

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

TUESDAY, JULY 25, 2017

A meeting of the West Virginia Municipal Home Rule Board was held at 10:30 a.m. on Tuesday, July 25, 2017, at the Morgantown City Hall, Council Chambers, Morgantown, West Virginia.

The following members were present:

Chris Fletcher, Member
Brian Jones, Member
Dave Hardy (designee for the Honorable Jim Justice)

The following members participated by conference call:

Joshua Jarrell (designee of the Executive Director of the West Virginia
Development Office)
Mark Polen, Member

The following members were absent:

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

Others who participated by conference call:

Nick Casey, Chief of Staff, Office of the Governor
Fred Wooton, Commissioner, WV Alcohol Beverage Control Administration
Gary Robinson, WV Alcohol Beverage Control Administration

Others present:

Jessica Sutton, City Clerk, City of Elkins
Van Broughton, Mayor, City of Elkins
Leah Knicely, WBOY
Ken Tyree, WV State Fire Marshal, Office of the State Fire Marshal
Robert Sharp, Chief Deputy Fire Marshal, Office of the State Fire Marshal
Celeste Barber Webb, General Counsel, Office of the State Fire Marshal, WV
Attorney General's Office
Geraldine Roberts, Attorney for City of Elkins
Martin Howe, City of Clarksburg
Annette Wright, City Clerk, City of Clarksburg
Ryan Simonton, Attorney for City of Morgantown
Alex Wiederspiel, WV Metro News

The meeting was called to order by Chair Hardy. It was reported that the notice of the meeting was lawfully given, a quorum was present, and the meeting was formally convened.

A motion to approve the minutes of the April 3, 2017 meeting was made by Mr. Jones and seconded by Mr. Fletcher. The motion was unanimously approved.

Mr. Casey addressed the meeting via telephone regarding the Home Rule's impact on state revenue, responsibilities and guidance of the Board.

Chair's Report

Chair Hardy welcomed guests. He discussed the status report on litigation regarding the WV State Fire Commission v. Municipal Home Rule. A motion was made by Mr. Polen to hold the case in abeyance and was seconded by Mr. Jones. The motion was unanimously approved.

Old Business – There was no Old Business to be considered by the Board.

New Business

Chair Hardy reported that the Board had received an email from Tom Jacquez requesting to address the Board regarding deregulation of Code Inspectors. Mr. Jacquez was not present and the topic was not discussed.

Jessica Sutton, City Clerk for the City of Elkins, explained their plan amendment regarding the: 1) Municipal Sales Tax; 2) Brunch Bill; 3) Procurement of Architectural and Engineering Services; 4) Allocation of funds for City Marketing and Tourism; 5) Intergovernmental Agreements; 6) Municipal Court Technology and Maintenance Fee; 7) Addressing Blighted Properties; 8) Community Enhancement Districts; and 9) Reducing Minimum Number of Eligibles on the Certified List of Police Civil Service Commission from three to one.

Chair Hardy confirmed that the City's legal notice published on June 1, 2017, met the 30 day requirement.

The Board confirmed that the City of Elkins: 1) provided notice at least 30 days prior to their public hearing related to their plan amendment; 2) made the proposed plan amendment available for public inspection at least 30 days prior to the public hearing; 3) held the public hearing; 4) adopted an ordinance authorizing the submission of the proposed amendments to the Board; 5) provided comments offered during the public hearing to the Board; and 6) the Board received confirmation that Geraldine Roberts, attorney for the City of Elkins, is licensed to practice law in the state of West Virginia. Ms. Sutton advised that no disapproving comments were made at the public hearing.

A lengthy conversation ensued during which the Board questioned Ms. Sutton and Ms. Roberts regarding the proposed amendments. With no further questions or comments from the Board, a motion was made by Mr. Fletcher to approve Amendment No. 1 permitting the City to impose a municipal consumer sales/use tax within the City. Mr. Jarrell seconded the motion. The motion was passed unanimously.

A motion was made by Mr. Jones to approve Amendment No. 2 permitting the City to enact of an ordinance changing the time alcohol is permitted to be sold on Sundays from 1:00 p.m. to 10:00 a.m., with the understanding that the alcohol is sold for on

premise consumption. Mr. Fletcher seconded the motion. The motion passed unanimously.

Ms. Roberts addressed the Board and requested to withdraw Amendment No. 3 regarding procurement of architectural and engineering services. After a brief discussion there were no objections to Ms. Roberts' request to withdraw Amendment No. 3.

A motion was made by Mr. Fletcher to approve Amendment No. 4 regarding the allocation of funds for City marketing and tourism. Mr. Jones seconded the motion. The motion passed unanimously.

A motion was made by Mr. Jones to approve No. 5 permitting adoption of an ordinance whereas the City can execute agreements with other jurisdictions by resolution. The motion was seconded by Chris Fletcher. The motion passed unanimously.

A motion was made by Mr. Fletcher to approve Amendment No. 6 permitting the City to enact an ordinance authorizing a Municipal Court Technology and Maintenance Fee up to \$1.00 to be assessed against each person convicted in its Municipal Court. The motion was seconded by Mr. Jones. The motion was passed unanimously.

Ms. Roberts addressed the Board and requested to withdraw Amendment No. 7 addressing blighted properties. After a brief discussion there were no objections to Ms. Roberts' request to withdraw Amendment No. 7.

There ensued a lengthy discussion regarding Amendment No. 8 permitting the City to employ a property owner "opt-out" approach to establish or expand a Community Enhancement District after public notice and hearing. Mr. Fletcher then moved that Amendment 8 be approved. Mr. Jones seconded the motion. The motion passed on a three to two vote, with Messrs. Polen and Chair Hardy voting nay.

Mr. Jones spoke in support of Amendment No. 9 permitting the City to reduce the minimum number of eligibles on the Certified List of Police Civil Service Commission from three to one. Mr. Polen spoke in opposition to the proposed Amendment. Chair Hardy stated that he had concerns regarding the Amendment but that he would support the Amendment in light of Mr. Jones comments. Mr. Jones moved to approve Amendment No. 9. Mr. Fletcher seconded the motion. The motion passed on a three to one vote, with Mr. Polen voting nay and Mr. Jarrell having dropped off the conference call before the vote was taken.

Members were advised that the next Board meeting, previously scheduled for Monday, October 2, 2017, will be rescheduled at a mutually agreed upon date and time.

There being no further business, Mr. Fletcher moved to adjourn the meeting. Mr. Jones seconded the motion, which passed unanimously. The meeting was adjourned at 12:56 p.m.