

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

WEDNESDAY, JANUARY 16, 2019

A meeting of the West Virginia Municipal Home Rule Board was held at 10:30 a.m. on Wednesday, January 16, 2019, at the Department of Revenue, State Capitol Complex in Charleston, West Virginia.

The following members were present:

Dave Hardy (designee for the Honorable Jim Justice)
Brian Jones, Member
Wesley White (designee of the Executive Director of the West Virginia
Development Office)
Mark Polen, Member

The following members participated by conference call:

Chris Fletcher, Member

The following members were absent:

Honorable Gary Howell, West Virginia House of Delegates
Honorable Greg Bosso, West Virginia State Senate

Others present:

Ken Tyree, WV State Fire Marshal
Stacy Nowicki, Attorney, DMAPS
Kevin Hoover, Upshur county resident
Thomas J. O'Neill, City of Buckhannon Attorney
Lisa Dooley, WV Municipal League
Travis Blosser, WV Municipal League
Susan Economou, WV Municipal League
Allen Prunty, Deputy Secretary and General Counsel, WV Dept. of Revenue
Leslie Dillon, Deputy General Counsel, WV Dept. of Revenue

The meeting was called to order by Chair Hardy at 10:31 a.m. It was reported that the notice of the meeting was lawfully given, a quorum was present, and the meeting was convened. A motion to approve the minutes of the July 11, 2018, meeting was made by Brian Jones and seconded by Mark Polen. The motion was approved with a 4-0 vote. (Wesley White absent for this vote.)

The Chair announced the dates for the upcoming meetings of the Municipal Home Rule Board are as follows:

April 10, 2019 at 10:30 am – Location to be determined

July 10, 2019 at 10:30 am – Location to be determined

October 9, 2019 at 10:30 am – Location to be determined

Chair's Report

Chair Hardy welcomed guests. He announced the reason the October 11, 2018 meeting was canceled was due to no business items to be placed on the agenda. He informed the Board that the Municipal Home Rule Pilot Program is to sunset on July 1, 2019 under 8-1-5a and noted that previous legislation ran in 2018 did not pass. SB 4 has been introduced and if passed into law, the bill will remove the sunset date and make the pilot program a permanent program. Chair Hardy introduced Lisa Dooley of the WV Municipal League to offer comments on the bills before the House and Senate.

Old Business

WV State Fire Marshal v. WV Municipal Home Rule Board – Chair Hardy asked that Allen Prunty, Deputy Secretary and General Counsel for the Department of Revenue, give an update on the ongoing litigation. Mr. Prunty advised the Board that a settlement had been reached and an agreement had been drafted. Language regarding the Home Rule Board's obligation to adopt a policy not to approve any future amendments that would violate the State Building Code or State Certification is in the Home Rule Board legislation. Mr. Prunty stated that it's redundant, but it was requested that the language be inserted into the settlement agreement. Adoption of the policy will need to be placed on the agenda for the next Home Rule Board meeting. Stacy Nowicki, counsel for the State Fire Marshal, noted that the Fire Commission will be holding a special meeting once it is approved by this body so that the Fire Commission can approve it. Ms. Nowicki stated that the meeting is to be held on January 29, 2019, at 10:00 am. Ken Tyree, State Fire Marshal, stated that he was very accepting of the settlement terms. A motion to approve the settlement agreement was made by Mr. Jones and seconded by Fletcher. The motion passed with a 5-0 vote.

New Business

- Chair Hardy confirmed that the City of Buckhannon complied with all legal requirements as provided in WV Code § 8-1-5a in order to submit their proposed amendment to the Home Rule Board. No public comments were received. An ordinance was adopted authorizing the submission of the plan amendment before the Home Rule Board.

- Public Comment - The Chair called upon Kevin Hoover, a resident of Upshur County, for public comment on Buckhannon's plan amendment. Mr. Hoover addressed the Board with his concerns against the plan amendment.
- Chair Hardy moved to approve Buckhannon's plan amendment for purposes of discussion. Chris Fletcher moved to approve; Mr. Jones seconded the motion.

Thomas J. O'Neill, attorney for the City of Buckhannon, explained their proposed plan amendments regarding adopting a 1% municipal sales and service use tax.

The city's proposed amendment (1% sales tax) was discussed. The city received no oral or written comments in opposition to the municipal sales tax. Chair Hardy called the question and the motion passed on a 5-0 vote.

Adjournment

Members were informed that the next meeting date is scheduled for Wednesday, April 10, 2019, at 10:30 a.m. with the location to be determined. With no further business, the meeting was adjourned at 11:03 a.m.