

MINUTES
FINANCE COMMITTEE MEETING
6:30 P.M., JULY 1, 2024
AV ROOM #308, CITY HALL

Joseph Jenkins, Chair, called the meeting of the Charleston City Council Committee on Finance to order at 6:30 p.m., June 17, 2024.

A silent roll was taken by the Clerk and a quorum was established. The following committee members were present:

Joseph Jenkins, Chair
Brent Burton, Vice Chair
Becky Ceperley
Mary Beth Hoover
Larry Moore
Chad Robinson
Shawn Taylor

Absent:

Other Councilmembers present:

Emmett Pepper
Chelsea Steelhammer
Frank Annie
Bruce King
Bobby Haas
Joe Solomon

I. DISCUSSION:

a. Approval of Previous Minutes - Councilmember Burton asked for unanimous consent to dispense with the reading of the minutes for the June 17, 2024 meeting and that they be approved as distributed. There were no objections, and the minutes were approved.

II. RESOLUTIONS:

- a. Resolution No. 985-24 – Receiving the Work Plan Summary of the City Center Business Improvement District, approving the proposed budget of the City Center Business Improvement District for the 2024-2025 fiscal year, and maintaining the same levying rate of annual fees for the City Center Business Improvement District on each private for-profit property owner within the District.

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

That the Work Plan Summary of the City Center Business Improvement District is received; that the proposed budget of the City Center Business Improvement District for the 2024-2025 fiscal year, as attached as Exhibit A hereto, is approved; and that, and the rate of annual fees for the City Center Business Improvement District on each private for-profit property owner within the District remains levied at the equation of (total land lot size square footage x .075) + (total building square footage x .03325).

City Manager Ben Mishoe added that the resolution is for the proposed budget that the BID District is required to submit to Council every year. The levy rates are the same as last year.

Councilmember Jenkins confirmed that the number of profit businesses stayed the same.

Councilmember Burton moved to approve the Resolution. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Resolution No. 985-24 approved.

- b. Resolution No. 986-24 – Authorizing the Mayor or City Manager to purchase computers and monitors from HP in the total amount of \$62,580 for the City of Charleston, the Charleston Coliseum and Convention Center, and Metropolitan Drug Enforcement Network Team (“MDENT”) as part of the regularly budgeted computer replacement cycle, and pursuant to a competitively sourced statewide contract.

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

That the Mayor or City Manager is authorized to purchase computers and monitors from HP in the total amount of \$62,580 for the City of Charleston, the Charleston Coliseum and Convention Center and Metropolitan Drug Enforcement Network Team (“MDENT”) pursuant to a competitively sourced statewide contract.

Mishoe added that the purchase will be for computers, laptops and monitors for use throughout the City. The City will be using a statewide contract for competitive prices.

Councilmember Burton moved to approve the Resolution. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Resolution No. 986-24 approved.

- c. Resolution No. 987-24 – Authorizing the Mayor or City Manager to enter into a three-year contract with Segra for internet services at various City offices and buildings in the amount of \$7,785.00 per month pursuant to a competitively sourced statewide contract.

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 three-year contract with Segra for internet services at various City offices and buildings in the amount of \$7,785.00 per month pursuant to a competitively sourced statewide contract.

Mishoe added that the City will be switching internet services, although they will be retaining Frontier for some smaller services. As a result of IS Director Adam Cotrell's investigation, the City will be saving approximately \$9,000 a month.

Councilmember Burton moved to approve the Resolution. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Resolution No. 987-24 approved.

- d. Bill No. 8036 – A BILL to amend and reenact Section 2-713 of the Municipal Code of the City of Charleston, as amended, by removing provisions regarding surplus funds in order to be consistent with state law.

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

That Section 2-713 of the Municipal Code of the City of Charleston, as amended, is hereby amended and reenacted to read as follows:

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 \$25,000.00 annually. It is anticipated that cumulative revenue from the initial annual fee will be \$100,000.00. 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 W. Va. 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 shall levy the rates for each fiscal year after the City Center BID Board provides the assessments.

(1) Pursuant to W. Va. 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 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 \$100,000.00 is exempt from the purchasing rules of the City of Charleston. Any individual expenditure in excess of \$100,000.00 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.

Mishoe added that State Law recently modified the ability for Business Improvement Districts to carry surplus over from year to year.

Councilmember Burton moved to approve the Bill. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Bill No. 8036 approved.

Councilmember Burton motioned to adjourn the meeting.
Meeting adjourned.