

# WEST VIRGINIA MUNICIPAL HOME RULE BOARD

## MEETING MINUTES

MONDAY, JANUARY 9, 2017

A meeting of the West Virginia Municipal Home Rule Board was held at 10:00 a.m. on Monday, January 9, 2017, at the State Capitol Complex, Building 6, Conference Room 6a in Charleston, West Virginia.

The following members were present:

Gary Howell, West Virginia House of Delegates  
Joshua Jarrell (designee for WV Development Office Executive Director Keith Burdette)  
Brian Jones, Member  
Chris Stadelman (designee for the Honorable Earl Ray Tomblin)

The following members participated by conference call:

Floyd (Kin) McKinley Sayre III, Member

The following members were absent:

Craig Blair, West Virginia Senate  
Chris Fletcher, Member

Others present:

Martin "Rick" Atkinson, West Virginia House of Delegates  
Susan Economou, City of Charleston  
Eric Jiles, City of Parkersburg  
Joseph Santer, City of Parkersburg  
Rickie Yeager, City of Parkersburg

The meeting was called to order by Chair Stadelman. 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 14, 2016, meeting. The motion was seconded by Chris Fletcher and was unanimously approved.

### Chair's Report

Chair Stadelman welcomed guests. In addition, he informed the members that home rule progress reports were received by the Thursday, December 1 deadline from participating home rule pilot cities. It was noted that these reports will be posted to the Home Rule web site for review by the membership. The summary report to the West Virginia Legislature is being drafted by staff and is due January 1, 2017.

### Old Business

Joshua Jarrell advised the membership that outside counsel was not procured as authorized by the home rule board at the meeting held on November 14 in the case of the State Fire Commission vs. the Municipal Home Rule Board. Furthermore, he communicated that the Supreme Court of Appeals granted the motion to hold the subject appeal in abeyance until October 25, 2016 pending negotiations between the parties. Counsel for the petitioner is directed to file a written status report every six weeks.

- Mayor Dick Callaway of **St. Albans** disclosed that the city did not initiate the adoption of an authorizing ordinance from their council to move forward their home rule plan **amendment** to enact a one percent municipal sales tax and reducing or eliminating a portion of the municipal B&O tax for the business of operating amusements in the city. However, he recently furnished the Board with documentation of the questioned action, as well as all other required information for a plan amendment.

The Board confirmed that the City of St. Albans: 1) provided notice at least 30 days prior to their public hearing related to their 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.

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

Kin Sayre made a motion to approve the amendment presented by the City of St. Albans. No members opposed. The motion was seconded by Joshua Jarrell and carried.

#### New Business

No new business was discussed.

#### Adjournment

Members were reminded of the next regularly scheduled meeting on January 9, 2017, in Charleston. With no further business, a motion was made by Kin Sayre to adjourn the meeting. The motion was seconded and the meeting was adjourned at 10:15 a.m.