

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

THURSDAY, JANUARY 21, 2021

A meeting of the West Virginia Municipal Home Rule Board was held at 10:30 a.m. on Thursday, January 21, 2021, 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)

The following members participated via telephone:

Brian Jones, Member

Jack Rife, Member

Mark Polen, Member

Dan Vriendt, Member

The following members were absent:

Honorable Mark Maynard, West Virginia Senate

Honorable Brandon Steele, West Virginia House of Delegates

Others present:

Allen Prunty, Deputy Secretary and General Counsel, WV Dept. of Revenue

Leslie Dillon, Deputy General Counsel, WV Dept. of Revenue

Others participating via telephone:

Joel McNeely, Mayor, Town of Chapmanville

Rob Keunzel, Attorney, Town of Chapmanville

Jeff Vallet, Accountant, Town of Chapmanville

Anna Butcher, Attorney, Town of Chapmanville

Jaclyn Schiffour, WV House of Delegates

William Rinker, Resident of Harpers Ferry

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 November 18, 2020 meeting was made by Brian Jones and seconded by Mark Polen. The motion was approved with a 5-0 vote.

Chair's Report

None.

Old Business

None.

New Business

Town of Chapmanville

- Mayor Joel McNeely presented for the town.
- Chair Hardy confirmed that the Town of Chapmanville 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 Board received written communication from a resident of Chapmanville challenging the availability of the application of Chapmanville. At this point, Board counsel Leslie Dillon questioned Mayor McNeely at length regarding how the application was made public. It was determined that the Town of Chapmanville had complied with all of the legal requirements in making the Home Rule Board application available to the public.
- Chair Hardy asked for a motion to accept the Town of Chapmanville as a Home Rule municipality. Mr. Vriendt moved to admit the City of Spencer to the Home Rule Program, with a second by Mr. Jones. The motion carried with a 5-0 vote.

The only item on the application was the implementation of a 1% municipal sales tax. A motion to approve was made by Mr. Vriendt, with a second by Mr. Polen. The motion passed with a 5-0 vote.

Chair Hardy called to business of the other matters on the agenda regarding the inquiry received about a municipality's obligation to update ordinances pursuant to W. Va. Code § 8-1-5a(b) and an inquiry regarding the meaning of "effectively limit" contained in W. Va. Code § 8-1-5a(k). These issues required an Executive Session of the board members.

A brief Executive Session took place at 10:59 a.m., using a different conference call number while the public meeting remained on pause.

Upon completion of the Executive Session, the public meeting resumed at 11:08 a.m. at which point Board counsel, Leslie Dillon discussed proposed policies of the WV Municipal Home Rule Board. The proposed policies are as follows:

1. The provision in W.Va. Code § 8-1-5a(b) requiring that Home Rule municipalities must update ordinances to comply with limitations and requirements of subsections (i), (j), and (k) of the Act is limited to those ordinances or rules enacted to implement a proposal presented to and approved by the Home Rule Board.

2. The term “effectively limit” contained in W.Va. Code § 8-1-5a(k) is defined as producing a restraint or hindrance.

A motion to approve Proposed Policy No. 1 was made by Mr. Rife with a second by Mr. Jones. The motion carried with a 5-0 vote.

Mr. Polen moved to approve Proposed Policy No. 2, with a second by Mr. Rife. The motion passed with a 5-0 vote.

The above approved policies will be distributed to the WV Municipal Home Rule municipalities by the Board clerk.

Chair Hardy asked if there were any members of the public on the phone that wished to address the Board. William Rinker of Harpers Ferry questioned the Board regarding “paper streets” and the Board’s authority concerning the discontinuation of same. Mr. Rinker was informed that it is not under the Board’s jurisdiction to discontinue paper streets and that he should consult his city council regarding the matter.

Next Meeting

Chair Hardy announced that the next meeting will take place April 14, 2021 at 10:30 a.m.

Other Business

None.

Adjournment

A motion to adjourn made by Mr. Vriendt, and seconded by Mr. Polen. The motion carried with a 5-0 vote. The meeting concluded at 11:19 a.m.

Attachments:

- January 12, 2021 correspondence of Phillip Williamson
- Questions of the WV Municipal Home Rule Board to Chapmanville
- Chapmanville’s answers to WV Municipal Home Rule Board’s questions