



**JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL**

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, October 7, 2019

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Amy Shuler Goodwin
Mayor

Miles C. Cary II
City Clerk

CALL TO ORDER

The Council met in the Chambers of the City Building at 7:00 P.M., for the first meeting in the month of October on the 7th day, in the year 2019, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Knauff and the Pledge of Allegiance was led by Councilmember Overstreet. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

ADAMS**BURTON****COOK****HOOVER****KING****MCKINNEY****PERSINGER****ROBINSON****STEELE****BAILEY****CAMPBELL****JENKINS****KNAUFF****MINARDI****PHARR****SHEETS****WESLEY-PLEAR****BAYS****CEPERLEY****HAAS****JONES****LAIRD****OVERSTREET****REISHMAN****SNODGRASS****MAYOR GOODWIN**

With twenty-six members being present, the Mayor declared a quorum present.

Pending the reading of the Journal of the previous meeting, the reading thereof was dispensed with and the same duly approved.

PUBLIC SPEAKERS

1. Marian Keyes – Spoke concerning Bill No. 7836 and the West Side Renewal Draft, saying there is nothing in the plan that guarantees action will happen.

CLAIMS

1. A claim of Janet D. Chase, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor
2. A claim of Horace Crockett, Poca, WV;
alleges damage to vehicle.
Refer to City Solicitor
3. A claim of Morgan Elizabeth Lewis, Cross Lanes, WV;
alleges lost property.
Refer to City Solicitor
4. A claim of Chad Lude, Charleston, WV;
alleges damage to property.
Refer to City Solicitor

PROCLAMATIONS

1.

EXECUTIVE DEPARTMENT CITY OF CHARLESTON PROCLAMATION

WHEREAS: Navy Week is an annual program which connects communities with the United States Navy through a robust schedule of outreach engagements; and

WHEREAS: The United States Navy is an important branch of our Armed Forces; and

WHEREAS: The United States Navy protects and defends America on the world's oceans; and

WHEREAS: The United States Navy is deployed around the world, around the clock—standing ready to defend America at all times; and

WHEREAS: The United States Navy makes it possible for the City of Charleston to export 426 million dollars' worth of merchandise overseas; and

WHEREAS: Three ships have been borne in the name USS West Virginia.

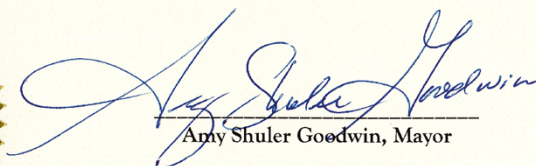
NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby proclaim October 7 through October 13, as

NAVY WEEK

in the City of Charleston and encourage all citizens to observe this special time and show appreciation for our Navy.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 7th day of October 2019.




Amy Shuler Goodwin, Mayor

The proclamation was presented to Dr. Susan Goodfellow and crewmembers of the USS West Virginia.

COMMUNICATIONS

1. Councilmember Ceperley requested Shirley White to address Council. There was no objection. On behalf of the West Virginia Gold Star Mothers, Shirley White, Belinda Jividen, Emma Johnson and Barbara Ulbrich presented the Honor and Remember flag to the City which will hang at Haddad Riverfront Park.

2.

CITY OF CHARLESTON
OFFICE OF THE MAYOR



TO: MILES CARY
CITY CLERK

FROM: AMY SHULER GOODWIN
MAYOR

A handwritten signature in blue ink, likely belonging to Amy Shuler Goodwin, is positioned to the right of the "FROM" line.

RE: CHARLESTON LAND REUSE AGENCY BOARD OF DIRECTORS

DATE: OCTOBER 7, 2019

I recommend Chris Campbell, 706 Westmoreland Drive, Charleston, WV 25302, and Marylin McKeown, 727 Garvin Avenue, Charleston, WV 25302, be appointed to the Charleston Land Reuse Agency Board of Directors. Chris Campbell's term will expire October 1, 2023 and Marylin McKeown's term will expire October 1, 2021.

I recommend Will Laird and Ben Adams be appointed as the City Council representatives to the Charleston Land Reuse Agency Board of Directors. Their terms will expire at the end of their City Council term.

I respectfully request City Council's approval of this recommendation.

ASG/mls

Councilmember Ceperley moved to approve the appointment. Councilmember Hoover seconded that motion. By unanimous vote, the appointment was confirmed.

3.

CITY OF CHARLESTON
OFFICE OF THE MAYOR



TO: MILES CARY
CITY CLERK

FROM: AMY SHULER GOODWIN
MAYOR

RE: CHARLESTON COLISEUM AND CONVENTION CENTER BOARD

DATE: OCTOBER 7, 2019

I recommend Ben Robinson be appointed to the Charleston Coliseum and Convention Center Board, with an initial term to expire June 22, 2021. He is filling a vacant seat.

I respectfully request City Council's approval of this recommendation.

ASG/mls

Councilmember Ceperley moved to approve the appointment. Councilmember Hoover seconded that motion. By unanimous vote, the appointment was confirmed.

REPORTS OF COMMITTEES

COMMITTEE ON PLANNING, STREETS AND TRAFFIC

Councilmember Hoover, Chair of the Council Committee on Planning, Streets and Traffic, submitted the following reports:

1. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7832 do pass.

Bill No. 7832 - A Bill to establish a Handicapped parking zone on south side of Roane Street from a point 30 feet west of Tennessee Avenue to a point 74 feet west of Tennessee Avenue and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Be it Ordained by the Council of the City of Charleston, West Virginia:

Section 1. Handicapped parking zone on south side of Roane Street from a point 30 feet west of Tennessee Avenue to a point 74 feet west of Tennessee Avenue

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Councilmember Hoover added that an additional handicap parking space was needed. Councilmember Hoover moved to approve the bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Faegre

With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Bill No. 7832 passed.

2. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7833 do pass.

Bill No. 7833 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from a C-10 General Commercial District to CBD Central Business District, that certain parcel of land located at 216-222 Leon Sullivan Way being Charleston East District, Map 14, Parcel 39, Charleston, West Virginia.

Be it Ordained by the City Council of the City of Charleston, West Virginia:

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from C-10 General Commercial District to CBD Central Business District whole of the following described parcels of land:

That certain parcel of land located at 216-222 Leon Sullivan Way being Charleston East District, Map 14, Parcel 39, Charleston, West Virginia. Said tax map is of record in the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 29 of this ordinance.
3. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilmember Hoover added that the rezoning is consistent with the future land use map.

Councilmember Hoover moved to approve the bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Faegre

With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Bill No. 7833 passed.

COMMITTEE ON FINANCE

Councilmember Jenkins, Chair of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 247-19 do pass.

Resolution No. 247-19 - Authorizing the Mayor or City Manager to sign Change Order No. 1 with McClanahan Construction Co., in the amount of \$47,697.00, to replace existing non-complaint ramps and the sidewalk located around Parking Building #1, and installing a new sidewalk and ramps at the Charleston Coliseum Convention Center as part of the Concrete Sidewalk and Accessible Ramp Project. The additional costs will increase the contract price from \$453,106.00 to \$500,803.00.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is hereby authorized and directed to sign Change Order No. 1 with McClanahan Construction Co., in the amount of \$47,697.00, to replace existing non-complaint ramps and the sidewalk located around Parking Building #1, and installing a new sidewalk and ramps at the Charleston Coliseum Convention Center as part of the Concrete Sidewalk and Accessible Ramp Project. The additional costs will increase the contract price from \$453,106.00 to \$500,803.00.

Councilmember Jenkins added that this resolution is extending the contract to work on a few more sidewalks as part of the project.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 247-19 adopted.



CONCRETE SIDEWALK AND ACCESSIBLE RAMP PROJECT
SPRING 2019

PROJECT NUMBER E2 02/19-123

Change Order No.1
September 25, 2019

This change order will consist of replacing existing non-compliant ramps and sidewalk located around Parking Building #1 and installing new sidewalk and ramps at the Charleston Coliseum and Convention Center.

Parking Building #1

Sidewalk Replacement (Approx.)	1684.00 s.f. @ \$18.50/s.f.	\$ 31,154.00
Integral Curb (Approx.)	211.00 l.f. @ \$8.00/l.f.	\$ 1,688.00
Detectable Warning Surfaces	3 ea. @ \$200.00	\$ 600.00
	Total:	\$ 33,442.00

Charleston Coliseum and Convention Center

Sidewalk Replacement (Approx.)	630.00 s.f. @ \$18.50/s.f.	\$ 11,655.00
Curb and Gutter (Approx.)	100.00 l.f. @ \$14.00/l.f.	\$ 1,400.00
Detectable Warning Surfaces	6 ea. @ \$200.00	\$ 1,200.00
	Total:	\$ 14,255.00

Original Contract Price.....\$453,106.00

Change Order No.1 Price.....\$ 47,697.00

New Contract Price\$500,803.00

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 248-19 do pass.

Resolution No. 248-19 - Authorizing the Mayor or City Manager to enter into a contract with ThyssenKrupp Elevator in the amount of \$18,000.00 per year, for the annual maintenance of elevators in the Parking garages pursuant to the results of a competitive bidding process. The price is held firm for each year of the three (3) year term, with no price adjustment during the term agreement, and is to be charged to Account No. 406-571-00-000-2-230 –Contract Services.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is hereby authorized to enter into a contract with ThyssenKrupp Elevator in the amount of \$18,000.00 per year, for the annual maintenance of elevators in the Parking garages pursuant to the results of a competitive bidding process. The price is held firm for each year of the three (3) year term, with no price adjustment during the term agreement, and is to be charged to Account No. 406-571-00-000-2-230 –Contract Services.

Councilmember Jenkins added that, looking for efficacies and savings, the Administration re-bid for the elevator contract. The winning bid is the previous holder of that contract, but due to an increase in the older contract's price over time, the City is now paying \$36,000 less a year for three years.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 248-19 adopted.

Elevator Maintenance Agreement - Parking

Bid Opening: September 10, 2019 @ 11:00am

	DC Elevator	Thyssenkrupp Elevator
	521 Slack Street, Suite B	901 Morris Street
	Charleston WV, 25302	Charleston WV, 25301
	P: (304) 345-7222	P: (304) 342-0187
	kathy.davis@dcelevator.com	eric.hackney@thyssenkrupp.com
Maintenance Agreement Per Year	\$28,000.00	\$18,000.00

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 249-19 do pass.

Resolution No. 249-19 - Authorizing the Mayor or City Manager to purchase on behalf of the Charleston Fire Department two Pierce Manufacturing Company Arrow XT pumper trucks and associated loose equipment from Finely Fire Equipment Company by using a competitively sourced state-wide contract procured by the West Virginia Purchasing Division and available for use by state municipalities, where the total purchase price will not exceed \$1,290,568.00. The purchase will be expensed to the Public Safety Capital Outlay Account, Account No. 001-976-00-706-4-459.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is hereby authorized to purchase on behalf of the Charleston Fire Department two Pierce Manufacturing Company Arrow XT pumper trucks and associated loose equipment from Finely Fire Equipment Company by using a competitively sourced state-wide contract procured by the West Virginia Purchasing Division and available for use by state municipalities, where the total purchase price will not exceed \$1,290,568.00. The purchase will be expensed to the Public Safety Capital Outlay Account, Account No. 001-976-00-706-4-459.

Councilmember Jenkins added that this is the first time in West Virginia where a municipality is using a nation-wide contract availability. By using this national contract with assistance from the State Purchasing Department, the City is saving approximately 10% off the retail price. This is part of a normal replacement schedule for these types of vehicles.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 249-19 adopted.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 250-19 do pass.

Resolution No. 250-19 - Authorizing approval of Amendment No. 3 in the FY 2019-2020 General Fund Budget as indicated in on the attached list of accounts.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That Amendment No. 3 in the FY 2019-2020 General Fund Budget as indicated in on the attached list of accounts is approved.

Councilmember Jenkins added that the amendment addresses the discrepancy of pay between day and night shift Police Officers. It also creates a sperate budget item for the C.A.R.E. Office. It will also transfer funds that were donated from AARP to the Parks and Recreation Department.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Ceperley, Cook, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: Campbell

ABSENT: Faegre

With a majority of members present recorded thereon as voting in the affirmative, with one (1) NAY from Campbell, the Mayor one declared Resolution No. 250-19 passed.

General Fund FY 2019-2020 Budget Amendment No. 3 - October 7, 2019

Account No.	Department	Account Description	Amount
001 299	Unassigned Fund Balance		(80,000)
001 700 00 000 1 103	Police	Wages & Salaries	72,760
001 700 00 000 1 104	Police	FICA	1,055
001 700 00 001 1 107	Police	Police Pensions - New Plan	6,185

To allocate a portion of the remaining unassigned fund balance to fund a Shift Differential for Patrol Officers on night shift.

001 299	Unassigned Fund Balance		(100,000)
001 381 00 0000	Revenue	Reimbursements	(121,905)
001 381 01 0000	Revenue	Reimbursements - Police Wages	(37,992)
001 381 04 0000	Revenue	Reimbursement - Fire Wages	(40,103)
001 700 00 000 1 103	Police	Wages & Salaries	33,696
001 700 00 000 1 104	Police	FICA	489
001 700 00 001 1 107	Police	Police Pensions - New Plan	2,864
001 700 00 000 1 226	Police	Insurance - WC & UC	943
001 706 00 000 1 103	Fire	Wages & Salaries	35,568
001 706 00 000 1 104	Fire	FICA	516
001 706 00 001 1 107	Fire	Fire Pensions - New Plan	3,023
001 706 00 000 1 226	Fire	Insurance - WC & UC	996
001 409 02 000 1 103	CARE Office	Wages & Salaries	107,000
001 409 02 000 1 104	CARE Office	FICA	8,186
001 409 02 000 1 105	CARE Office	Medical & Life Insurance	27,078
001 409 02 000 1 106	CARE Office	Retirement - PERS	10,700
001 409 02 000 1 111	CARE Office	Dental/Optical Insurance	932
001 409 02 000 1 112	CARE Office	Insurance - Employee Contribution	(4,024)
001 409 02 000 1 226	CARE Office	Insurance - WC & UC	1,938
001 409 02 000 1 211	CARE Office	Telephone	1,200
001 409 02 000 1 212	CARE Office	Printing	2,000
001 409 02 000 1 214	CARE Office	Travel	8,000
001 409 02 000 1 221	CARE Office	Training	5,000
001 409 02 000 1 230	CARE Office	Contracted Services	37,000
001 409 02 000 1 341	CARE Office	Materials & Supplies	16,895

To recognize the revenue from the QRT grant awarded to the City and to establish the separate budget unit for the CARE Office. The CARE Office includes 2 new positions, CARE Coordinator (Pay Grade 115) and QRT Project Coordinator (Pay Grade 114).

001 368 12 0000	Revenue	Contributions From Others - AARP	(15,000)
001 979 00 900 4 458	Parks & Recreation	Capital Outlay - Major Improvements	15,000

To recognize the contribution from AARP for improvements made to the East End Community Park.

Reportable: To Maintain compliance with the budgetary guidelines of the State of West Virginia

5. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7834 Committee Substitute do pass.

Bill No. 7834 Committee Substitute - A BILL to amend and reenact Sections 110-33, 110-114 and 110-115 of the Municipal Code of the City of Charleston, as amended, all relating to updating the tax hearing procedure and appeal process; clarifying language regarding refunds and credits; requiring the use of a neutral hearing examiner; and clarifying appeal times and processes.

Now, therefore, be it ordained by the Council of the City of Charleston:

That Sections 110-33, 110-114 and 110-115 of the Municipal Code of the City of Charleston, as amended, are hereby amended and reenacted to read as follows:

Sec. 110-33. - Refunds and credits.

(a) Any taxpayer claiming to have overpaid any tax, interest or penalty imposed by this article shall file his claim with the city collector, with a copy to the city attorney, within three years after the due date of the return ~~determined by including any written authorized extension of time for filing, in respect of which the tax was imposed or within two years from the date the tax was paid, whichever of such periods expires the later, or if no return was filed by the taxpayer, within two years from the time the tax was paid~~, and not thereafter. Notwithstanding such period of limitation, the taxpayer may file a claim for refund within ninety days after a final determination by the state tax department of an overpayment in the taxpayers state business and occupation tax liability.

(b) If, on such petition and the proofs filed in support thereof, the city collector shall be of the opinion that the tax, interest or penalty, or any part thereof, was overpaid, ~~he~~ the city collector shall refund the same to the taxpayer. If the city collector shall be in doubt as to whether or not there exists an overpayment, ~~he~~ the city collector ~~may institute against the taxpayer a declaratory judgment proceeding in the circuit court of the county to ascertain whether or not there exists an overpayment of tax, interest or penalty, or any part thereof~~ shall consult with the finance director and city attorney to make a determination. If the city collector is of the opinion that there exists no overpayment of tax, interest or penalty, or any part thereof, ~~he~~ the city collector shall notify the taxpayer.

(c) Taxpayer's failure to abide by express procedures contained in this section precludes taxpayer's claim for refund or credit.

Sec. 110-114. - Hearing procedure; administrative decision.

(a) When a petition for reassessment or refund or credit as provided for in sections ~~10-113 and~~ 110-33, 110-112, or 110-113 is filed within the time prescribed for such filing, the city collector shall assign a time and a place for a an administrative hearing thereon and shall notify the petitioner and the City Attorney of such hearing by written notice at least ~~twenty~~ sixty days in advance thereof. Such hearing shall be held within ninety days from the date of filing the petition, unless continued by written agreement of the parties or in writing by the city collector or hearing examiner designated by the city collector for sufficient cause. With respect to all petitions filed after the effective date of the 2019 amendments to this section, a hearing may not be continued more than one year from the filing of the petition without reasonable cause placed on the record.

(b) The hearing shall be informal and shall be conducted in an impartial manner by the ~~city collector or~~ a hearing examiner designated by the city collector. Any designated hearing examiner shall be a licensed attorney with experience in administrative law or tax law, or with experience as a judge, including the sitting municipal judge, who does not have a conflict of interest ~~with respect to the taxpayer~~. If the city collector desires to designate the municipal judge as the hearing examiner, the city collector shall confirm that the municipal judge is able to meet the time requirements contained in this section as part of, and without detriment to, the other ongoing duties of the municipal judge and without additional compensation. The burden of proof shall be upon the taxpayer to show that the assessment or denial of a refund or credit is incorrect and contrary to law, in whole or in part. The hearing examiner is not bound by the rules of evidence as applied in civil cases in the circuit courts of this State. The hearing examiner may admit and give probative effect to evidence of a type commonly relied upon by a reasonably prudent person in the conduct of his or her affairs. All testimony shall be given under oath. All hearings shall be recorded by means acceptable for use in courts of this State. All parties shall receive notice that the hearing will be recorded and that each is entitled to receive a copy of the recording at cost. A copy of the exhibits made part of the record shall be available to any party upon request and payment of a reasonable fee.

(c) ~~After such the administrative hearing, the city collector shall~~ hearing examiner may request that proposed findings of fact and conclusions of law from the parties be submitted within thirty days and shall, within a reasonable time, give notice in writing of his or her decision. The decision shall be made no later than six months after the administrative hearing unless extraordinary circumstances exist, in which case the Final Order shall disclose such extraordinary circumstances. The Final Order shall include notice of the right to appeal, as stated in section 110-115, and the bonding requirements for such an appeal.

Sec. 110-115. - Appeals to circuit court.

(a) An appeal may be taken by the taxpayer or the City to the Circuit Court of Kanawha County within thirty 30 days ~~after service of the city collector's~~ of entry of the hearing examiner's decision.

(b) The appeal shall be taken by the filing of a petition and notice with the Circuit Court of Kanawha County, a copy of which petition and notice shall be ~~serviced upon or accepted by~~

~~the city collector as an original notice served upon the city collector and the opposing party's counsel, or directly to the opposing party if not represented by counsel. When the petition and notice is so served it shall, with the return or acceptance thereon, be filed in the office of the clerk of the circuit court and~~ The appeal will be docketed at the circuit court in a similar manner as other cases administrative appeals, with the taxpayer as plaintiff appealing party listed as petitioner and the city collector as defendant other party listed as respondent. The petition for appeal shall state whether the appeal is taken on questions of law or questions of fact, or both, and set forth with particularity the items of the hearing examiner's decision objected to, together with the reasons for the objections. The filing of the appeal shall not stay the collection of the tax decision of the hearing examiner. The collection of the tax decision of the hearing examiner shall be stayed if the plaintiff taxpayer shall file with such the clerk of the circuit court a bond for the use of the defendant City, with sureties approved by the clerk, the penalty of the bond amount to be not less than the total amount of the tax, interest and penalties (to such date) appealed from, and conditioned that the plaintiff taxpayer shall perform the orders of the court; provided, that the judge of the circuit court may stay the collection of the tax decision of the hearing examiner without the requirement of a bond, upon a proper showing by the taxpayer that the properties of the taxpayer are sufficient to secure performance of the court's orders or that the ends of justice will be served thereby. Upon receipt, the city collector shall forward a complete copy of the record, including the Final Order, transcripts/recording of the hearing, papers, motions, documents, exhibits, evidence and records as were before the hearing examiner or supplemented prior to the decision, to the Circuit Court, the City Attorney, and the taxpayer, in a manner consistent with Rule 4 of the West Virginia Rules of Procedure for Administrative Appeals.

(c) The circuit court shall hear the appeal and determine anew all questions submitted to it on appeal from the determination of the city collector hearing examiner pursuant to West Virginia Code § 29A-5-4. In such appeal a certified copy of the city collector's assessment shall be admissible and shall constitute prima facie evidence of the tax due under the provisions of this article. The court shall render its decree thereon, and a certified copy of the decree shall be filed by the clerk of the court with the hearing examiner and the city collector, who shall then correct the assessment in accordance with such decree. Either party may appeal to the Supreme Court of Appeals as provided in West Virginia Code § 29A-6-1.

(d) Unless an appeal is taken pursuant to this section within thirty 30 days after service of entry of the administrative decision, the city collector's hearing examiner's decision shall become final and conclusive and not subject to administrative or judicial review. The amount, if any, due the city under such decision shall be due and payable on the day following the date upon which such decision becomes final and any decision requiring the city to make changes shall be promptly addressed by correcting the assessment, issuing a requisition, or establishing a credit for the amount of an overpayment, as the case may be, on the day following the date upon which the decision becomes final.

Councilmember Jenkins added this bill will make the process fairer to the taxpayer by instituting a hearing examiner for the taxpayer appeals, etc. Strict timelines have also been added.

Councilmember Jenkins moved to approve the bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Faegre

With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Bill No. 7834 Committee Substitute passed.

REPORTS OF OFFICERS

NONE

NEW BILLS

Introduced by Councilmember Brent Burton
on October 7, 2019:

Bill No. 7836 – A Bill approving certain modifications of the West Side Community Renewal Plan for the City of Charleston, West Virginia.

Refer to Urban Renewal and Economic Development Committee

Introduced by Councilmember Adam Knauff
on October 7, 2019:

Bill No. 7837 – A Bill to amend and reenact Ordinance number 2876 relating to Stop and Yield Signs at the intersection of Westmorland Drive and Jane Street by requiring vehicles westbound, southbound and eastbound to stop while giving right-of-way to northbound traffic.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmember Mary Beth Hoover
on October 7, 2019:

Bill No. 7838 – A Bill to repeal Ordinance number 3800 which created a 10 minute parking zone on the easterly side of Summers Street from a point 150 feet south of Lee Street to a point 176 feet south of Lee Street, and thereby returning this area to metered parking spaces.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmember Mary Beth Hoover
on October 7, 2019:

Bill No. 7839 – A Bill to repeal Ordinance number 7141 which created a 5 minute stopping or standing zone on the easterly side of Hale Street from a point 76 feet south of Quarrier Street to a point 120 feet south of Quarrier Street, and thereby returning this area to metered parking spaces.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmember Mary Beth Hoover
on October 7, 2019:

Bill No. 7840 – A Bill to repeal Ordinance number 3716 which created a 15 minute parking zone from 8:00 a.m. to 5:00 p.m. on the easterly side of Summers Street from the intersection of Summers Street and the Pedestrian Mall to a point 56 feet south of the intersection of Summers Street and the Pedestrian Mall, and thereby returning this area to metered parking spaces.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmember Mary Beth Hoover
on October 7, 2019:

Bill No. 7841 – A Bill to amend and re-enact Ordinance number 6658 which created a 30 minute parking area on the southerly side of Washington Street West, amending the Ordinance to instead allow metered parking spaces.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmember Mary Beth Hoover
on October 7, 2019:

Bill No. 7842 – A Bill to repeal Ordinance number 2187 which created a No Parking zone on the northerly side of Bigley Avenue from a point 90 feet east of Buchanan Street to a point 140 feet east of Buchanan Street, and thereby returning this area to metered parking spaces.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmember Jeanine Faegre
on October 7, 2019:

Bill No. 7843 – A BILL to amend and reenact Section 46-1 of the Municipal Code, relating to updating requirements for alarm systems; removing the requirement that alarm systems be registered; and updating when false alarms become a violation that subjects the owner to a fine; and increasing the fine amount.

Refer to Ordinance and Rules Committee

Introduced by Councilmembers Jennifer Pharr and Ben Adams
on October 7, 2019:

Bill No. 7844 – A BILL to amend and reenact sections of the Code of the City of Charleston, relating to providing authority for the mayor to appoint a general manager of the Charleston Coliseum and Convention Center and Auditorium; authorizing the general manager to employ necessary employees within the budget approved by Council; clarifying financial and purchasing requirements; requiring an annual report and detailing its contents; and requiring rates to be posted on the Charleston Coliseum and Convention Center website.

Refer to Ordinance and Rules Committee

Introduced by Councilmember Will Laird
on October 7, 2019:

Bill No. 7845 – A BILL to amend and reenact Section 114-90 of the Municipal Code of the City of Charleston, relating to formalizing a dispute process for parking citations with the Director of Parking; and detailing the appeal process from the decision of the Director of Parking.

Refer to Ordinance and Rules Committee

MISCELLANEOUS/UNFINISHED BUSINESS

1. Councilmember Jones confirmed that Bill No. 7835, which appeared on the Council Agenda, was held over during the Public Safety Committee meeting earlier that evening.
2. Councilmember Hoover stated that the Planning, Streets and Traffic Committee will be meeting immediately following the conclusion of Council.
3. Mayor Goodwin stated that forty-eight (48) applications were received for the Youth Council program, and thirteen (13) will be chosen.
4. Councilmember Pharr that the Big Shots Basketball will be in Charleston over the weekend. She commended Tim Brady, from the CVB, for making the event, and many others, possible.

ADJOURNMENT

The Clerk, Miles C. Cary II, called the closing roll call:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Faegre

At 7:52 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, October 21, 2019, at 7:00 p.m., in the Council Chamber in City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary, City Clerk