

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

WEDNESDAY, OCTOBER 13, 2021

A meeting of the West Virginia Municipal Home Rule Board was held at 10:30 a.m. on Wednesday, October 13, 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)
Brian Jones, Member
James Bailey, Member
Dan Vriendt, Member

The following members participated via telephone:

Mark Polen, 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
Anoop Bhasin, Deputy General Counsel, WV Dept. of Revenue
Sharon Cruikshank, Town of Fayetteville
Matt Diederich, Town of Fayetteville
Stanley Boyd, Town of Fayetteville
Carl Harris, Town of Fayetteville
Kathy Williams, Town of Fayetteville
Steve Pridemore, Town of Ansted
Siobhan Wilson, Town of Ansted
Robert Wilson, Town of Ansted
Brian Parsons, Town of Ansted
Travis Copenhaver, Mayor, Town of Alderson
Betty Thomas, Recorder, Town of Alderson
Corianna Spinks, Town of Alderson
Eric Duff, Town of Alderson

Mark Matkovich, Town of Alderson
Susan Economou, WV Municipal League
Jaclyn Schiffour, WV House of Delegates (for Delegate Steele)
Carl Fletcher, WV Senate (for Senator Maynard)

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 July 14, 2021, meeting was made by Brian Jones and seconded by Dan Vriendt. The motion was approved with a 5-0 vote.

Chair's Report

None.

Old Business

None.

New Business

Town of Alderson:

- Travis Copenhaver, Mayor, and Mark Matkovich, Town Attorney, presented the proposed plan application for the Town of Alderson.
- Chair Hardy confirmed that the Town of Alderson 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.
- Chair Hardy asked for a motion to accept the Town of Alderson into the WV Municipal Home Rule Program. The motion was made by Mr. Jones and seconded by Mr. Bailey. The motion carried with a 5-0 vote.
- The first item on the proposed plan application was on-the-spot citations. A brief discussion took place and a motion was made to approve by Mr. Vriendt, seconded by Mr. Bailey. The motion carried with a 5-0 vote.
- The second item on the proposed plan application was party membership requirements for election boards. A discussion was held along with questions and concerns raised by Mr. Bailey. A motion to approve was made by Mr. Vriendt and seconded by Mr. Jones. The motion passed with a 4-1 vote. (Mr. Bailey, no vote.)

- Third on the proposed plan application was the disposition of equipment/property without public auction. A brief discussion took place where it was noted that their proposed plan application stated they wish to establish the procedure for selling property, real or personal, valued at less than \$15,000 without going through the auction process. A motion was made by Mr. Vriendt, with a second by Mr. Jones. The motion carried with a 5-0 vote.
- The final item on the proposed plan application was the imposition of the 1% municipal sales tax. A motion to approve the request to impose a 1% municipal sales tax was made by Mr. Vriendt, with a second by Mr. Jones. The motion passed with a 5-0 vote.

Town of Ansted:

- Steve Pridemore, Mayor, and Brian Parsons, Town Attorney, presented the proposed plan application for the Town of Ansted.
- Chair Hardy confirmed that the Town of Ansted 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.
- Chair Hardy asked for a motion to accept the Town of Ansted into the WV Municipal Home Rule Program. The motion was made by Mr. Jones and seconded by Mr. Bailey. The motion carried with a 5-0 vote.
- The first item on the proposed plan application was the imposition of a 1% municipal sales tax. A motion to approve the request was made by Mr. Jones and seconded by Mr. Bailey. The motion carried with a 5-0 vote.
- The second item on the proposed plan application was an imposition of liens for actions taken in regard to eyesores and dilapidated buildings. A brief discussion was held and a motion to approve was made by Mr. Jones and seconded by Mr. Bailey. The motion passed with a 5-0 vote.
- The final item on the proposed plan application was the disposition of property without public auction. A discussion took place and Ansted agreed to amend their proposed plan application to reflect a cap of property value not to exceed \$15,000 and to create a mechanism to notify the public of sale. A motion to approve the amendment was made by Mr. Vriendt and seconded by Mr. Jones. The motion passed with a 5-0 vote. A motion was made by Mr. Vriendt, with a second by Mr. Jones to approve the proposal as amended. The motion passed with a 5-0 vote.

Town of Fayetteville:

- Matt Diederich, Town Superintendent, and Carl Harris, Town Attorney presented the proposed plan application for the Town of Fayetteville.
- Chair Hardy confirmed that the Town of Fayetteville 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 with the exception that the Notices for Public Hearing were not sent to each Cabinet Secretary via certified mail. The notices were mailed via First Class U.S. Mail. Chair Hardy explained to Mr. Diederich that he had spoken to each Cabinet Secretary and had obtained a signed waiver from all but one of the Cabinet Secretaries. This approval would enable the Town of Fayetteville to proceed with their plan application submission subject to receiving the last waiver from Secretary Diaz.
- Chair Hardy asked for a motion to accept the Town of Fayetteville into the WV Municipal Home Rule Program. The motion was made by Mr. Jones and seconded by Mr. Bailey. The motion carried with a 5-0 vote.
- The first item on the proposed plan application was the imposition of a 1% municipal sales tax. A motion to approve the request was made by Mr. Jones and seconded by Mr. Bailey. The motion carried with a 5-0 vote.
- The second item on the proposed plan application was the sale of municipal property without an auction. A discussion took place and Fayetteville agreed to amend their proposed plan application to reflect a cap of the sale of property without an auction up to a maximum of \$15,000.00, except for Real Estate that is publicly listed on a national or state wide listing, such as MLS or Zillow, for 30 days. There was additional discussion of the need for transparency in such sales, and that city council would approve all of these sales. A motion to accept the amendment was made by Mr. Bailey, with a second by Mr. Jones. The motion passed with a 5-0 vote. A motion to approve the request as amended was made by Mr. Bailey with a second by Mr. Jones. The motion carried with a 5-0 vote.
- The final item on the proposed plan application was on-the-spot citations. A brief discussion took place and a motion was made to approve by Mr. Bailey, seconded by Mr. Jones. The motion carried with a 5-0 vote.

Oak Hill - A proposed plan amendment was received by the Board from the town of Oak Hill. The proposed plan amendment was determined by the Department of Revenue General Counsel that it had deficiencies. The town withdrew their proposed plan amendment due to those deficiencies. Susan Economou of the WV Municipal League stated she was working with the town to re-submit their proposed plan amendment with the deficiencies corrected. Chair Hardy announced the Board is working with Oak Hill to help them obtain their goal of implementing a 1% sales tax by holding a special meeting in November. It was also noted that Oak Hill had not paid their 2020 Annual Assessment Fee in the amount of \$2,000 and that an Untimely Assessment Fee in the amount of \$2,000 pursuant to § 8-1-5a(c)(3) may be assessed to the town. Department of Revenue Deputy General Counsel, Anoop Bhasin recommended to the Board that the additional assessment fee be waived due to the non-payment being an oversight of the town and that Oak Hill has since paid the 2020 Annual Assessment Fee. A motion was made to approve the Untimely Assessment Fee. The motion was not seconded, therefore the motion failed to pass.

Next Meeting

Chair Hardy announced the next meeting will be a special meeting for the Town of Oak Hill, and will take place virtually in November with the date to be determined.

The meeting dates for 2022 were announced by Chair Hardy and will be held on the following dates:

January 19, 2022 at 10:30 am

April 13, 2022 at 10:30 am

July 13, 2022 at 10:30 am

October 12, 2022 at 10:30 am

Other Business

None.

Adjournment

A motion to adjourn was made by Mr. Jones and seconded by Mr. Bailey. The motion carried with a 5-0 vote. The meeting concluded at 12:28 p.m.

Attachment: Signed waivers of all Cabinet Secretaries to waive the notice of certified mail for the Town of Fayetteville.

**WEST VIRGINIA MUNICIPAL HOME RULE BOARD
P. O. BOX 11360
CHARLESTON, WEST VIRGINIA 25339**

I, Harold Ward, Secretary of West Virginia Department of Environmental Protection, do hereby waive Notice by certified mail of the public hearing held by the City of Fayetteville on August 5, 2021, regarding their application to participate in the West Virginia Home Rule Program.



Signature



Date

**WEST VIRGINIA MUNICIPAL HOME RULE BOARD
P. O. BOX 11360
CHARLESTON, WEST VIRGINIA 25339**

I, Edward A. Diaz, Secretary of West Virginia Department of Veterans Assistance, do hereby waive Notice by certified mail of the public hearing held by the City of Fayetteville on August 5, 2021, regarding their application to participate in the West Virginia Home Rule Program.



Signature

10/14/2021

Date

**WEST VIRGINIA MUNICIPAL HOME RULE BOARD
P. O. BOX 11360
CHARLESTON, WEST VIRGINIA 25339**

I, C. Edward Gaunch, Secretary of West Virginia Department of Commerce, do hereby waive Notice by certified mail of the public hearing held by the City of Fayetteville on August 5, 2021, regarding their application to participate in the West Virginia Home Rule Program.




Signature




Date

**WEST VIRGINIA MUNICIPAL HOME RULE BOARD
P. O. BOX 11360
CHARLESTON, WEST VIRGINIA 25339**

I, Mary Jane Pickens, Acting Secretary of West Virginia Department of Administration, do hereby waive Notice by certified mail of the public hearing held by the City of Fayetteville on August 5, 2021, regarding their application to participate in the West Virginia Home Rule Program.



Signature



Date

**WEST VIRGINIA MUNICIPAL HOME RULE BOARD
P. O. BOX 11360
CHARLESTON, WEST VIRGINIA 25339**

I, Mitch Carmichael, Secretary of West Virginia Development Office, do hereby waive Notice by certified mail of the public hearing held by the City of Fayetteville on August 5, 2021, regarding their application to participate in the West Virginia Home Rule Program.



Signature



Date

**WEST VIRGINIA MUNICIPAL HOME RULE BOARD
P. O. BOX 11360
CHARLESTON, WEST VIRGINIA 25339**

I, Bill J. Crouch, Secretary of West Virginia Department of Health and Human Resources, do hereby waive Notice by certified mail of the public hearing held by the City of Fayetteville on August 5, 2021, regarding their application to participate in the West Virginia Home Rule Program.

Bill J. Crouch
Signature

10/12/21
Date

**WEST VIRGINIA MUNICIPAL HOME RULE BOARD
P. O. BOX 11360
CHARLESTON, WEST VIRGINIA 25339**

I, Jeff Sandy, Secretary of West Virginia Department of Homeland Security, do hereby waive Notice by certified mail of the public hearing held by the City of Fayetteville on August 5, 2021, regarding their application to participate in the West Virginia Home Rule Program.



Signature



Date

**WEST VIRGINIA MUNICIPAL HOME RULE BOARD
P. O. BOX 11360
CHARLESTON, WEST VIRGINIA 25339**

I, Chelsea Ruby, Secretary of West Virginia Department of Tourism, do hereby waive Notice by certified mail of the public hearing held by the City of Fayetteville on August 5, 2021, regarding their application to participate in the West Virginia Home Rule Program.



Signature



Date

**WEST VIRGINIA MUNICIPAL HOME RULE BOARD
P. O. BOX 11360
CHARLESTON, WEST VIRGINIA 25339**

I, Dave Hardy, Secretary of West Virginia Department of Revenue, do hereby waive Notice by certified mail of the public hearing held by the City of Fayetteville on August 5, 2021, regarding their application to participate in the West Virginia Home Rule Program.



Signature



Date

**WEST VIRGINIA MUNICIPAL HOME RULE BOARD
P. O. BOX 11360
CHARLESTON, WEST VIRGINIA 25339**

I, Jimmy Wriston, Secretary of West Virginia Department of Transportation, do hereby waive Notice by certified mail of the public hearing held by the City of Fayetteville on August 5, 2021, regarding their application to participate in the West Virginia Home Rule Program.

Jimmy Wriston, P.E.
Signature

10/12/21
Date