code enforcement) is responsible for responding, in order to address any confusion, as well as multiple articles published in print and electronically. The creation and hiring of a new city employee – the communication specialist – has also allowed an increase in the release of more code-enforcement related information that improves citizen understanding and compliance. Further, the City has created a GIS based dilapidated properties dashboard linked from our website that allows for increased transparency for the public.

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.

More public education would have been helpful during and immediately after implementation so that citizens could have a better understanding of the process, the authority granted and more importantly, the limitations on what the code enforcement officer is able to do. In many cases, high visibility issues include a combination of actions by code enforcement and public safety, which take coordination and time to resolve.

Initiative: Registration and Maintenance of Foreclosed Properties	
Was this non-tax initiative a part of your original plan application X or a plan amendment \Box ?	
Has the ordinance(s) needed to implement this initiative been enacted? X Yes \Box No	
If yes, when was the ordinance enacted? July 16, 2016	
If no, please describe challenges faced in enacting the related ordinance(s).	
SUCCESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.	
The successful expansion of the City's Vacant Structures Registration Program to include lenders and trustees who are in the process of foreclosing is a significant tool in the struggle to abate the blight of dilapidated properties around town. The process of foreclosure can be lengthy and imposes no requirements for property maintenance throughout, allowing what are typically already neglected properties to continue to negatively affect communities for significant amounts of time. Since the implementation of this authority the Building Inspector/Code Enforcement Officer has registered several properties held by a lender or trustee. This has proven to be a valuable tool for the city.	

The problem still exists that even though the City has the authority to require a lender or trustee who is in the process of foreclosing on a property to register as the owner, identifying who the foreclosing entity is can be difficult. Once ownership is confirmed, contact and compliance improve in most cases.

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

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

Initiative: Transfer or Lease of City Property to Private and Non-profit Entities	
Was this non-tax initiative a part of your original plan application X or a plan amendment \Box ?	
Has the ordinance(s) needed to implement this initiative been enacted? X Yes \Box No	
If yes, when was the ordinance enacted? March 2, 2017	
If no, please describe challenges faced in enacting the related ordinance(s).	
SUCCESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.	
In 2019 the city entered into a Memorandum of Understanding with a local non-profit development group for the purpose of addressing vacant and dilapidated housing and improving blighted neighborhoods. The City has since transferred two pieces of property to the group and is anticipating the construction of one single family home and one duplex on these sites in early 2023.	
In addition, the city transferred a piece of property located in a highly visible commercial zone to the	

In addition, the city transferred a piece of property located in a highly visible commercial zone to the Randolph County Development Authority in August 2020. The RCDA has the expertise and resources to effectively advertise and attract business to this location for development. Once a purchase is secured, the RCDA will reimburse the city the appraised value.

In November of 2023, council authorized the transfer of a city-owned historic property, the Darden House, to a nonprofit organization. The building is currently used as meeting and low-cost office space for community organizations, but the city struggled to find funds for maintaining and improving the property. The nonprofit organization plans to continue this use but will also be in a better position than the city government to renovate and maintain the structure. The organization will also use the property for an entrepreneurship center.

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.

This is a valuable tool to help the city achieve its goals of strengthening its partnerships with community organizations and assuring best/highest uses for key properties.

Initiative: Part-time Police Officers	
Was this non-tax initiative a part of your original plan application ${f X}$ or $\$ a plan amendment \square ?	
Has the ordinance(s) needed to implement this initiative been enacted? X Yes \Box No	
If yes, when was the ordinance enacted? April 7, 2016	
If no, please describe challenges faced in enacting the related ordinance(s).	

SUCCESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.

Since the adoption of our Ordinance allowing the hiring of part-time police officers for longer than three months, the city has utilized this ability twice. In the first instance, an officer who had been hired on and off since 2010, but previously limited to serving only three months consecutively, was able to stay on as needed with the department, while maintaining other employment in the area. His familiarity with department procedures and personnel allowed for a smooth transition on and off the schedule. The ability to hire this officer for longer than three months, grants the department flexibility in his use and time to make other long-term adjustments without sacrificing the integrity of the police force.

The second example is of an officer who began his part time employment on October 31, 2016. Effective January 20, 2017, a full-time officer retired which allowed the part-time officer to be considered and eventually hired into the full-time position. Without the ability to keep the part-time officer employed beyond three months, the police department would have suffered the loss of two officers at once and would have likely remained understaffed for several months.

The city currently employees four officers who are military reservists. In addition to weekend and weeklong duty requirements, they may be called up for deployment at any time. The ability to keep or hire part-time officers helps significantly during these occurrences.

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

We suffered no negative effects from the adoption of this initiative. The public and the police department were both in favor of and have responded positively to the City's adoption of this policy.

Initiative: Raising Maximum Age for Joining Civil Service Police Departments	
Was this non-tax initiative a part of your original plan application ${f X}$ or a plan amendment \Box ?	
Has the ordinance(s) needed to implement this initiative been enacted? X Yes \Box No	
If yes, when was the ordinance enacted? January 7, 2016	
If no, please describe challenges faced in enacting the related ordinance(s).	
SUCCESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.	
The West Virginia Legislature has eliminated upper age limits for civil service police department, rendering this authority moot.	

We suffered no negative effects from the adoption of this initiative. The public and the police department were both in favor of and have responded positively to the City's adoption of this policy. As stated however, it is now moot.

Initiative: Party Membership Requirements for Election Boards and Civil Service Commissions	
Was this non-tax initiative a part of your original plan application ${f X}$ or a plan amendment \Box ?	
Has the ordinance(s) needed to implement this initiative been enacted? X Yes \Box No	
If yes, when was the ordinance enacted? March 2, 2017	
If no, please describe challenges faced in enacting the related ordinance(s).	
SUCCESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.	

The City simultaneously passed four separate ordinances to exercise the authority granted by the Board. These included exemption from party affiliation for 1) police civil service commission members; 2) fire civil service commission members; 3) building commission members; and 4) ballot commissioners and poll workers.

The City has had the opportunity to appoint four members to the Elkins Building Commission and three members to the Elkins Police Civil Service Commission without having to consider party affiliation. In addition, Elkins elections all require the appointment of twenty-five to thirty individuals, which has been significantly less burdensome since the removal of the party requirements. (City elections are also non-partisan, which further justifies the elimination of party requirements for election-related positions.)

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

We suffered no negative effects from the adoption of this initiative. The City, as well as other nominating organizations, appreciate being able to focus on the overall suitability of a candidate instead of political party affiliation, particularly given the already difficult task of finding individuals willing to serve in these roles.

Initiative: Business License Categories and Fees
Was this non-tax initiative a part of your original plan application X or a plan amendment Q ?
Has the ordinance(s) needed to implement this initiative been enacted? X Yes \Box No
If yes, when was the ordinance enacted? June 16, 2016
If no, please describe challenges faced in enacting the related ordinance(s).
SUCCESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.
The consolidation of categories of business license fees was not a significant change as all categories were already charged the same amount, regardless of being identified separately. However, what the initiative did provide is consistency and efficiency for both business owners and the Treasurer's department. In addition, the city was able to both raise the fee and institute a penalty for late payment universally. The ability to affect changes across the board has increased efficiency and accuracy.
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 Ordinance to implement this change was not approved on final reading until June 16, 2016, only a few weeks prior to the start of the fiscal year. This created a delay in the ability of the treasurer's
department to issue license renewal forms and inform business owners of the change in the fee and the new penalty structure.

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

Initiative: "Brunch Bill"	
Was this non-tax initiative a part of your original plan application \Box or a plan amendment X ?	
Has the ordinance(s) needed to implement this initiative been enacted? X Yes \Box No	
If yes, when was the ordinance enacted? September 7, 2017	
If no, please describe challenges faced in enacting the related ordinance(s).	
SUCCESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.	
It is difficult to measure the success of this initiative given that the impact is more directly felt by private businesses. However, the City is aware of some businesses holding a "Class A" license that were normally open on Sundays extending their operating hours and businesses previously not open on Sundays now opening for specific purposes (sporting events or private parties). In addition, individuals and organizations within the city frequently host special events during which alcohol is served and now have more flexibility to do so.	
Further, although the W.V. State Code changed to allow counties to permit serving earlier on Sundays, Randolph County has taken no action to adopt this policy.	

We suffered no negative effects from the adoption of this initiative. The public and the business owners offering on-site alcohol consumption were both in favor of and have responded positively to the City's adoption of this policy.

Initiative: Allocation of Funds for City Marketing and Tourism
Was this non-tax initiative a part of your original plan application \Box or a plan amendment X ?
Has the ordinance(s) needed to implement this initiative been enacted? X Yes INO
If yes, when was the ordinance enacted? February 7, 2019
If no, please describe challenges faced in enacting the related ordinance(s).
SUCCESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.
Included in the annual budget since FY20 is the equivalent of one dollar per capita, per annum as permitted by this new authority.
In FY21 the city supported the Development Authority in the creation and printing of a Randolph County Experience magazine that will be used to increase economic and community development.
In FY22 the city paid for advertisement of a market study funded through Elkins Main Street for the purpose of identifying gaps and potential business owners and opportunities. Funds were also used to host an inaugural Trails Conference which sparked the application for an award of a \$50,000 Appalachian Regional Commission POWER planning grant. Finally, City officials attended a Chamber of Commerce annual awards dinner.
In FY23, funds were used to support the first year of Leadership Randolph, a program mirrored from the successful Leadership WV program and the production of two high quality videos used for promotion of the City of Elkins in a variety of venues.

In FY24, funds were used for an advertising campaign that our local CVB lacked funds to pay for itself.

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

We suffered no negative effects from the adoption of this initiative. Community organizations which we frequently partner with see the benefit of the City having internal funds to apply to positive promotions.

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

Initiative: Municipal Court Technology and Maintenance Fee (2017) and As Amended (2022)
Was this non-tax initiative a part of your original plan application \Box or a plan amendment X?
Has the ordinance(s) needed to implement this initiative been enacted? X Yes \Box No
If yes, when was the ordinance enacted? September 21, 2017. Amended: September 15, 2022
If no, please describe challenges faced in enacting the related ordinance(s).
SUCCESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.
Simultaneously with the final reading and adoption of the ordinance first implementing the new fee, City Council also approved the purchase of new municipal court software at a cost of twenty-five thousand dollars. While the fee will never generate enough revenue to cover this expense entirely, any

In the first years after the original implementation of this \$1.00 fee, several hundred dollars were collected. With the 2022 adoption of the ordinance increasing the fee to \$10.00 for each person, the city saw increased revenues, which helps further defray the cost of this technology to the General Fund.

The revenues to date are as follows:

FY2019 \$25.00 FY2020 \$274.00 FY2021 \$224.90 FY2022 \$223.10 FY2023 \$896.00 FY2024 \$593.00 FY2025 \$77.60 thru September 30th.

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

We suffered no negative effects from the adoption of this initiative.

amount will be helpful in offsetting the burden to the general fund.

Initiative: Community Enhancement Districts
Was this non-tax initiative a part of your original plan application \Box or a plan amendment X ?
Has the ordinance(s) needed to implement this initiative been enacted?
If yes, when was the ordinance enacted?
If no, please describe challenges faced in enacting the related ordinance(s).
The city continues to discuss projects which could benefit from the employment of this tool. However, to date, none have reached the point of implementation. Understanding also that Class III cities are now eligible to authorize TIF's without county commission approval may also reduce the necessity of this tool as well. (The city implemented a TIF district during FY 2023.)
SUCCESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.
LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.

Initiative: Reducing the Number of Eligibles from Certified List of Police Civil Service Commission
Was this non-tax initiative a part of your original plan application \Box or a plan amendment X ?
Has the ordinance(s) needed to implement this initiative been enacted? X Yes \Box No
If yes, when was the ordinance enacted? February 1, 2018
If no, please describe challenges faced in enacting the related ordinance(s).
SUCCESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.
The City has conducted civil service testing for probationary police officers seven times since the adoption of this authority. During one of these testing cycles, only one candidate was named to the certified list. This candidate was hired within weeks of the list being finalized and sent to the WVSP Academy within a few months. Without this ordinance in place, testing would have been reinitiated immediately, costing additional time and money while also causing our department to remain understaffed for a much longer period.

We suffered no negative effects from the adoption of this initiative.

Initiative: Assignment of Court Costs for Municipal Court Proceedings
Was this non-tax initiative a part of your original plan application \Box or a plan amendment X ?
Has the ordinance(s) needed to implement this initiative been enacted? X Yes \Box No
If yes, when was the ordinance enacted? September 15, 2022
If no, please describe challenges faced in enacting the related ordinance(s).
SUCCESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.
Annual operating expenses of the Elkins Municipal Court—including personnel, office equipment and supplies, and hardware—average around \$158,000. Court revenues average around \$80,000 per fiscal year. With the implementation of a \$65.00 fee per conviction, the City hopes to reduce that gap and thus the burden on our General Fund.
LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.
We suffered no negative effects from the adoption of this initiative.

Initiative: Raising Maximum Age for Joining Civil Service Fire Departments
Was this non-tax initiative a part of your original plan application \Box or a plan amendment X ?
Has the ordinance(s) needed to implement this initiative been enacted? X Yes \Box No
If yes, when was the ordinance enacted? September 15, 2022
If no, please describe challenges faced in enacting the related ordinance(s).
SUCCESSES – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.
The City's current list of candidates eligible for appointment to the Elkins Fire Department includes one person older than 35, who would previously have been excluded. Given the decline in interest and eligible candidates, we are optimistic that passage of this ordinance will continue to help us hire and retain successful candidates.
LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.
We suffered no negative effects from the adoption of this initiative.

Tax Related Initiative

Initiative: Municipal Sales Tax

Was this tax initiative a part of your original plan application \Box or a plan amendment ${f X}$ or N/A \Box

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

If yes, when was the ordinance enacted? July 1, 2018

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.

The city has received the following amounts in sales tax revenue to date (listed by fiscal year):

- 2019: \$748,565.25
- 2020: \$1,150,492.19
- 2021: \$1,296,032.28
- 2022: \$1,471,556.01
- 2023: \$1,466,879.11
- 2024: \$1,503,742.08
- 2025: \$336,230.23 (to date)

In exchange for the implementation of this new tax, the city eliminated the manufacturing category of the B&O Tax, which was projected to yield \$64,208.45 in FY19.

SUCCESSES – 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.

In 2024, Elkins City Council adopted it second five-year strategic plan setting a vision and priorities for the City. The 2024 plan continues to direct the additional revenues toward the demolition of dilapidated properties and related costs; implementation of processes and mechanisms to improve transparency and public notification; capitol project investment; implementation of a new Classification and Compensation plan and wage increases for all City employees; and the addition of new staff positions in areas of critical need, such as stormwater management.

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.

Although underfunded areas of the city budget were identified and multiple forums were provided to educate and collect input from the public, the city received negative press regarding the lack of specific assignment of the anticipated revenues. The lesson learned is to engage the press sooner in a positive way and possibly to specify more exactly where the additional revenues will be spent.