

# WEST VIRGINIA MUNICIPAL HOME RULE BOARD

## MEETING MINUTES

MONDAY, APRIL 3, 2017

A meeting of the West Virginia Municipal Home Rule Board was held at 10:00 a.m. on Monday, April 3, 2017, at the State Capitol Complex, Building 6, Conference Room 6a in Charleston, West Virginia.

The following members were present:

Joshua Jarrell (designee for WV Development Office Executive Director Kris Hopkins)  
Brian Jones, Member  
Floyd (Kin) McKinley Sayre III, Member

The following member participated by conference call:

Chris Fletcher, Member

The following members were absent:

Craig Blair, West Virginia Senate  
Dave Hardy (designee for the Honorable Jim Justice)/Proxy-Allen R. Prunty  
Gary Howell, West Virginia House of Delegates

Others present:

Randall Atkinson, City of St. Marys  
Anoop Bhasin, West Virginia Alcohol Beverage Control Administration  
Patrick Boyles, City of St. Marys  
Susan Economou, City of Charleston  
Paul Ellis, City of Charleston  
Hoy Murphy, West Virginia Department of Commerce  
Tim O'Neill, City of Buckhannon  
Allen R. Prunty, West Virginia Department of Tax and Revenue  
Beverly Renner, City of St. Marys  
Larry M. Richman, City of Grafton  
Gary Robinson, West Virginia Alcohol and Beverage Control Administration  
Don Smith, West Virginia Press Association  
Sean Smith, West Virginia Alcohol and Beverage Control Administration  
Kevin Stead, City of Grafton

The meeting was called to order by Vice Chair Josh Jarrell, as Chair Hardy was meeting with the Governor and not available. 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 January 9, 2017, meeting. The motion was seconded by Brian Jones and was unanimously approved.

### Chair's Report

Vice Chair Jarrell welcomed guests.

Additionally, the Vice Chair noted that on January 3, 2017, the West Virginia Supreme Court of Appeals ordered the case of the State Fire Commission vs. the Municipal Home Rule Board to continue in abeyance with a further status report filed by the petitioner on February 13, 2017, and one was furnished on March 20, 2017. Related legislation is currently moving through the system, and if that bill is enacted into law, the writ would likely be withdrawn.

Vice Chair Jarrell briefly reviewed the status/changes of proposed Senate Bill 441 related to the existing West Virginia Home Rule Pilot Program.

### Old Business

No old business was discussed.

### New Business

- The "Sunday Brunch" **plan amendment** for the City of **Buckhannon** was presented by Tom O'Neill.

The Board confirmed that the City of Buckhannon: 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 plan 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 plan 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 plan amendment complies with W. Va. Code §8-1-5a.

Anoop Bhasin, West Virginia Alcohol Beverage Control Administration (WVABCA) asked if there was potentially a legal question since Upshur County voted the Sunday Brunch referendum down - the measure failed by 51 to 49 percent per Tom O'Neill. However, it

passed by a margin of 57 to 43 percent within the city limits of Buckhannon. Mr. Bhasin further explained the WVABCA was not opposed to Buckhannon's amendment.

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

Stating that the proposed initiative is consistent with the legislative statute, Kin Sayre made a motion to accept the proposed amendment as presented by the City of Buckhannon. The motion was seconded by Brian Jones and carried. All members were in favor and none were opposed. Proxy Allen Prunty abstained from voting on this amendment.

- Kevin Stead with the City of Grafton explained their **plan amendment** permitting the: 1) Fire civil service employment – expanding applicants' maximum age and hiring part-time firemen; 2) Removal of party affiliation on various city boards and appointments; 3) Creation of enterprise and redevelopment zones – municipal real and personal property rebates and B&O tax exemptions; 4) Police civil service hiring – residence at time of reinstatement; 5) Police civil service hiring – reducing the minimum number of eligible from certified list of police civil service board; 6) Regulating of speed limits and traffic control devices on state maintained roads within the city; and, 7) Authority to allow Grafton to sell municipal property without public auction, when deemed for public purpose after public notice and sold for adequate value.

After a few questions from the members concerning the civil service related initiatives, the Board confirmed that the City of Grafton: 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 plan 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 plan 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 plan amendment complies with W. Va. Code §8-1-5a.

With no further questions or comments from the Board, applicable state agencies, or citizenry, Kin Sayre made a motion to approve the amendment as presented. The motion was seconded by Chris Fletcher and it passed unanimously. Proxy Allen Prunty abstained from voting on this amendment.

### Adjournment

Members were reminded of the next regularly scheduled meeting on July 10, 2017, and it was agreed to hold that meeting in Morgantown subject to Chair Hardy's approval.

An invitation from Geraldine Roberts with McNeer, Highland, McMunn & Varner, L.C. to host a future Home Rule Board meeting in Elkins was accepted by the Board for their October meeting. Staff will convey the Board's decision and gratitude.

With no further business, a motion was made to adjourn the meeting. The motion was seconded and the meeting was adjourned at 11:15 a.m.