

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

MONDAY, SEPTEMBER 8, 2014

A meeting of the West Virginia Municipal Home Rule Board was held at 8:00 a.m. on Monday, September 8, 2014, at the Holiday Inn in Martinsburg, 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:

Baker, Jason W., City of Martinsburg
Baldwin, Mark, City of Martinsburg
Blake, Andrew, City of Ranson
Bontoft, Chris, City of Ranson
Bragg, Paul E., City of Martinsburg
Clark, Jazz, Morgan Messenger
Covell, Michael, City of Martinsburg
Cuthrell, Michelle, Martinsburg-MainStreet
Delligatti, Catie, Bowles Rice LLP
Difanilo, Katherine, Citizen
Difanilo, Robert, Citizen
Etherington, Dennis, City of Martinsburg-Council Member
Fulks, Carol, West Virginia Association of Convention and Visitor's Bureaus
Gavin, Annette, West Virginia Association of Convention and Visitor's Bureaus
Gay, Richard, Town of Bath
Godley, Stephanie, Berkeley County Development Authority
Hamill, A. David, City of Ranson
Hamilton, Sandy, Berkeley County Development Authority
Johnson, Harriett, Martinsburg-MainStreet
Johnson, Nora, West Virginia Association of Convention and Visitor's Bureaus
Johnson, Timothy J., Town of Bath
Karos, George, City of Martinsburg
Knowles, Kevin, City of Martinsburg

Lewis, Joy, Office of the Governor-Regional Representative
Lewis, Mary, The Arts Centre/Martinsburg-MainStreet
Lewis, Randy, Martinsburg-MainStreet
Loken, Kristin, West Virginia House of Delegates-Candidate
Lower, Larry, Town of Bath-Planning Commission
Lyter, Linda, West Virginia Massage Therapy Board
Mann, Emily, Talk Radio WRNR
Martin, Ron, Town of Bath-Business Owner
McVey, John, The Journal
Merki, Scott, Town of Bath-Council Member
Miller, Kevin, City of Martinsburg
Mills, David, City of Charles Town
Moss, Pete, Morgan and Berkeley Counties-Business Owner
Mozier, Jeanne, Town of Bath-Business Owner
Palmer, Mark, City of Martinsburg
Palmer, Sue Ann, Citizen
Representative, The Herald Mail
Roach, Joan G., Citizen
Skinner, Douglas, Town of Bath-Citizen
Skinner, Elizabeth, Town of Bath-City Council
Smith, Peggy, City of Charles Town
Spickler, Mark B., City of Martinsburg
Ward, Matt, Sustainable Strategies
Webster, Susan, Town of Bath
Wolfe, Barb, Berkeley Springs-Business Owner

The meeting was called to order by Chair Trecoast. 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 25, 2014, meeting. The motion was seconded by Kin Sayre and unanimously approved.

Chair's Report

Chair Trecoast welcomed guests and expressed his gratitude to the City of Martinsburg for hosting the Municipal Home Rule Board meeting at the Holiday Inn.

Old Business

Member Joshua Jarrell agreed to draft correspondence to the Phase I Municipal Home Rule cities outlining the procedure for submitting amendments to their written plan.

New Business

The application from the Town of Bath was presented by The Honorable Susan Webster.

With respect to this application, board members received responses to questions concerning: 1) Legal fees in the amount of \$21,000 paid as a result of the hotel occupancy tax; 2) Liability insurance coverage for temporary licensed massage therapists; and 3) Consultations with the Trucking Association and/or West Virginia Division of Highways. Next, the Board respectfully requested that the City furnish by September 29 any available crash data related to US 522, as well as any legal cases/legal authorities citing that the municipality would not violate federal statutes if haulers of hazardous materials were forced to use alternate route(s).

Subsequently, Annette Gavin of the Jefferson County Convention and Visitors Bureau emphasized that the hotel occupancy tax, in its entirety, is a necessary funding mechanism for attracting, retaining, and increasing tourism. In addition, Jeanne Mozier, a concerned business owner, communicated her opposition to the Town of Bath's home rule application. Ms. Mozier agreed to furnish related correspondence to the Board by September 29. Further, Linda Lyter of the West Virginia Massage Therapy Board indicated that the temporary licensing of massage therapists would be a regulatory/administrative problem for her small staff.

Pete Moss, a business owner in both Morgan and Berkeley Counties, spoke briefly in support of the Town of Bath's home rule application explaining that "home rule

is the best rule” and some people do not embrace change very well. Furthermore, he noted that citizens could use the power of their vote to eliminate city officials as they deemed appropriate.

The Honorable George Karos, City Manager Mark Baldwin and other city officials presented the application from the City of Martinsburg.

The Board discussed and/or sought clarification on the following matters: 1) The discontinuation of the West Virginia Fire Marshal’s Deputization Program/authorization for on spot citations; 2) City law officials work closely with the two staff members from the Alcoholic and Beverage Control Administration (ABCA) assigned to the Eastern Panhandle and they are supportive of local assistance; 3) Positive/negative feedback from local bar and private club owners; 4) Reiterated the types of businesses exempted from the proposed sales tax; and, 5) Verified the number of certified inspectors (building code, housing, code enforcement).

A letter in support of Martinsburg’s home rule application was received by the Board from Pat Bethany of Martinsburg.

The application for the City of Charles Town was introduced by the Honorable Peggy Smith and City Manager David Mills. No comments were received from representatives of state government, trade associations, or businesses.

Topics discussed were: 1) “Community Enhancement Districts” including boards for every designated district; 2) Registration of absentee banks as well as property maintenance managers; 3) Blighted property not considered uninhabitable for foreclosure purposes; 4) Proposed tax revenue placed in a special fund; 5) Adoption of the International Code Council (ICC) and certification of inspectors; and, 6) Law enforcement officers being cross trained on code enforcement and certified through the West Virginia Fire Marshal’s Office.

The Honorable David Hamill, City Manager Andy Blake, and other city officials discussed the application from the City of Ranson. No comments were received from representatives of state government, trade associations, or businesses.

There was general discussion concerning judicial and statutory foreclosures, bonding for the proposed Community Enhancement Districts, full collaboration between the cities of Ranson and Charles Town, “old town” district credits of 50 percent, a new commuter train depot (Northport Station) vs. the Duffields train station, a new medical campus for the Jefferson Medical Center, etc.

Adjournment

Members were reminded that the next regularly scheduled meeting would be held on October 6 at 9:00 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 2:30 p.m.