

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

WEDNESDAY, MAY 21, 2008

A meeting of the West Virginia Municipal Home Rule Board was held at 10:00 a.m. on Wednesday, May 21, 2008, at the West Virginia University Mountainlair in Morgantown, West Virginia.

The following members were present:

Jon Amores (designee for Development Office Executive Director Kelley Goes)
Chris Fletcher, Member
Brian Jones, Member
Jim Morgan, Member
Floyd (Kin) McKinley Sayre III, Member
Nick Sparachane (designee for the Honorable Joe Manchin III)

The following member participated by teleconference:

Edwin Bowman, Member

Others present:

Ruth J. Allen, City of Bridgeport
Mike Barrick, City of Bridgeport
Susan Bowman, City of Charleston
Brian Chambers, Huntington Herald Dispatch
Lisa Dooley, West Virginia Municipal League
Paul Ellis, City of Charleston
Barbara Eyman, Ropes and Gray
David Felinton, City of Huntington
Bill Ford, Ford Law Office
Kim Haas, City of Bridgeport
Casey Junkins, Wheeling News Register
Sarah Kapis, WBOY-TV
Laurel K. Lackey, City of Charleston
Dolores Martin, West Virginia Senate
Charles Roskovensky, West Virginia House of Delegates
Tom Susman, TSG Consulting
Charles Thompson, City of Charleston
Robert D. Whitler, Channel 13 News

The meeting was called to order by Mr. Nick Sparachane. It was reported that notice of the meeting had been lawfully given, a quorum was present, and the meeting was convened.

Mr. Sparachane opened the meeting by introducing members and welcoming guests.

A motion was made by Mr. Chris Fletcher to approve the minutes of the April 15, 2008, meeting. The motion was seconded by Mr. Brian Jones and unanimously carried. Member Jim Morgan abstained from voting.

Chair's Report

The chairman, Mr. Nick Sparachane, reported on the following.

- Explained the role of the Board and gave an overview of the agenda for the meeting.

New Business

There was no new business to be discussed.

Old Business

City of Huntington

1. Land Bank Fast Track Authority – A motion was made by Mr. Jon Amores to approve this section of the application. The motion was seconded by Mr. Chris Fletcher and unanimously carried. Member Jim Morgan abstained from voting.
2. Local Options for Addressing Fire Damage to Residential/Commercial Structures – A motion was made by Mr. Chris Fletcher to approve this section of the application. The motion was seconded by Mr. Brian Jones and unanimously carried. Member Jim Morgan abstained from voting.
3. Increased Capacity to Collect City Fee/Taxes – A motion was made by Mr. Brian Jones to approve this section of the application. The motion was seconded by Mr. Jon Amores and unanimously carried. Member Jim Morgan abstained from voting.
4. Municipal Occupation Tax/Municipal Retail Sales Use Tax – A motion was made by Mr. Jon Amores to approve this section of the application. The motion was seconded by Mr. Brian Jones and unanimously carried. Member Jim Morgan abstained from voting. It was noted by several board members that the financial analysis of this item was not very detailed.

Member Edwin Bowman joined the meeting by teleconference.

A motion was made by Mr. Brian Jones to accept the City of Huntington as a participant in the five year municipal home rule pilot program with a termination date of July 1, 2013. The motion was seconded by Mr. Jon Amores and unanimously carried. Members Jim Morgan and Edwin Bowman abstained from voting.

City of Bridgeport

1. Restrictions on Municipal Participation in Public Schools – A motion was made by Mr. Chris Fletcher to approve this section of the application. The motion was seconded by Mr. Brian Jones and unanimously carried. Members Jim Morgan and Edwin Bowman abstained from voting.
2. Requirement that the Municipality Charge License Taxes Not to Exceed Antiquated Amounts Previously Authorized by the State – A motion was made by Mr. Brian Jones to approve this section of the application. The motion was seconded by Mr. Jon Amores and unanimously carried. Members Jim Morgan and Edwin Bowman abstained from voting.
3. The City is Not Allowed, Under Certain Circumstances to Annex Property that the City is in the Best Position to Provide Public Services – A motion was made by Mr. Brian Jones to approve this section of the application. The motion was seconded by Mr. Jon Amores and carried. Members Chris Fletcher and Kin Sayre were opposed. Members Jim Morgan and Edwin Bowman abstained from voting.
4. The City of Bridgeport Cannot Issue Its Own Tax Increment Financing Because It is a Class III City – A motion was made by Mr. Kin Sayre to approve this section of the application. The motion was seconded by Mr. Brian Jones and unanimously carried. Members Jim Morgan and Edwin Bowman abstained from voting. Additionally, a motion was made by Mr. Jon Amores to include correspondence dated May 16, 2008, from Mayor Jim Christie as part of the city's application. The motion was seconded by Mr. Kin Sayre and unanimously carried. Members Jim Morgan and Edwin Bowman abstained from voting.

A motion was made by Mr. Jon Amores to accept the City of Bridgeport as a participant in the five year municipal home rule pilot program with a termination date of July 1, 2013. The motion was seconded by Mr. Ken Sayre and unanimously carried. Members Jim Morgan and Edwin Bowman abstained from voting.

To avoid any potential conflict of interest, Chairman Nick Sparachane recused himself from discussions concerning the application from the City of Wheeling and appointed Member Amores to chair the meeting. Member Edwin Bowman apologized and excused himself from the rest of the meeting due to another commitment.

City of Wheeling

1. Special Charges for Municipal Services – A motion was made by Mr. Kin Sayre to amend this section of the application to clarify that the municipal lien be of the same rank and dignity as the West Virginia tax lien. The motion was seconded by Mr. Chris Fletcher and unanimously carried. Member Jim Morgan abstained from voting. The amendment was adopted. Then, a motion was made by Mr. Chris Fletcher to approve the amended section of the application. The motion was seconded by Mr. Kin Sayre and unanimously carried. Member Jim Morgan abstained from voting.
2. Vacant Property Registration Program – A motion was made by Mr. Brian Jones to approve this section of the application. The motion was seconded by Mr. Kin Sayre and unanimously carried. Member Jim Morgan abstained from voting.
3. Municipal Planning and Zoning – A motion was made by Mr. Kin Sayre to approve this section of the application. The motion was seconded by Mr. Brian Jones and unanimously carried. Member Jim Morgan abstained from voting.

A motion was made by Mr. Ken Sayre to accept the City of Wheeling as a participant in the five year municipal home rule pilot program with a termination date of July 1, 2013. The motion was seconded by Mr. Chris Fletcher and unanimously carried. Member Jim Morgan abstained from voting.

Mr. Nick Sparachane commenced chairing the meeting at the conclusion of discussions concerning the application from the City of Wheeling.

City of Charleston

1. Delinquent Fees – A motion was made by Mr. Chris Fletcher to approve this section of the application. The motion was seconded by Mr. Kin Sayre and unanimously carried. Member Jim Morgan abstained from voting.
2. Deer Problem – A motion was made by Mr. Jon Amores to table the issue. The motion was seconded by Mr. Chris Fletcher. Chairman Sparachane called for the question. Three voted in favor. Two were opposed. The motion

carried. A motion was made by Mr. Jon Amores to have the appropriate representatives from the West Virginia Division of Natural Resources appear before the Board to discuss the urban deer hunt issue. The motion was seconded by Mr. Kin Sayre and unanimously carried. Member Jim Morgan abstained from voting.

3. Eyesores and Dilapidated Structures – A motion was made by Mr. Chris Fletcher to approve this section of the application. The motion was seconded by Mr. Kin Sayre and unanimously carried. Member Jim Morgan abstained from voting.
4. Procurement of Architect-Engineering Services - A motion was made by Mr. Jon Amores to approve this section of the application. The motion was seconded by Mr. Chris Fletcher. One member voted in opposition. The motion carried. Member Jim Morgan abstained from voting.
5. B&O Taxing Authority -- A motion was made by Mr. Jon Amores to approve this section of the application. The motion was seconded by Mr. Kin Sayre and unanimously carried. Member Jim Morgan abstained from voting.
6. Building and Zoning Administration Enforcement Provisions -- A motion was made by Mr. Chris Fletcher to approve this section of the application. The motion was seconded by Mr. Kin Sayre and unanimously carried. Member Jim Morgan abstained from voting.
7. Relief from Division of Natural Resources per Project Permitting – It was noted that this item was removed from the application by the City of Charleston.
8. Relief from per Load Department of Environmental Protection Testing Costs and Permitting – A motion was made by Mr. Kin Sayre to approve this section of the application. The motion was seconded by Mr. Jon Amores and unanimously carried. Member Jim Morgan abstained from voting.
9. Disposition of City Property - A motion was made by Mr. Kin Sayre to approve this section of the application. The motion was seconded by Mr. Chris Fletcher and unanimously carried. Member Jim Morgan abstained from voting.
10. Relief from Municipal Juror Number Requirements – Deleted from original application by the City of Charleston.
11. Relief from Design-Build Procurement Act Requirements - A motion was made by Mr. Kin Sayre to approve this section of the application. The motion was seconded by Mr. Brian Jones and unanimously carried. Member Jim Morgan abstained from voting.
12. Allow Contracts with other Jurisdictions via Resolution - A motion was made by Mr. Chris Fletcher to approve this section of the application. The motion was seconded by Mr. Kin Sayre and unanimously carried. Member Jim Morgan abstained from voting.

13. Municipal Healthcare Provider Tax - A motion was made by Mr. Kin Sayre to approve this section of the application. The motion was seconded by Mr. Brian Jones and unanimously carried. Member Jim Morgan abstained from voting.

A motion was made by Mr. Chris Fletcher to accept the City of Charleston as a participant in the five year municipal home rule pilot program exclusive of the Urban Deer Hunting section with a termination date of July 1, 2013. The motion was seconded by Mr. Jon Amores and unanimously carried. Member Jim Morgan abstained from voting.

Adjournment

Chair Sparachane expressed his gratitude to Mr. Chris Fletcher for securing the meeting location. Lastly, the Chair charged staff with the scheduling of quarterly meetings.

With no further business, a motion was made to adjourn the meeting. The motion was seconded and the meeting was adjourned at 1:30 p.m.