JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Wednesday, June 21, 2023

at 7:00 P.M.

Council Chambers – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Amy Shuler Goodwin
Mayor

Miles C. Cary II
City Clerk

*CALL TO ORDER**

The Council met at 7:00 P.M., for the second meeting in the month of June on the 21st day, in the year 2023, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Kerns, and the Pledge of Allegiance was led by Councilmember Jones. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

ANNIE	**BURKA**	**BURTON**
CEPERLEY	**COOK**	**FAEGRE**
FERRELL	**GIANOLA**	**HAAS**
HOOVER	**JENKINS**	**JONES**
KERNS	**KING**	**MINARDI**
MOORE	**OVERSTREET**	**PEPPER**
PHARR		**RUBIO**
SALANGO	**SNODGRASS**	**SOLOMON**
STEELHAMMER	**TAYLOR**	**MAYOR GOODWIN**

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

Robinson's absence was excused by the City Clerk per Resolution No. 582-21.

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

PUBLIC SPEAKERS

1. Ben Salango – Representing the Kanawha County Commission, spoke in favor of Resolution No. 840-23.

CLAIMS

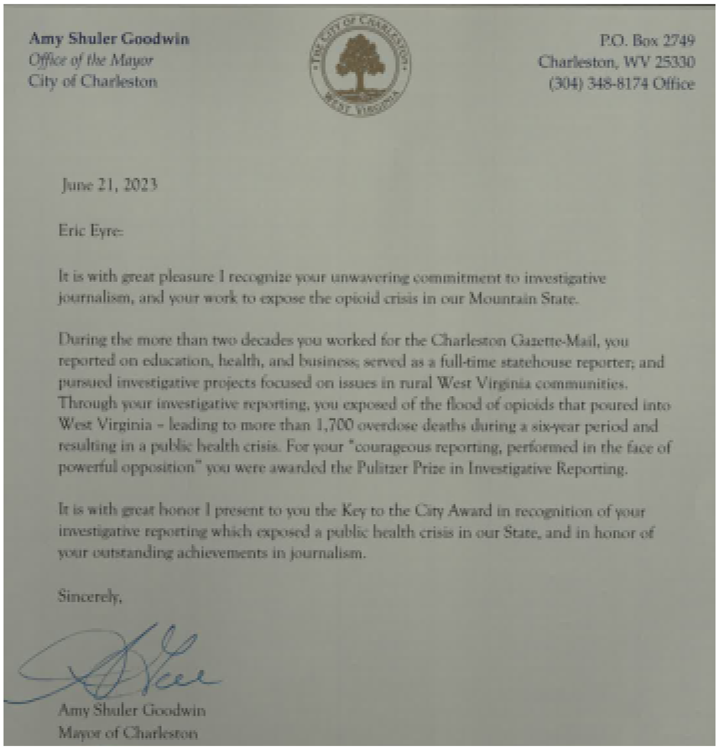
1. A claim of D. Haynes, Charleston, WV;
   alleges damage to vehicle.

2. A claim of William Schuenk, Charleston, WV;
   alleges damage to vehicle.

3. A claim of William Smith, Charleston, WV;
   alleges damage to property.

PROCLAMATIONS

1.



Amy Shuler Goodwin
Office of the Mayor
City of Charleston

P.O. Box 2749
Charleston, WV 25330
(304) 348-8174 Office

June 21, 2023

Eric Eyre:

It is with great pleasure I recognize your unwavering commitment to investigative journalism, and your work to expose the opioid crisis in our Mountain State.

During the more than two decades you worked for the Charleston Gazette-Mail, you reported on education, health, and business; served as a full-time statehouse reporter; and pursued investigative projects focused on issues in rural West Virginia communities. Through your investigative reporting, you exposed of the flood of opioids that poured into West Virginia – leading to more than 1,700 overdose deaths during a six-year period and resulting in a public health crisis. For your "courageous reporting, performed in the face of powerful opposition" you were awarded the Pulitzer Prize in Investigative Reporting.

It is with great honor I present to you the Key to the City Award in recognition of your investigative reporting which exposed a public health crisis in our State, and in honor of your outstanding achievements in journalism.

Sincerely,

Amy Shuler Goodwin
Mayor of Charleston

2.

EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION

WHEREAS: The City of Charleston is home to nearly 8,500 young people who represent current and future leaders; and

WHEREAS: Professional youth development services and programs help support participating young people in their journey to realizing and achieving their full potential; and

WHERAS: Boys & Girls Clubs instill young people with the self-confidence to believe they can achieve success through hard work and determination, and stand at the forefront of national efforts in the areas of child safety, academia, healthy lifestyles, and character development; and

WHEREAS: More than 300 young citizens of our Capital City are served annually by The Salvation Army Boys & Girls Clubs of Charleston – part of a nationwide movement annually serving more than two million children and teens across 5,000 Club locations; and

WHEREAS: The Boys & Girls Clubs of Charleston help ensure our young people have a safe, positive, and supportive place to spend time and receive high quality youth development programming from caring adult professionals during out-of-school times; and

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby recognize June 26 – 30, 2023 as the

Week of Great Futures

In Charleston, West Virginia in recognition of The Boys & Girls Clubs of Charleston's commitment to our young people and encourage all citizens to commit to bringing greater awareness to programming and resources available to our young people in our Capital City.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 21st day of June 2023.

Amy Shuler Goodwin, Mayor

COMMUNICATIONS

None

MISCELLANEOUS RESOLUTIONS

1. Resolution No. 837-23 - Providing for a one-time amendment to Rule No. 1 of the Rules of Council such that the regular public session of City Council on the first Monday of July 2023, shall be held in the council chambers on July 3, 2023, at 8:00 a.m.

   Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

   Due to the scheduled 2023 Charleston Sternwheel Regatta and associated carnival, concerts, and events, the City Council finds that it would be difficult—if not impossible—to host a regular meeting of City Council and allow for the general public to attend on Monday, July 3, 2023 at 7:00 p.m., as stated in Rule No. 1 of the Rules of Council. Accordingly, pursuant to Rule No. 19, subsection (a), City Council hereby provides for a one-time amendment to Rule No. 1 of the Rules of Council such that the regular public session of City Council on the first Monday of July, 2023, shall be held in the council chambers on July 3, 2023, at 8:00 a.m.

Councilmember Ceperley added that changing the time of the meeting will allow Councilmembers and the public access to the building and parking during the Regatta.

Councilmember Ceperley moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 837-23 adopted.

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. 7995 do pass.

<u>Bill No. 7995</u> - A Bill to establish a 15 MPH Speed Limit on Laidley Street from Lee St East to Quarrier Street 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.

<u>Be it Ordained by the Council of the City of Charleston, West Virginia:</u>

Section 1. A Bill to establish a 15 MPH Speed Limit on Laidley Street from Lee St East to Quarrier Street
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 the bill was requested by the KRT.

Councilmember Hoover moved to approve the bill. Councilmember Ceperley seconded the motion.

YEAS: Annie, Burka, Burton, Ceperley, Cook, Faegre, Ferrell, Gianola, Haas, Hoover, Jenkins, Jones, Kerns, King, Minardi, Moore, Overstreet, Pepper, Pharr, Rubio, Salango, Snodgrass, Solomon, Steelhammer, Taylor, Mayor Goodwin
NAYS:
ABSENT: Robinson

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7995 as 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. 7996 do pass.

Bill No. 7996 - A Bill to create no parking on pavement zone on the eastern side of Savory Drive from Woodward Drive to the End of Savory Drive 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. A Bill to create no parking on pavement zone on the eastern side of Savory Drive from Woodward Drive to the End of Savory Drive
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 the bill was formed based on feedback from citizens in that area.

Councilmember Hoover moved to approve the bill. Councilmember Ceperley seconded the motion.

YEAS: Annie, Burka, Burton, Ceperley, Cook, Faegre, Ferrell, Gianola, Haas, Hoover, Jenkins, Jones, Kerns, King, Minardi, Moore, Overstreet, Pepper, Pharr, Rubio, Salango, Snodgrass, Solomon, Steelhammer, Taylor, Mayor Goodwin
NAYS:
ABSENT: Robinson

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7996 as 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. 824-23 be adopted.

Resolution No. 824-23 - Authorizing the Mayor or City Manager to enter into an Agreement with WesBanco, Inc. for a Standby Letter of Credit in the amount of $1,409,042.00 for a term starting July 1, 2023. Cost of the letter is 0.5% of the amount issued. This letter of credit provides security in lieu of a surety bond for liability of potential workers' compensation claims incurred while the City was a self-insured employer. The letter of credit is subject to review and final approval by legal counsel for the City.

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

The Mayor or City Manager is authorized to enter into an Agreement with WesBanco, Inc. for a Standby Letter of Credit in the amount of $1,409,042.00 for a term starting July 1, 2023. Cost of the letter is 0.5% of the amount issued. This letter of credit provides security in lieu of a surety bond for liability of potential workers' compensation claims incurred while the City was a self-insured employer. The letter of credit is subject to review and final approval by legal counsel for the City.

Councilmember Jenkins added that this is required by the insurance commissioner.

Councilmember Faegre confirmed with Councilmember Jenkins that there are currently pending workers' compensation claims, which is why the Letter of Credit is required.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 824-23 adopted.

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 825-23 be adopted.

Resolution No. 825-23 - Whereas, the City of Charleston is a member of—and is fiscal agent for—the Metropolitan Drug Enforcement Network Team ("MDENT");

Whereas, MDENT maintains 17 vehicles in its fleet, which are separately titled to corresponding member law enforcement agencies;

Whereas, the City of Charleston Police Department also operates a Special Enforcement Unit ("SEU"), which utilizes unmarked vehicles in its operation;

Whereas, from time to time, MDENT and SEU must quickly purchase vehicles to further its public safety mission, which necessarily requires covert movements and operations;

Whereas, current vehicle shortages and manufacturing delays has made it difficult for MDENT and SEU to timely acquire vehicles;

Whereas, when vehicles are ready to be purchased on dealer lots, the vehicles are often sold before MDENT or SEU can obtain City Council purchasing approval;

Whereas, the Chief of the Charleston Police Department has requested that the Administration find a way to lessen the burden of acquiring vehicles for MDENT and SEU;

Whereas, on June 6, 2022, City Council approved Resolution Number 664-22, which was similar to this Resolution but only applied to MDENT and expired on June 1, 2023;

Whereas, the Administration recommends that the City Council grant direct purchasing authority to the Mayor or City Manager pursuant to Municipal Code Section 2-486 so vehicles may be acquired in expedited fashion without the need for individual authorizing resolutions;

Whereas, the Mayor or City Manager will ensure that sufficient funds are available within applicable MDENT or SEU accounts prior to purchasing any vehicles; and

Whereas, the Mayor or City Manager will ensure that the purchase of any vehicles adheres to competitive contracting principles to ensure lowest reasonable price is secured;

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

That the Mayor or City Manager is authorized to directly purchase various vehicles for the Metropolitan Drug Enforcement Network Team ("MDENT") and/or the Special Enforcement Unit ("SEU") without first obtaining an authorizing resolution from the City Council; provided that any vehicle may not exceed the purchase price of $40,000, and multiple written quotes for identical or substantially similar vehicles must be obtained prior to purchase. The City Manager is directed to create a separate purchasing file related to vehicle purchases made under the authority granted by this resolution and is further directed to file a report with the City Clerk regarding all purchases made under this authority within 30 days of the authority's expiration. This authority expires at 5:00 p.m. on June 30, 2024.

Councilmember Jenkins added that it is difficult to obtain vehicles within the current approval system, because of the quick turnaround availability of the vehicles. The resolution allows MDENT and the Special Enforcement Unit to more quickly purchase undercover vehicles.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 825-23 adopted.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 826-23 be adopted.

Resolution No. 826-23 - Authorizing the City Manager or the Director of the Mayor's Office of Economic & Community Development to take all necessary steps to release liens associated with the homeowner rehabilitation programs filed by the Mayor's Office of Economic & Community Development upon properties after the tenth anniversary of the date upon which the lien was executed.

WHEREAS, since the early 1980s, the Mayor's Office of Economic & Community Development has administered owner-occupied home rehabilitation programs with the purpose of maintaining safe, affordable, and accessible housing; and

WHEREAS, the rehabilitation programs funded needed capital improvements to owner-occupied homes through payments to the contractors performing the work, as evidenced by a lien on the home in the name of the homeowners, some of which were forgivable and some of which required monthly payments by the homeowners; and

WHEREAS, the Mayor's Office of Economic & Community Development's security interest in each home where project funds were invested was typically via a credit line deed of trust that was for 10, 20, or 30 years, or in some instances that was payable upon the change of title; and

WHEREAS, the length of the loans, the lack of resources of the homeowners receiving these loans, and the lack of infrastructure within the Mayor's Office of Economic & Community Development led to the failure to collect on or enforce many of these liens from the 1990s through 2020; and

WHEREAS, the Mayor's Office of Economic & Community Development made a policy change on July 1, 2021, to no longer underwrite any loans that require a monthly payment and to no longer initiate a forgivable loan that has a term of more than 10 years; and

WHEREAS, in consultation with officials from the United States Office of Housing and Urban Development, the Mayor's Office of Economic & Community Development has worked with the City Attorney to recommend an equitable solution for resolving all loans executed prior to July 1, 2021, namely that all liens will be released after they reach the tenth anniversary of their execution in order to implement the policy retroactively such that the previously entered liens are treated as forgivable with maximum term of 10 years; and

WHEREAS, this policy change will provide relief to the homeowners of this program by removing a hurdle that may currently inhibit their ability to obtain private financing for a repair or to sell a property that they are no longer able to maintain, while also helping the Mayor's Office of Community & Economic Development clear out its backlog of uncollectible loans and implement a policy that will allow for better follow-up and oversight of the remaining existing loans and new forgivable loans.

Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

That the City Council for the City of Charleston authorizes the City Manager or the Director of the Mayor's Office of Economic & Community Development to take all necessary steps to release liens associated with the homeowner rehabilitation programs filed by the Mayor's Office of Economic & Community Development upon properties after the tenth anniversary of the date upon which the lien was executed.

Councilmember Jenkins added the resolution basically changes the previous loans into a grant that is forgiven after ten years, while still securing the repayment of the grant if the homeowner should decide to sell within that time period. This will clean up the older loans to match the updated policy from July 2021 going forward.

Councilmember Snodgrass asked what the dollar amount of the total loans. City Manager, Ben Mishoe, replied that prior to the policy change in 2021 some loans were payable, and some were forgivable. $311,889.17 would be immediately released, and $373,475 over the next ten years. Mishoe added that the vast majority would have been forgiven anyway. This also allows for the release of those liens to be filed. Councilmember Snodgrass asked if there had been a batch of liens released in the past. City Attorney, Kevin Baker, replied that a batch was released in 2019 or 2020 that were all uncollectable by statute set by legislature. It was not brought before Council because it would have been illegal to try to collect on them. Councilmember Snodgrass asked if that was why letters went sent telling people not to pay their loans. Baker replied that he couldn't speak to what specifically was in the letter, but a letter did go out when the policy change was made explaining that. In the future, all of these will be forgivable. Applications for these loans are determined by entire MOECD office and the City Manager.

Councilmember Pepper added that this will allow for properties to be able to be sold easier as well as protect consumers.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 826-23 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. 827-23 be adopted.

Resolution No. 827-23 - Authorizing the Mayor or City Manager to enter into contract with Tyler Technologies, Inc. for the purchase of software and services associated with the replacement of the City's Enterprise Resource Planning system for the management of the City's accounting, budgeting, purchasing, human resources, payroll, permitting, licensing, and civic services functions at a cost of $1,650,984.00 for the initial three year term for software as a service fees and implementation costs, excluding estimated travel expenses $35,620.00 to be billed as incurred. Software as a service fees for years four through ten of the contract term may escalate by no more than 3% per year from the base annual fee of $344,957.00. This purchase was determined through a competitive expressions of interest process where a committee of multidisciplinary City staff received and reviewed proposals from firms and held on-site system demonstrations from various software providers before making a recommendation for award.

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

That the Mayor or City Manager is authorized to enter into contract with Tyler Technologies, Inc. for the purchase of software and services associated with the replacement of the City's Enterprise Resource Planning system for the management of the City's accounting, budgeting, purchasing, human resources, payroll, permitting, licensing, and civic services functions at a cost of $1,650,984.00 for the initial three year term for software as a service fees and implementation costs, excluding estimated travel expenses $35,620.00 to be billed as incurred. Software as a service fees for years four through ten of the contract term may escalate by no more than 3% per year from the base annual fee of $344,957.00. This purchase was determined through a competitive expressions of interest process where a committee of multidisciplinary City staff received and reviewed proposals from firms and held on-site system demonstrations from various software providers before making a recommendation for award.

Councilmember Jenkins added that the current system is being sunset and will no longer be supported. A committee has chosen Tyler Technologies as they were able to provide everything the City needed.

Councilmember Snodgrass asked if the City would own the data that was in the old system. Baker confirmed that the City would own that data.

Councilmember Kerns confirmed with the Finance Director, Andy Wood, that this would allow much of the billing to be paperless and online pay. It would also make it easier to look up reportable business license data. The conversion is expected to take two years with the first phase being the financials and the second phase being payroll and licensing. Councilmember Kerns expressed concern that they will be two years into the contract before it is fully usable. Wood replied that he did not think this to be usual in the industry. The capacity to complete the project is limited not only by the City's capacity but also the by the company.

Councilmember Faegre confirmed with Wood that the current system has a backup. The new system will have more robust reports available that will incorporate more real-time GIS data.

Councilmember Snodgrass asked if the new system will be able to track the Building Commission violations. Wood confirmed that it will be used for building code enforcement.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 827-23 adopted.

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 828-23 be adopted.

Resolution No. 828-23 - Authorizing the Mayor or City Manager to enter into a contract with Heidleberg Materials to purchase various classes of Portland Cement on an as-needed basis at the prices listed in Exhibit A, attached hereto, pursuant to a competitive bidding process, where the prices will remain fixed for one year.

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

That the Mayor or City Manager is authorized to enter into a contract with Heidleberg Materials to purchase various classes of Portland Cement on an as-needed basis at the prices listed in Exhibit A, attached hereto, pursuant to a competitive bidding process, where the prices will remain fixed for one year.

Councilmember Jenkins added that the resolution will lock in prices for a year.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 828-23 adopted.

6. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 829-23 be adopted.

Resolution No. 829-23 - Authorizing the Mayor or City Manager to purchase one hundred and seventy four (174) Glock handgun optics from Markl Supply Company, Inc. in the amount of $59,530.62 for the Police Department where the purchase price was determined by a competitive bidding process and the majority of funds ($56,130.74) come from a gift devised to the Charleston Police Department from the Estate of Norma Shuck Levy in memory of her father, former Charleston police officer Edgar N. Shuck.

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

That the Mayor or City Manager is authorized to purchase Glock handgun optics from Markl Supply Company, Inc. in the amount of $59,530.62 for the Police Department where the purchase price was determined by a competitive bidding process.

Councilmember Jenkins added that the purchase is for state-of-the-art optics for the handguns whose purchase was approved at a previous meeting.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 829-23 adopted.

7. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 830-23 be adopted.

Resolution No. 830-23 - Authorizing the Mayor or City Manager to purchase one hundred and seventy-four (174) handgun holsters from Galls in the amount of $27,944.40 for the Police Department where the purchase price was provided under the Galls West Virginia Department of Corrections State Contract.

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

That the Mayor or City Manager is authorized to purchase one hundred and seventy-four (174) handgun holsters from Galls in the amount of $27,944.40 for the Police Department where the purchase price was provided under the Galls West Virginia Department of Corrections State Contract.

Councilmember Jenkins added that the purchase is for holsters for the handguns whose purchase was approved at a previous meeting.

Councilmember Steelhammer confirmed with Councilmember Jenkins that the purchase is through a state contract that has been competitively bid for the entire state.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 830-23 adopted.

8. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 831-23 be adopted.

Resolution No. 831-23 - Authorizing the Mayor or City Manager to enter into a Memorandum of Understanding (MOU) with other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT), consistent with Attachment A hereto, that assists the Charleston area offices of the Drug Enforcement Administration, the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives to achieve maximum cooperation in combined law enforcement efforts to address drug and related violent crime offenses in Charleston and surrounding communities. The MOU is in effect for a one-year period starting July 1, 2023, and ending June 30, 2024.

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

That the Mayor or City Manager is authorized to enter into a Memorandum of Understanding (MOU) with other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT), consistent with Attachment A hereto, that assists the Charleston area offices of the Drug Enforcement Administration, the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives to achieve maximum cooperation in combined law enforcement efforts to address drug and related violent crime offenses in Charleston and surrounding communities. The MOU is in effect for a one-year period starting July 1, 2023, and ending June 30, 2024.

Councilmember Jenkins added that the resolution is for the annual renewal of the MOU that authorizes the City to participate in MDENT.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 831-23 adopted.

9. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 832-23 be adopted.

Resolution No. 832-23 - Authorizing the Mayor or City Manager to purchase sixty-four (64) computers for various departments from HP Inc. in the total amount of $51,990.00, where the purchase price was provided under a West Virginia State Contract.

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

That the Mayor or City Manager is authorized to purchase sixty-four (64) computers for various departments from HP Inc. in the total amount of $51,990.00, where the purchase price was provided under a West Virginia State Contract.

Councilmember Jenkins added that the resolution is for the regular replacement cycle for computers that is used by the City.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 832-23 adopted.

10. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 833-23 be adopted.

Resolution No. 833-23 - Re-appointing an Audit Committee in accordance with the West Virginia State Auditor's Office Chief Inspector Division Procedures Manual for Procuring and Conducting Audits and Reviews of Local Governments for the purposes of procuring audit services and overseeing any correction associated with any audit findings or concerns. The committee shall be made up by those serving in the positions of Council Finance Committee Chairman, City Auditor, Assistant City Auditor, City Manager, and Finance Director. The appointments are effective for a period ending June 30, 2027. The City Auditor shall serve as the primary contact for the audit procurement process.

WHEREAS, City Council previously appointed an Audit Committee on May 17, 2021, by Resolution Number 480-21, with the appointments ending on June 30, 2023;

WHEREAS, The City of Charleston desires to re-appoint the same positions to the Audit Committee for a four-year term, with the appointments ending on June 30, 2027;

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

That there is hereby re-appointed an Audit Committee for the purposes of procuring audit services and overseeing any correction associated with any audit findings or concerns. The committee shall be made up by those serving in the positions of Council Finance Committee Chairman, City Auditor, Assistant City Auditor, City Manager, and Finance Director. The appointments are effective for a period ending June 30, 2027. The City Auditor shall serve as the primary contact for the audit procurement process.

Councilmember Jenkins added that the resolution renews the creation and reappointment of the Audit Committee.

Councilmember Taylor confirmed with Mishoe that the proposed resolution is identical to one that was first passed several years ago to create the committee. The makeup of the committee has not been changed. The committee will be renewed for a four-year term.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 833-23 adopted.

11. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 834-23 be adopted.

Resolution No. 834-23 - Authorizing the Mayor or City Manager to enter into a contract with Compass Minerals America, Inc. for the purchase of approximately 6,000 tons of road salt at a rate of $99.70 per ton pursuant to a competitive bidding process, where the contract quantity will be "as needed" with no minimum amount required and where the price will remain fixed for one year.

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

That the Mayor or City Manager to enter into a contract with Compass Minerals America, Inc. for the purchase of approximately 6,000 tons of road salt at a rate of $99.70 per ton pursuant to a competitive bidding process, where the contract quantity will be "as needed" with no minimum amount required and where the price will remain fixed for one year.

Councilmember Jenkins added that the price is secured for one year.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 834-23 adopted.

12. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 835-23 be adopted.

Resolution No. 835-23 - Authorizing the Mayor or City Manager to purchase 2 ambulances for the Charleston Fire Department from Atlantic Emergency Solutions using fiscal year 2023 funds in the amount of $263,330.00 per unit, where one unit is a scheduled replacement and one is to replace wrecked unit #438 with insurance proceeds pending, and where the purchase price was provided through a competitively sourced government contract with HGAC.

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

That the Mayor or City Manager is authorized to purchase 2 ambulances for the Charleston Fire Department from Atlantic Emergency Solutions using fiscal year 2023 funds in the amount of $263,330.00 per unit, where the purchase price was provided through a competitively sourced government contract with HGAC.

Councilmember Jenkins added that the purchase is part of the regular replacement cycle and to replace an ambulance that was totaled earlier in the year.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 835-23 adopted.

13. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 836-23 be adopted.

Resolution No. 836-23 - Authorizing the Mayor or City Manager to purchase 2 ambulances for the Charleston Fire Department from Atlantic Emergency Solutions using fiscal year 2024 funds in the amount of $264,764.00 per unit, where both units are scheduled replacements, and where the purchase price was provided through a competitively sourced government contract with HGAC.

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

That the Mayor or City Manager is authorized to purchase 2 ambulances for the Charleston Fire Department from Atlantic Emergency Solutions using fiscal year 2024 funds in the amount of $264,764.00 per unit, where the purchase price was provided through a competitively sourced government contract with HGAC.

Councilmember Jenkins added that this is to get on the list of a 30-32 month wait list. This is anticipation of a regular replacement cycle for these vehicles.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 836-23 adopted.

14. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 838-23 be adopted.

Resolution No. 838-23 - Authorizing the Mayor or City Manager to purchase a total of four 2024 Chevrolet Trax LS for the Building Commission from National Auto Fleet Group, for a per-unit cost of $21,051.91 and the total amount of $84,207.65 pursuant to a competitively sourced multi-state contract. These will replace Building Commission units 545, 551, 552, and 553 as part of the fleet rotation schedule.

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

That the Mayor or City Manager is authorized to purchase a total of four 2024 Chevrolet Trax LS for the Building Commission from National Auto Fleet Group, for a per-unit cost of $21,051.91 and the total amount of $84,207.65 pursuant to a competitively sourced multi-state contract.

Councilmember Jenkins added that the resolution is to replace four vehicles that are at least ten years old.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 838-23 adopted.

15. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 839-23 be adopted.

Resolution No. 839-23 - Proclaiming that the Council for the City of Charleston acknowledges and accepts the terms and conditions of that certain agreement known as the "Kroger West Virginia Statewide Settlement Agreement"—an agreement among the State of West Virginia and its various subdivisions, and The Kroger Co. —and authorizing the Mayor or City Manager to execute "West Virginia Local Government Election and Release Form," which is attached to, and incorporated in, the above-named settlement agreement.

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

That the Council for the City of Charleston proclaims that it acknowledges and accepts the terms and conditions of that certain agreement known as the "Kroger West Virginia Statewide Settlement Agreement"—an agreement among the State of West Virginia and its various subdivisions, and The Kroger Co. —and authorizing the Mayor or City Manager to execute "West Virginia Local Government Election and Release Form," which is attached to, and incorporated in, the above-named settlement agreement.

Councilmember Jenkins added that this is the last pharmacy that was part of the state-wide opioid settlement.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 839-23 adopted.

16. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 840-23 be adopted.

Resolution No. 840-23 - Authorizing the creation of a joint development entity pursuant to W.Va. Code §7-12-9b with The County Commission of Kanawha County, West Virginia, authorizing the City Manager and the City Attorney to negotiate, execute and deliver any documents necessary to incorporate such joint development entity, and approving the initial directors of such joint development entity.

WHEREAS, The City of Charleston, West Virginia (the "City") is working with The County Commission of Kanawha County, West Virginia (the "County Commission") to design, construct, equip, finance, operate and maintain an indoor sports center to be known as the Capital Sports Center (the "Sports Center"); and

WHEREAS, the City and the County Commission desire to form a joint development entity as permitted under Chapter 7, Article 12 of the Code of West Virginia, 1931, as amended (the "Act"), related to the Sports Center; and

WHEREAS, Section 9b of the Act permits any combination of two or more county governing bodies and municipal governing bodies to organize and jointly own all of the ownership interests in a corporation for the sole purpose of jointly developing and owning any joint economic development project; and

WHEREAS, the City desires to join with the County Commission to incorporate a corporation in accordance with Section 9b of the Act to be named the Capital Sports Center Development Association, Inc. (the "Joint Development Entity"); and

WHEREAS, the Joint Development Entity shall be a public corporation and a political subdivision and instrumentality of the City and the County Commission and have the powers, rights and privileges set forth in sections seven, eight, nine, ten, eleven, twelve and fourteen of the Act in addition to those granted to corporations under West Virginia law; and

WHEREAS, the City desires that its City Attorney, as incorporator, to work with the County to finalize and file Articles of Incorporation for the Joint Development Entity in substantially the form attached hereto as Exhibit A with the Secretary of State of the State of West Virginia; and

WHEREAS, the City agrees the initial directors of the Joint Development Entity shall consist of five directors, with two being chosen by the City, two being chosen by the County, and one being mutually agreed upon by both the City and County, with Kyle Mork and Nancy Bruns being the Initial Directors appointed by the City, and Steve White being the initial director mutually agreed upon by the City and County.

Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

That in consideration of the foregoing, the City Council of the City of Charleston hereby agrees and directs as follows:

1. The City specifically adopts the findings and determinations set forth in the above recitals.

2. The City hereby approves the creation of the Joint Development Entity.

3. The City Attorney is hereby authorized, for and on behalf of the City, to negotiate, execute and deliver any documents necessary to incorporate the Joint Development Entity.

4. The City hereby approves the Initial Directors.

5. The City hereby ratifies and confirms the acts of any officer or employee of the City in furtherance of the incorporation of the Joint Development Entity.

6. This Resolution shall take effect upon its adoption.

Councilmember Jenkins added that the resolution creates the joint development entity with the Kanawha County Commission to begin to work on the Capital Sports Center. It will consist of five board members, two chosen by the County Commission, two chosen by the City and one member mutually agreed upon.

Councilmember Kerns asked where the money from the City was coming from. Councilmember Jenkins replied that the Board will be responsible for finding and recommending funding for the project.

Councilmember Snodgrass added that the concept is great, especially for youth sports. However, she questioned if the City could afford it, adding that the City has over $866 million in debt liability. She added that Council had never voted on the concept before it was announced, and were never told where the funding or maintenance cost would come from.

Councilmember Faegre confirmed that no one listed as members are employed by the City. The members will not be paid. The incorporator files the paperwork. Wood added that the City's overall liability is in the $700 million range, which does include the pensions. The true bond debt liability is around $72 million. Baker confirmed that he was sure if there was going to be litigation concerning the Town Center Mall. The Board will have to consider that when looking at location options. The City and County would be splitting costs if there were litigation.

Councilmember Pharr talked about the tourism and population growth benefits of large projects like the Capital Sports Center, in addition to business growth. She added that the City is already seeing the benefit from spending money on upgrading various sports courts and turfing fields.

Councilmember Cook agreed with Councilmember Pharr's comments. Answers to the questions that have been asked will come from the Board that the resolution will create.

Councilmember Burka confirmed that no money will be spent by approving this resolution. Any City money that might be spent in the future will come to Council for approval.

Councilmember Gianola confirmed with Baker that future City appointments will go to Council for approval. There are no future obligations to the City in the joint development. There are no penalties for failing to deliver, develop anything or dissolving the joint venture.

Councilmember Snodgrass confirmed with Baker that this would not be a 501(c)(3). The Board can start seeking out federal funding without Council approval. Any obtained federal funds would be returned if not accepted or used for the project for whatever reason. Baker clarified that the Board could not take on debt of the City or require the City to take on debt that Council didn't approve.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting in the majority as affirmative, with at least one recognized Nay from Snodgrass, the Mayor declared Resolution No. 840-23 adopted.

17. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7997 do pass.

<u>Bill No. 7997</u> - A BILL to amend the Municipal Code of the City of Charleston by amending and reenacting Sections 110-81 and 110-145 of Chapter 110, relating to correcting inadvertent errors made in the year 2022 with respect to expanding the ability of small businesses to obtain consent from the city collector to pay business and occupation taxes on an annual basis.

WHEREAS, the City Council for the City of Charleston previously adopted Bill No. 7981 on December 5, 2022, expanding the ability of small businesses to obtain consent from the city collector to pay business and occupation taxes on an annual basis; and

WHEREAS, Bill No. 7981 contained inadvertent errors effecting Sections 110-81 and 110-145 of Chapter 110 of the Municipal Code of the City of Charleston; and

WHEREAS, this bill will apply the intended effects of Bill No. 7981 to the correct Code Sections; and

WHEREAS, these changes are made retroactive to the adoption of Bill No. 7981 on December 5, 2022.

<u>Now, therefore, be it ordained by the Council of the City of Charleston</u>:

That Sections 110-81 and 110-145 of the Municipal Code of the City of Charleston be amended and re-enacted to read as follows:

CHAPTER 110 – TAXATION.
ARTICLE II. – BUSINESS AND OCCUPATION TAX.
DIVISION 3. – PAYMENTS, RETURNS, AND RECORDS.

Sec. 110-81. – Tax cumulative.

(a) The tax imposed by this article shall be in addition to all other licenses and taxes levied by law as a condition precedent to engaging in any business, trade, calling or activity. A person exercising a privilege taxable under this article, subject to the payment of all licenses and charges which are a condition precedent to exercising the privilege tax, may exercise the privilege for the current tax year upon the condition that he <u>they</u> shall pay the tax accruing under this article.

(b) *Computation of tax.*

(1) The taxes levied hereunder shall be due and payable in quarterly installments on or before the expiration of one month from the end of the quarter in which they accrue<u>, except as otherwise provided in this subsection</u>. The taxpayer shall, within one month from the expiration of each quarter, make a return reporting the tax for which he/she is liable for such quarter; sign it and mail it, together with any remittance due, in the form required by section 110-82 of the amount of the tax to the office of the city collector. In reporting and remitting the amount of the tax due for each quarter, the taxpayer may deduct

one-fourth of the total exemption allowed for the year. When the total tax for which any person is liable under this article does not exceed the sum of $200.00 $2,500.00 in any year, the taxpayer may pay the tax quarterly as aforesaid or, with the consent in writing of the city collector in the manner prescribed by regulations promulgated pursuant hereto, on an annual basis at the end of the month next following the close of the tax year.

(2) The city collector, if he they deems it necessary, based upon past experience with a taxpayer, based on the past practices of a taxpayer, based on the financial condition of the taxpayer, or based on the size of the contract, in order to iensure payment of the taxes levied hereunder, may require return and payment under this section for other than quarterly periods. Furthermore, if the city collector deems it necessary to iensure payment of the business and occupation tax, he they may require a deposit to be paid by the taxpayer prior to when the taxes accrue and are otherwise payable. The amount of the deposit shall be determined and/or based upon the taxpayer's projected gross income or gross proceeds of sale for the applicable tax period. This deposit shall be paid to the office of the city collector, at a date and time, and in a manner determined by the city collector.

(3) Every contractor whose principal business location is outside of the city, shall register with the city collector prior to engaging in the performance of a contract in this city, and the city collector, if he they deems it necessary, based on the past experience with a taxpayer, based on the past practices of a taxpayer, based on the financial condition of the taxpayer, or based on the size of the contract, in order to iensure payment of the taxes levied hereunder, may also require the following:

(A) At the time of registration, each contractor shall deposit with the city collector six percent of the amount the contractor is to receive for the performance of the contact, which sum shall be held within a contractor's use tax fund pending the completion of the contract.

(B) In lieu of the six percent deposit, each contractor may request the approval of the city collector to provide, in the alternative, a corporate surety bond to be approved by the city collector as to form, sufficiency, value, amount, stability, and other features necessary to provide a guarantee of payment of the tax due the city.

CHAPTER 110 – TAXATION.
ARTICLE II. – BUSINESS AND OCCUPATION TAX.
DIVISION 5. – TAX COLLECTION.

Sec. 110-145. – Interest and penalties.

(a) The tax imposed by this article shall be in addition to all other licenses and taxes levied by law as a condition precedent to engaging in any business, trade, calling or activity. A person exercising a privilege taxable under this article, subject to the payment of all licenses and charges which are a condition precedent to exercising the privilege tax, may exercise the privilege for the current tax year upon the condition that they shall pay the tax accruing under this article.

(b) *Computation of tax.*

(1) The taxes levied hereunder shall be due and payable in quarterly installments on or before the expiration of one month from the end of the quarter in which they accrue, except as otherwise provided in this subsection. The taxpayer shall, within one month from the expiration of each quarter, make a return reporting the tax for which he/she is liable for such quarter; sign it and mail it, together with any remittance due, in the form required by section 110-82 of the amount of the tax to the office of the city collector. In reporting and remitting the amount of the tax due for each quarter, the taxpayer may deduct

one-fourth of the total exemption allowed for the year. When the total tax for which any person is liable under this article does not exceed the sum of $2,500.00 in any year, the taxpayer may pay the tax quarterly as aforesaid or, with the consent in writing of the city collector in the manner prescribed by regulations promulgated pursuant hereto, on an annual basis at the end of the month next following the close of the tax year.

(2) The city collector, if they deem it necessary, based upon past experience with a taxpayer, based on the past practices of a taxpayer, based on the financial condition of the taxpayer, or based on the size of the contract, in order to ensure payment of the taxes levied hereunder, may require return and payment under this section for other than quarterly periods. Furthermore, if the city collector deems it necessary to ensure payment of the business and occupation tax, they may require a deposit to be paid by the taxpayer prior to when the taxes accrue and are otherwise payable. The amount of the deposit shall be determined and/or based upon the taxpayer's projected gross income or gross proceeds of sale for the applicable tax period. This deposit shall be paid to the office of the city collector, at a date and time, and in a manner determined by the city collector.

(3) Every contractor whose principal business location is outside of the city, shall register with the city collector prior to engaging in the performance of a contract in this city, and the city collector, if they deems it necessary, based on the past experience with a taxpayer, based on the past practices of a taxpayer, based on the financial condition of the taxpayer, or based on the size of the contract, in order to ensure payment of the taxes levied hereunder, may also require the following:

(A) At the time of registration, each contractor shall deposit with the city collector six percent of the amount the contractor is to receive for the performance of the contact, which sum shall be held within a contractor's use tax fund pending the completion of the contract.

(B) In lieu of the six percent deposit, each contractor may request the approval of the city collector to provide, in the alternative, a corporate surety bond to be approved by the city collector as to form, sufficiency, value, amount, stability, and other features necessary to provide a guarantee of payment of the tax due the city.

(a) The tax imposed by this article, if not paid when due, shall bear interest at the rate of at least eight percent per annum from the due date of the return until paid. The city collector may charge an interest rate equal to the adjusted rate charged by commercial banks to large business, in the manner described in W. Va. Code § 11-10-17a.

(b) If any taxpayer fails to make the return or any quarterly installment required by this article, or make his return but fails to remit, in whole or in part, the proper amount of tax, there shall be added to the amount of tax unpaid, from the date such tax should have been paid, a penalty in the amount of five percent of the tax for the first month, or fraction thereof, of delinquency, and one percent of the tax for each succeeding month, or fraction thereof of delinquency provided, that if such failure is due to reasonable cause, the city collector may waive, with final approval from the city manager, in whole or in part, these penalties. Additionally, if the failure to pay is due to fraud or intent to evade any such tax there shall be added an additional penalty of 25 percent of the tax owed, exclusive of penalties.

(c) Interest and penalties may be collected in the same manner as the tax imposed by this article.

Councilmember Jenkins added that the bill is to clean up a past bill that accidently cited the wrong section of code, overwriting it.

Councilmember Jenkins moved to approve the bill. Councilmember Ceperley seconded the motion.

YEAS: Annie, Burka, Burton, Ceperley, Cook, Faegre, Ferrell, Gianola, Haas, Hoover, Jenkins, Jones, Kerns, King, Minardi, Moore, Overstreet, Pepper, Pharr, Rubio, Salango, Snodgrass, Solomon, Steelhammer, Taylor, Mayor Goodwin
NAYS:
ABSENT: Robinson

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared Bill No. 7997 as passed.

18. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7998 do pass.

Bill No. 7998 - A BILL to amend and reenact sections 2-712 and 2-713 of the Municipal Code of the City of Charleston, as amended, all relating to updating reporting requirements; clarifying that the BID may receive funds from sources other than the special assessment fees to be deposited into the BID Fund; reducing the assessment invoices from quarterly to twice a year; and defining the term surplus.

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

That sections 2-712 and 2-713 of the Municipal Code of the City of Charleston, as amended, are amended and reenacted, all to read as follows:

ARTICLE VII. – BOARDS, COMMITTEES AND COMMISSIONS.
DIVISION 11. – CITY CENTER BUSINESS IMPROVEMENT DISTRICT.

Sec. 2-712. – Board Members Terms, Appointment, Powers, and Duties.

(a) The City Center BID Board shall consist of seven members, appointed by the Mayor with the approval of City Council. The initial appointments shall be staggered such that two members are appointed for 5-year terms, one member is appointed for a 4-year term, two members are appointed for 3-year terms, one member is appointed for a 2-year term, and one member is appointed for a 1-year term. After the initial appointments, all subsequent appointments shall be for terms of 5 years. At all times, a majority of City Center BID Board members shall be owners of commercial property situated within the boundaries of the City Center BID. Members of the Board may not receive compensation, either directly or indirectly, for service on the Board.

(b) The City Center BID Board shall have the following powers and duties:
(1) Oversee the operations of the City Center BID;
(2) Adopt bylaws to govern the procedures of the City Center BID;
(3) Adopt an annual budget;
(4) To prepare spending requests to be submitted to the City Manager, or his or her designee, who shall act as the fiscal agent for the City Center BID;
(5) Calculate and provide to the City Collector and City Clerk the annual amount due by each commercial property owner within the City Center BID within 30 days of the adoption of this ordinance and by July 1 May 15 of each subsequent year, along with a proposed budget for the upcoming fiscal year and the recommended program of services to be performed or provided within the district for the upcoming fiscal year;
(6) Coordinate and plan the Clean and Safe line of business within the City Center BID;
(7) Coordinate and plan the Entertainment and Recreation line of business for the City Center BID;
(8) Coordinate and plan the Beautification and Image line of business within the City Center BID;
(9) Collaborate on efforts for the City Center BID with the City of Charleston and other community partners;
(10) Seek out gifts, apply for grants, and obtain revenue from other available sources; and

(10) (11) Submit an annual report on or before May 15, 2022, and by May 15 September 30 each year thereafter, to City Council that includes, at a minimum, the following:

(A) An itemized statement of its receipts and disbursements for the preceding fiscal year;

(B) A description of its activities for the preceding fiscal year;

(C) A recommended The program of services to be performed or provided within the district for the coming current fiscal year; and

(D) A proposed An overview of its budget to and statement regarding any additional funding needed to accomplish its objectives.

(c) Meetings of the City Center BID Board are subject to the West Virginia Open Governmental Proceedings Act, West Virginia Code Chapter 6, Article 9A. Members of the City Center BID are subject to the West Virginia Governmental Ethics Act, West Virginia Code Chapter 6B.

Sec. 2-713. – Creation of Fund; Rate and Manner of Fees.

(a) There is hereby created a special revenue fund within the city treasury to be known as the City Center BID Fund, along with any subaccounts deemed necessary by the district board.

(b) The City Center Business Improvement District FY2021 BID Work Plan and Budget sets the rate of annual fees for the City Center BID on each private for-profit property owner at the equation of (total land lot size square footage x .075) + (total building square footage x .03325). The maximum rate of any annual fees that may be imposed upon a single commercial property in the City Center BID, as calculated by the aforementioned formula, will be $25,000 annually. It is anticipated that cumulative revenue from the initial annual fee will be $100,000. The City Center BID Board provided the assessed amounts for FY2021 to the City in December 2021. For each subsequent year, the City Center BID Board shall provide to the City Collector the assessed amounts no later than May 15. Pursuant to West Virginia Code § 8-13A-12, City Council may levy the assessments by ordinance upon receipt of the proposal from the City Center BID Board. City Council levies the assessments for FY2021 as shown in the attached Exhibit A. City Council shall levy the rates for future each fiscal years year after the City Center BID Board provides the assessments.

(1) Pursuant to West Virginia Code § 8-13A-12(a), the levy amount shall be "only to the extent necessary to fund the budget proposed by the district board" and "[a]ny surplus in the fund in a fiscal year shall be applied to reduce the amount of service fees required for the next fiscal year."

(2) As used in this section, the term "surplus" shall mean the amount by which the service fees collected in a full fiscal year exceed the budgeted amount of anticipated service fee revenue used to fund the ongoing operations and services of the City Center BID District. The term "surplus" shall not include, and the calculation of any surplus shall not take into consideration, any gifts, grants, or other appropriations that are designated for specific projects or purposes that are separate from the general ongoing operations and services of the City Center BID District.

(c) Any person who desires to challenge the City Center BID Board assessment shall file a petition for reassessment with the City Collector within 30 days of receiving notice of the assessment. The petition shall state the reasons the person is seeking the reassessment. After the filing of a petition, the City

Collector shall set the petition for an administrative hearing and give the Board an opportunity to respond in writing in advance of the hearing. The petitioner and the Board may represent themselves or be represented by counsel at the administrative hearing. The City Collector, or a hearing examiner designated by the City Collector, shall conduct an informal and impartial administrative hearing and make a prompt decision on the petition for reassessment after hearing all of the evidence and argument. An appeal of the City Collector's decision may be taken by the petitioner or the Board to the Circuit Court of Kanawha County within 30 days of the City Collector's decision.

(d) The fees assessed by the City Center BID upon the property owners shall be collected through the City of Charleston's City Collector on a quarterly biannual (twice per year) basis. The collection efforts from the City Collector shall clearly state it is assessing fees for the City Center BID. All funds collected from the fees shall be placed in the City Center BID Fund created by this section. The City Center BID Fund may also receive other voluntary contributions.

(e) Notwithstanding any provision of this Code to the contrary, any expenditure authorized by the City Center BID Board from the City Center BID Fund up to $100,000 is exempt from the purchasing rules of the City of Charleston. Any individual expenditure in excess of $100,000 by the City Center BID Board shall require City Council approval prior to authorization. The City Center BID Board shall generally submit requests for Purchase Orders to the City Manager's Office in advance of any purchase being made, which the City Manager will approve as long as the vendor is in good standing with the City Collector's Office and there are no other legal issues with payment.

(f) The City Collector shall have plenary power and authority to promulgate any rules necessary to carry out the assessment, hearing, and collection provisions of this Article. The City Collector shall work in conjunction with the City Center BID Board to develop such rules.

Councilmember Jenkins added that the bill makes some changes and adjustments that have been determined after the BID has been operating for about eighteen months. Specifically, it allows them to accept grants for certain projects.

Councilmember Jenkins moved to approve the bill. Councilmember Ceperley seconded the motion.

YEAS: Annie, Burka, Burton, Ceperley, Cook, Faegre, Ferrell, Gianola, Haas, Hoover, Jenkins, Jones, Kerns, King, Minardi, Moore, Overstreet, Pepper, Pharr, Rubio, Salango, Snodgrass, Solomon, Steelhammer, Taylor, Mayor Goodwin
NAYS:
ABSENT: Robinson

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared Bill No. 7998 as passed.

REPORTS OF OFFICERS

1. City Treasurer's Report to City Council Month Ending May 2023.
2. Report of the City of Charleston Payroll Variance Analysis; May 2023.
3. Municipal Court Report to City Council Month Ending May 2023.
4. Memo to Council Regarding MDENT Vehicle Purchases pursuant to Resolution 664-22
5. Memo from City Attorney regarding Resolution No. 798-23

NEW BILLS

None

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

1. Councilmember Pepper stated that Shakespeare in the Park will be the weekend following Regatta.

2. Councilmember Ferrell stated that he has received several communications about concerns of businesses about criminal vagrancy.

3. Councilmember Jones asked if the memo about the liquor license would hurt the lease with the ballpark. Baker replied that the previous one will be left in place until a solution can be found, but the lease cannot be broken. Councilmember Jones thanked Matt Sutton, Chief of Staff, and the Mayor's Office about Blaine Boulevard. He also recommended The Hot Rod Power Tour to potentially replace the Rod Run and Doo Wop.

4. Councilmember Kerns expressed concerns about the fire hydrants within the City.

5. Councilmember Burka suggested that the City should be advertising tourism in other states.

6. Councilmember Pharr stated that there were a lot of people from out of town at the various events over the past weekend. The American Job Center is having an event on July 10th and 11th. The West Side Community Health Fair will be on September 9th.

ADJOURNMENT

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

YEAS: Annie, Burka, Burton, Ceperley, Cook, Faegre, Ferrell, Gianola, Haas, Hoover, Jenkins, Jones, Kerns, King, Minardi, Moore, Overstreet, Pepper, Pharr, Rubio, Salango, Snodgrass, Solomon, Steelhammer, Taylor, Mayor Goodwin
NAYS:
ABSENT: Robinson

At 8:49 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, July 3, 2023, 8:00 a.m., in Council Chambers at City Hall.

____
Amy Shuler Goodwin, Honorable Mayor

____
Miles C. Cary II, City Clerk