

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

MONDAY, AUGUST 25, 2014

A meeting of the West Virginia Municipal Home Rule Board was held at 8:00 a.m. on Monday, August 25, 2014, at the City Hall in Bridgeport, 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:

Anderson, Katie, WBOY News Channel 12-Clarksburg
Angotti, Frank, Clarksburg Citizen
Barberio, Adam, City of Clarksburg
Bellotte, Anthony N., City of Clarksburg
Berro, Davis, Dominion Post
Biafora, David, Metro Properties-Morgantown
Biafora, Rick, Metro Properties-Morgantown
Blodgett, Joseph, Joe Mama's-Morgantown
Blosser, Travis, City of Shinnston
Bowden, Gary, City of Clarksburg-City Council
Clemens, Rich, City of Buckhannon
Connolly, Steve, West Virginia Office of the Attorney General
Davidson, Kenneth, City of Buckhannon
Davis, Jim, The Exponent Telegram
Degowski, Dan, Wings and Things-Morgantown
DeMarco, Sammy J., City of Shinnston
Dunklg, James, Morgantown Cellar/Jameson's
Edwards, Richard, City of Buckhannon
Ferris, Mary Ann, City of Shinnston-City Council
Forrcii, Frank, City of Clarksburg
Ganz, Nancy, City of Morgantown-City Council
Gentile, John, Business Owner-City of Morgantown
Goff, Keba, Big Times-Morgantown

Goings, Catherine, City of Clarksburg
Herndon, Debra, City of Shinnston
Hinton, Robert, Used Car Dealers Association
Howe, Martin, City of Clarksburg
Jones, Ben, Big Times-Morgantown
Kawecki, Bill, City of Morgantown-City Council
Layman, Eileen, City of Fairmont
Messenger, Jason, Wesbanco-Morgantown
Mikorski, Jeff, City of Morgantown
Owen, Shawn, The Vintage Noon-Morgantown
Panek, Kathleen, City of Shinnston
Papandreas, George, Morgantown Citizen
Rogers, Jay, City of Fairmont
Russell, Marion, Shinnston Citizen
Shaffer, Martin, Clarksburg Citizen
Shamberger, Marti, City of Morgantown
Skinner, Elizabeth, Town of Bath
Smith, Don, West Virginia Press Association
Spencer, Don, Morgantown Citizen
Stiles, Joe, West Virginia Office of the Attorney General
Strosser, Nicholas, The Sports Page-Morgantown
Traugh, Zachary, Big Times-Morgantown
Weaver, Hanna, City of Fairmont
Weiss, Joe, Moser Enterprises
West Virginia Legislature (House and Senate Government Organization Committee Members)
Williams, Justin, West Virginia Secretary of the State
Wright, Annette, City of Clarksburg

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 Brian Jones to approve the minutes of the Monday, August 11, 2014, meeting. The motion was seconded by Chris Fletcher and unanimously approved.

Chair's Report

Chair Trecost welcomed guests and expressed his gratitude to the City of Bridgeport 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 Parkersburg, Lewisburg, and Vienna.

New Business

The application from the City of Buckhannon was presented by City Administrator Michael Doss. No comments were received from representatives of state government, trade associations, or businesses.

Pertaining to this application, members received responses to questions concerning the "Enterprise Zone" real and personal property tax rebates and B & O tax exemptions, such as depreciating personal property; coordination with the county sheriff; the sequence of liens on deed of trust, if bankruptcy filed; eligibility criteria; and governing/decision making body. On a different topic, it was reported that the City of Buckhannon will complete their comprehensive plan by year end. Next, the Board verified that the City has enacted the International Code Council (ICC) International Property Maintenance Code (IPMC), but currently do not have certified inspectors.

City Manager Martin Howe and other city officials presented the application from the City of Clarksburg.

The Board discussed and/or sought clarification on the following matters: 1) The responsible party(s) for on spot citations; 2) Pension funding; 3) Party affiliation of board members; 4) Involvement of the county sheriff and the West Virginia Auditor's Office concerning collection of demolition liens; and, 5) Proposed sales tax revenue projects.

Martin Shaffer expressed his appreciation for the City listening to the landlords as regards on spot citations. At the same time, Mr. Shaffer spoke of the following issues: 1) City not regularly cutting the grass on their properties; 2) Demolition liens - the goal of the city is to "see how many houses they can tear down; 3) Proposed sales tax; and, 4) Unfunded liabilities.

The Board then took note of Frank Angotti's interest in the proposed sales tax. He encouraged the Board to have all applicant cities scrutinize their budgets for unencumbered dollars to pay for pension fund liabilities, etc. instead of imposing a sales tax.

Relating to the relief of the party affiliation requirement for commissions, boards, etc., West Virginia Secretary of State Representative Justin Williams declared no stance on the matter. Rather, he encouraged the acceptance of opportunities to serve on city, county, and state boards/commissions.

The Honorable Jim Morgan of the West Virginia House of Delegates and The Honorable Herb Snyder of the West Virginia Senate (ex-officio members of the West Virginia Home Rule Board) joined the meeting/presentations along with members of the Government Organization Committees for both the House and Senate. Delegate Morgan thanked the Home Rule Board for their time and expertise. He is hopeful that a few of the common initiatives/issues put forth by the cities may be addressed by the West Virginia Legislature in the future.

The application for the City of Fairmont was introduced by the Honorable Ronald Straight and delivered by other city officials. No comments were received from representatives of state government, trade associations, or businesses.

With respect to this application, the Board applauded the City for awarding B & O tax credits based on longevity for "existing" businesses, as well as for using the proposed sales tax revenues to address the unfunded police and fire pensions. Topics discussed were: 1) "Claw back" language for the business longevity credits; 2) Ability to issue citations on the spot; and, 3) Tax liens versus judgment liens. Afterwards, the City assured the Board that they do have certified code officers.

City Manager Jeff Mikorski and other city officials discussed the application from the City of Morgantown.

Board Member Kin Sayre cautioned the City that conservative estimates for the proposed sales tax collections are necessary to avoid financial pitfalls. Next, Board Member Joshua Jarrell clarified the process for the initiative regulating the placement of upholstered furniture/mattresses on unenclosed porches and in yards.

Comments (attached for the record) were heard from George Papandreas and Zachary Traugh.

Subsequently, David Biafora, Dan Degowski, Ben Jones, James Dunklg, Keba Goff, John Gentile, Nick Strosser, Shawn Owen, Jason Messenger, Joseph Blodgett, Rick Biafora, and Joe Weiss asserted the following: 1) City council out of control; 2) City lacks proper management; 3) Against the proposed sales tax tool/weapon; 4) Shifting the budget of the city to the consumers; 5) Customers will go elsewhere; 6) Not good business; 7) Must run the city like a business; 8) Funding for roads and infrastructure more important; 8) West Virginia University and the state should "pick up the tab" in some instances; and 9) Must be competitive with other businesses in the county.

The following supportive remarks for Morgantown's application were received from Don Spencer, Bill Kawecki, Nancy Ganz, and Marti Shamberger: 1) Land grant universities require a lot of infrastructure, such as police and fire services; 2) Income helps the city grow; 3) Local democracy is desirable - not a one size fit all - decisions need to be made at the local level; 4) Proposed sales tax revenue would enable the city to provide more services to the citizenry; 5) Design solutions best for the community, not own personal turf; 6) Growing populations, such as Morgantown, require adequate services; and, 7) Morgantown's application is efficient, sustainable, and improves the quality of life for the residents.

The application from the City of Shinnston was presented by Travis Blosser.

Board Member Kin Sayre clarified that the city would eliminate B & O tax brackets in 2014 and 2015, if projected sales tax numbers run true.

A petition with 30 signatures (attached) against Shinnston's application into the Home Rule Program was received from Marion Russell by the Board.

In contrast, endorsements supporting Shinnston's home rule application were heard by the Board. The owner of a bed and breakfast in Shinnston felt strongly that decisions about Shinnston should be made by its residents because they truly understand the issues. Further, she advised the Board that Shinnston was

conservative and did not overspend. Therefore, the proposed sales tax revenue would be judiciously utilized. Next, City Council Member Mary Ann Ferris rationalized that Shinnston citizens will have another opportunity to voice their opinions on the sales tax initiative before its enactment, if the City is accepted into the Home Rule Program. Hence, she appealed to the meeting participants to take into account that other initiatives are included in Shinnston's application.

Adjournment

Members were reminded that the next regularly scheduled meeting would be held on September 8 at 8:00 a.m. in Martinsburg. Also, a meeting was tentatively scheduled for Monday, October 6 at a location to be decided. With no further business, a motion was made to adjourn the meeting. The motion was seconded and the meeting was adjourned at 2:30 p.m.