

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

MONDAY, SEPTEMBER 14, 2015

A meeting of the West Virginia Municipal Home Rule Board was held at 10:00 a.m. on Monday, September 14, 2015, at the Capitol Complex in Charleston, West Virginia.

The following members were present:

Joshua Jarrell (designee for WV 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 member participated by conference call:

Chris Fletcher, Member

The following ex-officio members were present:

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

Others present:

James Bailey, West Virginia Senate
Travis Blosser, City of Weirton
Dick Callaway, City of St. Albans
Elke Doom, City of Princeton
Susan Economou, City of Charleston
Bill File, III, City of Beckley
Bill Hannabass, City of Oak Hill
Damita Johnson, City of Oak Hill
Thomas Maher, Jr., City of Weirton
Jeff Mikorski, City of Morgantown
Hoy Murphy, West Virginia Department of Commerce
William O'Brien, City of Beckley
Chad N. Proudfoot, West Virginia University Extension Service
Jason Quinn, City of Morgantown
Robert Rappold, City of Beckley
Larry R. Richman, City of Grafton
Beverly Rinehart, City of Beckley
Ryan Simonton, City of Morgantown
Don Smith, West Virginia Press Association
Kevin Stead, City of Grafton

John Stump, Steptoe and Johnson PLLC
Amy Summers, West Virginia House of Delegates
Kenneth E. Tyree, West Virginia State Fire Marshal
Tracy Webb, West Virginia House of Delegates
David L. Wood, City of Moundsville
Ann Worley, City of Beckley

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 Brian Jones to approve the minutes of the June 1, 2015, meeting. The motion was seconded by Joshua Jarrell and unanimously approved.

Chair's Report

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

Old Business

The Board learned that the City of Parkersburg officials dropped a plan to delay business and occupation tax cuts required by their home rule plan. Hence, the City will comply with an opinion from the West Virginia Attorney General's Office.

New Business

- Jeff Mikorski with the City of **Morgantown** explained their **plan amendment** to grant city fire marshals and deputy fire marshals arrest authority at fire scenes and for certain violations of the fire prevention code. It was noted that the City has the support of rental owners, the student government organization, the West Virginia Fire Marshal Kenneth Tyree, and the West Virginia Attorney General.

The Board confirmed that the City of Morgantown: 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.

There were no public comments received from the audience.

Following a brief discussion and 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.

- **Weirton** City Manager Travis Blosser and Thomas Maher Jr. responded to questions concerning their proposed **plan amendment** to impose a one percent municipal consumer sales/use tax to facilitate essential economic development and continuation of services, as well as the fiscal flexibility to reduce certain B&O tax rates, in particular the “wholesale” category at this time. Mr. Blosser affirmed that the goal of the City would be not to raise B&O taxes in the future. The City plans to use the increased revenue for economic development infrastructure and the police/fire pension issues.

The Board confirmed that the City of Weirton: 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.

There were no public comments received from the audience.

Following a brief discussion and 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 Chris Fletcher and unanimously carried.

- The **application** from the City of **Beckley** was presented by Mayor William O'Brien, Robert Rappold, Bill File, and Beverly Rinehart. No comments were received from representatives of state government, trade associations, or businesses.

Pertaining to this application, members learned that the City will use the increased revenue from the imposed municipal sales tax for capital improvements and infrastructure. Their goal is to reduce B&O taxes in retail, amusement, and manufacturing. It was noted that their fire and police pension funds are fairly healthy at this time.

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

- City Manager Kevin Stead outlined the **application** from the City of **Grafton**.

In follow-up to a Board member's question, Mr. Stead assured the group that they have one certified code officer and one code officer slated to take the exam at year end. Responses were also provided to the membership regarding foreclosures/notices, B&O collections, enactment of the International Property Maintenance Code (IPMC), number of police officers, etc. The City will use the revenue from the one percent municipal sales tax to demolish dilapidated houses, make existing sidewalks handicap accessible, replace some existing sidewalks, purchase newer playground equipment, etc.

Don Smith of the West Virginia Press Association reminded the Board and the City how important it is to keep the public informed as to any property being sold at fair market value. In addition, he voiced his concern about the use of uniformity/standard language for the city initiatives. Board Member Kin Sayre mentioned that each initiative is crafted or tailored to the needs of the individual cities. Hence, the proposed initiatives and related ordinances may not contain standard verbage.

West Virginia House of Delegates Amy Summers and Chad Proudfoot, a lifelong city resident, voiced their support for the application submitted by Grafton noting the stability and outstanding competency of Grafton's city officials.

No other comments were received from representatives of state government, trade associations, or businesses.

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

- Mayor David Wood reviewed the application from the City of **Moundsville**.

Several Board members sought clarification on the city's initiative to determine B&O taxing rates, classifications, and exemptions. The City is faced with deteriorating roads, dilapidated houses, repairs needed for a four-season indoor pool, etc. The increased revenue from the municipal sales tax would definitely benefit those projects.

Don Smith of the West Virginia Press Association reiterated his concern about home rule cities using standard language and guidelines. It was agreed by the membership that this issue could be addressed legislatively.

No comments were received from representatives of state government, trade associations, or businesses.

Following a brief discussion and affirmation of the requirements outlined in W. Va. Code § 8-1-5a, Kin Sayre made a motion to approve the plan (without Item #2) under the Municipal Home Rule Program. Item #2 dealt with B&O taxing authority. The motion was seconded by Joshua Jarrell and unanimously carried.

- The City of **Princeton**'s application was detailed by City Manager Elke Doom.

There was some discussion as to the bordering states and their sales tax rates. Would it be more attractive for the citizenry to cross the border? Ms. Doom clarified for Board Member Joshua Jarrell that exemptions were not included in their sales tax calculations.

Don Smith of the West Virginia Press Association complimented the City of Princeton on the format of their application. No other comments were received from representatives of state government, trade associations, or businesses.

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

- City Manager Bill Hannabass summarized the application being submitted by the City of **Oak Hill** noting that they added three items to their original plan submitted in 2014.

Topics discussed were regarding municipal liens and comprehensive city plans being drafted for nominal fees by the West Virginia University Law School and West Virginia University Extension Service.

An official from the City of Charleston advised Oak Hill to make sure the sheriff was on board as regards the lien initiative. Officials from Beckley revealed that they worked successfully with the West Virginia University Extension Service on a comprehensive plan for their city. No other comments were received from representatives of state government, trade associations, or businesses.

Following a brief discussion and affirmation of the requirements outlined in W. Va. Code § 8-1-5a, Chris Fletcher made a motion to approve the plan (without Item #6) under the Municipal Home Rule Program. Item #6 dealt with establishing comprehensive plan component criteria based on goals rather than the specific requirements. The motion was seconded by Kin Sayre and unanimously carried.

- The mayor, Dick Callaway, and John Stump, Steptoe and Johnson, reviewed the application being submitted by the City of **St. Albans**.

No comments were received from representatives of state government, trade associations, or businesses.

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

Adjournment

Members discussed the next regularly scheduled meeting and agreed to change the date from Monday, December 7 to Monday, November 16 in Charleston, versus Morgantown, to accommodate a request from the City of South Charleston. 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.