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**515 West
Main Street
P.O. Box 1310
Bridgeport, WV 26330-6310**

Robert L. Greer, Mayor
A. Kim Haws, City Manager
Melissa S. Matheny, Recorder

**MUNICIPAL HOME RULE
PILOT PROGRAM
PHASE II
2014 Amendment**

APPLICATION



City Council:

Darrell Bowen
Diana Cole Marra
Harry (Hank) Murray, III
John S. Wilson, Sr.
Dustin Vincent


A. Kim Haws, City Manager



P.O. BOX 1310 • 515 WEST MAIN ST. • BRIDGEPORT, WEST VIRGINIA 26330-6310
Phone: (304) 842-8225 • Fax: (304) 842-8201 • www.bridgeportwv.com
A. Kim Haws, City Manager

February 10, 2015

West Virginia Municipal Home Rule Board
Attn: Debbie Browning, Executive Assistant
West Virginia Department of Commerce / Development Office
Building 6, Room 553
Charleston, West Virginia 25305-0311

Re: City of Bridgeport Home Rule Application

Dear Ms. Browning:

Enclosed are the ordinances proposed to be adopted by the Home Rule Board, which was granted on October 6, 2014. These ordinances are scheduled for hearing on March 2, 2015.

Please contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Kim Haws", written over a horizontal line.

A. Kim Haws
City Manager

WEST & JONES

360 Washington Avenue

P. O. Box 2348

Clarksburg, West Virginia 26302-2348

February 9, 2015

JAMES C. WEST, JR.
JERALD E. JONES
DEAN C. RAMSEY, PLLC
NORMAN T. FARLEY
MATTHEW W. ALEXANDER

TELEPHONE (304) 624-5501
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Municipal Home Rule Board
Building 6, Room 525
Charleston, WV 25305-0311

RE: Application of the City of Bridgeport, West Virginia,
for Amendment to its Home Rule Plan Approved
September 2014 - Ordinances

Ladies and Gentlemen:

We are counsel to the City of Bridgeport, a municipal corporation and political subdivision of the State of West Virginia, in Harrison County of said State. As such counsel, we have examined (i) the Application of the City of Bridgeport, West Virginia for Amendment to its Municipal Home Rule Plan authorized to be filed on September 22, 2014, (ii) the general information provided in such Application, and the narrative therein provided, (iii) the Affidavit and Verification of the Public Hearing held pursuant to the provisions of Section 5a of Article 1, of Chapter 8 of the West Virginia Code, (iv) the Affidavit of Publication of Notice of said hearing in the Clarksburg Exponent-Telegram, a newspaper of general circulation in Bridgeport, West Virginia, (v) a copy of the Ordinance authorizing submission of the plan adopted on first reading on September 8, 2014, and on second reading on September 22, 2014, subsequent to the aforementioned public hearing. The minutes of the meeting of the West Virginia Municipal Home Rule Board held on October 6, 2014, the amendments approved at said meeting, the Affidavit of the City Clerk with respect to notice and hearing with respect to the adoption of the ordinances proposed to be adopted pursuant thereto, and the ordinances attached to said Affidavit.

Based upon the foregoing and upon our examination of such other documents, statutes, and regulations, as we have deemed necessary, we are of the opinion as follows:

1. Based upon the Affidavit of Andrea Kerr, City Clerk of the City of Bridgeport, and the Affidavit of the Clarksburg Publishing Company, we are of the opinion that the City has complied with the provisions of West Virginia Code 8-1-5a.

Municipal Home Rule Board
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2. That said approved amendments and proposed ordinances comply with the statutory requirements of West Virginia Code 8-1-5a.

3. That to the best of the knowledge and belief of the undersigned there is now pending no litigation, action, suit, proceeding or investigation of law or in equity before any court, public board or body, pending or threatened, wherein an unfavorable decision would prevent the Municipal Home Rule Board from rendering a decision with respect to said Application.

This opinion may be relied upon by the Municipal Home Rule Board with respect to the City of Bridgeport's 2011 Application for Amendment to its Home Rule Plan pursuant to the authority granted by West Virginia Code 8-1-5a f 5 and approval of the ordinances authorized pursuant thereto.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Dean C. Ramsey", with a large, sweeping flourish extending to the left.

Dean C. Ramsey

DCR:nsm

AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, after first having been duly sworn, upon her oath, deposes and says:

1. That she is the duly appointed and acting City Clerk of the City of Bridgeport, Harrison County, West Virginia;
2. That she is familiar with the Application of the City of Bridgeport, Harrison County, West Virginia, to amend its written Home Rule Plan pursuant to the provisions of West Virginia Code §8-1-5;
3. That notice of a public hearing relating to the proposed amendment was duly published at least thirty (30) days prior to the date of the proposed hearing held on September 8, 2014;
4. That a copy of the proposed amendment to Bridgeport's written plan was available for inspection at the Bridgeport City Hall for at least thirty (30) days prior to the holding of said hearing and that a public hearing with respect to the proposed amendment was held at 7:00 p.m. in the Council Chambers of the City of Bridgeport on September 8, 2014;
5. That no one appeared at said public hearing or commented with respect to the proposed amendment;
6. That subsequent to said public hearing an Ordinance authorizing the filing of the Application was duly adopted by the governing body of the City of

Bridgeport at a meeting held on September 8, 2014, and on second reading at a meeting held on September 22, 2014;

7. That at its meeting held on October 6, 2014, the Municipal Home Rule Board approved the proposed amendment to the City of Bridgeport's Home Rule Plan;

8. That subsequent to such approval, the City of Bridgeport caused notice of a proposed hearing with respect to two of the Ordinances to be adopted pursuant to such plan to be published in the Clarksburg Exponent-Telegram on November 8th and November 15th, 2014, as a Class II Legal Advertisement and that the following Ordinances were on file and subject to public inspection at the Municipal Building of the City of Bridgeport:

1. AN ORDINANCE PROVIDING FOR THE
PROCUREMENT OF ARCHITECT-ENGINEER SERVICES

2. AN ORDINANCE AUTHORIZING THE CITY OF
BRIDGEPORT TO ENTER INTO INTERGOVERNMENTAL
AGREEMENTS SUBJECT TO APPROVAL BY RESOLUTION OF
THE GOVERNING BODY AND WITHOUT REQUIRING
SUBMISSION AND APPROVAL BY THE ATTORNEY GENERAL
OF THE STATE OF WEST VIRGINIA AND AUTHORIZING SUCH
AGREEMENTS TO PROVIDE FOR THE EXERCISE OF ANY
POWER, PRIVILEGE, AUTHORITY, OR UNDERTAKING WHICH
MAY BE UNDERTAKEN BY EITHER PARTY TO SUCH
AGREEMENT

9. That a copy of the Publisher's Certificate with respect to publication of Notice of the proposed hearing is attached hereto and marked as Exhibit A;

10. That the Ordinances held on file are attached hereto as Exhibits B and C.

11. That public hearing was held on December 8, 2014 in the Council Chambers of the City of Bridgeport at the Municipal Building located at 515 W. Main Street, Bridgeport, West Virginia, and at the hearing with respect to said Ordinances, no one appeared and there were no comments by the public or the members of the governing body with respect to the proposed Ordinances. The minutes of the meeting of December 8, 2014, at which such public hearing was held, are attached hereto as Exhibit D.

Further affiant sayeth not.

Andrea Kerr

Andrea Kerr, City Clerk
City of Bridgeport

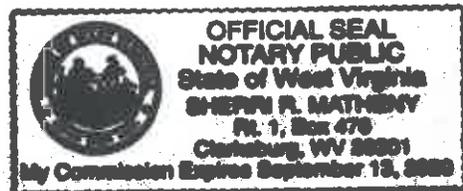
Taken, subscribed and sworn to before me this 9th day of February, 20 15, by Andrea Kerr, City Clerk of the City of Bridgeport.

Sherril Matheny

Notary Public in and for Harrison County,
West Virginia

My commission expires:

September 13, 2020



PUBLISHER'S CERTIFICATE

I, Loretta Encahouse
Advertising Manager of THE EXPONENT
TELEGRAM, a newspaper of general circulation
published in the city of Clarksburg, County and state
aforesaid, do hereby certify that the annexed:

NOTICE OF PUBLIC HEARING

was published in THE EXPONENT-TELEGRAM 2
time(s) commencing on 11/08/2014 and ending on
11/15/2014 at the request of

WEST & JONES.

Given under my hand this 11/19/14.

The publisher's fee for said publication is: \$59.33.

Loretta Encahouse

Advertising Manager of The Exponent-Telegram

Subscribed to and sworn to before me this 11/19/14

Sarah Hurst

Notary Public in and for Harrison County, WV

My commission expires on

The 29th day of August 2017

NOTICE OF PUBLIC HEARING
Notice is hereby given that the Council of the City of Bridgeport will conduct a public hearing relating to the following Ordinances on December 8, 2014, at 7:00 p.m. in the Council Chambers of the City of Bridgeport, at the Municipal Building located at 515 W. Main Street, Bridgeport, Harrison County, West Virginia.
AN ORDINANCE PROVIDING FOR THE PROCUREMENT OF ARCHITECT-ENGINEER SERVICES

AN ORDINANCE AUTHORIZING THE CITY OF BRIDGEPORT TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS SUBJECT TO APPROVAL BY RESOLUTION OF THE GOVERNING BODY AND WITHOUT REQUIRING SUBMISSION AND APPROVAL BY THE ATTORNEY GENERAL OF THE STATE OF WEST VIRGINIA AND AUTHORIZING SUCH AGREEMENTS TO PROVIDE FOR THE EXERCISE OF ANY POWER, PRIVILEGE, AUTHORITY, OR UNDERTAKING WHICH MAY BE UNDERTAKEN BY EITHER PARTY TO SUCH AGREEMENT

The Ordinances will be on file at the Municipal Building in the office of the City Clerk and available for inspection and copying during regular business hours until the time of the hearing and the public is invited to examine such Ordinances and to appear at such hearing and be heard with respect thereto.
Dated: November 6, 2014

Robert L. Greer, Mayor

EXHIBIT A



**AN ORDINANCE PROVIDING FOR THE PROCUREMENT OF
ARCHITECT-ENGINEER SERVICES**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BRIDGEPORT, HARRISON COUNTY, WEST VIRGINIA, AS FOLLOWS:

The City of Bridgeport, Harrison County, West Virginia, shall procure architect-engineering services in accordance with the provisions of Chapter 5G of the West Virginia Code, provided, however, that after selecting at least three of the most qualified architects-engineers pursuant to West Virginia Code §5G-1-3, the three architects-engineers selected as most qualified shall meet with the Selection Committee appointed by the City at which meeting representatives of the architects-engineers selected and the Committee shall finalize the scope of services to be incorporated in the architectural/engineering contract and shall further finalize all details of the contract, including the fees and costs of all services to be provided pursuant to such contract, after which meeting based upon all of the information provided, the Committee shall select and recommend to the governing body the architect-engineer which best meets the needs of the City and serves the best interest of the project.

Adopted by the Council of the City of Bridgeport, this _____ day of _____, 20_____.

Mayor

Recorder

EXHIBIT B

**AN ORDINANCE AUTHORIZING THE CITY OF BRIDGEPORT TO
ENTER INTO AN INTERGOVERNMENTAL AGREEMENT SUBJECT TO
APPROVAL BY RESOLUTION OF THE GOVERNING BODY AND
WITHOUT REQUIRING SUBMISSION AND APPROVAL BY THE
ATTORNEY GENERAL OF THE STATE OF WEST VIRGINIA AND
AUTHORIZING SUCH AGREEMENTS TO PROVIDE FOR THE
EXERCISE OF ANY POWER, PRIVILEGE, AUTHORITY, OR
UNDERTAKING WHICH MAY BE UNDERTAKEN BY EITHER PARTY
TO SUCH AGREEMENT**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BRIDGEPORT, HARRISON COUNTY, WEST VIRGINIA, AS FOLLOWS:

The City, upon approval by resolution of the governing body, may from time to time enter into intergovernmental agreements as provided by Article 23 of Chapter 8 of the West Virginia Code for the exercise of any power or powers, privilege or privileges, authority or undertaking, exercise or capable of exercise or which may be engaged in and any public works which may be undertaken by the City of Bridgeport jointly with any other public agency, provided that either the City of Bridgeport or such other public agency, could likewise act alone, and provided further that such agreement need not be submitted to the Attorney General of the State of West Virginia for review to determine whether the agreement is in proper form and compatible with the laws of the State of West Virginia.

Adopted by the Council of the City of Bridgeport on this _____ day of _____, 20_____.

Mayor

Recorder

EXHIBIT C

EXHIBIT D

December 8, 2014

BRIDGEPORT CITY COUNCIL MINUTES

City of Bridgeport
County of Harrison
State of West Virginia

REGULAR SESSION:

At 7:01 p.m. Bridgeport City Council met in regular session in the Council Chambers of the Bridgeport Municipal Complex at 515 West Main Street.

COUNCIL MEMBERS PRESENT:

Mayor Robert L. Greer; Recorder Melissa S. Matheny; Councilors Hank Murray, Diana Cole Marra, Darrell Bowen, Dustin Vincent and John S. Wilson, Sr.

COUNCIL MEMBER(S) ABSENT:

None

CITY STAFF PRESENT:

City Manager Kim Haws, Assistant City Manager Jimmy Smith, City Clerk Andrea Kerr, Police Chief John Walker, City Attorney Dean Ramsey, Community Development Director Randy Spellman, Fire Chief Bob Securo, Finance Director Monica Musgrave

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Invocation was given by Recorder Melissa S. Matheny, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES:

Minutes of the November 24, 2014 city council meeting were unanimously approved on a motion by Councilor John S. Wilson, Sr.; seconded by Recorder Melissa Matheny.

PUBLIC HEARING REGARDING HOME RULE ORDINANCES – AUTHORIZING INTERGOVERNMENTAL AGREEMENTS APPROVED BY RESOLUTION AND PROCUREMENT OF ARCHITECTURAL ENGINEERING SERVICES

No individuals wished to speak for or against these ordinances.

No members of council wished to speak for or against these ordinances.

REPORT BY MAYOR:

- Mayor congratulated the community on winning their second State Championship this past Friday. We will recognize them at the first meeting in January.
- Light Up Night was an amazing crowd and an amazing event. We honored the ABB for continuing the tradition for 10 years. There were several thousands of people. Council congratulated the city staff for going above and beyond that night for the community.
- As a community we honor young people for their accomplishments, but we have individuals who do things without regard to the fact that they are doing anything above and beyond. A member of our community started jogging that morning and didn't stop for 24 hours. He raised over \$5,000 for United Way. Mr. Tom Rhine is an exceptional individual and is an example of an outstanding community member. The second individual has had contact with all of Mayor Greer's children. After 25 years, Sarah Carr is retiring from the Chanticleer Children's Choir and in some degree the Bridgeport United Methodist Church Youth Choir. She touched thousands of young people's lives. She brought music into their lives. Her last concert was this past weekend.

BRIDGEPORT CITY COUNCIL MINUTES

December 8, 2014

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- This past meeting of the WVML, the Mayor was elected to the executive board and met with potential lobbying efforts. There are a number of good issues that will be pushed forward. The League is going to take up the 30 day Hotel-Motel tax issue. It will improve the collection of Hotel-Motel Tax and will go to improve recreational facilities around the state.

REPORT BY CITY MANAGER:

- City has been working to improve Thompson Drive (by Gabriel Brothers). The first phase is to put new lighting in comparable to what is on Main Street and is 90% complete. The concrete median will be replaced.
- There was a storage facility constructed at the Recreation Complex with a privacy fence and it cleans up a lot. It looks great.
- Fiber to Home pilot project letters have gone out to all the residents within the area. We explained the project and how they can get hooked up. It will start the beginning to middle of January. The city wants 6 months of history before a decision is made.
- There is a sanitary sewer project going on Philadelphia Ave. It is a \$500,000+ project. It began the middle of November. On North Street, the Phase II storm water project is around 40% complete. The Worthington Street improvement project is underway. The storm water project at Compton Park is moving forward. The soil is very unstable in that area. We are bedding them...maybe overbedding them.

AWARDS AND PRESENTATIONS:

1. Proclamation presented to the Bridgeport Middle School Danceline Team for winning the County Championship.
2. Department Head Report – Randy Spellman, Community Development Director
 - a. To date, there were 564 building permits issued with an estimated construction value at \$57,051,000. These numbers are very close to last year.
 - b. 2014 Projects - Bridgeport Family Chiropractic, UHC Orthopedic & Spine Center, Simpson Elementary Addition, Dominion Resources, NCWV Airport, Hawthorne Suites, White Oaks Retail Center, Dollar General
 - c. Residential – 17 new housing starts. We like to have 26-32. The reason for it being down is that there are no lots. Average cost per home is \$306,000.
 - d. Board of Zoning Appeals had three hearings in 2014.
 - e. Bridgeport Development Authority updated the business incentives policy.
 - f. Bridgeport Planning Commission had a five lot subdivision in South Hills.
 - g. Fred Burton took the position of Public Works Director. Paul Veltri was hired.

PUBLIC COMMENT:

None

UNFINISHED BUSINESS:

1. None

NEW BUSINESS:

1. Consideration of Martin Automotive Group request for the Business Sustainability Incentive.

- The Martin Management Group purchased Anthony Mancuso's dealership. Once they purchased it, they were charged with building new facilities. They looked at 5 sites total, 3 were in Bridgeport. They selected a site on Lodgeville Road. They have requested that they be approved for the Business Sustainability Incentive. It's a 90/40/40 Tax Abatement.
- Councilor Bowen asked about Business Enterprise Zone. Mr. Spellman stated that the Business Enterprise Zone was done away with. It is now the Business Sustainability Incentive.
- Councilor Diana Cole Marra made a motion to approve the request; motion was seconded by Councilor Darrell Bowen and unanimously approved.

2. Approval by resolution to abandon utility easement.

- Mayor Greer stated that there was a request made by the developer to abandon a utility easement (a sewer right-of-way). It was approved by the City Engineer. A quick claim deed was presented to the Mayor. He didn't want to sign it without addressing the issue with council.
- Mr. Haws stated that the easement has gone into another location.
- Typo in the title of the resolution-Title should read "Resolution Authorizing Abandonment and Surrender of Sanitary Sewer Easement."
- Councilor Dustin Vincent made a motion to approve the abandon of the utility easement; motion was seconded by Councilor Hank Murray and unanimously approved.

3. Discussion and decision on Bridgeport Shooting Range.

- This is brought up due to noise complaints on our Shooting Range. The City had a study done on the noise level. Chief Walker has put together some estimates. They were approximately \$300,000. Mr. Haws thinks we either need to move forward with it or get it off the table.
- It's for our staff and saves time in having to drive someone to qualify. The City will take better care in getting notices out to the public. If there are any major shootings/qualifying, especially at night, we will get the information out to the public.
- Councilor Vincent wants to know that if we spend \$300,000, how effective will it be. Mr. Haws stated that we have no way of knowing. The city put up a barrier, which proved to be ineffective. Councilor Vincent wants to know how many complaints we have received. Mr. Haws said he personally received one.
- Councilor Marra said she wasn't sure that this warrants spending \$300,000.
- Mayor Greer stated that this item was closed since council wanted to take no further action.

4. General Fund Budget Revision #2.

- Councilor Wilson recused himself.
- Addresses two issues-budget the funds that Chief Seccuro received from Access Midstream. The grant that was awarded to him. Purchase of various items of fire equipment. Funds in various accounts for property insurance. Newer vehicles mean high premiums. Addition of the MCV. Total increase of \$10,662 taken out of contingency.
- Councilor Hank Murray made a motion to approve General Fund Budget Revision #2; motion was seconded by Councilor Dustin Vincent and unanimously approved.
- Roll Call-6-0; Councilor Wilson recused himself. Passes.

BRIDGEPORT CITY COUNCIL MINUTES

December 8, 2014

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5. Capital Reserve Fund Budget Revision #5.
 - Mr. Haws asked Chief Seccuro to do an assessment on current fire equipment and see what has fallen out of date. This revision has to do with safety issues.
 - Mrs. Musgrave proposed to take out \$48,000 from fire fees, leaving \$182,225. \$15,000 would go toward water booster tank on Engine 512. \$33,000 used to update and repair the Plymovent Exhaust System in the Main Station and Sub Station. \$65,000 is needed for Veteran's Memorial. \$60,000 was already appropriated. Total would be \$125,000. \$461,763 will be left in that account.
 - Councilor Diana Cole Marra made a motion to approve Capital Reserve Fund Budget Revision #5; motion was seconded by Councilor John S. Wilson, Sr. and unanimously approved.
6. Cemetery Fund Budget Revision #1.
 - This takes care of one transaction. Someone wanted to purchase a mausoleum. This puts all the money into place. Total balance of revenues and expenditures.
 - Councilor Hank Murray made a motion to approve Cemetery Fund Budget Revision #1; motion was seconded by Recorder Melissa S. Matheny and unanimously approved.
7. Additional Budget Revisions and / or Authorizations.
 - None

EXECUTIVE SESSION:

At 8:12 p.m. Councilor Dustin Vincent made a motion that council enter into executive session for the purpose of discussing matters involving the acquisition of property which, if made public, might adversely affect the interests of the City, to discuss matters with counsel pursuant to the attorney / client privilege as to matters not included on the agenda; motion was seconded by Councilor Diana Cole Marra and unanimously approved.

Councilor Dustin Vincent made a motion to reconvene into regular session at 8:47 p.m; motion was seconded by Councilor John S. Wilson, Sr. and unanimously approved.

No action was taken while in executive session.

ADDITIONAL COMMENTS:

- Mayor Greer wanted to remind Council that the City Holiday Party was December 23rd at 12:30pm at Bridgeport Conference Center and that they are invited.
- Mayor Greer suggested that the December 22nd, 2014 Council meeting be cancelled due to it being the holiday week. Recorder Melissa S. Matheny made a motion to cancel the meeting; motion was seconded by Councilor Hank Murray and unanimously approved.
- Mayor Greer wished everyone a joyous holiday season and safe travels.
- Councilor Wilson commended the coaches and staff of Bridgeport and Frankfort for their sportsmanship and class act.
- Councilor Vincent also stated that the fans represented Bridgeport very well.

ADJOURNMENT:

Meeting adjourned at 8:52 p.m. on a motion by Councilor Dustin Vincent, seconded by Councilor Darrell Bowen, and unanimously approved.

PREPARED BY:

Andrea Kerr, City Clerk

APPROVED:

Date

MAYOR

RECORDER