

# WEST VIRGINIA MUNICIPAL HOME RULE BOARD

## MEETING MINUTES

MONDAY, MARCH 2, 2015

A meeting of the West Virginia Municipal Home Rule Board was held at 10:00 a.m. on Monday, March 2, 2015, at the State Capitol, Charleston, West Virginia.

The following members were present:

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

The following ex-officio members were absent:

Craig Blair, West Virginia Senate  
Gary Howell, West Virginia House of Delegates

Others present:

William Cunningham, City of Dunbar  
Susan Economou, City of Charleston  
Paul Ellis, City of Charleston  
Terry Greenlee, City of Dunbar  
Kim Haws, City of Bridgeport  
Martin Howe, City of Clarksburg  
George Kondik, City of Weirton (via teleconference)  
Hugh Leishman, City of Dunbar  
Anthony Lewis, WSAZ-TV  
Valerie Means, City of Weirton  
Jeff Mikorski, City of Morgantown  
W. Michael Moore, City of South Charleston  
Dean Ramsey, City of Bridgeport  
Jay Rogers, City of Fairmont  
Rod Rosnick, City of Weirton (via teleconference)  
Jimmy Smith, City of Bridgeport  
Annette Wright, City of Clarksburg (via teleconference)

The meeting was called to order by Chair Kiss. 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 December 1, 2014, meeting. The motion was seconded by Chris Fletcher and unanimously approved.

### Chair's Report

Chair Kiss welcomed guests, but did not have an official report.

In addition, he invited Joshua Jarrell to summarize for the membership the status of proposed home rule related legislation.

### Old Business

It was noted a letter was received in November 2014 from the West Virginia Professional Fire Chiefs concerning an amendment to Bridgeport's approved, written plan.

### New Business

- Paul Ellis with the **City of Charleston** explained their proposed **plan amendment to expand the Charleston Urban Renewal Authority (CURA) board** from seven to nine members by adding two permanent seats to be filled by Charleston City Council members.

The Board confirmed that the City of Charleston: 1) provided notice at least 30 days prior to their public hearing related to their plan amendment by a Class II legal advertisement; 2) made the proposed amendment available for public inspection at least 30 days prior to their public hearing; 3) held their public hearing; 4) adopted an ordinance authorizing the submission of the proposed amendment to the Board; 5) provided comments offered during their public hearing to the Board; and, 6) furnished to the Board a letter from an attorney licensed to practice law in West Virginia certifying that the proposed amendment complies with W. Va. Code § 8-1-5a.

Following affirmation of the requirements outlined in W. Va. Code § 8-1-5a, Kin Sayre made a motion to approve the plan amendment under the Municipal Home Rule Program. The motion was seconded by Brian Jones and unanimously carried.

- The **City of Bridgeport's** two **ordinances** were presented by Kim Hawes for consideration: **1) modification of the process for securing professional services such as architects-engineers;** and, **2) allow intergovernmental agreements by resolution eliminating the requirement for approval by the Attorney General.**

The Board confirmed that the City of Bridgeport: 1) provided notice at least 30 days prior to their public hearing related to their plan amendment by a Class II legal advertisement; 2) made the proposed amendment available for public inspection at least 30 days prior to their public hearing; 3) held their public hearing; 4) provided comments offered during their public hearing to the Board; and, 5) furnished to the Board a letter from an attorney licensed to practice law in West Virginia certifying that the proposed amendment complies with W. Va. Code § 8-1-5a.

With no questions concerning the first ordinance, Chris Fletcher made a motion that the Board approve the submitted ordinance noting compliance with the requirements outlined in W. Va. § 8-1-5a. The motion was seconded by Kin Sayre and unanimously carried.

After a brief discussion regarding the second ordinance, a motion was made by Kin Sayre to approve the submitted ordinance. The motion was seconded by Brian Jones and unanimously carried.

It was noted by Mr. Hawes that Bridgeport continues to collaborate with all involved parties concerning proposed ordinance requisites for the hiring of an assistant fire chief, as well as promoting within the fire and police departments.

- The **City of Clarksburg** furnished their ordinances related to relief from party affiliation requirements: **1) eliminate that no more than two of the members of the Police Civil Service Commission be members of the same political party;** **2) eliminate that no more than two of the members of the Firemen's Civil Service Commission be members of the same political party;** **3) eliminate that no more than two-thirds of the members of the Municipal Building Commission may be adherents from the same political party;** and, **4) modify the definition of team poll clerks or team of election commissioners to remove the party affiliation provision.**

The Board confirmed that the City performed all of the aforesaid W. Va. Code § 8-1-5a actions.

A motion was made by Kin Sayre to approve the first and second ordinances. The motion was seconded by Chris Fletcher and unanimously approved.

After a few questions regarding the third ordinance, a motion was made by Kin Sayre to approve the proposed ordinance. The motion was seconded by Brian Jones and unanimously carried.

Finally, a motion was made by Kin Sayre to approve the fourth ordinance. The motion was seconded by Chris Fletcher and unanimously carried.

- Mayor Terry Greenlee reviewed the following ordinances for the **City of Dunbar**: **1) file liens on real property for costs incurred for abating exterior sanitation and common nuisance violations such as overgrown grass, repair/replace sidewalks, collect accumulated garbage, etc.; and, 2) authority to immediately issue summons to appear for external sanitation violations and common nuisances.**

The Board confirmed that the City performed all of the aforesaid W. Va. Code § 8-1-5a actions.

There was discussion concerning absentee landowner(s). Then, a motion was made by Kin Sayre to approve the first ordinance. The motion was seconded by Joshua Jarrell and unanimously carried.

With no questions regarding the second ordinance, a motion was made by Kin Sayre to approve the ordinance. The motion was seconded by Chris Fletcher and unanimously carried.

- Proposed ordinances introduced by Jeff Mikorski on behalf of the **City of Morgantown** were: **1) regulation of upholstered furniture, mattresses, and other similar items on the exterior of premises; and, 2) access a mandatory five dollar fee upon each defendant found guilty or pleading nolo contendere to defray the current technological costs and updates as needed.**

The Board confirmed that the City performed all of the aforesaid W. Va. Code § 8-1-5a actions.

Kin Sayre made a motion to approve the first ordinance. The motion was seconded by Joshua Jarrell and unanimously carried.

Additionally, Kin Sayre made a motion to approve the second ordinance. The motion was seconded by Joshua Jarrell and unanimously carried.

- Michael Moore presented two ordinances for the **City of South Charleston**:  
**1) transfer real or personal property in excess of \$1,000 without public auction, as well as, any interest in real property consisting of so-called “paper alleys” for fair market value, a nominal fee, or without consideration; and, 2) issue immediate citations to remedy public health and safety issues.**

The Board confirmed that the City performed all of the aforesaid W.Va. Code § 8-1-5a actions.

After a brief discussion, a motion was made by Kin Sayre to approve the first ordinance. The motion was seconded by Brian Jones and unanimously carried.

A motion was made by Chis Fletcher to approve the second ordinance. The motion was seconded by Kin Sayre and unanimously carried.

- The **City of Weirton**'s Manager Valerie Means furnished the following ordinances: **1) probationary employment of uncertified building/zoning code officials via a provisional certification license for a period not to exceed two years – employee must obtain the necessary qualifications within two years; and, 2) provide additional and alternative enforcement provisions, such as citations, for exterior sanitation and common nuisance eyesore violations pertaining to occupied, as well as vacant properties.**

A motion was made by Chris Fletcher to approve the first ordinance. The motion was seconded by Kin Sayre and unanimously carried.

A motion was made by Kin Sayre to approve the second ordinance. The motion was seconded by Brian Jones and unanimously carried.

- The members discussed the electronic communication received on February 18 from Rickie Yeager with the **City of Parkersburg** stating that their **B&O reduction** will not take place until January 2016. Chair Kiss agreed to communicate the concern of the Board, and invite them to the next board meeting slated on Monday, June 1, in Morgantown to further address this problematic issue.
- The group learned that the **City of Morgantown** is considering the submission of an amendment to their written plan for consideration by the Home Rule Board at the June meeting. Along with the proposed amendment, the city would like to submit at the

same time the related proposed ordinance that would be enacted if the Board approved the written plan amendment. The membership agreed to allow the **simultaneous submission of both the written plan amendment, as well as the proposed related ordinance**. In the meantime, members will review the conditions set forth in the current legislation for possible issues regarding this submission.

- It was noted that the West Virginia State Tax Department informed Board member, Joshua Jarrell, of a problem with the tax ordinance for the **City of Milton**. Hence, a motion was made by Kin Sayre that a letter from Chair Kiss be addressed to the City of Milton advising them to **consult with the West Virginia Tax Department to resolve the ordinance issue**. The motion was seconded by Chris Fletcher and unanimously carried.

#### Adjournment

Members and guests were informed that the next meeting would be held in Morgantown on Monday, June 1, 2015. With no further business, a motion was made to adjourn the meeting. The motion was seconded and the meeting was adjourned at 11:30 a.m.