

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

MONDAY, JANUARY 11, 2016

A meeting of the West Virginia Municipal Home Rule Board was held at 10:00 a.m. on Monday, January 11, 2016, at the Capitol Complex in Charleston, West Virginia.

The following members were present:

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
Joshua Jarrell (designee for WV Development Office Executive Director Keith Burdette)

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 Legislature
Lisa Dooley, West Virginia Municipal League
Susan Economou, City of Charleston
Paul Ellis, City of Charleston
Kim Haws, City of Bridgeport
Martin Howe, City of Clarksburg
Arlie Hubbard, West Virginia Legislature
Gregory A. Morgan, City of Clarksburg
Hoy Murphy, West Virginia Department of Commerce
Dean C. Ramsey, City of Bridgeport
Eugene Saunders, City of Moundsville
Jimmy Smith, City of Bridgeport
Randy L. Spellman, City of Bridgeport
Kenneth E. Tyree Jr., West Virginia Fire Marshal Office
Thomas C. White, City of Moundsville

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 November 16, 2015, meeting. The motion was seconded by Brian Jones and unanimously approved.

Chair's Report

Chair Kiss welcomed guests, but did not have an official report. He received several pieces of correspondence for the files.

Old Business

No old business was discussed.

New Business

- The City of **Bridgeport** explained their **plan amendment** permitting local certification and supervision of code enforcement officials and inspectors, and exempting the city from the code official/inspector licensing authority delegated to the State Fire Commission under existing statutory law. It was noted that City personnel are tested and certified by the International Code Council (ICC), which also provides continuing education for individuals it certifies. The City would continue to adopt and follow the State Building Code as defined by the State Fire Commission.

Ken Tyree of the West Virginia Fire Marshal's Office indicated that they want to provide the best possible service to the cities. He further stated that he thinks their system and programs are fair and equitable. Nevertheless, he invited city representatives to present their appeals directly to the Fire Commission, as they are currently in the legislative process for revision of the rules for Title 87 Series 7 (code official's certification).

Following a lengthy question and answer period, a motion was made by Kin Sayre to table the matter until the next scheduled Home Rule Board meeting slated on April 4, 2016. The motion was seconded by Chris Fletcher and unanimously carried. It was noted by Chris Fletcher that tabling the City's request for amendment gives full notice to both the cities and the Fire Marshal/Commission that these concerns should be resolved during the upcoming legislative session by working together.

- **Clarksburg's** City Attorney Greg Morgan responded to questions concerning their proposed **plan amendment**, which is similar to Bridgeport's amendment permitting local certification and supervision of code enforcement officials and inspectors.

There were no public comments received from the audience and/or representatives of state government.

Kin Sayre made a motion to table the request until the April 4, 2016, Home Rule Board meeting. The motion was seconded by Brian Jones and unanimously carried.

- The **plan amendment** from the City of **Moundsville** was outlined by Thomas White. The City proposes to reduce the rate of its business and occupation tax under the "retail sales" classification from 38 cents per \$100 of gross income to 33 cents per \$100 of gross income, which would result in a reduction in revenues of approximately \$146,785 per year. The City is also proposing to reduce the business and occupation tax under the "manufacturing" classification from 30 cents per \$100 of gross income to 25 cents per \$100 of gross income, which will result in an additional reduction in revenues of approximately \$10,781 per year. However, with the imposition of a one-half percent sales tax, the City could realize projected revenues of approximately \$280,759. If the City imposed a one percent sales tax, they could realize projected revenues of approximately \$719,085.

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

The Board confirmed that the City of Moundsville: 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.

Board Member 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.

- Lastly, Chair Kiss and Senator Blair recapped proposed changes to the current Home Rule legislation, such as reimbursement of expenses to the Board membership, resources to fund staff and legal expertise, Board jurisdiction, etc.

Adjournment

Members were reminded of the next regularly scheduled meeting on April 4, 2016, in Charleston. With no further business, a motion was made to adjourn the meeting. The motion was seconded and the meeting was adjourned at 11:45 a.m.