

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

WEDNESDAY, OCTOBER 11, 2023

A meeting of the West Virginia Municipal Home Rule Board was held at 10:30 a.m. on Wednesday, October 11, 2023, at the Department of Revenue, State Capitol Complex in Charleston, West Virginia.

The following members were present:

Mark Polen, Member (Chaired)
James Bailey, Member
Brian Jones, Member
Dan Vriendt, Member

The following members were absent:

Dave Hardy (designee for the Honorable Jim Justice)
Honorable Jack Woodrum, West Virginia Senate
Honorable Chris Phillips, West Virginia House of Delegates

Others present:

Anoop Bhasin, Deputy General Counsel, WV Dept. of Revenue
Susan Economou, WV Municipal League
Gary Johnson, Mayor, City of Richwood
Mark Matkovich, White Law Offices, PLLC, City of Richwood Attorney

Others present via telephone:

Robert Lucci, Mayor, City of Westover
Tim Stranko, City Attorney, City of Westover
Sandra Weis, City Clerk, City of Westover
Jason Stinespring, City of Westover

The meeting was called to order by Mark Polen 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 9, 2022, meeting was made by James Bailey and seconded by Brian Jones. The motion was approved with a 4-0 vote.

Chair's Report

None.

Old Business

None.

New Business

City of Westover:

- Mr. Polen confirmed that the City of Westover 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 City of Westover proposes to implement the following: 1) 1% sales and use tax, 2) the ability to issue on-the-spot citations, *3) amend the municipality's public nuisance ordinance to allow the city to place a lien against the involved realty without first obtaining a circuit court order, 4) shortened period of time for forfeiture or structures when owners of properties that have been dilapidated or uninhabitable refuse to address code violations, *5) manage blighted and vacant properties, place lien on city remediated properties without court order, and 6) collect liens for demolition expenses.
- *Prior to the presentation of the plan application, Tim Stranko, City Attorney, stated that Mayor Lucci wished to withdraw numbers 3 and 5 above from their plan application. The initiatives were withdrawn.
- Mr. Polen asked for a motion to accept the City of Westover into the Home Rule Program. A motion was made by Mr. Jones, and was seconded by Mr. Vriendt. The motion carried with a 4-0 vote.
- Mr. Vriendt mentioned that on Issue 6: Collect liens for demolition expenses, a mistake regarding the code section mentioned, WV Code 11A-3-14 is a repealed section of the code. The correct code section listed in the second paragraph of the proposed solution should be 11A-3-52. Mr. Vriendt made a motion to adopt this amendment of the plan application with a second by Mr. Bailey. The motion was adopted with a 4-0 vote.
- Mr. Stranko, presented the proposed plan application for the City of Westover. A motion was made to approve the amended plan application as a

whole by Mr. Bailey, with a second by Mr. Vriendt. The motion passed unanimously with a 4-0 vote.

City of Richwood:

- Mr. Polen confirmed that the City of Richwood 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 City of Richwood proposes to implement the following: 1) on-the-spot code enforcement and citations, 2) disposition of equipment/property without public auction, and 3) implement a 1% sales and use tax.
- Mr. Polen asked for a motion to accept the City of Richwood into the Home Rule Program. A motion was made by Mr. Bailey, and was seconded by Mr. Jones. The motion carried with a 4-0 vote.
- Mayor Gary Johnson, presented the proposed plan application for the City of Richwood. A motion was made to approve the plan application as a whole by Mr. Vriendt, with a second by Mr. Jones. The motion was carried unanimously with a 4-0 vote.

Other Business

- Dates for the 2024 WV Municipal Home Rule Board meetings were set. They are as follows:
 - January 17, 2024 - 10:30 a.m.
 - April 10, 2024 - 10:30 a.m.
 - July 10, 2024 - 10:30 a.m.
 - October 9, 2024 - 10:30 a.m.
- Mr. Bailey inquired with Susan Economou of the WV Municipal League if there was any legislation planned for the upcoming legislative session. A brief discussion took place regarding the same.

Adjournment

A motion to adjourn was made by Mr. Bailey with a second by Mr. Jones. The meeting concluded at 11:07 a.m.