

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

WEDNESDAY, AUGUST 14, 2019

A meeting of the West Virginia Municipal Home Rule Board was held at 10:30 a.m. on Wednesday, August 14, 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)
Mark Polen, Member
Brian Jones, Member
Wesley White (designee of the Executive Director of the West Virginia Development Office)

The following members participated by conference call:

Chris Fletcher, Member
Honorable Gary Howell, West Virginia House of Delegates

The following members were absent:

Honorable Greg Boso, West Virginia Senate

Others present:

Jason Pizatella, Counsel for the Village of Barboursville
Chris Tatum, Village of Barboursville
Jon Blatt, Village of Barboursville
Josh Miller, City of Ravenswood
Steve Cogar, City of Ravenswood
Doug Skeen, City of Ripley
Kevin Harris, City of Ripley
Carolyn Rader, City of Ripley
Betsy Orndoff-Sayers, City of Wardensville
John Sayers, City of Wardensville
Allen Prunty, Deputy Secretary and General Counsel, WV Dept. of Revenue
Leslie Dillon, Deputy General Counsel, WV Dept. of Revenue
Susan Economou, WV Municipal League
Travis Blosser, WV Municipal League

The meeting was called to order by Chair Hardy at 10:30 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 April 16, 2019 meeting was made by Brian Jones and seconded by Mark Polen. The motion was approved with a 5-0 vote.

Chair's Report

Chair Hardy welcomed guests. He spoke regarding SB 4, which made the WV Municipal Home Rule a permanent program effective July 1, 2019 and noted that the pilot program is over. Chair Hardy asked Allen Prunty of the Department of Revenue to speak regarding policies that were being drafted for the Board. Chair Hardy suggested that they work with the WV Municipal League for input in drafting the policies. Chair Hardy spoke regarding the litigation between Nigel Jeffries v. WV Municipal Home Rule Board, et al. and suggested moving this to the bottom of the agenda so as not to hold up the municipalities here to present their plan applications.

Old Business

None.

New Business

Village of Barboursville

- Jason Pizatella, attorney for the Village of Barboursville, explained the plan application to implement the 1% sales tax.
- Chair Hardy confirmed that the Village of Barboursville complied with all legal requirements as provided in WV Code § 8-1-5a in order to submit their proposed plan application to the Home Rule Board.

The village's application (1% sales tax) was presented by Mr. Pizatella and discussed. The 1% sales tax will not go into effect until July 1, 2020. The village received no comments on the sales tax increase at the public hearing. Mr. Polen moved to approve the amendment; Mr. Jones seconded the motion; and the motion to approve the City's plan application passed with a 5-0 vote.

Town of Wardensville

- Betsy Orndoff-Sayers, Mayor for the Town of Wardensville, along with John Sayers of the City Planner's Office, explained the city's plan application to 1) Impose a 1% sales tax and reduce or eliminate selected B&O tax categories; 2) Standardize business license categories and fees; and 3) Adjust the number of members on the board of directors of the Development Authority.

- Chair Hardy confirmed that the Town of Wardensville complied with all legal requirements as provided in WV Code § 8-1-5a in order to submit its application to the Home Rule Board.

Mayor Orndoff-Sayers presented section one of the plan application regarding the 1% sales tax. No questions were asked of Mayor Orndoff-Sayers and a motion to approve was made by Mr. Fletcher and was seconded by Mr. White; the motion carried with a 5-0 vote.

The second section of the plan application regarding the standardization of business license categories and fees was presented by Mayor Orndoff-Sayers. After a brief discussion, a motion to approve was made by Mr. Jones and seconded by Mr. Polen. The motion carried on a 5-0 vote.

The third section of the plan application regarding the adjustment of the number of members on the board of directors of the Development Authority was presented and briefly discussed. A motion to approve was made by Mr. Polen and seconded by Mr. White. The motion carried on a 5-0 vote.

A motion to approve the application in its entirety was moved by Mr. Polen and seconded by Mr. Jones. The motion carried on a unanimous vote of 5-0.

City of Ravenswood

- Josh Miller, Mayor for the City of Ravenswood, along with Steve Cogar, the city attorney, explained the city's plan application regarding 1) The improvement eyesores and dilapidated structures; 2) Building and zoning administration enforcement provisions; 3) The allowance of the Mayor and City Council to determine requirements for municipal boards, commissions and authorities; and 4) The reduction or elimination of certain B&O tax rate categories and implementation of the 1% municipal sales tax.
- Chair Hardy confirmed that the City of Ravenswood complied with all legal requirements as provided in WV Code § 8-1-5a in order to submit its application to the Home Rule Board.

Mayor Miller presented the first proposal regarding eyesores and dilapidated structures and a lengthy discussion was held. An inquiry was made regarding the ability of the Home Rule Board to require cities which have previously been granted the authority regarding eyesores and counsel for the Board confirmed that the Board does not have the ability to require the cities to modify their previously approved applications. Absent the ability to modify all others approved in the past, Mr. Polen made a motion to approve the eyesore proposal and seconded by Mr. Jones. The motion carried on a 5-0 vote.

The second proposal regarding on the spot citations was presented by Mayor Miller. A brief discussion ensued, and a motion was made to approve by Mr. Fletcher and seconded by Mr. Jones. The motion carried on a 5-0 vote.

The proposal regarding the allowance of the Mayor and City Council to determine requirements for municipal boards, commissions and authorities was presented for consideration. A lengthy discussion was held, and it was decided by Mayor Miller to withdraw the proposal at this time.

The fourth proposal regarding the implementation of the 1% municipal sales tax and reduction of B&O taxes was presented by Mayor Miller. A motion to approve was made by Mr. Polen and seconded by Mr. White. The motion carried unanimously with a 5-0 vote.

The proposed application as amended was taken up for consideration and a motion to approve the amended application in its entirety was made by Mr. Jones with a second by Mr. Polen. The motion carried with a 5-0 vote.

City of Ripley

- Carolyn Rader, Mayor for the City of Ripley, along with Kevin Harris, City Attorney, and Doug Skeen explained the city's plan application regarding 1) Property Nuisance – On the Spot Citations; 2) Property Nuisance – Property Registration on Foreclosure Properties; 3) Property Nuisance – Shorten Time on Uninhabitable Properties; and 4) Imposition of a 1% Municipal Sales and Use Tax and Reduction of B&O Tax.
- Chair Hardy confirmed that the City of Ripley complied with all legal requirements as provided in WV Code § 8-1-5a in order to submit its plan application to the Home Rule Board.

Doug Skeen, with the assistance of Kevin Harris, presented the city's first proposal regarding on the spot citations. A motion to approve was made by Mr. Fletcher, with a second by Mr. Polen. The motion carried with a 5-0 vote.

The second proposal regarding property registration on foreclosure properties was presented and a lengthy conversation was held regarding the process of foreclosures. A decision was made by the City of Ripley to amend the paragraph No. 2 on page 7 of the plan application to read as follows:

, "Authority under the property registration procedures of Section 8-12-16a to allow the City of Ripley to require lenders/trustees to register foreclosed properties when the foreclosure sale is conducted and a winning bidder is named, to retain a property maintenance company, to maintain the property, and to provide contact information for the maintenance company to the municipality at registration (Administrative)."

A motion was made to approve the proposal as amended by Mr. Jones and seconded by Mr. Polen. The motion carried unanimously with a 5-0 vote.

The third proposal regarding shortening time on uninhabitable properties was briefly discussed. A motion was made to approve the proposal by Mr. White and seconded by Mr. Polen. The motion was carried on a 5-0 vote.

The fourth and final proposal to impose a 1% municipal sales and use tax and a reduction of the B&O tax was taken up. After a brief discussion, a motion was made to approve by Mr. Polen and seconded by Mr. Jones. The motion carried unanimously with a 5-0 vote.

The amended application in its entirety was taken up and a motion to approve as amended was made by Mr. Polen with a second by Mr. Jones. The motion carried with a 5-0 vote.

Return to Chair's Report

- Allen Prunty, Deputy Secretary and General Counsel of the Department of Revenue gave an update on the litigation filed by Nigel Jeffries against the Municipal Home Rule Board, the City of Charleston, and the Department of Revenue. A brief discussion on the matter was held wherein representation and how legal bills were to be paid were discussed.
- Municipal Home Rule Good Standing Policy – Leslie Dillon, Deputy General Counsel of the Department of Revenue, discussed the policy handout which states that those municipalities which are delinquent in the payment of the annual assessment will be considered not in good standing with the Municipal Home Rule Board and cannot come before the board with plan applications or amendments until they are in good standing. A motion was made to approve the policy by Mr. White with a second by Mr. Polen. The motion carried unanimously with a 5-0 vote.

Next Meeting

Chair Hardy announced that the next meeting of the Municipal Home Rule Board will be held on Wednesday, October 9, 2019, at 10:30 am with the location to be determined at a later date.

Adjournment

A motion to adjourn the meeting was made by Mr. Jones and seconded by Mr. Polen. The meeting concluded at 12:31 p.m.