

## WEST VIRGINIA MUNICIPAL HOME RULE BOARD

### MEETING MINUTES

MONDAY, AUGUST 11, 2014

A meeting of the West Virginia Municipal Home Rule Board was held at 8:00 a.m. on Monday, August 11, 2014, at the City Hall in Wheeling, West Virginia.

The following members were present:

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

The following members were absent:

Jim Morgan, Member  
Herb Snyder, Member

Others present:

Bancher, Todd, W9AP-TV  
Black, Steve, City of Vienna  
Blosser, Travis, City of Shinnston  
Clunter, Crissy, Channel 9  
Flowers, Ashley, City of Parkersburg  
Fluty, Duane, City of Vienna  
Goddard, Kathryn, City of Moundsville  
Hayes, David, City of Moundsville  
Hess, Deanna, City of Moundsville  
Hewitt, Sandra, City of Moundsville  
Junkins, Casey, The Intelligencer  
Kondik, George, City of Weirton  
Marshall, S., City of Weirton  
Means, Valerie, City of Weirton  
Newell, Robert, City of Parkersburg  
Rapp, Randall, City of Vienna  
Robert, Terry, City of Parkersburg  
Roberts, Amy, City of Vienna  
Rockhold, John, City of Parkersburg  
Rogers, Jay, City of Fairmont  
Rosnick, Rod, City of Weirton

Rush, Robert, City of Vienna  
Sansahre, Len, City of Fairmont  
Saunders, Eugene, City of Moundsville  
White, Thomas, City of Moundsville  
Wright, Chuck, City of Weirton  
Yeager, Rickie, City of Parkersburg  
Zumpano, Rick, Channel 9

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 Chris Fletcher to approve the minutes of the Monday, August 4, 2014, meeting with a minor change regarding the Mabscott law case. The motion was seconded by Brian Jones and unanimously approved.

#### Chair's Report

Chair Trecost welcomed guests and expressed his gratitude to the City of Wheeling for allowing the Municipal Home Rule Board the use of their facility.

#### Old Business

The Board received and accepted supplemental information from the cities of Lewisburg, Nitro, and Oak Hill. It was noted by Kin Sayre that the additional tax figures received from the City of Spencer included confidential records. Therefore, the Board excluded the information requesting staff to return the documentation to the city.

#### New Business

The application from the City of Moundsville was presented by the Honorable Eugene Saunders, City Attorney Thomas White and his team of city officials. 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, or businesses.

Pertaining to this application, Kin Sayre encouraged the City of Moundsville to reevaluate, at their convenience, the estimated revenue projections on the sales tax taking into consideration exemptions, such as food, pharmaceutical sales, car dealerships, fuel sales, etc. Similarly, officials were requested to submit the "no fees outstanding" statement, and to amend their "attorney opinion" to include all items listed in the statute. In addition, the Board requested that robust fiscal impact worksheets/formulas and a feasibility study (where amending exclusions and how it fits under home rule statute, what is being committed on B&O side, etc.) be furnished. The deadline for requested information is August 25 (no later than September 8). Lastly, as regards municipal business license categories being streamlined, Board members informed the officials that this initiative could now be accomplished without home rule.

The Honorable Robert Newell and other city officials presented the application from the City of Parkersburg. No comments were received from representatives of state government, trade associations, businesses, or citizenry.

The Board respectfully discussed the “creativity” of streamlining the development review process. Nevertheless, they ultimately felt the best solution would be to have the administrators reporting to the “same person” or that the administrators be “one individual.” Member Chris Fletcher requested that the city amend their “attorney opinion” to include a statement certifying that advance publications were completed. The deadline for the requested information is August 25 (no later than September 8).

The application for the City of Weirton was delivered by the Honorable George Kondik, Valerie Means, and other city officials. No comments were received from representatives of state government, trade associations, businesses, or citizenry.

With respect to this application, concerns were discussed by the Board regarding “murky” areas, such as the initiatives pertaining to police officers inside Alcohol Beverage Control Administration (ABCA) regulated establishments and to the control of state highways that flow through municipalities.

The Honorable Randy Rapp and other city officials discussed the application from the City of Vienna. No comments were received from representatives of state government, trade associations, businesses, or citizenry.

First, the mayor disclosed to the Board they would be eliminating the initiative that allows for an expedited historical significance determination where the absence of historical significance may be determined from public records. Home Rule Board Member Kin Sayre noted that conservative estimates, as regards the proposed sales tax, are necessary to avoid financial pitfalls. Equally important, city officials were advised that bulk purchases through public entity cooperatives is permitted without home rule authority. City officials were urged to contact Andy Blake at the City of Ranson concerning beneficial development property for the municipality. In like manner, the Board reminded city officials to review the State Fire Marshal’s determination dated July 7, 2014.

Lastly, the Board asked the city to clarify their stance pertaining to the disposition of city property as outlined in No. 3 initiative. The deadline for the requested information is August 25 (no later than September 8).

Adjournment

Members were reminded that the next regularly scheduled meeting would be held August 25 at 8:00 a.m. in Bridgeport. With no further business, a motion was made to adjourn the meeting. The motion was seconded and the meeting was adjourned at 1:00 p.m.