

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

MONDAY, JULY 7, 2014

A meeting of the West Virginia Municipal Home Rule Board was held at 8:00 a.m. on Monday, July 7, 2014, at the City Hall in Beckley, West Virginia.

The following members were present:

Chris Fletcher, Member
Joshua Jarrell (designee for Development Office Executive Director Keith Burdette)
Floyd (Kin) McKinley Sayre III, Member
Patsy Trecost II (designee for the Honorable Earl Ray Tomblin)

The following members were absent:

Brian Jones, Member
Jim Morgan, Member
Herb Snyder, Member

Others present:

Michael Albert, West Virginia Public Service Commission
Joshua Cline, City of Bluefield
Tom Cole, City of Bluefield
Elke Doom, City of Princeton
Susan Economou, City of Charleston
David Ellis, West Virginia Public Service Commission
Bill Hannabass, City of Oak Hill
Damita Johnson, City of Oak Hill
John Manchester, City of Lewisburg
Bill O'Brien, City of Beckley
Ryan Palmer, West Virginia Public Service Commission
Dianna Russell, City of Oak Hill
Barbara Smith, City of Bluefield
Don Smith, The West Virginia Press Association
Brandi Underwood, The Register-Herald
Layna Valentine-Brown, West Virginia Secretary of State's Office
Frank Wood, The Register-Herald

The meeting was called to order by Chair Trecost. It was reported that notice of the meeting was lawfully given, a quorum was present, and the meeting was convened.

A motion was made by Kin Sayre to approve the minutes of the Friday, June 13, 2014 meeting. The motion was seconded by Joshua Jarrell and unanimously approved. Member Chris Fletcher abstained from voting, as he was absent from that particular meeting.

Chair's Report

Chair Trecost welcomed guests and expressed his gratitude to the City of Beckley for allowing the Municipal Home Rule Board the use of their facility. Further, he explained that each applicant city would be extended an opportunity to present their detailed proposal to the Board during the next few months.

Old Business

A brief discussion was held concerning the home rule application submitted by the City of St. Albans. Although the application contains a letter from Steptoe and Johnson certifying that it meets the requirements of the West Virginia Code § 8-1-5a, it appears that the city failed to hold a public hearing or enact an ordinance authorizing the submission of the application prior to the June 1, 2014, deadline for submission of the application set forth in the statute. Member Joshua Jarrell moved that the jurisdictional issue associated with this particular application be tabled till the Monday, August 4 meeting. Next, a motion was made by Kin Sayre respectfully suggesting that Chair Trecost correspond with the City of St. Albans asking that a legal opinion be furnished to the Home Rule Board certifying that the home rule application submitted by the City of St. Albans did not violate any provisions of the Code, specifically Section 8-1-5a(g) at the time of the submission of the plan. The motion was amended by Chris Fletcher to include a deadline of Tuesday, July 29 for this legal opinion from the City of St. Albans. The motion was seconded by Chris Fletcher and unanimously approved.

It came to the attention of the Board that the City of Shinnston held its public hearing to apply to Phase II of the Municipal Home Rule Pilot Program on a federal holiday, and possibly failed to comply with the city's charter and code prohibiting official business on holidays. Hence, a motion was made by Kin Sayre respectfully requesting that Chair Trecost correspond with the City of Shinnston asking that a legal opinion be furnished to the Home Rule Board by Tuesday, July 29 certifying that the actions of the governing body of the City of Shinnston did not violate code or charter of the City of Shinnston. The motion was seconded by Chris Fletcher and unanimously approved.

New Business

The application from the City of Bluefield was presented by Assistant City Manager Joshua Cline. A frank and cordial exchange of views was heard by the Board concerning the application. No comments were received from representatives of state government, trade associations, businesses, or concerned citizenry.

Pertaining to this application, the Board encouraged the City of Bluefield to:

- 1) Reevaluate, at their convenience, the numbers in their "Sale Tax Implementation Worksheet";
- 2) Furnish copies by Tuesday, August 5 (30 days) of the studies referenced in their presentation to the Board members as regards taxes to be included as an addendum to their application;
- 3) Provide their presentation to the Board for the formal record by Friday, July 11;
- 4) Consider the urban renewal authority tool for their city in the future; and,
- 5) Include checks/balances for transparency purposes in the proposed ordinance as regards the disposition of city property initiative.

Mayor John Manchester presented the application from the City of Lewisburg.

The Board respectfully requested:

- 1) Legal counsel for the City of Lewisburg deliver a comprehensive interpretation that the proposed hotel/motel tax 30 or more day 6 percent occupancy tax exemption initiative does not violate the West Virginia Code or the Home Rule Board's legislative mandate on or before Tuesday, August 5 (30 days);
- 2) Furnish on or before Tuesday, August 5 (30 days) historical numbers demonstrating that the first "early vote" Saturday is not well attended; and,
- 3) Provide on or before Tuesday, August 5 (30 days) actual data on the implied negative impact as regards the hotel/motel 30 or more day 6 percent occupancy tax exemption.

Don Smith of the West Virginia Press Association voiced the organization's opposition to the proposed initiative relating to the sale of municipal surplus property without being required to advertise as a Class II legal ad or holding a public auction. Supporting documentation is attached.

The West Virginia Public Service Commission Chairman Michael Albert explained to the Board and Mayor John Manchester that an acceptable/approved utility termination process may already be available without having to seek Home Rule authority to reduce the attempts the city makes to notify customers of termination status. Hence, the City of Lewisburg may choose to formally withdraw the utility termination initiative from their home rule application.

Layna Valentine-Brown from the West Virginia Secretary of State's Office informed the meeting attendees that removing the first "early vote" Saturday proposed initiative would not be compliant with the law. She advised that it would require additional legislation. Therefore, the City of Lewisburg may again choose to formally eliminate this initiative and join other municipalities in proposing legislation to effect this change.

The application for the City of Oak Hill was delivered by City Manager William Hannabass.

With respect to this application, the Home Rule Board Chair Trecost recommended the City: 1) Contact the Alcoholic Beverage Control Administration to obtain in writing by Tuesday, August 5 (30 days) their support/concerns regarding the distance requirement for restaurants offering alcohol; 2) Furnish data, if at all possible, to the Board by Tuesday, August 5 (30 days) validating the degree of the problem concerning collection of municipal liens at the county tax sale; and, 3) Update the hearing mandate documentation in the application correcting the Clarksburg vs. Oak Hill error by Tuesday, August 5 (30 days).

Don Smith of the West Virginia Press Association voiced the organization's opposition to the proposed initiative relating to the publishing of receipts/expenditures via the city's website. Supporting documentation is attached.

City Manager Elke Doom discussed the application from the City of Princeton.

Home Rule Board Member Chris Fletcher reiterated the benefits of using the urban renewal process as an option of conveying city real property without an auction and/or to nonprofit organizations.

Adjournment

Members were reminded that the next regularly scheduled meeting would be held August 4 at 8:00 a.m. in Charleston. With no further business, a motion was made to adjourn the meeting. The motion was seconded and the meeting was adjourned at 3:00 p.m.