



City of Charleston

HOME RULE PLAN AMENDMENT

MARCH 2, 2015

City of Charleston

Home Rule Plan Amendment



TABLE OF CONTENTS

- A. PROPOSED AMENDMENT**
- B. AUTHORIZING ORDINANCE**
- C. PROOF OF PUBLICATION FOR PUBLIC HEARING**
- D. CHARLESTON CITY COUNCIL JOURNAL FOR PUBLIC HEARING HELD JANUARY 20, 2015**
- E. OPINION OF COUNSEL**

**AUDIO RECORDING OF PUBLIC HEARING HELD JANUARY 20, 2015
IN BACK POCKET**

Proposed Amendment

Introduction

In 2008, pursuant to the authority provided by W. Va. State Code Section 8-1-5a, the Municipal Home Rule Board (the “Board”) selected the City of Charleston (“Charleston”), along with three other municipalities, to participate in the West Virginia Home Rule Pilot Program and approved the original Home Rule Plan of Charleston. As evidenced by the Performance Evaluation and Research Division’s special report on the Municipal Home Rule Pilot Program, Charleston has successfully and responsibly exercised its powers under Home Rule and has, without challenge from either its City Council or citizenry, judiciously implemented its plan.

Under W. Va. State Code Section 8-1-5a(f)(5), the Board has the power to authorize amendments to approved plans and has done so at the request of other participating municipalities. For the reasons set forth herein, Charleston is now requesting that the Board authorize the following amendment to Charleston’s approved plan in the category of Administration.

Specific state laws, policies, rules or regulations

W. Va. State Code Section 16-18-4(e), attached as Exhibit A hereto.

Problem: The City of Charleston’s urban renewal zones have grown in area and diversity to a point where additional board members and active board participation by City Council members would be advantageous.

On November 15, 1951, the City Council of the City of Charleston passed a resolution creating the Slum Clearance and Redevelopment Authority in the City under the authority of W.Va. State Code Section 16-18-1 *et seq.* In 1958, the City Council of the City of Charleston renamed that entity as the Charleston Urban Renewal Authority (“CURA”). The City’s CURA Board of Commissioners (the “Board”) consists of seven members, the maximum number allowed under W. Va. State Code Section 16-18-4(e). In some West Virginia cities, a seat on the renewal authority’s governing board has been dedicated to be filled by a member of the city council. Historically, members of Charleston’s Board were members of the community and business leaders, with no seats on the Board dedicated to be filled by a member of City Council.

In 1958, the first project undertaken by CURA, the Summers Street/Boulevard Project, covered fewer than three blocks of downtown Charleston. In the mid sixties, an additional 10 block project was initiated. In the 1990’s, redevelopment corridors were established along Washington Street on both the East End and the West Side of Charleston. In 2005, the redevelopment corridor in the East End was expanded and today encompasses roughly 175 acres in the East End. In 2008, the CURA zone along Washington Street on the West Side was expanded, taking an additional 228 acres into the CURA zone. Today, CURA zones cover approximately 676 acres of the City of Charleston (roughly three percent of the total area of the City), and encompass diverse projects in three distinct areas of the City. A map of current CURA zones is attached as Exhibit B hereto.

Throughout this expansion of the CURA zones, both in size and into different neighborhoods with different development goals and needs, the Board has remained at seven members, all being

community members and business owners appointed in accordance with W. Va. State Code Section 16-18-4. Although CURA has historically worked with the administration of the City and the City Council on development projects, the recent variety of proposed essential economic and revitalization projects in the City requires further active participation, cooperation, and continuity between the City and CURA. Although Council members could be appointed to the Board to fill future vacancies, those appointments would reduce the participation of the community and business leaders whose independent experience and perspective have been beneficial to the City.

Solution: The City of Charleston desires to increase the number of commissioners on The Charleston Urban Renewal Authority Board to nine members to include two permanent seats to be filled by Charleston City Council members.

The limitation on the number of renewal authority board members as set forth in West Virginia State Code § 16-18-4(e) is arbitrary and does not take into account the size of a city, the area of the renewal zone(s), the scope, size, complexity or type of proposed/ongoing projects in a city, or the need for active continuity between a city's council and the governing body of its renewal authority without limiting the benefits of non-governmental experience and perspective. Cities should have the flexibility to have more than seven board members if desired and beneficial. Charleston is West Virginia's only Class I city and has urban renewal zones equal to the size of some of the state's smaller municipalities. However Charleston is limited to the same number of board members as the smallest municipality in the state.

The City of Charleston is proposing that it be given the authority to add two members to its Urban Renewal Authority Board with both seats filled by Mayoral appointment of elected City Council members, without reducing the members of the community and business leaders who have traditionally provided helpful and independent experience, insight and guidance to the City. This is the most effective resolution for Charleston to build on prior success and effectively, efficiently and successfully coordinate and complete the several economic and revitalization projects currently being undertaken in Charleston.

These projects include, but are not limited to: the renovation and revitalization of the Charleston Civic Center, a \$60 million improvement project that will draw more people to Charleston and the state through the enhanced ability to attract, service, and support new convention and tourism business; the EDGE Project, a mixed use development focused on attracting young professionals and providing them with modern affordable downtown housing; and Project West Invest, creating a safer atmosphere for residents in one of Charleston's most challenging neighborhoods by enabling police officers to buy and improve homes in that neighborhood with a commitment to reside there.

Specific Power Requested under Proposed Amendment to Charleston's Home Rule Plan

Charleston respectfully requests that it be granted the power under W. Va. State Code Section 8-1-5a to amend its approved Home Rule Plan to permit Charleston to increase the membership of its Urban Renewal Authority Board from seven to nine by adding two permanent seats to be filled by appointment of Charleston City Council members and to not be restricted by the membership limitations of W. Va. State Code Section 16-18-4(e).

EXHIBIT A

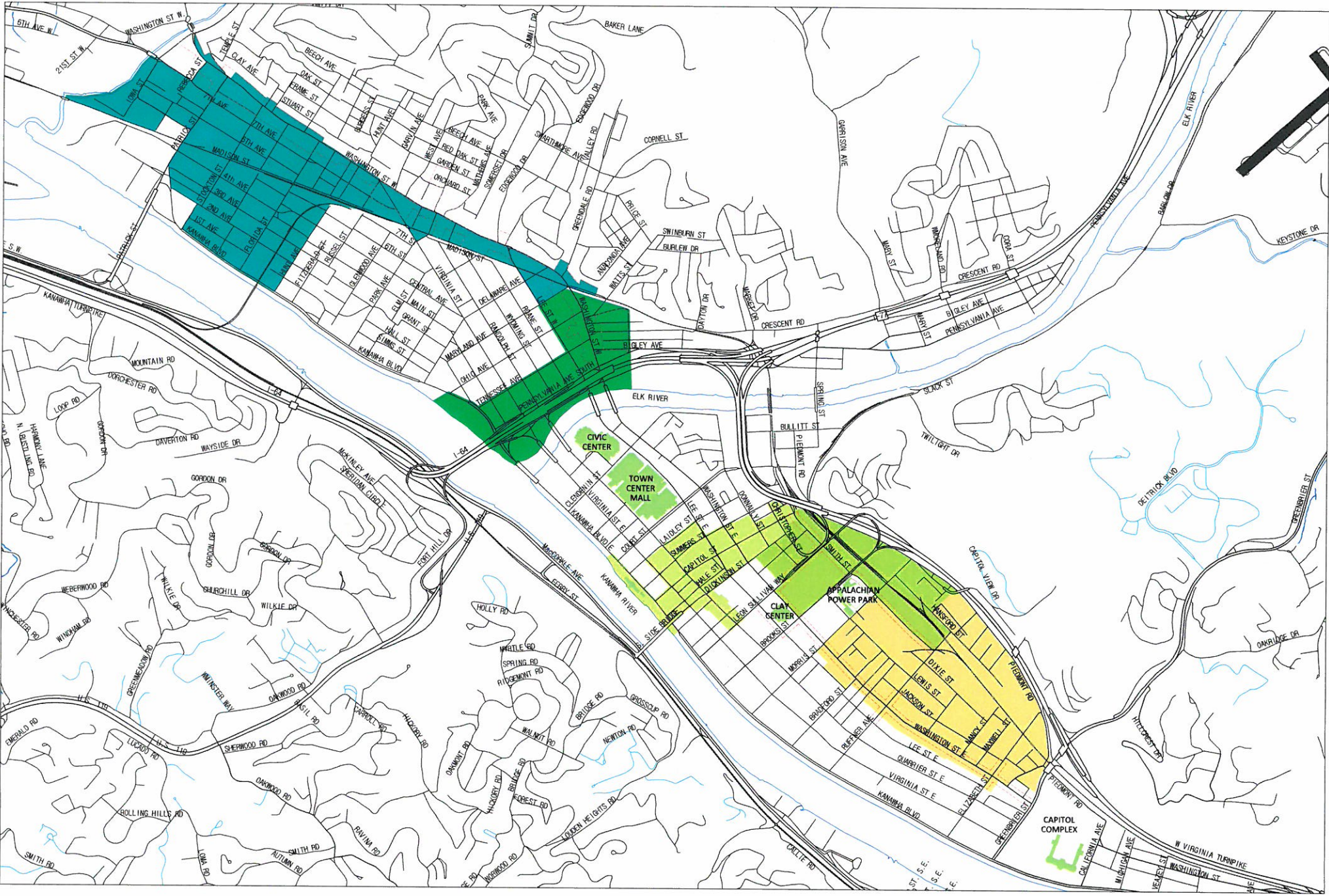
W. Va. Code § 16-18-4

Text Current Through The 2014 Regular, First and Second Extraordinary Sessions

§ 16-18-4. Creation of urban renewal authority.

- (e) When the governing body of a municipality adopts a resolution as aforesaid, it shall promptly notify the mayor of such adoption. If the resolution adopted is one approving the exercise of powers hereunder by an urban renewal and redevelopment authority, the mayor, by and with the advice and consent of the governing body shall appoint a board of commissioners of the authority created for such municipality which shall consist of no less than five commissioners nor more than seven, and when the governing body of a county adopts such a resolution, said body shall appoint a board of commissioners of the authority created for such county which shall consist of no less than five commissioners nor more than seven. The commissioners who are first appointed pursuant to this article shall be designated to serve for terms of one, two, three and four years, and three of said commissioners for five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of office of five years except that all vacancies shall be filled for the unexpired term.

EXHIBIT B






City of Charleston
Office of the City Clerk
P.O. Box 2749
Charleston, WV 25330
(304) 348-8179

I, the undersigned City Clerk of Charleston, do hereby certify that the foregoing is a true, correct and complete copy of Bill No. 7643, enacted by the City Council of the City of Charleston on February 2, 2015.

Witness the signature of the undersigned City Clerk of the City of Charleston, West Virginia, and the seal of the City, this 4th day of February, 2015.



James M. Reishman
City Clerk

Seal

Bill No. 7643 :

Introduced in Council:

December 1, 2014

Introduced by:

Jack Harrison, Mary Jean Davis

Adopted by Council:

Referred to:

Home Rule Committee

1 **Bill No. 7643:** "A BILL authorizing the City of Charleston to submit to the Municipal
2 Home Rule Board a proposed amendment, attached hereto as Exhibit A, to the City of
3 Charleston Municipal Home Rule Plan consistent with W. Va. State Code Section
4 8-1-5a, requesting approval to increase the number of commissioners serving on the
5 Charleston Urban Renewal Authority Board of Commissioners from seven to nine by
6 adding two permanent seats to be filled by Charleston City Council members;
7

8 WHEREAS, W. Va. State Code Section 16-18-4(e) sets forth the number of commissioners
9 that may serve on a municipality's urban renewal authority board at no fewer than five and
10 no more than seven; a number arbitrarily assigned to all municipalities within the state
11 regardless of size, scope of projects, or area of a municipality's urban renewal zone(s); and
12

13 WHEREAS, historically the City of Charleston has maintained a Charleston Urban Renewal
14 Authority ("CURA") Board of Commissioners with seven members, the maximum allowed
15 by state law, even though the renewal zones have more than tripled in size since the City's
16 creation of its urban renewal authority; and
17

18 WHEREAS, the expansion of the CURA zones within the city combined with the recent
19 variety and complexity of proposed essential economic and revitalization projects in the
20 City require further active participation, cooperation, and continuity between the City and
21 CURA; and
22

23 WHEREAS, although city council members could be appointed to the CURA Board of
24 Commissioners to fill future vacancies, those appointments would reduce the participation
25 of the community and business leaders whose independent experience and perspective
26 have been beneficial to the City; and
27

28 WHEREAS, adding two additional permanent seats to the CURA Board to be filled by city
29 council members without reducing the members of the community and business leaders
30 who have traditionally provided helpful and independent insight and guidance to the City is
31 the most effective resolution to successfully coordinate and complete the economic and
32 revitalization projects currently being undertaken in Charleston;
33

34 **Now, therefore, be it Ordained by the Council of the City of Charleston, West**
35 **Virginia:**
36

37 That, on behalf of the City of Charleston, the Mayor and the City Administration are hereby
38 authorized and requested to submit to the Municipal Home Rule Board a proposed
39 amendment, attached hereto as Exhibit A, to the City of Charleston Municipal Home Rule
40 Plan consistent with W. Va. State Code Section 8-1-5a, requesting approval to increase
41 the number of commissioners serving on the Charleston Urban Renewal Authority Board of
42 Commissioners from seven to nine by adding two permanent seats to be filled by
43 Charleston City Council members.

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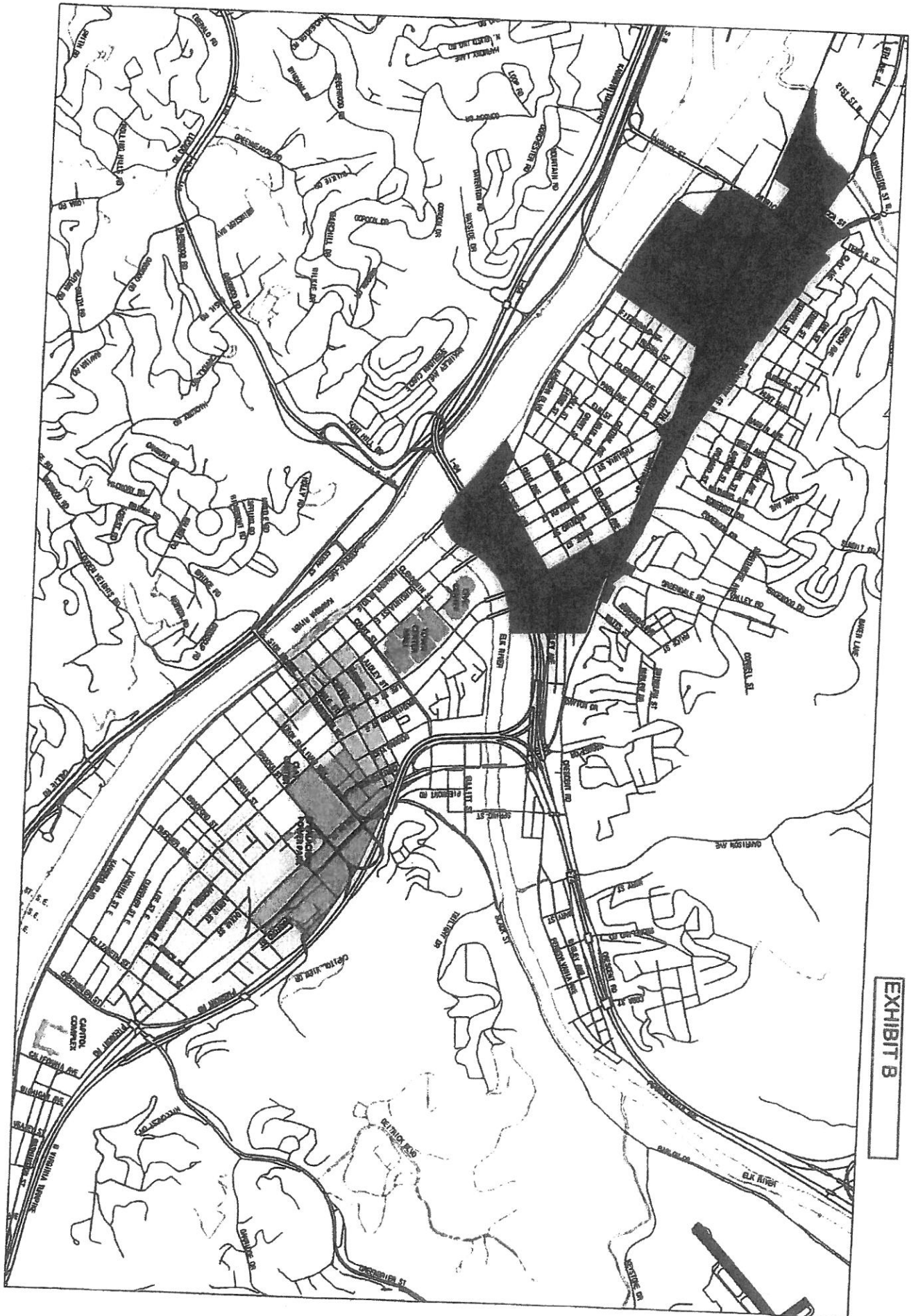


EXHIBIT B

CHARLESTON NEWSPAPERS

P.O. Box 2993
 Charleston, West Virginia 25330
 Billing 348-4898
 Classified 348-4848
 1-800-WVA-NEWS

LEGAL ADVERTISING INVOICE

R#0016677

INVOICE DATE	12/24/14
ACCOUNT NBR	057478002
SALES REP ID	0018
INVOICE NBR	934284001

CITY CLERK'S OFFICE
 ERIN MCCORMICK
 PO BOX 2749
 CHARLESTON

WV 25330 USA

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 Make checks payable to: Charleston Newspapers

AMOUNT PAID: _____



CHARLESTON NEWSPAPERS

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 Charleston, West Virginia 25330
 Billing 348-4898
 Classified 348-4848
 1-800-WVA-NEWS
 FEIN 55-0676079

INVOICE DATE	12/24/14
ACCOUNT NBR	057478002
SALES REP ID	0018
INVOICE NBR	934284001

Legal pricing is based upon 63 words per column inch.

Each successive insertion is discounted by 25% of the first insertion rate.

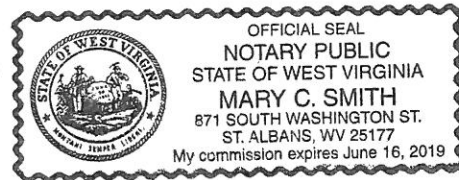
The Daily Mail rate is \$.13 per word, the Charleston Gazette rate is \$.14 per word, and the Metro Putnam rate is \$.13 per word.

ISSUE DATE	AD TYPE	PUB	DESCRIPTION	AD NUMBER	AD SIZE	RATE	GROSS AMOUNT	NET AMOUNT
					TOTAL RUN			
12/15	LEGF	GZ	Notice CURA Hearing 934284001	0584857	1X0350 3.50	8.82	30.87	30.87
12/15	LEGF	DM	Notice CURA Hearing 934284002		1X0350 3.50	8.19	28.67	28.67
12/22	LEGR	GZ	Notice CURA Hearing 934284003		1X0350 3.50	8.82	30.87	30.87
12/22	LEGR	DM	LEGAL DISCOUNT 25% Notice CURA Hearing		1X0350		7.72-	23.15

State of West Virginia, **AFFIDAVIT OF PUBLICATION**

I, *Donna A. Adams*

of



PUBLIC HEARING
 Notice is hereby given that a Public Hearing will be held at the regular City Council meeting of Charleston, West Virginia, on Tuesday, January 20, 2015, at 7:00 p.m., in the Council Chamber, at the City Hall, Charleston, West Virginia. The agenda for the meeting includes an amendment to the City's Home Rule Plan to increase the membership of the Charleston Urban Renewal Authority Board of Commissioners from seven to nine to include two permanent seats to be filled by Mayor and appointment of Charleston City Council members. Interested parties may appear at the Public Hearing and be heard with respect to Bill Number 7643 and the proposed amendment to the City's Home Rule Plan. A copy of Bill 7643 and the proposed amendment to the City's Home Rule Plan may be inspected in the City Clerk's Office beginning December 15, 2014, between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday. (564857)

for the respective newspaper(s) and during the dates listed below:

December
Mary C. Smith

Notary Public of Kanawha County, West Virginia



**JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL**

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Tuesday, January 20, 2014

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

**Danny Jones
Mayor**

**James M. Reishman
City Clerk**

CALL TO ORDER

The Council met in the Chambers of the City Building at 7:00 P.M., for the second meeting in the month of January on the 20th day, in the year 2015, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilman Richardson and the Pledge of Allegiance was led by Libby Ballard. The Clerk, James M. Reishman, called the roll of members and it was found that there were present at the time:

BURKA	BURTON	CLOWSER
DAVIS	DENEALT	DODRILL
	HAAS	HARRISON
HOOVER	KIRK	KNAUFF
LANE	MILLER	MINARDI
NICHOLS	PERSINGER	REISHMAN
RICHARDSON		SALISBURY
SHEETS	SMITH	
TALKINGTON	WARE	WHITE
MAYOR JONES		

With twenty-five members being present, the Mayor declared a quorum present.

Pending the reading of the Journal of the previous meeting, the reading thereof was dispensed with and the same duly approved.

CLAIMS

1. A claim of Cynthia Rucker, 618 Hunt Ave., Charleston, WV; alleges damage to personal property.
Refer to City Solicitor.
2. A claim of Catherine Layne, 214 Elm Street, Charleston, WV; alleges damage to personal property.
Refer to City Solicitor.

PUBLIC HEARING

The Mayor called the public hearing on Bill No. 7643 open and asked for any public speakers to come forward and address council.

Russ Young spoke in favor of the bill and stated that having additional council members on the CURA board will ensure that the City is in touch with what business is conducted within the board.

With no one else from the public to speak regarding the bill, The Mayor declared the public hearing on Bill No. 7643, closed.



OFFICE OF THE CITY ATTORNEY

City of Charleston | P.O. Box 2749, Charleston WV 25330 | 304-348-8031
Writer's Fax: 304-348-0770 | Writer's email: paul.ellis@cityofcharleston.org

Paul D. Ellis
City Attorney of Charleston

Date: **February 4, 2015**

Applicant: **CITY OF CHARLESTON, WEST VIRGINIA**

Re: City of Charleston Municipal Home Rule Plan Amendment

Ladies and Gentlemen:

As City Attorney the City of Charleston, I have reviewed West Virginia Code §8-1-5a, Municipal Home Rule Pilot Program Application Guidelines (rev. November 2, 2007), City of Charleston Municipal Home Rule Plan Proposed Amendment, and other documents related thereto (collectively, the "Amendment") as I have deemed necessary for the purposes of this opinion.

Based upon the examination of such documents and my understanding of the intent of the proposed provisions contained in the Amendment, it is my opinion that the Amendment complies with the required statutory requirements in that the Amendment does not contain any proposed changes to ordinances, acts, resolutions, rules or regulations that are contrary to the:

- i. US or WV Constitutions,
- ii. Federal Law,
- iii. Chapter 60 – A Uniform Controlled Substances Act,
- iv. Chapter 61 – Crimes and Their Punishment,
- v. Chapter 62 – Criminal Procedure – of this code;
- vi. Prohibited acts set forth in §8-1-5a(j) and (k)

It is my further opinion that if and when the proposed Amendment is approved by the Municipal Home Rule Board, the City does not intend, nor is it required, to enact an ordinance, act, resolution, rule or regulation, or to take any further action to memorialize or otherwise implement the power authorized by the Amendment. Upon approval, the City will provide written notice of the approved Amendment to the Charleston Urban Renewal Authority and will appoint up to two additional members to the CURA Board as authorized by and consistent with the approved Amendment and the appointment process under W.Va. Code Section 16-18-4.

The Municipal Home Rule Board may rely upon this opinion.

Sincerely,

Paul D. Ellis
City Attorney of Charleston

PDE/sde