CITY COUNCIL REGULAR MEETING

~ AGENDA ~

REGULAR MEETING

312 South Mildred St
Ranson, WV 25438
www.ransonwv.gov

May 7, 2024 | 7:00 P.M. | Council Chamber

DIGITAL STREAMING OF THIS MEETING AVAILABLE AT : https://ransonwv.gov/your-government/agendas-and-minutes/

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

I. CALL TO ORDER

II. APPROVAL OF MINUTES

1. Minutes - April 16, 2024
   City Council 4162024.docx

III. CITIZEN'S PRESENTATIONS/PETITIONS

IV. CITY MANAGER/STAFF REPORTS

1. Police Chief Status Report
   April Stats 2024.pdf
2. City Manager Report
3. Retirement Benefit Project Update
   MPFRS Police Resolution DRAFT.pdf
   PERS Resolution DRAFT.pdf
   Retirement Matching Program Resolution - 2024 DRAFT.docx
   Supplemental Retirement Benefit Resolution - 2024 DRAFT.docx
   Retirement Final Report and CM Recomendations.pdf
4. Amendment to Legal Services Retainer Agreement
   RANSON LEGAL SERVICES CONTRACT 2024.docx
5. Eastern Panhandle Home Consortium of West Virginia Program Update - April 2024
   EASTERN HOME Report April 2024.pdf
   HOME Consortium Renewal Letter -Ranson.pdf

V. COMMUNICATIONS FROM THE MAYOR

VI. COUNCIL BUSINESS

1. Mayor For the Day Essay Contest Winner Announcement
   L. Snyder
   C. Veillon
   A. Saini

2. Resolution 2024-09– Approval of Capital Improvement Fund Budget for FY 2025
   FY2025 Resolution 2024-09 Capital Budget.docx
   FY2025 CAPITAL BUDGET FILE 5-7-2024 8x11.pdf

3. Property Sale Update and Determination for Future Action - City owned Property located at 100 Block, W. 5th Avenue, Tax District 8, Map4, Parcel 0092.0000, Consideration of MOU with Jefferson County Council On Aging (JCCOA)
   JCCOA MOU for Garden.docx
   5th_Avenue_Sealed_Bid_Advertisement.pdf
   Resolution 2023-36 Sell of property 5th ave.pdf

4. First Reading - An Ordinance Amending and Reenacting Chapter 21 of the Ranson City Code Regarding Hotel/Motel Occupancy Tax, Directing the Dissolution of the Ranson Convention & Visitors Bureau, Inc. and Establishing Membership with the Jefferson County Convention & Visitors Bureau
   Ordinance 2024-357 CVB Consolidation Final.pdf
   Proposed Convention & Visitors Bureau Merger.pdf

5. First Reading - An Ordinance to Relinquish and Vacate a Certain Right of Way described in Deed Book 94, Page 36
   Right of Way Reliquishment Ordinance - NVD.docx
   [18] Deed 94.36.PDF
   Signed Ranson ALTA - Foundry Center received 3.29.24.PDF

6. First Reading- An Ordinance Abandoning and Annulling a Public Alleyway described in the Deed Book 1284, Page 1
   Ordinance 2024 356.docx
   240404 - JCCM Plat of Alley to be Vacated.pdf
   2022-338 Amended, April 2023.pdf

VII. ADJOURNMENT

AGENDA ITEM II.1

City Council Regular Meeting Request for Action

TO:

FROM: Darla Armstrong

ITEM TYPE: Presentation

AGENDA SECTION: **APPROVAL OF MINUTES**

SUBJECT:

ATTACHMENTS:

City Council 4162024.docx

CITY COUNCIL Minutes

~ AGENDA ~

REGULAR MEETING

312 South Mildred St
Ranson, WV 25438
www.ransonwv.gov

April 16, 2024 | 7:00 P.M. | Council Chamber

LIVE STREAMING AVAILABLE @
https://ransonwv.gov/your-government/agendas-and-minutes/

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

I. CALL TO ORDER by Mayor Keith D. Pierson at 7:00 P.M.

Mayor, Keith Pierson	Present
Ken Suits	Present
Amanda Stroud	Present
Tommy Custer	Absent
Mike Anderson	Present
Andy Colandrea	Present
Herbie McDaniel	Present
Robbie Roberts	Present
Todd Wilt	Present
Darla Armstrong	Present

II. APPROVAL OF MINUTES

1. Minutes- Approved
   City Council minutes 492024.docx

III. CITIZEN'S PRESENTATIONS/PETITIONS

Laura Creamer spoke to the council regarding her concerns of the Merging of Ranson Conventional and Tourism merging with Jefferson County.
Chrysteelin Top spoke to the council regarding Steed Street parking at the Townhomes. She asks if you could have signage on the townhome side, asking curve painting by the intersections, and look at the ordinance regarding parking.

Debbie McClure spoke to the Mayor and Council regarding her concerns of the Ranson Convention and Tourism merging with Jefferson County.

Lily Stone, a new resident, came to the Ranson Council to introduce herself. She loves the area and is happy to be a resident in the city. She informed Council the Ranson sign at Currie Road is no longer there.

IV. CITY MANAGER/STAFF REPORTS

1. Police Chief Status Report- March

   Chief Robbie Roberts reported he is preparing for a new officer to take oath at the May 7, 2024 Council meeting at 6:45 P.M.

2. Financial Reports – March 2024
   No Action Taken

3. Community Development Status Report- March
   No Action Taken

4. Public Works Status Report- March
   No Action Taken

5. Ranson Convention and Visitor Bureau Status Report- March
   No Action Taken

6. Ranson Parks and Recreation Status Report - March
   No Action Taken

7. City Manager – Report
   City Manager informed Council 2024 Tourism is April 17,2024. Article 147 regarding Charles Town Utility Board. Mr. Wilt will be attending that meeting April 22, 2024 to inquire about more information. If there are any ideas or thoughts, please bring those to Mr. Wilt. County term seat expired in 2023 that person remains in that seat until filled. Mr. Wilt asked the Council to review the

draft in the Council packet regarding the trash services for any feedback and the bid would be out this week.

8. Trash Collection Services - Request for Proposals

Mr. Wilt informed Council trash collection services will be out for bid this week.

V. COMMUNICATIONS FROM THE MAYOR

VI. COUNCIL BUSINESS

1. 24-18-ABC - WVABCA Licensing Request - Zoning Form, Applicant Cesar Vasquez Ranson, LLC, DBA Peruvian Chicken Restaurant, Corner of Flavors
   Passed 5-0
   1- Absent

Mayor Keith Pierson	**Abstain**
Ken Suits	**YES**
Amanda Stroud	**Motion**
Tommy Custer	**Absent**
Mike Anderson	**YES**
Ken Suits	**YES**
Andy Colandrea	**2nd**

2. Ranson Mini-Grant Program : FY24 Distribution Recommandations
   Vote of 5-0
   1-Absent

Mayor Keith Pierson	Abstain
Ken Suits	YES
Amanda Stroud	YES
Mike Anderson	Motion
Ken Suits	YES
Herbie McDaniel	2nd
Tommy Custer	Absent
Andy Colandrea	YES

Public Hearing– Proposed FY2025 Levy Rate, General Fund Budget Estimate, and Coal Severance Budget Estimate
Mayor Keith D. Pierson Opened Public Hearing. Closed Public Hearing

4. Resolution 2024-08: Approval & Adoption of the Fiscal Year 2025 Levy Rate of the City of Ranson
   Passed 5-0
   1- Absent

Mayor Keith Pierson	Abstain
Ken Suits	YES
Amanda Stroud	2ND
Mike Anderson	YES
Ken Suits	YES
Herbie McDaniel	YES
Tommy Custer	Absent
Andy Colandrea	Motion

5. Property Sale Update and Determination for Future Action - City owned Property located at
   100 Block, W. 5th Avenue, Tax District 8, Map4, Parcel 0092.0000

   City Manager Todd Wilt reported there were no bids for the property. The council has considered decreasing the price of the property or a discussion with the Ranson Senior center to consider the property used by the Ranson Senior Center for a garden.

6. Approval to Incur Planning Costs for Potential Purchase of Property at 3rd Avenue and Fairfax Boulevard - Possible Executive Session

   Executive Session -No Report coming out of Executive Session
   Motion - Ken Suits
   2nd – Andy Colandrea

VII. ADJOURNMENT

Adjournment at 8:08 P.M. Motion was made by Mike Anderson 2nd by Herbie McDaniel. Next Ranson Council meeting will be held May 7, 2024. Ranson Council Chamber 312 South Midred Street, Ranson WV 25438.

_____
Mayor, Keith Pierson

_____
Darla Armstrong, City Clerk

AGENDA ITEM IV.1

City Council Regular Meeting Request for Action

TO:

FROM: Darla Armstrong

ITEM TYPE: Presentation

AGENDA SECTION: **CITY MANAGER/STAFF REPORTS**

SUBJECT:

ATTACHMENTS:

April Stats 2024.pdf

Ranson Police Department
April 2024 Stats

April 2024	Calls for Service	Reports	Arrest	Citations	Warnings	Accidents
Chief Roberts	64	1	1	6	7	0
Capt. Lutman	28	0	0	4	4	0
Lt. Norris	9	1	0	11	2	1
Sgt. Sigulinsky	47	0	0	12	4	2
Sgt. McBride	33	1	0	15	6	1
Cpl. Watson	184	6	0	105	17	6
Cpl. Lynch	57	2	3	13	8	1
Cpl. Meacham	0	0	0	0	0	0
Ptlm. Hosby-Brown	47	0	0	21	6	0
Ptlm. Custer	0	0	0	0	0	0
Ptlm. Swartz	80	2	0	16	6	2
Ptlm. Black	91	5	2	20	8	3
Ptlm. Hutcherson	122	3	5	53	13	1
Ptlm. Hood	81	4	3	11	7	1
Ptlm. Portner	0	0	0	0	0	0
Ptlm. Jenkins	91	8	13	9	20	1
Ptlm. Palmer	80	0	0	11	10	1
Ptlm. Lancaster	1	0	0	0	0	0
Walk Ins	220	0	0	0	0	0
TOTAL:	1235	33	27	307	118	20

Drone Call Outs:
None

AGENDA ITEM IV.2

City Council Regular Meeting Request for Action

TO:

FROM: Darla Armstrong

ITEM TYPE: Presentation

AGENDA SECTION: **CITY MANAGER/STAFF REPORTS**

SUBJECT:

ATTACHMENTS:

AGENDA ITEM IV.3

City Council Regular Meeting Request for Action

TO:

FROM: Darla Armstrong

ITEM TYPE: Presentation

AGENDA SECTION: **CITY MANAGER/STAFF REPORTS**

SUBJECT:

The City Manager will provide an update on this project to the City Council and submit several draft documents for the Council's review, in preparation for consideration at the June 4 City Council meeting. Action of the City Council regarding this issue is not requested at this time.

ATTACHMENTS:

MPFRS Police Resolution DRAFT.pdf
PERS Resolution DRAFT.pdf
Retirement Matching Program Resolution - 2024 DRAFT.docx
Supplemental Retirement Benefit Resolution - 2024 DRAFT.docx
Retirement Final Report and CM Recomendations.pdf

West Virginia
Consolidated Public Retirement Board (CPRB)
601 57th Street SE, Suite 5
Charleston, WV 25304
304-558-3570 or 800-654-4406
www.wvretirement.com

Municipal Police Officers and Firefighters Retirement System (MPFRS)

Municipal Police Officer Resolution

Resolution to Become a Participating Employer of the
West Virginia Municipal Police Officers and Firefighters Retirement System
For
MUNICIPAL POLICE OFFICERS

The following Resolution was duly made and lawfully passed by the majority vote of the governing city council of

(municipality) _____, West Virginia

on the _____day of_____, 20_____.

BE IT RESOLVED that (municipality) _____, West Virginia does hereby elect to join the Municipal Police Officers and Firefighters Retirement System pursuant to Chapter 8, Article 22A, Section 28 of the West Virginia Code, and thereby will include all its municipal police officers who are eligible for membership in the Municipal Police Officers and Firefighters Retirement System. This municipality hereby agrees to pay its employer contributions and withhold applicable employee contributions monthly and remit same to the Municipal Police Officers and Firefighters Retirement System no later than fifteen (15) days following the end of each calendar month. This municipality understands that if contributions are delinquent, the employer will be required to pay the actuarial rate of interest lost, on the total employee and employer contributions per day, with a minimum charge of fifty dollars. This municipality further understands that once it becomes a participating employer of the Municipal Police Officers and Firefighters Retirement System, the municipality may not withdraw from participation in the retirement system without express statutory authority.

This Resolution shall become effective on the first day of the month following receipt of this Resolution with all other required documentation and following acceptance of this Resolution by the Consolidated Public Retirement Board.

It is the duty of the Mayor of each municipality electing to become a participating public employer in the Municipal Police Officers and Firefighters Retirement System to certify this Resolution to the West Virginia Consolidated Public Retirement Board within ten (10) days following the vote of its city council.

I, _____, Mayor of (municipality)

_____, West Virginia do hereby certify that this Resolution and accompanying documentation are true and correct. Further, I acknowledge that I am aware of the provisions of Chapter 8, Article 22A of the West Virginia Code.

_____ _____
Signature of Mayor Phone Number

_____
Municipality Address

All municipalities MUST attach a copy of the minutes from the Board meeting that reflects the majority vote.

Note: Separate resolutions are required for municipal police officers and municipal paid professional firefighters.

DRAFT

West Virginia
Consolidated Public Retirement Board (CPRB)
601 57th Street SE, Suite 5
Charleston, WV 25304
304-558-3570 or 800-654-4406
www.wvretirement.com

Public Employees Retirement System (PERS)

Resolution

Resolution to Become a Participating Employer of the West Virginia Public Employees Retirement System (PERS)

The following Resolution was duly made and lawfully passed by no less than three-fifths (3/5) vote of the governing body of (entity name) _____, West Virginia on the _____day of_____, 20_____.

This agency is a: (please check only one)

- ☐ Political subdivision, or
- ☐ Public corporation

NOTE: Public corporations MUST send a certified copy of the ordinance or charter provision creating said public Corporation.

All entities MUST send a copy of the minutes from the Board meeting that reflects the three-fifths vote.

BE IT RESOLVED that (entity name) _____ does hereby elect to join the Public Employees Retirement System pursuant to Chapter 5, Article 10, Section 16 of the West Virginia Code, and thereby will include all its employees who are eligible for membership in the Public Employees Retirement System. This entity hereby agrees to pay its employer contributions and withhold applicable employee contributions monthly and remit same to the Public Employees Retirement System no later than fifteen (15) days following the end of each calendar month. This entity understands that if contributions are delinquent, the employer will be required to pay the actuarial rate of interest lost, on the total employee and employer contributions per day with a minimum charge of fifty dollars. This entity further understands that once we become a participating employer of the Public Employees Retirement System, the entity may not withdraw from participation of the retirement system without express statutory authority.

This Resolution shall become effective on the first day of the month following receipt of this Resolution, all other required documentation and acceptance of this Resolution by the Consolidated Public Retirement Board. It is the duty of the Clerk or Secretary of each political subdivision or public corporation electing to become a participating public employer to certify this Resolution to the West Virginia Consolidated Public Retirement Board within ten (10) days following the vote of its governing body.

I, _____, Chairman of the Board or Agency Head of (entity name)_____ do hereby certify that this Resolution and accompanying documentation are true and correct.

_____ _____

Signature of Chairman of the Board or Agency Head | Agency Phone Number

_____

Agency Address

_____

DRAFT

CITY OF RANSON COUNCIL RESOLUTION
ESTABLISHMENT OF A PRE-TAX RETIREMENT MATCHING PROGRAM

WHEREAS, the City of Ranson (hereinafter "City") is committed to fostering a supportive and sustainable working environment that enhances the welfare and future security of its employees and their families; and

WHEREAS, the City acknowledges the necessity of competitive retirement benefits as a fundamental component of total employee compensation, aiming to prepare employees for a secure retirement and demonstrating care for their overall wellbeing; and

WHEREAS, in pursuit of becoming a preferred employer and in maintaining competitiveness with neighboring jurisdictions, the City is initiating a comprehensive retirement program that includes this matching program as a key component;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RANSON that:

1. Program Commencement: The retirement matching program shall commence with the first full pay period in July 2024.

2. Participation: Participation in the program shall be available to all existing full-time employees and any new full-time employee hired on or after July 1, 2024. New employees may be subject to a minimum service period before they become eligible to participate. Please consult the official plan documents for specific eligibility requirements.

3. Matching Contributions:
    a) The City will provide a matching contribution, rounded to the nearest whole percentage, of up to three percent (3%) of an employee's base annual salary to their 457(b) Deferred Compensation Plan accounts. This match shall be contingent upon the employee's voluntary contributions to their City of Ranson 457(b) Deferred Compensation Plan accounts.
    b) The maximum matching contribution shall be capped at 3% of the employee's base annual salary.

4. Vesting of Contributions: Participants shall be 100% vested in the matching contributions immediately upon the contributions being credited to their accounts.

5. Program Administration: The program will be administered through the City's existing retirement plan vendor, Equitable Advisors, a local agent and representative of John Hancock Life Insurance Company or as otherwise engage by the City.

6. Investment of Contributions: Contributions under this program will be made to the existing employee 457(b) plans. The investment of contributions shall follow the options available under the plan managed by Equitable Advisors.

7. Plan Terms and Participant Responsibility:
    a) All earnings and losses on the contributions are the sole responsibility of the participant.

DRAFT

b) In the event of any discrepancies between this document and the official plan documents, the terms of the official plan documents shall take precedence.

8. Funding:
    a) Funding for the matching contributions shall be included as part of the annual budgeting process of the City of Ranson.
    b) The provision of this benefit is at the discretion of the City Council and is based on budgeting constraints. The availability of this benefit is subject to change with or without prior notice.

9. Dispute Resolution: Any disputes related to the retirement transition supplemental benefit shall be handled through the established administrative grievance procedure of the City.

10. Communication and Updates: The City or its vendor shall make available annual updates to participants regarding the status and any changes to the retirement matching program through official City communications.

11. Performance Review: The City Council shall review the performance and sustainability of the retirement matching program annually to ensure its alignment with the City's fiscal health and strategic goals.

12. Amendments and Duration: The terms of this matching program are subject to change based upon annual evaluations and availability of funds as determined during the budgeting process.

DRAFT

CITY OF RANSON COUNCIL RESOLUTION
ESTABLISHMENT OF THE RANSON RETIREMENT TRANSITION SUPPLEMENTAL BENEFIT

WHEREAS, the City of Ranson (hereinafter "City") is committed to supporting the transition of its employees from the current 5-5-5 retirement program to new retirement plans managed under the authority granted to the West Virginia Consolidated Retirement Board; and

WHEREAS, the City recognizes that the transition to the new retirement plans, including the Public Employee Retirement System (PERS) and the Municipal Police and Firefighters Retirement Program (MPFRS), may present challenges related to vesting and the potential and/or perceived loss of benefits; and

WHEREAS, the City is committed to mitigating financial losses or perceived losses experienced by employees due to these changes by offering a one-time Ranson Retirement Transition Supplemental Benefit;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RANSON that:

1. Benefit Description:
    a) The Ranson Retirement Transition Supplemental Benefit is a one-time payment offered to all full-time employees transitioning from the City's 5-5-5 retirement program to the new retirement plans managed by the West Virginia Consolidated Retirement Board.
    b) The payment is calculated based on 5% of an employee's annual base salary for each year required to be vested in the respective new program: 10 years for PERS and 5 years for MPFRS.

2. Eligibility and Calculation:
    a) Eligibility for the payment includes all full-time employees affected by the transition.
    b) The calculation of the benefit payment is based on 5% of an employee's annual base salary as of June 30, 2024. For each year of the vesting period required by the new retirement program, the salary used for calculations is increased by 5% from the previous year's adjusted salary. This increase is cumulative, meaning that each year's salary used in the calculation is 5% higher than the adjusted salary of the preceding year. This method of progressive annual increases will apply consecutively for each year up to the total years required for vesting in the respective new retirement program.
    c) Employees who have not yet achieved full vesting in the 5-5-5 retirement program will receive a payment that corresponds proportionally to their current level of vesting in the 5-5-5 program. Vesting in the current 5-5-5 program generally accrues at a rate of 20% per year over five years, leading to 100% vesting after five years. For the purposes of this calculation, service time will be rounded up to the nearest whole year. For example, an employee with 37 months of service in the 5-5-5 program will be considered as having 4 years of service, thus entitling them to a payment based on 80% of the total possible amount.
    d) The projected wage amounts used in calculating the Ranson Retirement Transition Supplemental Benefit are hypothetical and are intended solely for the purpose of determining the potential benefit amounts under this specific transition

DRAFT

benefit. These figures do not represent a commitment or promise by the City of Ranson regarding actual future wage increases or the continuation of employment. This clarification ensures that the use of these projected figures is limited to this context and does not imply any future financial obligations or employment guarantees beyond the scope of this benefit.

3. Payment Allocation:
    a) The supplemental benefit payments will be allocated to the employees' existing 401(a) retirement accounts managed by Equitable Advisors, agents or representatives of John Hancock Life Insurance Company.
    b) Payments will be disbursed prior to September 30, 2024.

4. Purpose of the Benefit:
    a) This benefit is intended to compensate for contributions that cannot be withdrawn or are otherwise not paid out due to the employee not becoming vested in the new program.
    b) The benefit is also designed to mitigate financial disturbances resulting from the transition from the 5-5-5 retirement program to the new plan(s), particularly regarding any required increases in employee contributions or similar concerns.

5. Dispute Resolution: Any disputes related to the retirement transition supplemental benefit shall be handled through the established administrative grievance procedure of the City.

6. Benefit Terms and Participant Responsibility:
    a) All earnings and losses on the contributions are the sole responsibility of the participant.
    b) The benefit may be a taxable benefit, the tax implications of which are unique to each individual. Employees should consult their own tax professional regarding these matters.
    c) In the event of any discrepancies between this document and the official plan documents, the terms of the official plan documents shall take precedence.

7. Performance Review and Term of Benefit: This is a one-time benefit. The City Council shall ensure that all payments are made as scheduled and will review the completion of disbursements to ensure all eligible employees receive their designated benefits.

DRAFT

City of Ranson

312 South Mildred Street
Ranson, West Virginia 25438-1621
Phone (304) 725-1010 | Fax (304) 728-8579

Keith D. Pierson - Mayor

Council Members:
Mike Anderson
Andy Colandrea
Tommy Custer
Amanda Stroud
Herbie McDaniel
Ken Suits

December 15, 2023

Defined Benefit Retirement Program Report

Summary:
The Retirement Committee has explored the feasibility and implications of offering a Defined Benefit Retirement Program, initially in response to specific requests and, more broadly, with a focus on the City of Ranson's police force. While the Council's directive concentrated on the retirement needs of police officers, the Committee, yielding to the need for fair treatment of all City employees and specifically driven by pertinent legal implications, expanded some of its evaluation to encompass the entire City workforce. This report outlines the findings of the Committee, addresses the challenges identified, and presents the City Manager's recommendations based on the Committee's extensive analysis. Additionally, the report emphasizes the City administrative staff's commitment to not only meeting current needs but also proactively addressing future City needs and fiscal responsibilities with an overarching objective to ensure the sustainability of any newly adopted or created benefits.

Key Findings:
The committee began its work in consideration of a pension-like program that had been proposed by some officers of the Ranson Police Department. The committee found that an independent pension program, like the one proposed, is not clearly authorized by the WV state code. After confirming discussions with several well qualified and neutral professionals, the committee abandoned the independent program proposal and looked toward participation in the West Virginia State Retirement System.

Defined Benefit Retirement Plan:

Established in 2011, the Municipal Police and Firefighters Retirement System (MPFRS) offers a stable pension program for first responders employed by municipalities across the state. This program acknowledges the distinct challenges associated with these roles and provides a sustainable framework that addresses many of these specific issues as they relate to retirement. Participation in the MPFRS program is easily attainable but irreversible once initiated by the participating City.

As the Committee assessed the possibility of joining the MPFRS program, it identified and closely examined two separate concerns:

First, upon considering participation in the MPFRS program, John Hancock Investments, the current retirement program provider, raised concerns regarding the potential separation of a specific employee group from the existing retirement system. Separation of the police employees from the current program will place the viability and lawfulness of the the current 5-5-5 program in jeopardy.

A more viable and logical approach, for various reasons, would be for the City to concurrently join the Public Employees Retirement System (PERS) in addition to participating in the MPFRS. This approach ensures that all full-time Ranson employees, regardless of job assignment, are enrolled in an industry-standard defined benefit retirement program, with police officers in MPFRS and all other employees in PERS.

The committee also examined the perceived disparity in benefits that was raised by some employees. Participating in the MPFRS program would mandate that all police employees enter as day one participants without receiving credit for prior service. Consequently, these employees would need to work for a minimum of 5 years as participating members of the MPFRS program to attain vesting and eligibility rights for regular retirement benefits. Even then, retirement benefits for those who only contribute for 5 years would be comparatively lower than the benefits for an employee who participated for 20 or more years. These employees would however, retain their existing retirement savings accumulated through the current 5-5-5 retirement program, ensuring they remain whole in the benefits currently provided by the city.

This same concern would extend to other city employees if the city were to join the PERS program. However, for PERS-eligible employees, the general requirement for vesting and eligibility rights for benefits is 10 years, in contrast to the 5 years stipulated by the MPFRS system.

Supplemental Retirement Matching Program:

Assessing competitiveness with nearby police agencies, numerous employers provide an extra retirement benefit beyond their participation in the respective state pension program – a supplementary percentage matching retirement program. Commonly, this entails a 3% or higher employer/employee match, frequently utilizing a 457b retirement account. This benefit introduces an additional layer of employer-matched investment for employees opting to invest a portion of their earned income to further their retirement future.

Supplemental Retirement Payments:

The committee analyzed various scenarios involving supplemental payments, aiming to address perceived differences in retirement benefits between employees who face challenges in reaching the vesting period for MPFRS or PERS compared to those who could achieve these milestones more easily based on their age and likely remaining years of service. Initially, consistent with the City Council's resolution, the focus of this benefit was geared toward specific police department employees, considering their age and years of service. However, both the Committee and the consulting professionals found it problematic, and potentially unlawful, to provide payments or additional benefits to a specific group of employees based on services that had already been rendered and compensated by the City under the employment terms at the time the service was provided. Significantly, no professional outside those selling or promoting specific retirement products or companies recommended proceeding in this manner.

If the City wishes to offer supplemental payments to mitigate the impact of transitioning to a new retirement system, a forward-looking benefit, applicable to all City employees better aligns with industry-standard human resource and benefits management practices. This approach, common in various government settings across the state, is also generally considered compliant with various legal requirements that governments are held to unlike a plan that would only target specific employees. The City previously offered a similar one-time benefit during the 2011 implementation of the 5-5-5 program.

Finally, it's crucial to acknowledge significantly different opinions regarding this issue among the committee members.

City Manager Recommendations:

Drawing from the committee's findings and consultations with various professionals, the City Manager proposes the following recommendations for the City Council's consideration. The City Manager asks the City Council to finalize these decisions for the FY25 budget. Preparatory work for the FY25 budget will begin in earnest by mid-January 2024, and determinations on these issues will allow ample time for a comprehensive financial analysis during the budget formulation process. Preliminary evaluation of the following recommendations indicates that the City's estimated FY25 budget would support these recommendations. Once the decisions are finalized, staff will work to integrate any elected programs into the FY25 budget calculations.

- **Participation in Municipal Police and Firefighters Retirement System (MPFRS)**
  The City Manager recommends that the City of Ranson consider joining the Municipal Police and Firefighters Retirement System (MPFRS) program. This move would place Ranson on a more competitive footing with neighboring police agencies, addressing long-term retention and aging workforce issues. Furthermore, it aligns with the industry standard for retirement programs for public safety professionals. The associated costs of becoming a participating MPFRS employer would be a recurring expense, factored into the annual budget from identified recurring sources.

- **Participation in the Public Employees Retirement System (PERS)**
  The City Manager recommends that the City of Ranson consider joining the Public Employees Retirement System (PERS) for all eligible non-police officer employees in conjunction with MPFRS participation. The clearest path forward, therefore, is for the City to become a participating PERS employer, and discontinuing or modifying the current 5-5-5 retirement program. The associated costs of becoming a participating PERS employer would be a recurring expense, factored into the annual budget from identified recurring sources.

- **Creation of a Retirement Matching Program**
  If the City elects to participate in both the MPFRS and PERS programs, the City Manager further recommends the establishment of a new retirement benefit wherein the city would match employee contributions at 1%, 2%, or 3% of their salary, utilizing the existing 457b retirement accounts through John Hancock Investments. Leveraging existing accounts allows employees to maximize and consolidate current savings and enables long-tenured employees to optimize any existing retirement savings accrued through the 5-5-5 program. The associated costs of creating this new retirement matching benefit would be a recurring expense, factored into the annual budget from identified recurring sources.

- **Consideration of a Onetime Supplemental Payment**
  If the City Council is compelled to offer a supplementary benefit to aid in mitigating any real or perceived impacts of discontinuing the existing retirement plan, the City Manager recommends the establishment of a one-time supplemental retirement payment. Modeled similarly to the approach taken during the inception of the current 5-5-5 program in 2011, this program would be crafted in an effort to help fulfill the current retirement program's commitment while taking into account the vesting issues relevant to those nearing standard retirement qualification. The suggested supplemental payment would be placed directly into the 457 retirement accounts of all employees. In evaluating this benefit, the City Council needs to identify funds for this one-time expense. The City Manager suggests considering the CARES funding allocation, totaling approximately $1,033,000.00. That approximate amount would generally allow for a replacement of the City's current base 5% retirement allocation for a respective 5- or 10-year period which aligns with the vesting periods of the respective new retirement programs.

  It's important to acknowledge that dividing this proposed amount among all eligible City employees would result in individual payments significantly less than the original request made by the police employees and while similar in nature, this proposal is not intended to provide the same level of benefit as the request from those employees.

  If the Council seeks additional insights or perspectives regarding a supplemental payout beyond the proposed recommendation, the City Manager recommends that the Council allocate additional budgetary resources for continued engagement of independent, external professionals. The City Manager believes the Committee has thoroughly utilized available resources and expertise within the given timeframe. Given the complexity of this issue, it would be crucial for the City to leverage the expertise of qualified professionals in this field, acknowledging the potential costs and time involved. A research commitment such as this may span multiple budget years and should be distinct from the consideration of offering a defined benefit retirement plan.

AGENDA ITEM IV.4

City Council Regular Meeting Request for Action

TO:

FROM: Todd Wilt, Finance

ITEM TYPE: Presentation

AGENDA SECTION: **CITY MANAGER/STAFF REPORTS**

SUBJECT:

The City Council is asked to review the proposed amendment to the monthly legal services retainer agreement with Attorney Tim Stranko, PLLC. Mr. Stranko proposes a reduction in the monthly fee from $5,500 to $4,500, reflecting a decrease in the required legal assistance hours due to efficient city management. This adjustment aligns with best budget management practice and corresponds to the current needs of the city.

ATTACHMENTS:

RANSON LEGAL SERVICES CONTRACT 2024.docx

LEGAL SERVICES CONTRACT

THIS AGREEMENT is made the ___ day of _____, 2024, by and between the City of Ranson, Jefferson County, West Virginia, a political subdivision of the State of West Virginia, and Attorney Tim Stranko, PLLC, a West Virginia limited liability professional corporation.

THESE PARTIES AGREE THAT:

Attorney Tim Stranko, PLLC, shall serve the City of Ranson as City Attorney in accordance with the highest legal and ethical standards.

1. Services to be rendered under this Agreement include:

    a. Comprehensive and daily legal support and risk management of routine and extraordinary City operations, as directed by the City Manager, including unlimited response to requests for advice from the Mayor, City Manager and Staff.
    b. Attendance, reports and participation at regularly announced and special meetings of the City Council, as directed by the Mayor or City Manager.
    c. Management and coordination of legal services provided by third party insurers and appointed Counsel.
    d. Support of the City's legislative initiatives, including state and local bill drafting and advocacy.
    e. Negotiation and preparation of agreements and other support of City initiatives to ensure the continued success of the City at the lowest possible cost to its Taxpayers.
    f. Maintenance of adequate legal malpractice insurance in compliance with the laws of the State of West Virginia and the Rules of the Supreme Court of Appeals of West Virginia.

2. In exchange for these services, the Board shall monthly pay Attorney Tim Stranko, PLLC a flat fee of Four Thousand Five Hundred and 00/100 Dollars ($4,500.00) on or about the tenth (10th) day of each month following the date first written above.

3. Litigation of matters before administrative bodies of the State and City, including, but not limited to, the Police Civil Service Commission, the Public Service Commission, the Unemployment Compensation Review Board, the Workers Compensation Review Board, the Ethics Commission and the Environmental Quality Board shall be billed at an hourly rate of $450.00.

4. The City shall pay upon demand (with supporting documentation) expenses incurred, including filing fees, deposition charges, copying costs, postage, and related expenses. Travel costs for driving shall be billed at the prevailing IRS mileage rate.

5. The term of this Agreement is indefinite, and thus either Party may be excused of performance of these terms, with or without reason, by providing with written notice to the other Party.

6. This writing is the full and final Agreement made by these Parties, superseding all previous contracts, whether written or oral, and may be amended only by written Agreement signed by both Parties.

7. It is the intent of the Parties that the terms herein are effective beginning June 1, 2024.

WITH INTENT TO MAKE A LEGALLY BINDING AGREEMENT, this document is endorsed and executed by these parties as indicated below:

City of Ranson

_____

Keith D. Pierson
Mayor

Date:_____

ATTORNEY TIM STRANKO, PLLC

_____

Timothy P. Stranko
Managing Member

Date:_____

AGENDA ITEM IV.5

City Council Regular Meeting Request for Action

TO:

FROM: Todd Wilt, Community & Economic Development

ITEM TYPE: Presentation

AGENDA SECTION: **CITY MANAGER/STAFF REPORTS**

SUBJECT:

Review and discussion of the most recent HOME funding report, which outlines the consortium's achievements and financial details, including support for first-time homebuyers and community housing projects. The consortium will be seeking renewal of the participation agreement at the City Councils May 21 meeting. Renewal aims to continue the partnership among the regional jurisdictions to address local housing needs effectively.

ATTACHMENTS:

EASTERN HOME Report April 2024.pdf
HOME Consortium Renewal Letter -Ranson.pdf

EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA
PROGRAM UPDATE April 2024

The Eastern Panhandle HOME Consortium of West Virginia is completing its sixteen year of program operations for the use of HOME Investment Partnership Program funds through HUD. The HOME Consortium consists of four major jurisdictions and a total of twelve members including the City of Martinsburg, Berkeley County, Town of Hedgesville, Jefferson County, Town of Bolivar. City of Charles Town, Corporation of Harpers Ferry, City of Ranson, Corporation of Shepherdstown, Morgan County, Town of Bath and Town of Paw Paw. The cooperation of the individual jurisdictions has enabled us to secure the HOME funding to help address local housing needs. The City of Martinsburg is the grantee and serves as HOME administrator.

Through April 2024, we received **$7,722,117 in HOME funding**, including $457,704 in local funds. This includes our FY 2023 allocation $541,663, an $19,428 decrease from the FY 2022 allocation of $561,091. In addition, we have received our grant agreement of the HOME-ARP Allocation Plan, FY 2021 Annual Action Plan Substantial Amendment in the amount $1,843,081.00.

Most of the funding has been used for a **Homebuyer Assistance Program (HAP)** with the following results:

340 first time homebuyers assisted — **$4,789,251** (incl. $66,000 CDBG)

Berkeley County	*161 closed*	*Jefferson County*	*85 closed*
Martinsburg	59 closed	Morgan County	35 closed

Program Statistics	***FY 2007 – FY 2023***	***Past 12 Months***
Average Amount HAP	$14,086	$13,538
Median Sales Price	$137,104	$167,800
Median 1st Mortgage	$124,891	$160.612

As of April, 2024, HOME funds have leveraged **$46,615,302 in home sales** and buyers had obtained **$42,463,279 in mortgage loans** – a ratio of $**1: $9:10** in mortgage funding for each HAP dollar expended.

In addition to the Homebuyer Assistance Program, we are required to set aside 15% of our annual allocation for use by **Community Housing Development Organizations (CHDO**). To date, **$610,538** has been expended by Habitat for Humanity of the Eastern Panhandle to build ten houses for low-income persons. Habitat was approved on April 11th for the CHDO application in the amount of $118,152 for new construction of an affordable house at 320 E. Burke Street in Martinsburg. The outstanding FY 2016 CHDO funds of $49,473.00 can no longer can be used by Habitat, are allowed to be used for another HOME eligible activity. There is an application in process for Tenant Based Rental Assistance to Community Network, Inc. for these funds. There remains $391,424 of available CHDO funds.

Funding Distributions are:

Jurisdiction/Project	**Total available as of 3-31-24 (includes FY 2023)**
Berkeley County	$506,528
Jefferson County	$446,280
Morgan County	$144,743
City of Martinsburg	$454,672
	$ 1,552,223

232 NORTH QUEEN STREET
P.O. BOX 828
MARTINSBURG, WV 25402
P: (304) 264-2131
F: (304) 264-2136

CITY OF MARTINSBURG
WEST VIRGINIA

www.cityofmartinsburg.org

April 30, 2024

Home Consortium member

RE: FY 2025-2027 Eastern Panhandle HOME Consortium Renewal

Dear Mayor Pierson,

The City of Martinsburg is starting the 3 -year HOME renewal process of the Eastern Panhandle HOME Consortium. I begin this process by visiting each of the 3 counties annually to renew the HOME Resolutions and then every 3 years to all the local towns and municipalities to continue to be a part of the Eastern Panhandle HOME Consortium of West Virginia.

Our current Cooperative Agreement has an automatic renewal. However, I am notifying each member of the Consortium of your right not to participate in the successive three-year qualification period. If you do not wish to continue your participation, your funding portion will be distributed to the remaining consortium members who opt to participate.

If you wish to continue participation in the HOME Consortium of the Eastern Panhandle, I will request that an agenda item be placed for one of your upcoming meetings to renew the 3- year Cooperative Agreement and FY 2025 HOME Resolution and/or meet with you in person to discuss the HOME Program. I will make myself available if you would like to participate or answer any questions at your meeting.

Please let me know your preference of staying in the consortium or deciding to leave by May 30, 2024 by email nstrine@cityofmartinsburg.org

I am attaching the latest HOME Consortium Program Update dated April 2024 with more information about the HOME funds.

I look forward to speaking to you soon!

Sincerely,

Nancy Strine, HOME Administrator

Cc: Andy Blake, City Administrator

AGENDA ITEM VI.1

City Council Regular Meeting Request for Action

TO:

FROM: Darla Armstrong

ITEM TYPE: Presentation

AGENDA SECTION: **COUNCIL BUSINESS**

SUBJECT:

The Mayor for the Day event is scheduled for May 17, 2024.

- Laura Snyder is 1st place winner, she is invited by the Mayor Keith Pierson to spend the day at City Hall and explore the City.
- Runners up were Catelynn Veillon and Aaliyah Saini.

ATTACHMENTS:

L. Snyder
C. Veillon
A. Saini

Dear Mayor,

Hi my name is Laura snyder. I have a bunch of great ideas and I hope you like them!

1. If I was mayor I would add snacks to the food bin near the city hall. I would add healthy snacks every week so people won't be hungry. Because me and my mom went to the store just for the food bin! I'm almost the only person who fills it up. And I also think that we should add security cameras at the food bin because I have seen people grab food from the bin and tear it up then leave!

2. If I was mayor somewhere in town I would add a splash pad for the summer! So kids and family can enjoy the water! I just want everyone in town to have fun!

3. If I was mayor I would give surprises to nursing homes. For Christmas, Halloween, Easter, St Patrick's day, and any other holiday, there would be games for them to look forward to! All week is games, treats, and surprises! For Christmas, advent calendar. Halloween, inside trick or treat! Easter, the classic easter egg hunt. St Patrick's day, catch the leprechaun! For Valentine's Day, you can just give chocolates out!

And that's why I think I should be mayor for a day. Have a good day!

— Laura

WHY I WOULD BE THE MAYOR FOR THE DAY

Hi my name is Catelynn and I love animals and my friends. I'm going to tell you my three reasons why I want to be Mayor for the day. My first reason is helping animal rescue, next is helping the homeless, and last is donating to schools around Ranson.

The reason why I want to help animal rescue is because I love animals and most living things. I would donate as much pet food and toys to animal rescue as I can. I think everyone should donate to animal rescues.

My next reason why I think I would be a good mayor for the day is because I want to help homeless people.

The reason I want to help homeless people is because everyone deserves food and a warm place to sleep. I would give as many homeless people food and sleeping bags. So they stay warm and healthy.

Now the reason why I would donate to Ranson schools is because I know from personal experience, sometimes there isn't enough to go around. Like for instance, sometimes there aren't enough glue sticks or not enough paper or something else that we don't have. I want to donate any kind of school supplies I can.

So now you have my three reasons. I want to help animal rescue and I want to help the homeless, and why I want to donate to Ranson schools.

Thank you for reading my essay about why I want to be Mayor for the day.

Yours truly-

Catelynn Veillon

Mayor for the day

Hello, my name is Aaliyah Saini. I'm a student at Ranson Elementary. If I was the Mayor for a day, I would make things better like our school. I would buy supplies and donate to the school. Because since some kids can't afford supplies for school, and some supplies get broken then the kid can't use it anymore. And after it's broken they need a new one, but if I donated to them they wouldn't need too! I would also love to help the community by making them better. Like donating to people that don't have money because everyone needs a start in life! And some people don't get that start so I will offer them a start! By donating to them. Also I would love to help the community by also planting more trees! Because more people are starting to move here so more houses built but more trees destroyed in the process. And trees give us air but we act like the trees are gonna be here forever! But if we keep destroying them we might not even have any left. So that's why we should plant more trees! And that's what I would do if I was the Mayor for a day!

AGENDA ITEM VI.2

City Council Regular Meeting Request for Action

TO:

FROM: Todd Wilt, Finance

ITEM TYPE: Presentation

AGENDA SECTION: **COUNCIL BUSINESS**

SUBJECT:

As required by State law, the City Council must meet to approve the Capital Improvement Fund Budget for fiscal year 2025, and to hear any objections to the adopted budget. Enclosed is a copy of the Capital Budget. These funds are dedicated to capital expenditures and utilized for purchasing of capital items and funding of capital improvement projects

ATTACHMENTS:

FY2025 Resolution 2024-09 Capital Budget.docx
FY2025 CAPITAL BUDGET FILE 5-7-2024 8x11.pdf

RESOLUTION #2024-09

A RESOLUTION OF THE CITY OF RANSON ADOPTING AND APPROVING THE CAPITAL IMPROVEMENT FUND BUDGET FOR FISCAL YEAR 2025

At a regular session of the Ranson City Council held on May 7, 2024, the following order was made and entered:

RESOLVED: The City Council of the City of Ranson does hereby direct the Capital Improvement Budget for FY 2025 be adopted as shown on the attached Ranson Capital Budget Document, a copy of which is entered as part of the record.

WHEREUPON, Mayor Keith D. Pierson, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above. The City Manager shall have authority to execute purchases, subject to pertinent state, federal and local purchases laws and regulations under the approved Capital Improvement Budget.

Signed and approved this 7th day of May, 2024.

_____

Keith D. Pierson
Mayor

ATTEST:

_____

Darla Armstrong
City Clerk

CITY OF RANSON
CAPITAL IMPROVEMENT FUND PROPOSED BUDGET
FY 2025

	06-30-21 ACTUAL	06-30-22 ACTUAL	06-30-23 ACTUAL	2023-2024 APPROVED BUDGET 11-21-23	BALANCES THRU 12-31-2023	FY 2025 PROPOSED BUDGET	FUTURE YEAR PROJECT OBLIGATION	Notes
Carryover Balance	*7,000,000*	*5,850,000*	*6,039,000*	*7,065,261*	*7,065,261*	*5,500,000*	$ *1,669,287.00*	*Anticipated fund balance at 6/30/2025*
201.348.100 Special Assessments - Sidewalk Funds		3,071	11,378	-	7,200	-	$ -	
201.350.100 City Service Fees	98,891	19,500	91,802	50,000	101,000	75,000	$ -	Collections tied to new home development volume
201.365.100 Grants	-	37,481	-	-	-	-	$ -	*Pending grant amounts tied to Mildred, 5th Ave, & FSPS Trail ($2,106,735)*
201.365.200 Fairfax Blvd. Reimbursement		70,184	743,000	-	-	-	$ -	
201.369.100 Contributions from Other Funds	273,036	1,021,012	2,053,791	1,500,000	750,000	1,535,087	$ -	Annual Contribution From General Fund
201.376.000 Table Games Income	150,399	219,685	221,741	150,000	84,966	190,000	$ *175,000.00*	Monthly Table Game Distributions
201.380.100 Interest Income	2,713	1,433	7,192	40,000	43,064	40,000	$ -	Increased Interest rcvd on Capital Accounts (3.49%)
201.381.200 Demo Reimbursements	13,055	61,435	16,065	-	(3,840)	-	$ -	
201.386.100 Insurance Claim	1,382	-	3,530	-	-	-	$ -	
201.397.100 Video Lottery Income	515,826	660,851	703,434	450,000	224,333	600,000	$ *550,000.00*	Monthly Video Lottery Distributions
TOTAL REVENUES	***8,055,303***	***7,944,652***	***9,890,932***	***9,255,261***	***8,271,984***	***7,940,087***	$ *2,394,287.00*	
EXPENDITURES								
201 Misc. Fees								
Bank Charges	122	127	146	150	73	150	$ -	
201.975.459 GENERAL GOVERNMENT CAPITAL EXPENSES								
Computer Replacement Program (201-975.459.001)	93,219	21,572	81,617	100,000	-	100,000	$ -	Standard computer/phones/IT equipment replacements for all depts.
Condemnation of Properties (201-975.459.002)	-	78,989	11,900	25,000	10,800	25,000	$ -	Demolition of dilapidated properties
Cameras	-	-	63,027	-	-	-	$ -	
Replacement Vehicle (201-975.459.003)		-	-	-	-	70,000	$ -	City Hall SUV
Total - General Government	*93,341*	*100,688*	*156,690*	*125,150*	*10,873*	*195,150*		
201.976.459 PUBLIC SAFETY CAPITAL EXPENSES								
3 Patrol Vehicles (201-976.459.001)	66,034	70,381	73,166	129,000	129,234	135,000	$ -	3 Vehicles at $45K a piece
Equipment for Patrol Vehicles (201-976.459.002)	36,014	26,137	35,500	75,000	46,130	75,000	$ -	Associated Equipment for Vehicle Additions
Three In-Car Camera Systems (201-976.459.002)	19,890	90	9,900	20,000	19,726	20,000	$ -	Associated Equipment for Vehicle Additions
Three CAD units (201-976.459.002)	-	-	2,918	5,000	-	10,000	$ -	Associated Equipment for Vehicle Additions
E-Ticketing (201-976.459.003)	2,946	2,119	82	5,000	-	8,000	$ -	Equipment replacements and/or additions
Radios (201-976.459.003)	56,210	6,771	-	10,000	-	15,000	$ -	Equipment replacements and/or additions
Radars (201-976.459.003)		-	3,885	2,000	-	7,500	$ -	Equipment replacements and/or additions
Tasers (201-976.459.003)		-	50,220	10,000	-	15,000	$ -	Equipment replacements and/or additions
License Plate Reader (201-976.459.004)		-	-	20,000	19,777	-	$ -	
Electronic Fingerprint Machine						30,000	$ -	Chief working on pricing, $30K placeholder
New Police Department Building (201-976.459.005)		-	-		-	750,000	$ *750,000*	$500K budgeted in FY2021, no funding spent; Phase 1 cost estimated $1.5M (land acquisition, design, construction prep) split over FY25 & FY26; project construction cost unknown as of 04/10/2024
Total - Public Safety	*181,094*	*105,498*	*175,671*	*276,000*	*214,867*	*1,065,500*	$ *750,000*	
201.977.459 STREET & TRANSPORTATION CAPITAL EXPENSES								
Street Construction & Repairs								
5th Avenue Streetscape (201-977.459.016)	37,481	-	220,291	1,100,000	-	1,300,000	$ -	Estimated project cost for FY24; FY25 cost estimate $2.87 million
Fairfax Boulevard (Phase II)		25,000	-	-	-	-	$ -	
Fairfax Boulevard (Phase III) (201-977.459.017)	223,314	2,086,764	1,836,489	75,000	2,087	-	$ -	
16th Avenue Roadway Design (201-977.459.015)	-	-	-	50,000	36,385	-	$ -	

Stormwater Engineering/Repairs								
SWM/Engineering & Construction	13,523			-	-	50,000	$ -	Miscellaneous SWM expenses
Stormwater Management/Engineering (Mildred) - Design (201-977.459.012)	197,833	18,649	7,565	200,000	-	200,000	$ -	Rollover prior year project allotment
Stormwater Management/Engineering (Mildred) Phase 1 (201-977.459.012)	-	-	-	1,200,000	-	1,000,000	$ *200,000*	P1 addresses section from pond to Charles Town area (Evitts Run): Anticipated Project Cost Expenses for FY25; balance of phase 1 project should be completed in FY26 for $200K
Stormwater Management/Engineering (Mildred) Phase 2 (201-977.459.012)	-	-	-	-	-	250,000	$ *2,150,000*	P2 addresses section from Cranes Lane to pond: Anticipated Project Cost Expenses for FY25; balance of phase 2 project should be completed in future years with an estimated cost of $2.15M
Miscellaneous Other Capital Projects								
Barnes	-	230	8,250	-	-	-	$ -	
City Hall Roof (201-977.459.011)	-	-	1,500	205,000	116,350	20,000	$ -	FY24 project was complete roof replacement; FY25 is remediate attic insulation issues
Foundry Remediation, Planning and Engineering (201-977.459.014)	920	32,278	33,106	35,000	4,556	-	$ -	Allotment for any continuing Foundry expenses
Gateway (Circle Reconstruction)	-	-	17,281	-	-	-	$ -	
Trifecta Place (201-977.459.013)	-	-	5,500	1,100,000	-	500,000	*?*	Rough estimate for costs to renovate/finish Trifecta Place building 1st floor in FY25; prospect of building unknown and may necessitate additional project costs (or conversely, no costs at all)
PW Capital Budget Items								
Street Preservation (Asphalt Overlay) (201-977.459.001)	216,920	203,834	241,485	350,000	262,411	300,000	$ -	Recurring annual repaving expense allotment
Alley Construction & Preservation (201-977.459.002)	14,900	21,303	12,242	100,000	8,925	50,000	$ -	Recurring annual alley expense allotment
Sidewalk & Curb Replacement (201-977.459.003)	33,218	77,203	4,680	75,000		75,000	$ -	Recurring annual sidewalk/curb expense allotment
Street Design/Engineering (201-977.459.004)	-	-	-	100,000		50,000	$ -	General street design expenditures
Street Light Replacement (201-977.459.005)	20,857	3,670	17,058	75,000	18,430	75,000	$ -	General street light replacement costs
F150 Truck (201-977.459.006)	52,629	50,062	46,638	-	-	-	$ -	
Sweeper Truck (201-977.459.008)	-	-	-	250,000	-	-	$ -	Allotment to purchase a sweeper (ordered, waiting on delivery, extra $25K as cost/inflation contingency)
Dump Truck with Plow	92,712	-	-	-	-	-	$ -	
2005 F350 Dump Truck Dump Bed		11,201	-	-	-	-	$ -	
Equipment (201-977.459.009)	278	6,950	96,062	125,000	-	75,000	$ -	General Equipment purchases over $5K
2 Zero Turn Mowers	-	-	10,579	-	-	-	$ -	
Loader/Skid Steer Attachments (201-977.459.009)	55,116	6,200	3,960	16,000	2,624	-	$ -	
Brine Tank System (201-977.459.010)	-	-	-	5,000	-	-	$ -	
Improvement to Public Works Yard (201-977.459.010)	6,000	-	5,500	494,500	59,544	400,000	$ -	Allotment for PWY improvements (bathrooms, office space, garage)
Total - Streets & Transportation	965,700	2,543,344	*2,568,186*	*5,555,500*	*511,310*	*4,345,000*	$ *2,350,000*	
201.979.459 PARKS & RECREATION CAPITAL EXPENSES								
Civic Center Improvements (201-979.459.001)		11,676	149,201	50,000	12,327	40,000	$ -	Allotment upgrades, scissor lift purchase $13K, floor machine $15K
GE	10,862	42,434	14,329	700,000	1,474	600,000	$ -	$100K design, $500K construction (PW instead of contracted out)
Marcus Fields Improvements (201-979.459.002)		-	-	100,000	-	25,000	$ -	Exterior deck build
Total - Parks & Recreation	*10,862*	*54,110*	*163,530*	*850,000*	*13,801*	*665,000*		
Contingencies	-	-	-	2,448,611	-			
TOTAL EXPENSES	***1,250,998***	***2,803,640***	***3,064,077***	***6,806,650***	***750,924***	***6,270,800***	$ *3,100,000*	
REVENUES OVER EXPENSES	***6,804,304***	***5,141,011***	***6,826,854***	***2,448,611***	***7,521,060***	***1,669,287***	$ (705,713.00)	

AGENDA ITEM VI.3

City Council Regular Meeting Request for Action

TO:

FROM: Darla Armstrong

ITEM TYPE: Presentation

AGENDA SECTION: **COUNCIL BUSINESS**

SUBJECT:

Mayor Pierson will update the City Council regarding recent conversations with representatives of the Jefferson County Council on Aging (JCCOA) and ask consideration of the Council regarding the included Memorandum of Understanding

ATTACHMENTS:

JCCOA MOU for Garden.docx
5th_Avenue_Sealed_Bid_Advertisement.pdf
Resolution 2023-36 Sell of property 5th ave.pdf

MEMORANDUM OF UNDERSTANDING

Between:

City of Ranson
312 S. Mildred Street,
Ranson, West Virginia, 25438

And

Jefferson County Council on Aging (JCCOA)
103 West 5th Avenue
Ranson, WV 25438

Date of Agreement: May 8, 2024

1. Intent

This Memorandum of Understanding (MOU) is to establish a collaborative framework under which the City of Ranson (City) provides the Jefferson County Council on Aging access and use of the designated parcel located between 104 & 106 W. 5th Avenue, Ranson, WV, hereinafter referred to as the "Property", for the development and maintenance of a garden and other similar functions that benefit the users or clients of the Jefferson County Council on Aging (JCCOA).

2. DESCRIPTION OF THE PROPERTY

a) Physical Address: Parcel located between 104 & 106 W. 5th Avenue, Ranson, WV but is not individually addressed and is generally across the street from the JCCOA business officer located at 103 West 5th Avenue, Ranson, WV 25438
b) Current Use: This parcel is presently an unoccupied plot of land, primarily covered in grass, which is maintained by the City.

3. AUTHORIZED USES AND RESTRICTIONS

a) The JCCOA is authorized to use the Property exclusively for a garden or gardening activities and directly related activities beneficial to its clients.
b) Any alternative uses of the Property must be expressly authorized by an official action of the City Council, and such authorization must be documented in writing.
c) All uses shall comply with the Ranson Codified Code and any other applicable local, state, or federal regulations.

4. MAINTENANCE AND UPKEEP

a) The JCCOA shall be solely responsible for the maintenance and upkeep of the Property, including but not limited to landscaping, mowing, and general cleanliness.
b) The Property must be maintained in a condition that meets the standards set forth in the Ranson Codified Code, ensuring it remains safe and aesthetically pleasing.

5. LIABILITY AND INSURANCE

a) The JCCOA agrees to indemnify and hold harmless the City from any and all claims, liabilities, damages, and expenses arising from the JCCOA's use of the Property.
b) JCCOA shall maintain liability insurance coverage sufficient to cover its activities on the Property, with the City named as an additional insured party, and provide proof of such insurance to the City.

6. TERM OF THE MOU

This MOU shall commence upon signing and remain in effect until December 31, 2029, unless extended by mutual written agreement of both parties.

7. TERMINATION

Either party may terminate this MOU upon 30 days written notice to the other party. Notice of termination must be delivered via certified mail or hand-delivered to ensure receipt.

8. GENERAL PROVISIONS

a) This MOU constitutes the entire agreement between the City and JCCOA concerning the subject matter hereof and supersedes all previous agreements, promises, proposals, representations, understandings, and negotiations, whether written or oral, between the parties respecting the subject matter hereof.
b) Amendments to this MOU must be made in writing and signed by duly authorized representatives of both parties.
c) The invalidity or unenforceability of any provisions of this MOU shall not affect the other provisions hereof, and this MOU shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding as of the day and year first written above.

CITY OF RANSON

Signature: _____
Name:
Title:
Date:

JEFFERSON COUNTY COUNCIL ON AGING

Signature: _____
Name:
Title:
Date:

ADVERTISEMENT FOR SEALED BIDS

CITY-OWNED REAL PROPERTY LOCATED AT

100 BLOCK W. 5TH AVENUE, RANSON WV
TAX DISTRICT 8, MAP 4, PARCEL 0092.0000

RANSON
AT THE CENTER OF OPPORTUNITY.

DRAFT

BIDDING OPENS:
FEBRUARY 21, 2024

BID SUBMISSION DEADLINE:
March 26, 2024

Issued by:
City of Ranson
312 S. Mildred Street
Ranson, West Virginia
www.ransonwv.gov

The City Council of Ranson, West Virginia ("City"), has authorized the sale by sealed bid of a parcel of real estate (the "Property") as described below during its February 20, 2024, meeting:

Property Information:

Owner: Ranson Corporation
Physical Address: Parcel located between 104 & 106 W. 5th Avenue, Ranson, WV
County: Jefferson
District: 8
Map: 4
Parcel No.: 0092.0000
Deed Book/ Page: 854/193
Deeded Acres: 0.0717 +/-
Current Zoning Designation: T4 - General Neighborhood

Map of Property:
Subject Parcel is outlined in blue.



The City of Ranson will accept sealed bids for the described property parcel until 3:00 P.M. (EDT), Tuesday, March 26, 2024, at Ranson City Hall located at 312 S. Mildred Street, Ranson, West Virginia. At 3:30 P.M. (EDT) on Tuesday, March 26, 2024, City staff will publicly open, and record all received bids.

General Information:

- Minimum Bidding Reserve: $45,000.00.
- Highest Responsible Bidder Determination: The City Council will announce the successful bidder during their regular meeting at 7:00 P.M. (EDT) on Tuesday, April 2, 2024.
- Property Status: Sold "as is, where is" with no warranty of title.
- Bid Acceptance Period: Bids will be open and subject to acceptance until the City Council officially awards the bid.

Bid Requirements:

- Bid Deposit: Each bid must be accompanied by a bid deposit of five percent (5%) of the bid amount.
- Acceptable Forms: Bid deposits may be in the form of cashier's check, certified check, or a surety bond payable to the City of Ranson.
- Deposit Handling: The successful bidder's deposit will be held until the property sale is closed. Failure to close the sale results in forfeiture of the deposit to the City.
- Return of Deposits: Deposits from unsuccessful bidders will be returned when the City Council awards the property to the highest responsible bidder.

City's Rights:

- Withdrawal: The City reserves the right to withdraw the property from sale at any time.
- Rejection: The City reserves the right to reject any or all bids.

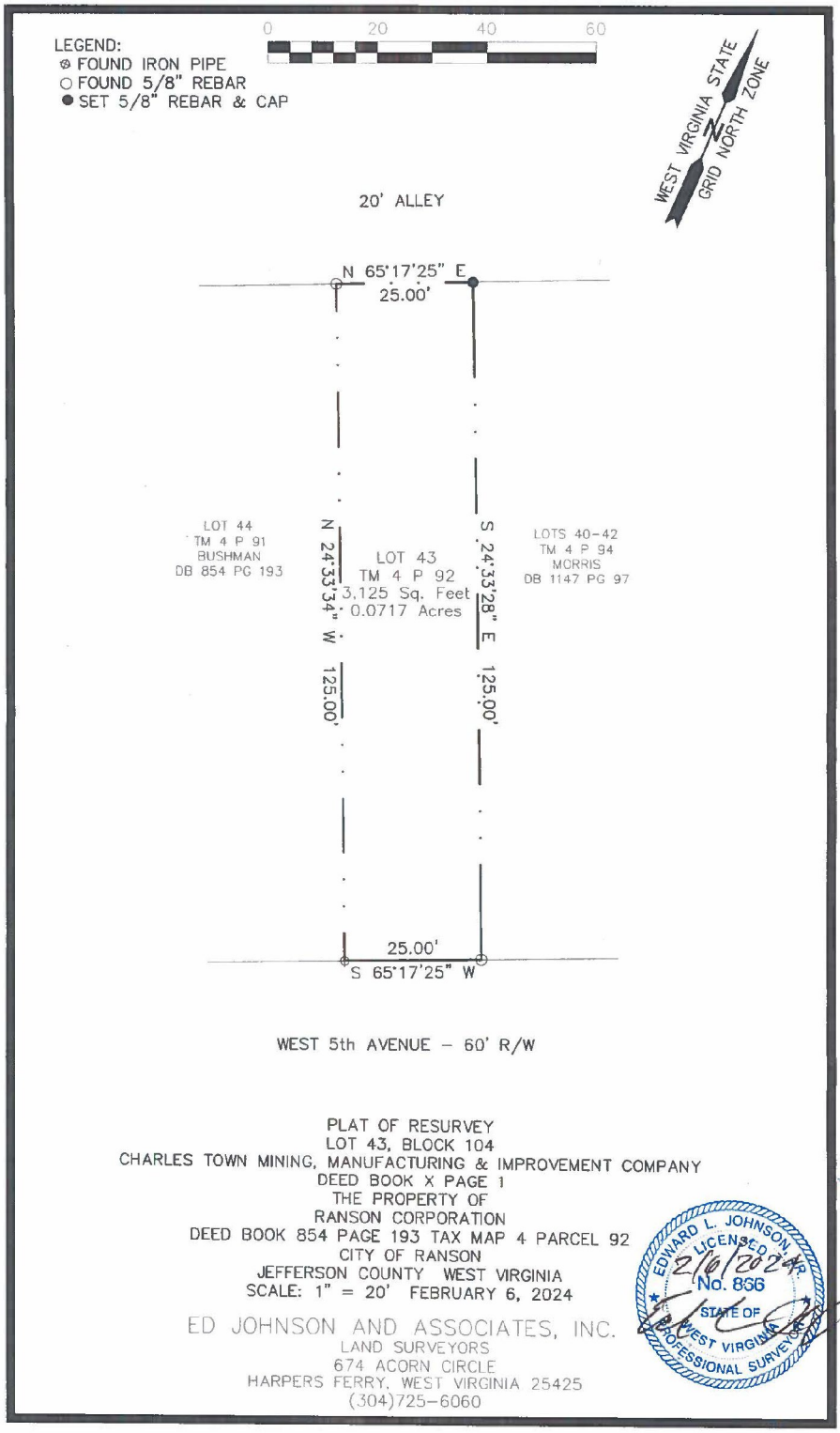
Closing Cost Information:

- Buyer Responsibility: The successful bidder will be responsible for all closing costs associated with finalizing this transaction. The City encourages bidders to factor in closing costs while preparing their bids.

For any inquiries about this property sale, please contact the City Manager via email at twilt@ransonwv.us or in person at Ranson City Hall, 312 S. Mildred Street, Ranson WV 25438.

DRAFT

Survey Plat:



END OF ADVERTISEMENT

Resolution 2023-36

A Resolution of The Ranson City Council for the Sell of Real Property, Identified as Ranson Tax District, Map 4, parcel 92 located in the 100 Block of West 5th Avenue.

WHEREAS, Pursuant to West Virginia Code §8-12-18 (b), allowing municipalities to sell real or personal property for fair consideration, either through public auction when the property's value exceeds $1,000.00;

WHEREAS, Any proposed conveyance under this section must be advertised as a Class II legal notice, as per §59-3-1 et seq., with the municipality as the designated publication area;

WHEREAS, The City of Ranson holds fee simple ownership of real property in its municipal boundary, identified as Ranson Tax District, Map 4, parcel 92, detailed in Deed Book 854, Page 193, recorded by the Clerk of the Jefferson County, West Virginia Commission;

WHEREAS, The City Council has determined that said property holds limited present value and/or foreseeable practical use for any municipal purpose and City Council desires to have this parcel put back into productive use;

NOW, THEREFORE, BE IT RESOLVED, that the City of Ranson wishes to sell the aforementioned property parcel, and

BE IT FURTHER RESOLVED that the City Manager is hereby directed to conduct the sale in accordance with the provisions outlined in West Virginia Code §8-12-18 (b), ensuring a fair and adequate consideration for the property, and

BE IT FURTHER RESOLVED that the City Manager is authorized to engage necessary professional services as needed to perfect the sale of this parcel on behalf of the City.

Signed and approved this 4th day of December 2023

Keith D. Pierson
Mayor

ATTEST:

Darla Armstrong
City Clerk

AFFIX CITY SEAL:

AGENDA ITEM VI.4

City Council Regular Meeting Request for Action

TO:

FROM: Darla Armstrong

ITEM TYPE: Presentation

AGENDA SECTION: **COUNCIL BUSINESS**

SUBJECT:

The City Council is asked to consider Ordinance 2024-357, which proposes the dissolution of the Ranson Convention & Visitors Bureau (RCVB) and its integration into the Jefferson County Convention & Visitors Bureau (JCCVB). This strategic measure aims to bolster regional tourism promotion by consolidating resources and leveraging JCCVB's more effective marketing strategies. Although it appears a majority of the council members support this actions of this ordinance, recognizing its potential to enhance marketing efficiency and optimize budgets, there are concerns about the consequences of dissolving the RCVB. The council is encouraged to consider these concerns during their deliberations and to then in inclined consider adopting Ordinance 2024-357 on first reading. If adopted, a public hearing will be scheduled for June 4, followed by a second reading and potential final adoption.

ATTACHMENTS:

Ordinance 2024-357 CVB Consolidation Final.pdf
Proposed Convention & Visitors Bureau Merger.pdf

AN ORDINANCE AMENDING AND REENACTING CHAPTER 21 OF THE RANSON CITY CODE REGARDING HOTEL/MOTEL OCCUPANCY TAX, DIRECTING THE DISSOLUTION OF THE RANSON CONVENTION & VISITORS BUREAU, INC. AND ESTABLISHING MEMBERSHIP WITH THE JEFFERSON COUNTY CONVENTION & VISITORS BUREAU

WHEREAS, the City of Ranson recognizes the evolving dynamics of tourism promotion and the need for forward-thinking strategies to address both current and anticipated market challenges effectively; and,

WHEREAS, the City is committed to enhancing its tourism and economic development through a strategic partnership with the Jefferson County Convention & Visitors Bureau (JCCVB), which aims to consolidate regional tourism efforts, leverage an expanded resource pool, and implement advanced marketing strategies to optimize the impact of these initiatives; and,

WHEREAS, the successful execution of this strategy requires the dissolution of the existing Ranson Convention & Visitors Bureau (RCVB), alongside a structured transition of its duties and resources to the JCCVB, with the City Council fully supporting the integration of affected RCVB staff into other City-managed roles, thus ensuring a seamless and supportive transition; and,

WHEREAS, this strategic realignment necessitates amendments to the municipal code, particularly concerning the allocation of hotel/motel tax proceeds, to facilitate the effective dissolution of the RCVB and support the broader goals of regional tourism promotion.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RANSON that:

Section 1: Authorization for Dissolution of the Ranson Convention & Visitors Bureau

Effective July 1, 2024, the City of Ranson shall no longer assign hotel/motel tax proceeds to the Ranson Convention & Visitors Bureau, Inc. The City Council hereby requests that the Board of Directors of the Ranson Convention & Visitors Bureau, Inc. a West Virginia non-profit corporation, dissolve the non-profit corporation in accordance with the laws of the State no later than January 31, 2025. To facilitate a smooth transition and maintain continuous support throughout this process, the City of Ranson will continue to provide the existing administrative support, operational facilities, and financial management to the Ranson Convention & Visitors Bureau until its dissolution date. This support will not extend beyond January 31, 2025, unless specifically authorized by the City Council.

Section 2: Membership in the Jefferson County Convention & Visitors Bureau

Effective July 1, 2024, the City of Ranson shall become a contributing municipality member of the Jefferson County Convention & Visitors Bureau, incorporated as the Visitor's Bureau for the Promotion of Tourism in Jefferson County, Inc and will remit fifty percent (50%) of all hotel/motel tax proceeds collected by the City of Ranson from that date forward to the Jefferson County Convention & Visitors Bureau in support of the strategic redirection of resources to enhance regional tourism promotion efforts.

Section 3: Ranson Codified Code Amendment and Reenactment

Effective July 1, 2024, Chapter 21, Hotel/Motel Occupancy Tax of the Ranson City Code, is hereby amended and reenacted to support this vital strategic partnership and the redirection of resources as follows:

Chapter 21 HOTEL/MOTEL OCCUPANCY TAX[1]

Sec. 21-1. Definitions.

For the purposes of this article:

City and city council means the City Council of Ranson, West Virginia, a political subdivision of the state.

Commission;,county, or county commission means the County Commission of Jefferson County, West Virginia, acting on behalf of Jefferson County, a political subdivision of the state.

Consideration paid or consideration means the amount received in money, credits, property or other consideration for or in exchange the right to occupy a hotel room as herein defied.

Consumer means a person who pays the consideration for the use of occupancy of a hotel room. The term "consumer" shall not be construed to mean the government of the United States of America, its agencies, or instrumentalities, or the government of the state or political subdivisions thereof.

Convention and visitor's bureau and visitor's and convention bureau are interchangeable, and either shall mean a non-stock, non-profit corporation with a full-time staff working exclusively to promote tourism and to attract conventions, conferences and visitors to the city and county in which such convention and visitor's bureau or visitor's and convention is located or engaged in business within.

Convention center means a convention facility owned by the state, a county, a municipality or other public entity or instrumentality and shall include all facilities, including armories, commercial, office, community service and parking facilities and publicly owned facilities constructed or used for the accommodation and entertainment of tourists and visitors, constructed in conjunction with the convention center and forming reasonable appurtenances thereto.

Evade means to willfully and fraudulently commit any act with the intent of depriving the city of payment of any tax, which there is a known legal duty to pay.

Fraud means any false representation or concealment as to any material fact made by any person with the knowledge that it is not true and correct, with the intention that such representation or concealment be relied upon by the city.

Hotel means any facility, building or buildings, publicly or privately owned in which the public may, for a consideration, obtain sleeping accommodations. The term shall include, but not be limited to, boarding houses, hotels, motels, inns, courts, lodges, cabins and tourist houses. The term "hotel" shall include state, county and city parks offering accommodations as herein set forth. The term "hotel" shall not be construed to mean any hospital, sanitarium, extended care facility, nursing home or university or college housing unit or any facility providing fewer than three hotel rooms, nor any tent, trailer or camper campsites; provided that where a university or college housing unit provides sleeping accommodations for the general non-student public for a consideration, the term "hotel" shall, if otherwise applicable, apply to such accommodations for the purposes of this tax.

Hotel operator means the person who is proprietor of a hotels whether in the capacity of owner, lessee, mortgagee in possession, licensee, trustee in possession, trustee in bankruptcy, receiver, executor or in any other capacity. Where the hotel operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed a hotel operator for the purpose of this article and shall have the same duties and liabilities as his principal. Compliance with the provisions of this article by either the principal or the managing agent shall, however, be considered to be compliance by both.

Hotel room means any room or suite of rooms or other facility affording sleeping accommodations to the general public and situated within a hotel The term "hotel room" shall not be construed to mean a

[1]State law reference(s)—Hotel occupancy tax, W. Va. Code, § 7-18-1 et seq.

banquet room, meeting room or any other room not primarily used for, or in conjunction' with, sleeping accommodations.

Net proceeds mean the gross amount of tax collected less the amount of tax lawfully refunded.

Person means any individual, firm, partnership, joint venture, association, syndicate, social club, fraternal organization, joint stock company, receiver, corporation, guardian, trust, business trust, trustee, committee, estate, executor, administrator, or any other group or combination acting as a unit.

Promotion of the arts means activity to promote public appreciation and interest in one or more of the arts. It includes the promotion of music for all types, the dramatic arts, dancing, and painting in the creative arts through shows, exhibits, festivals, concerts, musicals and plays.

Recreation facilities means and includes any public park, parkway, playground, public recreation center, athletic field, sports arena, stadium, skating rink, arena, golf course, tennis courts and other park and recreational facilities, whether of a like or different nature, that are owned by the city.

Regional travel council means a non-stock, non-profit corporation, with a full-time staff working exclusively to promote tourism and to attract conventions, conferences and visitors to the region of the state served by the regional travel council.

Tax, taxes or this tax means the hotel occupancy tax authorized by this article.

Taxing authority means the city council levying or imposing the tax authorized by this article.

Taxpayer means any person liable for the tax authorized by this article.

Willfully means the intentional violation of a known legal duty to perform any act, required to be performed by any provision of this article, in respect of which the violation occurs: provided, that the mere failure to perform any act shall not be willful violation under this article. A willful violation of the article requires that the defendant have had knowledge of or notice of a duty to perform such act, and that the defendant, with knowledge of or notice of such duty, intentionally failed to perform such act.

(Ord. No. 136, 4-18-00)

Sec. 21-2. Authority to impose tax.

On or after July 1, 2000, there is hereby imposed and levied a privilege tax upon the occupancy of hotel rooms located within the city's taxing jurisdiction, in accordance with provisions of W. Va. Code, Chapter 7, Article 18, Section 1 as amended.

(Ord. No. 136, 4-18-00)

Sec. 21-3. County tax.

Such privilege tax shall be imposed by the taxing authority uniformly throughout the city. The tax shall apply to all hotels located within the corporate limits of the municipality, including hotels owned by the state or any political subdivision of the state.

(Ord. No. 136, 4-18-00)

Sec. 21-4. Rate of tax; imposition and exceptions.

(a) The rate of tax imposed shall be six percent of the consideration paid for the use or occupancy of a hotel room. Such consideration shall not include the amount of tax imposed on the transaction under

W. Va. Code, Article 15, Chapter 11 or charges for meals, valet service, room service, telephone service or other charges or consideration not paid for use or occupancy of a hotel room.

(b) The tax shall be imposed on the consumer and shall be collected by the operator as part of the consideration paid for the occupancy of a hotel room. Provided, that the tax shall not be imposed on any consumer occupying a hotel room for 30 or more consecutive days; or, shall not be applicable to any hotel providing fewer than three hotel rooms.

(c) The effective date of the increased rate of tax imposed in subsection (a) shall be July 1, 2008.

(Ord. No. 136, 4-18-00; Ord. No. 179, 2-5-08)

Sec. 21-5. Consumer to pay tax.

(a) The consumer shall pay to the hotel operator the amount of tax imposed by the city, which tax shall be added to and shall constitute a part of the consideration paid for the use and occupancy of the hotel room, and which tax shall collectible as such by the hotel operator who shall account for, and remit to the taxing authority, all taxes paid by consumers. The hotel operator shall separately state the tax authorized by this chapter on all bills, invoices, accounts, books of account, and records relating to consideration paid for occupancy or use of a hotel room. The hotel operator may commingle taxes hereunder with the proceeds of the rental of hotel accommodations. Provided, however, the taxing authority's claim shall be enforceable against, and shall be superior to, all other claims against the monies so commingled, excepting only claims of the state for monies held by the pursuant to the provisions of W. Va. Code, Article 15, Chapter 11. All taxes collected pursuant to the provisions of this article shall be deemed to be held in trust by the hotel until the same shall have been remitted to the taxing authority as hereinafter provided.

(b) The hotel or hotel operator shall not represent to the public, in any manner, directly or indirectly, that it will absorb all or any part of the tax or that the tax is not to be considered an element in the price to be collected from the consumer.

(Ord. No. 136, 4-18-00)

Sec. 21-6. Occupancy billed to government agencies or employees.

(a) Federal government. Hotel room occupancy billed directly to or paid by the federal government shall be exempt from this tax. Provided, however, that rooms paid for by a federal government employee for whom reimbursement is made shall be subject to this tax.

(b) State government. Hotel room occupancy billed directly to or paid by the state or its political subdivisions shall be exempt from this tax. Provided, however, that rooms paid for by an employee of the state or its political subdivisions for which reimbursement is made shall be subject to this tax.

(Ord. No. 136, 4-18-00)

Sec. 21-7. Collection of tax when sale on credit.

A hotel operator doing business wholly or partially on a credit basis shall require the consumer to pay the full amount of tax due upon a credit sale at the time such sale is made within 30 days thereafter.

(Ord. No. 136, 4-18-00)

Sec. 21-8. Receivership bankruptcy; priority tax.

In the distribution, voluntary or compulsory, in receivership, bankruptcy or otherwise, of the property or estate of any person, all taxes due and unpaid authorized under this chapter shall be paid from the first money available for distribution in priority to all claims and liens except taxes and debts due to the United States, which, under federal law, are given priority over the debts and liens created by ordinance of the city for this tax and taxes due to the state. Any person charged with the administration or distribution of any such property or estate, who shall violate the provisions of this article, shall be personally liable for any taxes accrued and unpaid, which are chargeable against the person whose property or estate is in administration or distribution.

(Ord. No. 136, 4-18-00)

Sec. 21-9. Failure to collect or remit tax.

If any hotel operator fails to collect the tax authorized by and levied pursuant to this chapter or shall fail to properly remit such tax to the taxing authority, he shall be personally liable for such amount if he failed to collect or remit. Provided, that such hotel operator shall not be held liable for failure to collect such tax if the hotel operator can, by good and substantial evidence, prove the refusal of the purchaser to pay this tax despite the diligent effort and good faith of the hotel operator to collect the tax.

(Ord. No. 136, 4-18-00)

Sec. 21-10. Remittance.

No profit shall accrue to any person as a result of the collection of the tax authorized under this chapter. Notwithstanding that the total amount of such taxes collected by a hotel operator may be in excess of the amount for which a consumer would be liable by the application of the levy of three percent for the occupancy of a hotel room or rooms, the total amount of all taxes collected by any hotel operator shall be remitted to the taxing authority as hereinafter provided.

(Ord. No. 136, 4-18-00)

Sec. 21-11. Interest and penalties.

(a) The tax imposed and levied by this chapter, if not paid when due, shall bear interest at the rate of six percent per annum from the due date of the return until paid.

(b) If any hotel operator fails to make the return on any installment required by this chapter or makes 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, then the taxing authority may waive in whole or in part these penalties.

(Ord. No. 136, 4-18-00)

Sec. 21-12. Tax return, payment; exception.

(a) The tax authorized by this chapter shall be due and payable in monthly installments on or before the fifteenth day of the calendar month next succeeding the month in which the tax accrued. Provided, that for credit sales in which the tax authorized by this chapter is not collected by the hotel operator at the time of such sales, such tax shall not, for purposes of this chapter be regarded as having accrued until the date on which it is either received by the hotel operator or upon the expiration of the 30-day payment period set forth in section 21-7, whichever shall first occur. The hotel operator shall, on or before the fifteenth day of each month, prepare and deliver to the taxing authority, a return for the preceding month, in the form prescribed by the taxing authority. A remittance for the amount of the tax due shall accompany each return. The hotel operator or his duly authorized agent shall sign each return.

(b) In the event that the tax due for any reporting period is less than $10.00 the reporting requirements as stated under subsection (a) are waived and no reporting shall be required until such time that the tax liability exceeds $10.00.

(Ord. No. 136, 4-18-00)

Sec. 21-13. Records.

Each hotel operator shall keep complete and accurate records of taxable sales and of charges, together with a record of the tax collected thereon, and shall keep all invoices and other pertinent documents in such form as the taxing authority may require. Such records and other documents shall be preserved for a period of not less than three years. Taxing authorities shall have the right to inspect the records of hotel operators at all reasonable times.

(Ord. No. 136, 4-18-00)

Sec. 21-14. Liability of officers.

If the taxpayer is an association or corporation, the officers thereof actually participating in the management or operation of the association or corporation shall be personally liable, jointly and severally, for any default on the part of the association or corporation; and payment of tax, fines, addition to tax or penalties may be imposed by state law, ordinance of the city or other authority may be enforced against such officers as against the association or corporation which they represent.

(Ord. No. 136, 4-18-00)

Sec. 21-15. Cessation of business.

Whenever any operator required to collect and pay the taxing authority any tax collected pursuant to the provisions of this chapter shall cease to operate, go out of business or otherwise dispose of his business, any tax then payable to the city become immediately due and payable; and such operator shall immediately make a report and pay the tax due the city.

(Ord. No. 136, 4-18-00)

Sec. 21-16. Administration.

(a) City manager as agent of city.

(1) The city manager or his designee shall be the city's agent for administration and collection of the tax and shall have the power to distrain property and to initiate civil suits for collection of the tax authorized by this chapter.

(2) The city manager or his designee shall have the power and the duty to issue tax returns for this tax.

(b) Assessment of tax when insufficiently returned. If the city manager or his designee believes that the tax imposed by this chapter has been insufficiently returned by an operator, either because the operator has failed or refused to properly collect or remit the tax, or has failed to make a return or has made a return which is incomplete, deficient or otherwise erroneous, he may proceed to investigate and determine or estimate the tax liability of the operator and make an assessment therefore. Assessments shall be served upon the taxpayer either personally or by certified mail.

(c) Notice of assessment: petition for reassessment. The city manager or his designee shall give the operator written notice of any assessment made pursuant to this chapter. Unless the operator to whom a notice of assessment is given shall, within 30 days after service thereof, either personally or by certified mail, file with the city manager or his designee a petition in writing, verified under oath by the operator or his duly authorized agent having knowledge of the fact, setting forth with particularity the items of the assessment objected to, together with the reasons for the objections the assessment shall become final and not subject to administrative or judicial review. The amount of an assessment shall be due and payable on the day following the date upon which the assessment becomes final.

(d) Hearing procedure.

(1) When a petition for reassessment provided for in subsection (c) is filed within the time prescribed in such section for such filing, the city manager shall assign a time and place of a hearing hereon and shall notify the operator or such hearing by written notice at least 20 days in advance thereof. Such hearing shall be held within 100 days from the date of filing the petition unless continued by agreement of the parties or by the city manager for sufficient cause.

(2) The hearing shall be informal and shall be conducted in an impartial manner by the city manager or a hearing examiner designated by the city manager. The burden of proof shall be upon the operator to show the assessment is incorrect and contrary to law, in whole or in part.

(3) After any such hearing, the city manager or a hearing examiner shall, within a reasonable time, not to exceed 30 days, give notice in writing of his decision.

(e) Appeals.

(1) The operator may take an appeal to the circuit court of Jefferson County within 30 days after service of the city manager's hearing examiner's decision.

(2) The appeal shall be taken by the filing of a petition and notice, which petition and notice shall be served upon or accepted by the city manager as an original notice. When the petition and notice are so served they shall, with the return or acceptance thereon, be filed in the office of the clerk of the circuit court and docketed as other cases, with the operator as plaintiff and the city manager as defendant. The filing of the appeal shall not stay the collection of the tax. The collection of the tax shall be stayed if the plaintiff shall file with such clerk a bond for the use of

the defendant with sureties approved by the clerk, the penalty of the bond to be not less than the total amount of the tax, interest and penalties (to such date) appealed from and conditioned that the plaintiff shall perform the orders of the court; provided, that a judge of the circuit court may stay the collection of the tax without the requirement of a bond upon a proper showing by the operator that the properties of the operator are sufficient to secure performance of the court's orders or that the ends of justice will be served thereby.

(3) The court shall hear the appeal and determine anew all questions submitted to it on appeal from the determination of the city manager. In such appeal, a certified copy of the city manager'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 city manager, who shall then, if applicable, correct the assessment in accordance with such decree.

(4) Unless an appeal is taken pursuant to this section within 30 days after service of the administrative decision, the city manager'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.

(f) Tax a debt due city. Any tax, penalties or interest due and payable under this article shall be a debt due the city and shall be recoverable in an action brought in the name of the city for the recovery of such tax, penalty and interest.

(g) Injunction. If the failure of any operator to comply with the provisions of this article shall have continued 60 days, the city manager or his designee may proceed to obtain an injunction restraining the operator from doing business in this city until he fully complies with the provisions of this article. In any proceeding under this section upon judgment or decree for the plaintiff, he shall be awarded his costs.

(h) Records; limitations on assessments. The amount of tax, interest and penalties imposed by this article shall be assessed within two years after the due date of the return: provided, that in case of a false or fraudulent return filed with the intent to evade the tax or in case no return is filed, the assessment may be made at any time.

(i) Refunds.

(1) Whenever the amount of a tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city under the provisions of this chapter, it may be refunded as provided in subsections (1), (2) and (3) hereof, if a claim in writing therefor, stating under penalty of perjury, the specific grounds upon which the claim is founded, is filed with the city within two years of the date of payment of such tax, interest or penalty. Claims for refund shall be made in writing,

(2) An operator may claim a refund or take as a credit against taxes collected and remitted the amount overpaid paid more than once or erroneously or illegally collided or received when it is established that the person from whom the tax has been collected was not liable for the payment of such tax; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has been refunded to the person from whom the tax was collected.

(3) A person paying the tax may obtain a refund of tax overpaid or paid more than once or erroneously or illegally collected or received by the city by filing a claim for refund, but only when the tax was paid by such person directly to the city or when such person, having paid the

tax to the operator establishes that such person has been unable to obtain a refund from the operator who collected the tax.

(4) No refund shall be paid unless the claimant establishes his right thereto by written records evidencing this entitlement thereto.

(Ord. No. 136, 4-18-00)

Sec. 21-17. Proceeds of tax.

(a) Application of proceeds. The net proceeds of the tax collected and remitted to the taxing authority pursuant to this chapter shall be deposited into the general revenue fund of the city, and after appropriation thereof, shall be expended only for the purposes as hereinafter provided.

(b) Required expenditures. At least 50 percent of the new revenue received during the fiscal year by the city, pursuant to the provisions of this chapter, shall be expended in the following manner for the promotion of conventions and tourism:

(1) ~~If a convention and visitor's bureau or regional bureau is located within the city limits, the city shall appropriate at least 50 percent of the revenue derived as hereinabove provided to that convention and visitor's bureau or regional bureau.~~

If a convention and visitor's bureau is located within the municipality, county, or region, and has complied with the requirements of §7-18-13a of the West Virginia State Code, the governing body of such municipality shall appropriate the percentage required by this subsection to that bureau(s).

(2) ~~If a convention and visitor's bureau or regional bureau is not located within the city, but is located within the county, the city shall appropriate at least 50 percent of the revenue derived as hereinabove provided to that convention and visitor's bureau or regional bureau.~~

~~(3)~~ If a convention and visitor's bureau or regional bureau is not located within the city or county, then the percentage appropriation required by subsection (a) shall be appropriated as follows:

a. Any hotel located within the city may apply to the city for an appropriation to such hotels of a portion of the tax authorized by this chapter and collected by such hotel and remitted to city for uses directly related to the promotion of tourism and travel, including advertising, salaries, travel, office expenses, publications and similar expenses. The portion of such tax allocable to such hotel shall not exceed 75 percent of that portion of such tax collected and remitted by such hotel, which is required to be expended pursuant to subsection (a). Provided that prior to appropriating any monies to such hotel, the city shall require the submission of, and give approve to, a budget setting forth the proposed uses of such monies.

b. The balance of net revenue of the required expenditures shall be appropriated to the regional travel council serving the area is which the city is located.

(c) Permissible expenditures. After making appropriations required by subsection (b), the remaining portion of the new revenue receivable during the fiscal year by the city may be expended for one or more of the purposes set forth in this section, but for no other purpose. The purposes for which expenditures may be made pursuant to this section are as follows:

(1) The planning, construction, reconstruction, establishment, acquisition, improvement, renovation, extension, enlargement, equipment, maintenance, repair arid operation of publicly

owned convention facilities including, but not limited to, arenas, auditoriums, civic centers and convention centers;

(2) The payment of principal or interest or both on revenue bonds issued to finance such convention facilities;

(3) The promotion of conventions;

(4) The construction or maintenance of public parks, tourist information centers and recreation facilities (including land acquisition);

(5) The promotion of the arts;

(6) Historic sites;

(7) Beautification projects; or

(8) Medical care, in an amount not exceeding $100,000.00 in any county where:

a. There is an urgent necessity to preserve the delivery of acute medical care services;

b. There is an increase in need for acute medical care services directly related to tourism;

c. Recurrent flooding in the county significantly disrupts, on a periodic basis, the delivery of acute medical care services;

d. There is an inadequate economic base directly related to low population in the county, specifically, a population of less than 10,000 persons according to the census of the year two thousand; and

e. There is one and only one hospital within the county; and the county commission makes specific findings, by resolution, that all of the foregoing conditions within the county exists.

(d) Allocation formula.

(1) The city hereby establishes a visitor's bureau to promote tourism and conventions within the city.

(2) Fifty percent of all proceeds collected under this tax by the city will be designated to the visitor's bureau, which funds shall be expended as herein set forth.

(3) The permissible expenditures, or remaining 50 percent will be allocated and expended for one or more of the purposes set forth in subsection (c) herein and as directed by the city council.

(e) Establishment of capital improvement fund.

(1) The city hereby establishes as part of this chapter, in accordance with W. Va. Code, § 8-13-19, the creation of a capital improvement fund to be known as the "recreational facilities improvement fund."

(2) Any expenditure made from this recreational facilities improvement fund will be made in accordance with W. Va. Code, § 8-13-19 and solely for the purpose of "recreation facilities" as defined within this chapter. Expenditures so made shall be for the facilities, which support and expand the attractiveness of the city as a destination for regional tourists.

(Ord. No. 136, 4-18-00)

Sec. 21-18. Convention and visitors bureau.

(a) ~~Name. The name of this organization shall be Ranson Convention and Visitor's Bureau. The letters, "RCVB" may be officially used to designate the organization, it's units, or members thereof.~~

~~(1) This shall be a non-profit, non-political, and non-sectarian organization of voluntary membership.~~

~~(2) Individuals cannot be denied membership in the Ranson Convention and Visitor's Bureau because of race, sex, creed, religion, or national origin.~~

The City of Ranson shall be a contributing municipality of the Visitor's Bureau for the Promotion of Tourism in Jefferson County, Inc., which operates under the trade name, Jefferson County Convention & Visitors Bureau (JCCVB).

(b) ~~Purpose.~~

~~(1) Primary purpose. The primary purpose of this non-stock, non-profit organization is to enhance the economic climate of the city and Jefferson County by developing and promoting the tourist resources and convention attractions.~~

~~(2) Contributory purposes.~~

~~a. Revitalize the economy of the city and Jefferson County through developing tourist potential;~~

~~b. Identify and develop community resources for tourism;~~

~~c. Enhance communication among those community groups conducting tourist development activities;~~

~~d. Coordinate activities designed to promote tourism;~~

~~e. Develop a long-range tourist development plan for the city;~~

~~f. Publicize tourism objectives;~~

~~g. Collect data relating to the affect of tourism on our economic well being;~~

~~h. Disseminate information conducive to promoting specific tourism projects in our area; and~~

~~i. Facilitate the working relationships between governmental agencies and the private sector interested in tourism.~~

The City Council shall designate a representative of the City to serve as a member of the Board of Directors of the JCCVB in accordance with the Bylaws of the JCCVB. The designee shall continue to serve at the will and pleasure of Council and in accordance with the Bylaws of JCCVB, unless otherwise terminated or changed as deemed necessary by the City Council.

~~(c) Organization. The Ranson Convention and Visitor's Bureau is an organization concerned with enhancing the economic vitality of the local community by promoting the industry of tourism. The organization is intended to complement, not supplant the efforts of other groups involved in the tourism industry. The fiscal year for this organization shall be July 1st to June 30th~~

~~(d) Membership: Powers and duties. The Ranson Visitors and Convention Bureau shall be governed by a seven-member board of directors selected as follows:~~

~~(1) Membership appointments. The mayor with the advice and consent of the city council shall choose seven members of whom at least two may be engaged in the travel/tourism industry. Any appointee may be a city council member, administrative employee, or a public member selected from groups such as, but not limited to. The Charles Town/Ranson Business and~~

~~Professional Association, the Jefferson County Chamber of Commerce, the Jefferson County Historical Society, the parks and recreation board, or from any other organization related to tourism and visitor promotion and deemed appropriate by the city council.~~

~~(2) Terms of members. Members appointed by the city government shall serve for four years with their original terms staggered in such manner so that a position on the board will be subject to appointment each year.~~

~~(3) Travel/tourism industry defined. Travel and tourism industry is herein defined as any business or organization involved in lodging, retail shopping, restaurant, entertainment or promotion that caters to and attracts consumers primarily from outside the Jefferson County area. The qualification for any appointee to be appointed to the Ranson Visitor's and Convention Bureau as a member of the travel and tourism industry shall be at the sole discretion of the appointing authority, that is, the city at the discretion of the mayor with the advice and consent of the city council.~~

~~(4) Election of officers. The officers of the visitor's bureau shall be a president, vice president, secretary, and treasurer who shall be elected from among the voting members of the visitor's bureau for one-year terms at the annual meeting which shall be the first meeting following the appointment of the new members by the city.~~

~~(5) Duties of officers.~~

~~a. The president shall preside at meetings of the RCVB, shall appoint committees not otherwise provided for, shall authorize calls for special meetings, shall see that all orders and resolutions of the RCVB are carried into effect, and generally perform the duties pertaining to the office. He shall be ex-officio member of each committee.~~

~~b. The vice president shall assist the president and perform the duties of the president in his absence.~~

~~c. The secretary to the RCVB shall send notices and keep minutes of all meetings of the RCVB.~~

~~d. The president, vice president, or treasurer shall have the power to sign vouchers and checks. All vouchers and checks shall require two signatures.~~

~~(6) Establishment of the executive committee. The board shall serve as an executive committee and shall be empowered to act for the board between meetings or in situations where it is not possible to convene a meeting of entire board.~~

~~(7) Meeting schedule. The visitor's bureau shall meet at least quarterly and at other times the call of the president or of any three members of the board of directors. The dates of quarterly meetings shall be set at the annual meeting of each year. All meetings of the visitors bureau shall conform to and be governed by the Provisions of W. Va. Code, §§ 6-9A-1, et seq.~~

~~(8) Powers and duties of the visitor's bureau.~~

~~a. Expend all funds allocated to the visitors bureau from hotel/motel taxes and from other sources in the promotion of travel and tourism.~~

~~b. Hire and direct employees to carry out its functions at least one of whom shall be full time devoted exclusively to the promotion of tourism.~~

~~c. Lease space and purchase office furnishings for offices.~~

~~d. Enter into contracts necessary to carry out its mission.~~

~~e. Raise finances from other sources to carry out its mission such as, but not limited to:~~

~~1. Voluntary membership dues from tourist businesses;~~

~~2. Advertising on visitor's bureau maps, brochures, and publications;~~

~~3. Contributions from individual businesses to fund special literature distributions, take part in conventions and meetings, and other activities not a part of ordinary operations.~~

~~f. Stage special events to benefit the travel/tourism industry.~~

~~(9) Reserved.~~

~~(10) Reserved.~~

~~(11) Annual financial report. The visitor's bureau shall maintain a complete and accurate statement of revenues and expenses and shall submit the same in quarterly financial statements to the city and shall submit the same at least annually for audit by the city, or the state tax commission.~~

~~(12) Use of taxes not allotted for tourist promotion. The visitor's bureau shall be responsible only for those funds turned over to it pursuant to the state law empowering political subdivisions to enact hotel/motel taxes and to set up visitor's and convention bureaus. Any funds from the one half of taxes collected which may be spent at the discretion of the political subdivision and which are not turned over to the visitor's bureau for tourists promotions, shall be allocated by the city council.~~

(Ord. No. 136, 4-18-00; Ord. No. 216, 1-4-11; Ord. No. 275, 3-17-15)

Sec. 21-19. Penalty.

(a) No person shall willfully refuse to collect or to pay this tax or to willfully refuse to make return required to be made by this chapter; or willfully make any false or fraudulent return or false statement in any return with the intent to defraud any taxing authority, or willfully evade the payment of the tax, or any part thereof; or for any person to willfully aid or abet another in any attempt to evade the payment of the tax, or any part thereof; or for any officer, partner, or principal of any corporation or association to willfully make or willfully permit to be made for such corporation or association any false return, or any false statement in any return authorized by this chapter, with the intent to evade the payment of this tax.

(b) Any person willfully violating any of the provisions of this chapter shall for the first offense, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $500.00 or imprisoned by a period of not more than 30 days, or both fined and imprisoned. For each offense after the first offense, such person shall be guilty of a felony, and, upon conviction thereof, shall be fined not less than $1,000.00 nor more than $10,000.00, or imprisoned in the penitentiary not less than one year, nor more than three years, or in the discretion of the court, be confined in the county jail no more than one year, or both fined and imprisoned.

(c) Every prosecution for any offense arising under this chapter shall be commenced within three years after the offense was committed, notwithstanding any provision of this Code to the contrary.

(d) Proceedings against any person under this section shall be initiated in the county of this state wherein such person resides if any element of the offense occurs in such county of residence, or if no element of the offense occurs in such county of residence, then in the county where the offense was committed.

(Ord. No. 136, 4-18-00)

This ordinance shall become effective on the dates specified for each respective provision as herein outlined. Notwithstanding these specified effective dates, staff are hereby directed to commence preparations to implement the changes immediately following the final adoption of this ordinance.

First Reading: May 7, 2024

Public Hearing: _____

Second Reading: _____

Adopted by the City Council of the City of Ranson after a 1st reading on May 7, 2024 and after a 2nd reading on _____ by a vote of _____ in the affirmative, _____in the negative with _____ abstentions.

THE CITY OF RANSON

_____
Mayor

ATTEST:

_____
City Clerk

AFFIX CITY SEAL

City of Ranson

312 South Mildred Street
Ranson, West Virginia 25438-1621
Phone (304) 725-1010 | Fax (304) 728-8579

Keith D. Pierson - Mayor

Council Members:
Mike Anderson
Andy Colandrea
Tommy Custer
Amanda Stroud
Herbie McDaniel
Ken Suits

March 26, 2024

Proposed Convention & Visitors Bureau Merger

Introduction:
An internal evaluation of the Ranson Convention and Visitors Bureau (RCVB) and its outcomes has identified a strategic opportunity to merge the Ranson brand with the Jefferson County Convention and Visitors Bureau (JCCVB). Discussions with council members on this topic have shown support for this initiative, leading to an analysis by the City Manager. The aim of this strategic merger is to unify tourism promotion efforts between Ranson and Jefferson County, leveraging shared resources to enhance marketing initiatives and attract a greater influx of visitors from key target markets.

Strategic Intent and Rationale:
The strategic intent of merging the Ranson Convention and Visitors Bureau (RCVB) with the Jefferson County Convention and Visitors Bureau (JCCVB) aims to consolidate tourism promotion within the region, leading to a more judicious use of fiscal resources and enhancing the impact of marketing efforts for local attractions. This integration is motivated by the need to align the marketing of identical destinations under disparate budgets; by merging with JCCVB, Ranson stands to gain access to a larger marketing budget and a stronger promotional strategy, essential for standing out in the competitive metropolitan markets that draw the majority of the region's visitors. The anticipated consolidation aims to enhance the visibility and attractiveness of Ranson and Jefferson County as premier tourist destinations, while also promoting shared growth and success between the two entities.

Comparative Analysis:
Comparative analysis reveals that the Jefferson County Convention and Visitors Bureau (JCCVB) outperforms the Ranson Convention and Visitors Bureau (RCVB) in marketing effectiveness. This disparity is not necessarily a reflection on the personnel but results from a range of factors, predominantly the difference in financial resources available to each organization. The integration into JCCVB will provide Ranson with access to enhanced marketing tools and strategies, substantially boosting our capacity to promote tourism. This strategic move is expected to yield a dynamic and sustainable marketing campaign, continually attracting visitors, and increasing hotel occupancy rates.

Transition Strategy:
Transition planning for the proposed merger with the Jefferson County Convention and Visitors Bureau (JCCVB) would be ideal to implement on July 1, 2024, with the complete dissolution of the Ranson Convention and Visitors Bureau (RCVB) to occur by January 31, 2025. This structured timeline ensures an opportunity to plan a seamless transition, while adequately managing RCVB's financial and marketing operations until their conclusion. As part of this transition, the Tourism Specialist position will be assimilated into the city's administrative framework, while the Director's role will evolve to oversee community engagement and marketing initiatives within the Ranson Parks & Recreation Department.

Financially, this transition may necessitate budget reallocations to support personnel changes and the continuation of traditional events, such as the Ranson Festival and Christmas celebrations. However, the city is well-prepared to handle these financial adjustments, ensuring that the integration proceeds smoothly without affecting existing city programs or projects.

Transition Actions:

- Alter City Ordinance, Chapter 21 - HOTEL/MOTEL OCCUPANCY TAX: Amend the ordinance to permit the redirection of tax collections to the JCCVB through the transition period and to accommodate the new partnership.
- Adopt an Ordinance for Ranson's JCCVB Membership: Formalize Ranson's inclusion in the JCCVB to ensure legal and operational alignment.
- Resolution to Dissolve RCVB: Pass a resolution directing the orderly dissolution of RCVB in line with the transition timeline.
- Amend Ranson Municipal Code, Chapter 21, ARTICLE II: Review and modify the Board of Park and Recreation Commissioners' responsibilities, incorporating provisions to ensure the City can effectively achieve its objectives.

Immediate Benefits of Merging:

- Board Representation: Ranson will gain a designated seat on the JCCVB Board of Directors, ensuring Ranson's interests are represented in county-wide tourism decisions.
- Hospitality Industry Representation: An appointee from Ranson's hospitality sector will have an opportunity to be appointed to the JCCVB, providing a direct link to our local industry insights and needs.
- Brand Transition: The JCCVB will immediately begin integrating Ranson into its well-established brand, leveraging its significant marketing reach and reputation. While complete brand integration is a process that unfolds over time, immediate steps will be taken to ensure that Ranson is included in all new media and promotional materials moving forward, gradually solidifying its presence within the JCCVB's branding efforts.
- Welcome Center Presence: The JCCVB will promptly incorporate Ranson's assets, businesses, and destinations into the welcome centers. This will be achieved through the proactive involvement of tourism ambassadors and the diverse media resources available at these centers, ensuring that visitors receive comprehensive information about Ranson's offerings.

In conclusion, the proposed integration of the Ranson Convention and Visitors Bureau (RCVB) with the Jefferson County Convention and Visitors Bureau (JCCVB) presents an opportunity to streamline tourism promotion efforts from both Ranson and Jefferson County. This merger is poised to yield significant advantages, including enhanced marketing effectiveness, increased visibility for the region as a tourist destination, and optimized use of financial resources. The thorough planning and strategic actions outlined ensure a smooth transition process, with Ranson poised to reap immediate benefits such as increased representation, direct links to the hospitality industry, and a stronger brand presence. This integration not only signifies a progressive step towards unified regional tourism development but also demonstrates Ranson's commitment to fostering economic growth and community engagement through collaborative efforts.

AGENDA ITEM VI.5

City Council Regular Meeting Request for Action

TO:

FROM: Darla Armstrong

ITEM TYPE: Presentation

AGENDA SECTION: **COUNCIL BUSINESS**

SUBJECT:

The City Council is asked to consider the included ordinance to relinquish the city's rights to a right-of-way that appears to never been utilized or developed. This action is requested by New Vision Development regarding their Foundry Site Development project. This action is distinct from the abandonment or vacation of an existing alley as it involves a right of way that was never activated, thereby not requiring distribution to adjoining property owners. The proposed relinquishment will support the development project by New Vision Development.

ATTACHMENTS:

Right of Way Reliquishment Ordinance - NVD.docx
[18] Deed 94.36.PDF
Signed Ranson ALTA - Foundry Center received 3.29.24.PDF

Ordinance 2024-358

AN ORDINANCE TO RELINQUISH AND VACATE A CERTAIN RIGHT OF WAY

WHEREAS, a right of way was established on the subject lot by conveyance in 1903, recorded in the office of the Clerk of Jefferson County, West Virginia, in Deed Book 94, Page 36, originally granted to E.E. Furr and subsequently passing through several ownerships before being acquired by the City of Ranson;

WHEREAS, the City of Ranson has determined that this right of way has never been utilized or improved upon for its originally intended purpose, and the City has no plans, needs, or foreseeable use for this right of way in the development and management of its transportation system;

WHEREAS, New Vision Development, in a development partnership with the City, proposes new development adjacent and through this right of way, necessitating the relinquishment of the City's rights to facilitate efficient land use;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RANSON that:

1. Relinquishment of Right of Way: The City of Ranson does hereby relinquish and vacate the right of way described in Deed Book 94, Page 36, further described as a right of way ten ft wide and 2,917 ft2 (.07 acre), more or less, along the northern end of the lot described as commencing at a point on 7th Avenue, 320 feet west of Mildred Street, and running thence westerly, 100 feet west of Mildred Street and extending northwardly by a line perpendicular to 7th Avenue for a distance of 100 feet, then feet along the north side of said 7th Avenue, thence northerly by a line perpendicular to 7th Avenue 130 feet, thence easterly 120 feet to the line of Virginia L. Fellers, and thence southerly with her line to the place of beginning, as depicted and further described at Exhibit A, attached and incorporated herein.

2. Reversion of Ownership: Upon this relinquishment, any claim, right or otherwise title to the vacated right of way shall revert by operation of law to the owner of the property originally burdened by said right of way.

3. Documentation and Recording: The City Clerk is hereby directed to file this enacted and certified Ordinance, with exhibit, with the Clerk of the Jefferson County Commission to be indexed at the relevant Deed Book reference cited above.

DRAFT

AN ORDINANCE TO RELINQUISH AND VACATE A CERTAIN RIGHT OF WAY

First Reading: May 7, 2024

Public Hearing: _____

Second Reading: _____

Enacted this 4th day June 2024

Adopted by the City Council of the City of Ranson after a 1st reading on May 7, 2024 and after a 2nd reading on _____ by a vote of _____ in the affirmative, _____in the negative with _____ abstentions.

THE CITY OF RANSON

_____
Mayor

ATTEST:

_____
City Clerk

AFFIX CITY SEAL

DRAFT

xxxx xxxxxxxxx xxxxxxxx

TITLE CERTIFICATE, DATED October 7, 2022

Easements and Restrictions

ITEM NUMBER AND NOTES CORRESPONDING TO TITLE COMMITMENT	PLOTTED	COMMENT
1. Taxes and other public charges, including assessments by any county, municipality, metropolitan district or commission, payable on an annual basis not now due and payable.	No	Not a Survey Matter
2. Any discrepancies, overlaps or conflicts in boundary lines, any shortage in area or quantity of land, and any other matters which would be disclosed by an accurate survey and inspection of the property.	No	None Observed
3. Any inaccuracy in the area, square footage, or acreage of land described in Schedule A or attached plat, if any. The Company does not insure the area, square footage, or acreage of the land.	Yes	Acreage Shown Hereon
4. Subject to any recorded or unrecorded leases and subject to the rights of tenants, as tenants only, in any leases.	No	Not a Survey Matter
5. Riparian or water rights, claims, or title to water whether or not shown by the public records.	No	None Observed
6. Subject to a Land Use Covenant dated December 14, 2009, between Kidde–Fenwal, Inc., The Corporation of Ranson and West Virginia Department of Environmental Protection, of record in the office of the Clerk of the Circuit Court of Jefferson County, West Virginia, in Deed Book 1072, Page 725.	Yes, Part of Subject Property	Not a Survey Matter
7. Subject to a Quitclaim Deed of Donation December 18, 2009, between Kidde–Fenwal, Inc. and The Corporation of Ranson, of record in the office of the Clerk of the Circuit Court of Jefferson County, West Virginia, in Deed Book 1072, Page 735.	Yes Subject Property	Other Than Shown hereon – No Right of Ways or Easement were Observed
8. Subject to a Land Use Covenant dated November 9, 2011, between Kidde–Fenwal, Inc., The Corporation of Ranson and West Virginia Department of Environmental Protection, of record in the office of the Clerk of the Circuit Court of Jefferson County, West Virginia, in Deed Book 1105, Page 446.	No	**Not a Survey Matter**
9. Subject to a Land Use Covenant dated June 28, 2012, between Kidde–Fenwal, Inc., The Corporation of Ranson and West Virginia Department of Environmental Protection, of record in the office of the Clerk of the Circuit Court of Jefferson County, West Virginia, in Deed Book 1115, Page 610.	Yes, Part of Subject Property	Not a Survey Matter
10. Subject to Resolution # PC–22–4 dated April 4, 2022, by the City of Ranson Planning Commission, of record in the office of the Clerk of the Circuit Court of Jefferson County, West Virginia, in Deed Book 1278, Page 715.	Yes, Subject Property	Not a Survey Matter
11. Subject to a Quit Claim Deed dated June 21, 2022, between The City of Ranson and New Vision Development, LLC, of record in the office of the Clerk of the Circuit Court of Jefferson County, West Virginia, in Deed Book 1283, Page 439.	Yes Subject Property	Except as Shown hereon – No Right of Ways or Easement were Observed
12. Subject to all matters and notes as shown on that certain Plat by O. J. Howell entitled "MAP OF THE PROPERTY OF THE CHARLESTOWN MINING, MANUFACTURING AND IMPROVEMENT COMPANY", of record in the office of the Clerk of the Circuit Court of Jefferson County, West Virginia, in Deed Book X, Page 1.	Yes	Part of Block 118
AS TO TAX PARCEL 124.1		
13. Subject to an Agreement dated May 17, 1963, between Greenhill Orchards, Inc. and Potomac Light and Power Company, of record in the office of the Clerk of the Circuit Court of Jefferson County, West Virginia, in Deed Book 262, Page 221.	No	No Wires, Poles, Structures or Right of way evidence was observed during the course of the survey.
14. Subject to a Deed and Survey Plat dated February 28, 1979, between Greenhill Orchards, Incorporated, and George R. Crim, of record in the office of the Clerk of the Circuit Court of Jefferson County, West Virginia, in Deed Book 452, Page 524.	Yes	Conveyance of Tract 2, No Easements Observed
AS TO TAX PARCEL 2.1 AND 124		
15. Subject to an Agreement dated May 17, 1963, between Greenhill Orchards, Inc. and Potomac Light and Power Company, of record in the office of the Clerk of the Circuit Court of Jefferson County, West Virginia, in Deed Book 262, Page 221.	No	No Wires, Poles, Structures or Right of way evidence was observed during the course of the survey.
16. Subject to a Deed and Survey Plat dated June 27, 1978, between Greenhill Orchards, Inc. and Douglas C. Brackett and Betty E. Brackett, of record in the office of the Clerk of the Circuit Court of Jefferson County, West Virginia, in Deed Book 443, Page 65.	Yes	Parcel II, 0.437–Acre Tract is a part of Subject Property
AS TO TAX PARCEL 127		
17. Subject to a Right–of–Way dated August 9, 1963, between Powhatan Brass and Iron Works and Potomac Light & Power Company, of record in the office of the Clerk of the Circuit Court of Jefferson County, West Virginia, in Deed Book 262, Page 55.	No	No Wires, Poles, Structures or Right of way evidence was observed during the course of the survey.
AS TO TAX PARCEL 128		
18. Subject to a Deed dated November 13, 1903, of record in the office of the Clerk of the Circuit Court of Jefferson County, West Virginia, in Deed Book 94, Page 36.	Yes	Part of Subject Property, Tract 1, Parcel 5 – Parcel 1
19. Subject to a Right–of–Way dated August 9, 1963, between Powhatan Brass and Iron Works and Potomac Light & Power Company, of record in the office of the Clerk of the Circuit Court of Jefferson County, West Virginia, in Deed Book 262, Page 55.	No	No Wires, Poles, Structures or Right of way evidence was observed during the course of the survey.
AS TO TAX PARCEL 129		
20. Subject to a Deed and Survey Plat dated March 11, 1891, between Charlestown Mining, Manufacturing and Development Co., and Shenandoah Brass and Iron Works, of record in the office of the Circuit Court of Jefferson County, West Virginia, in Deed Book W, Page 101.	Yes	Part of Subject Property, Tract 1, Parcel 3
21. Subject to a Right–of–Way dated August 9, 1963, between Powhatan Brass and Iron Works and Potomac Light & Power Company, of record in the office of the Clerk of the Circuit Court of Jefferson County, West Virginia, in Deed Book 262, Page 55.	No	No Wires, Poles, Structures or Right of way evidence was observed during the course of the survey.
22. Subject to a Notice of Order and Judgment Affecting Interest in Real Estate dated September 5, 2001, in Civil Action Frederick A. Uhl, et al v. Thoroughbred Technology and Telecommunications, Inc., of record in the office of the Clerk of the Circuit Court of Jefferson County, West Virginia, in Deed Book 1008, Page 118.	No	Located west of Subject Property

Being a portion of the same tracts or parcels of real estate in the conveyance between The City of Ranson, a political subdivision of he State of West Virginia, "GRANTOR", and the New Vision Development, LLC, a West Virginia limited liability company, "GRANTEE", by Quitclaim Deed dated the 21st day of June, 2022, of record in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 1283, at Page 439.

SURVEY CERTIFICATE

To New Vision Development, LLC, a West Virginia limited liability company, D. R. Horton, Inc. a Delaware corporation, Old Republic National Title Insurance Company, and its successors and/or assigns, Residential Title & Escrow Company, and Akerman LLP:

This is to declare that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 3, 4, 6, 8, 11, 13, 14 and 16 of Table A thereof. The fieldwork was completed on November 17, 2022.

Ronald A. Talkington, Professional Land Surveyor
West Virginia Registration No. 876
Cheat Road Engineering, Inc.
6240 Mid Atlantic Drive, Morgantown, WV 26508

Date: December 02, 2022

RECORD DESCRIPTION

TRACT ONE

Parcel No. 1:

Located on the north side of Seventh Avenue in Ranson, Jefferson County, West Virginia, and more particularly described as follows:

Beginning at a point 121 feet east of the northeast intersection of George Street and Seventh Avenue, in Block 118, corner with the Bertha Booz lot, thence with the north line of Seventh Avenue easterly 50 feet to a corner with the Luther H. Bagent and Viola V. Bagent lot, thence in a northerly direction with said lot, parallel with George Street, 130 feet to an alley, thence along said alley 50 feet westerly to a point 121 feet east of George Street, corner with Bertha Booz lot, thence in a southerly direction with said lot 130 feet to the point or place of beginning.

Parcel No. 2:

Located on the north side of Seventh Avenue in Ranson, Jefferson County, West Virginia and more particularly described as follows:

Parcel No. 1. Beginning at a point 211 feet east of the northeast intersection of George Street and Seventh Avenue, in Block 118, thence with the north line of Seventh Avenue easterly 30 feet, thence northerly parallel with George Street 130 feet to an alley, thence along said alley 30 feet westerly to a point 211 feet east of George Street, thence southerly 1320 feet to the point or place of beginning.

Parcel No. 2. Beginning at a point 171 feet east of the northeast intersection of George Street and Seventh Avenue, in Block 118, thence with the north line of Seventh Avenue 40 feet to a corner with the above described lot, thence in a northerly direction with said lot, parallel with George Street, 130 feet to an alley, thence along said alley 40 feet to a point 171 feet east of George Street, thence southerly 130 feet to the point or place of beginning.

Parcel No. 3:

That certain tract or parcel of land beginning at the intersection of the South line of the Belt Railroad Reservation and the West line of Mildred Street, marked by a stake, thence with said West line of Mildred Street, S. 19° 45' E. 355 feet to a stake in the North line of an alley, thence with said North line of an alley S. 70° 15' W. 490 feet 9 45 inches to a stake, thence by a line parallel to the line of Mildred Street N. 19° 45' W. 355 feet to a stake in the South line of the Belt Reservation, thence with said center line N. 70° 15' E. 490 feet 9 4–5 inches to the point of beginning containing 4 acres.

Parcel No. 4:

Beginning at a post in the south line of Belt Avenue, being the northwest corner of the present property of said Powhatan Brass and Iron Works, thence southwardly with the west line of the present property of said Powhatan Brass and Iron Work, 355 feet, more or less, to a post in the north line of an alley, being the southwest corner of the present property of said Powhatan Brass and Iron Works; thence westwardly with the north line of said alley 91 feet to an iron pin; thence northwardly by a new line parallel to said first line 355 feet, more or less, to an iron pin in the south line of Bel Avenue; thence eastwardly with the south line of Belt Avenue 91 feet to the beginning.

Parcel No. 5:

This property, which is a part of Blck 118 as designated on the plat of Charles Town Mining, Manufacturing and Improvement Company, has been described over the years as two parcels adjoining each other as follows:

Parcel No. 1. Beginning at a point on 7th Avenue, 320 ft. west of Mildred Street, and running thence westerly one hundred and twenty feet along the north side of said Avenue, thence northerly by a line perpendicular to said Avenue, one hundred and thirty feet, thence easterly one hundred and twenty feet, to the line of Virginia L. Fellers, thence southerly with her line to the point of beginning; a right–of–way ten feet along the north end of the lot herein conveyed being reserved as part of the alley running east and west for the use of this and adjoining lots;

Parcel No. 2. Beginning at a point on 7th Avenue, two hundred and forty–one feet east of George Street, and running easterly along the north side of 7th Avenue, a distance of thirty feet to the lot now owned by Mrs. Susan J. W. Selden (Parcel No. 11, and then at right angles from 7th Avenue, northerly between parallel lines of even width, a distance of 130 feet, to an alley in the rear.

Map/Parcels: 4/0126, 0127, 0128 and 1029

TRACT TWO

All of that certain tract or parcel of real estate, together with the buildings and improvements thereon and appurtenances thereto, situate, lying and being in the City of Ranson, Jefferson County, West Virginia, containing 0.614 acres, more or less, and designated as Parcel No. 3, on a plat of survey dated June 21 1978, prepared by John Stroud Kusner of John Kusner & Associates, recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 452, at Page 526, which said plat of survey is made a part hereof for all pertinent purposes.

Map/Parcel: 4/0124.1

Parcel No. 2. All this certain property located on the east side of North George Street, at its intersection with Belt Avenue, containing 0.437 acres, more or less, designated as "Parcel 2", on a plat and survey thereof dated June 21, 1978, prepared by John Kusner & Associates, entitled "Survey Plat Showing Green Hill Orchard, Inc., Northern Outsales: Parcelas 1 and 2", attached to, made a part of, and recorded with a Deed dated June 27, 1978, from Green Hill Orchards, Inc. to Douglas C. Brackett, et us., recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 443, page 65, to which said deed and plat reference is hereby made for a more complete and accurate description by meets and bounds so the parcel hereby conveyed.

Map/Parcel 4/0124

LEGAL DESCRIPTION OF CURRENT SURVEY

All those certain tracts of parcels of real estate, situate, lying and being in in the Town of Ranson, Jefferson County, West Virginia and more particularly described as follows:

TRACT ONE

Beginning at a 5/8–inch capped iron rod (found) in the eastern line of George Street where it intersects with the southern line of Beltline Avenue; thence leaving George Street and with Beltline Avenue

N 65° 13' 32" E 711.00 *feet to a 5/8–inch capped iron rod (set) in the westerly line of West Virginia State Route 115, commonly know as Mildred Street where it intersect with the southern line of Beltline Avenue; thence leaving Beltline Avenue and with Route 115*

S 24° 52' 51" E 355.00 *feet to a 5/8–inch capped iron rod (set) in the northern line of a 20–foot Alley where it intersects with the western line of Route 116; thence leaving Route 115 and with 20–foot Alley*

S 65° 13' 32" W 711.00 *feet to a bent 5/8–inch capped iron rod (found) in the eastern line of said George Street where it intersects with the northern line of said 20–foot Alley' thence leaving 20–foot Alley and with George Street*

N 24° 52' 51" W 355.00 *feet to the place of beginning, containing 5.79 acres, more or less, as surveyed in November 2022 by Cheat Road Engineering, Inc. of Morgantown, West Virginia and shown hereon as Tract One. The meridian for all bearings in this description is based on "GRID NORTH" of the West Virginia State Plane coordinate system. Said tract or parcel of real estate is assessed on the land books for the Town of Ranson, Jefferson County, West Virginia and is more specifically show on Tax Map 4, as Parcels 124, 124.1 and 129.*

TRACT TWO

Beginning at a 5/8–inch capped iron rod (set) in the northern line of Seventh Avenue, standing as a corner to now or formerly Lou Ann Spaur (Deed Book 1099 /Page 356); thence leaving Seventh Avenue and with Spaur

N 24° 52' 51" W 130.00 *feet to a 1/2–inch iron rod (found) in the southerly line of a 20–foot Alley, standing as a corner to Spaur; thence leaving Spaur and with 20–foot Alley*

N 65° 13' 32" E 269.86 *feet to a point, standing as a corner to now or formerly Gerald A. Keyser (Deed Book 652 /Page 308); thence leaving 20–foot Alley and with Keyser*

S 24° 52' 51" E 130.00 *feet to a 5/8–inch capped iron rod (set) in the northern line of said Seventh Avenue, standing as a corner to Keyser, passing through a 3–inch brass monument on the southern side of said Alley at 0.32 feet; thence leaving Keyser and with Seventh Avenue*

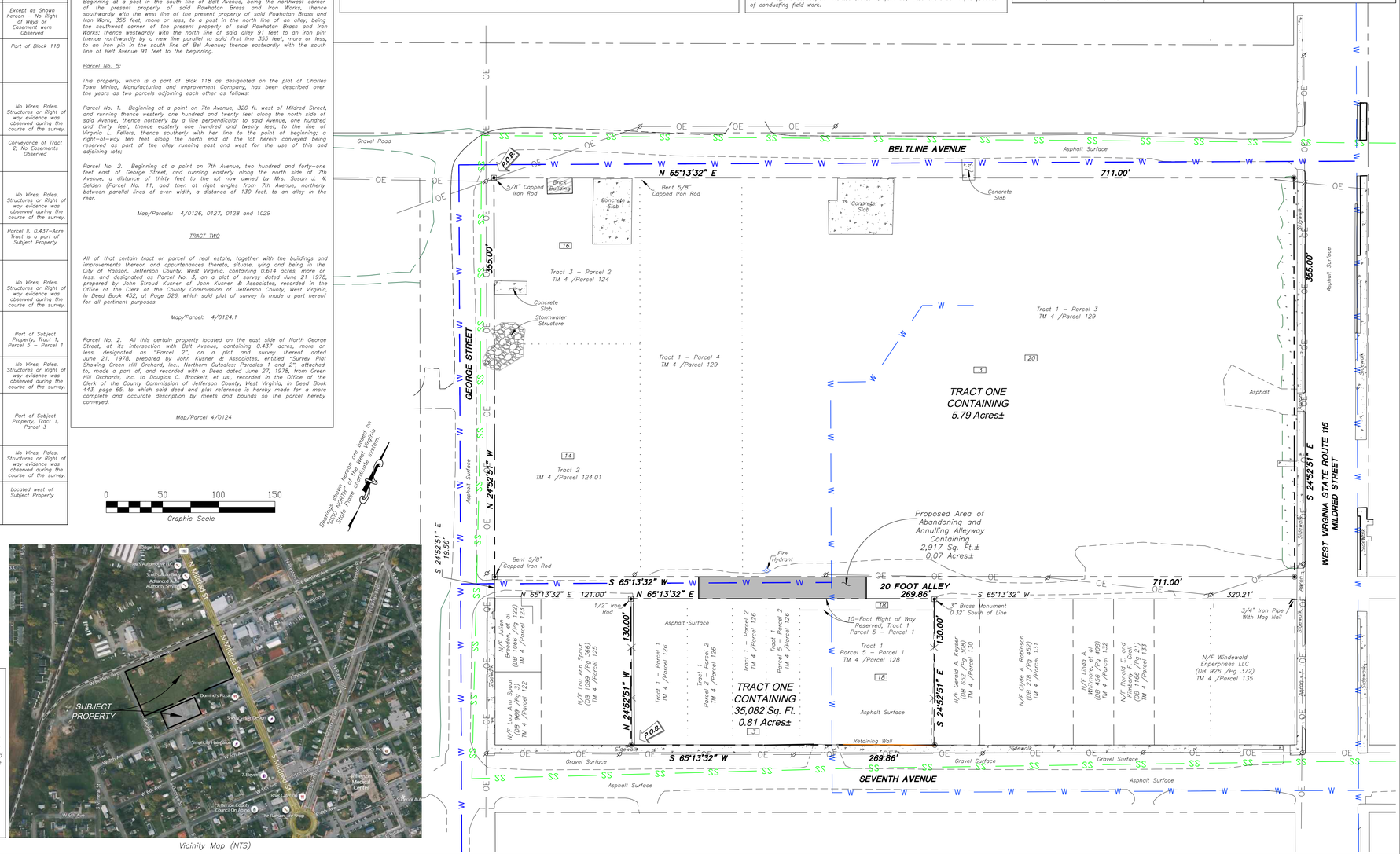
S 65° 13' 32" W 269.86 *feet to the place of beginning, containing 35,082 Square feet or 0.81 acres, more or less, as surveyed in November 2022 by Cheat Road Engineering, Inc. of Morgantown, West Virginia and shown hereon as Tract Two. The meridian for all bearings in this description is based on "GRID NORTH" of the West Virginia State Plane coordinate system. Said tract or parcel of real estate is assessed on the land books for the Town of Ranson, Jefferson County, West Virginia and is more specifically show on Tax Map 4, as Parcels 126, 127 and 128.*

NOTES:

1. *Record easements, right of ways, leases and other documents that might affect the quality of the title of the subject property, were gained from Commitment for Title Insurance (Commitment Number 102176) dated October 7, 2022.*
2. *Except as shown on this survey, there are no encroachments upon the subject property by improvements on adjacent property or encroachments on adjacent property or highways by improvements on the subject property.*
3. *The subject property has direct access to George Street, Beltline Avenue, West Virginia State Route 115, Commonly known as Mildred Street, a 20–foot Alley and Seventh Avenue, dedicated public road ways.*
4. *Note to the client, insurer, and lender – With regard to Table A, item 11, source information from plans and markings will be combined with observed evidence of utilities pursuant to Section 5.E.iv to develop a view of the underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response, in which case the surveyor shall note on the plat or map how this affected the surveyor's assessment of the location of the utilities. Where additional or more detailed information is required, the client is advised that excavation and/or private utility locate request may be necessary. Buried Utilities SHOWN HEREON are from a "PREVIOUS EXISTING CONDITIONS SURVEY" completed prior the remediation project for the Subject Property, some Utilities MAY NO Longer exist.*
5. *Horizontal positions indicated hereon are based on the West Virginia State Paine coordinate system of 1983 (NAD83).*
6. *Elevations indicated hereon are heights based on the North American Vertical Datum of 1988 (NAVD88).*
7. *The subject property is located in an area having a Zone Designation of X by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map 54037C0136E with a date of identification of December 18, 2009, for Community Panel Number 540068, Panel Number 0136, Suffix E, in Jefferson County, State of West Virginia, which is the current Flood Insurance Rate Map for the Community in which the subject property is situated.*
8. *This survey meets the allowable Relative Positional Precision for an ALTA/NSPS Land Title Survey.*
9. *This survey is not valid without original raised or blue seal and blue signature.*
10. *No letter or report regarding zoning classification (Table A, item 6) was provided to the surveyor.*
11. *No evidence of ongoing earth moving, utility and parking lot upgrades, building renovation activities were observed (Table A, Item 16) in the process of conducting field work.*
12. *No wetland delineation markers (Table A, Item 18) were observed in the process of conducting field work.*

LEGEND

GM	Gas Meter	TCE	Temporary Construction Easement
	Gas Valve	PDE	Permanent Drainage Easement
	Gas Line Marker		Adjoiner Boundary Line
	Gas Line Test Pipe		Boundary Line
	Sanitary Sewer Manhole		Easement Line
	Cleanout		Original Boundary Line
	Storm Drain Manhole		Edge of Asphalt
	Drop Inlet		Edge of Gravel
WM	Water Meter		Concrete Curb
	Water Valve	GAS	Gas Line
	Fire Hydrant	OE	Overhead Electric Line
	Water Line Marker	OU	Overhead Utility Line
	Sprinkler Head	UE	Underground Electric
UM	Electric Meter	UT	Underground Telephone Line
	Electric Transformer	TL	Traffic Light Cables
	Electric Junction Box	SS	Sanitary Sewer Line
	Utility Pole	S	Storm Drain Line
	Guy Anchor Wire	W	Water Line
	Light Pole		Existing Handrail
	Flood Light Fixture	X	Fence
T	Telephone Pedestal	OU	Overhead Utility Line
	Cable Pedestal	P.O.B.	Point of Beginning
	Telephone Manhole		Wall
P	Pedestal		Concrete Sidewalk/Slab
	Sign		RIPRAP
	Billboard		Landscaping Area
	Bollard		Parking Easement
	Mailbox		Gas Service Easement
	Measured Height Location		Water Service Easement
T/D	Misallignces (see description) Item No. Corresponding to Title Monument Found, 3/4–inch Iron Rod (unless Noted)		Electric and Communication Easement
	Monument (set) 5/8" by 30" Capped Iron Rod		Sanitary Sewer Easement
	Point		
EX/RW	Existing Right of Way		


BELTLINE AVENUE
N 65°13'32" E
711.00'
Gravel Road
Asphalt Surface
Brick Building
5/8" Capped Iron Rod
Concrete Slab
Bent 5/8" Capped Iron Rod
Concrete Slab
Concrete Slab
Concrete Slab

AGENDA ITEM VI.6

City Council Regular Meeting Request for Action

TO:

FROM: Darla Armstrong

ITEM TYPE: Presentation

AGENDA SECTION: **COUNCIL BUSINESS**

SUBJECT:

The City Council is asked to consider Ordinance 2024-356, which proposes to rescind Ordinance 2022-338 due to identified discrepancies and to vacate a section of a public alley to aid development efforts by Jefferson County Community Ministries (JCCM). This measure supports JCCM's initiative which will ultimately enhance community supportive services to disadvantaged populations in our region.

ATTACHMENTS:

Ordinance 2024 356.docx
240404 - JCCM Plat of Alley to be Vacated.pdf
2022-338 Amended, April 2023.pdf

AN ORDINANCE ABANDONING AND ANULLING A PULIC ALLEYWAY

WHEREAS, W.Va. Code 8-12-5(1) grants to the City Council plenary power and authority to vacate, discontinue and close alleys within its jurisdiction; and,

WHEREAS, Applicant Landowner Jefferson County Community Ministries, Inc. has requested that the City vacate, discontinue, and close an alleyway as described in Exhibit A, attached incorporated herein; and,

WHEREAS, the City finds that the subject alleyway is not an essential portion of the City's road network and does not provide access to adjacent and nearby properties; and,

WHEREAS, the City finds that the requested abandonment will have no detrimental effects upon public safety, public services or traffic flow within the City, and will promote the useful development of the adjacent property.

NOW THEREFORE, Ranson City Council, by duly advertised public vote, does hereby:

1. Rescind, in its entirety, City of Ranson Ordinance 2022-338 regarding the subject property.

2. Vacate, discontinue and close public an alleyway as described in Exhibit A, attached incorporated herein, consisting of ± 2,620 ft2.

3. Confirm, by operation of law upon this abandonment, that title to the abandoned alleyway reverts to the owner of the servient properties, Jefferson County Community Ministries, Inc., which ownership right is of record maintained by the Clerk of the Jefferson County Commission at Deed Book Volume 1284, page 1 (Ranson Tax District Map 5, parcels 174 and 175).

4. Direct that the City Clerk file this enacted and certified Ordinance with the Clerk of the Jefferson County Commission, indexed at the Deed Book reference cited above.

AN ORDINANCE ABANDONING AND ANULLING A PULIC ALLEYWAY

First Reading: May 7, 2024

Public Hearing: _____

Second Reading: _____

Enacted this 4th day June 2024

Adopted by the City Council of the City of Ranson after a 1st reading on May 7, 2024 and after a 2nd reading on _____ by a vote of _____ in the affirmative, _____in the negative with _____ abstentions.

THE CITY OF RANSON

_____
Mayor

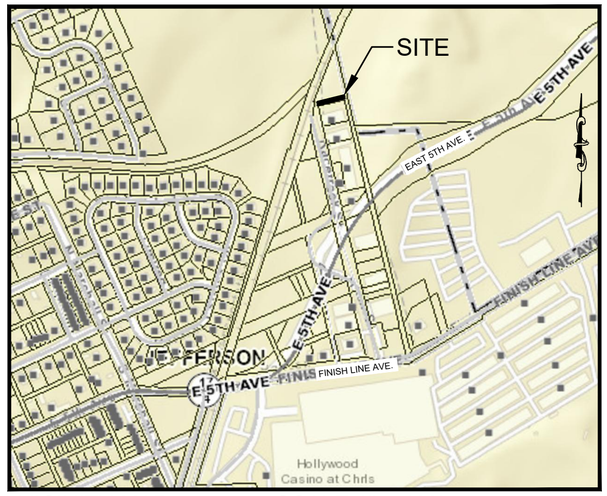
ATTEST:

_____
City Clerk

AFFIX CITY SEAL

DRAFT

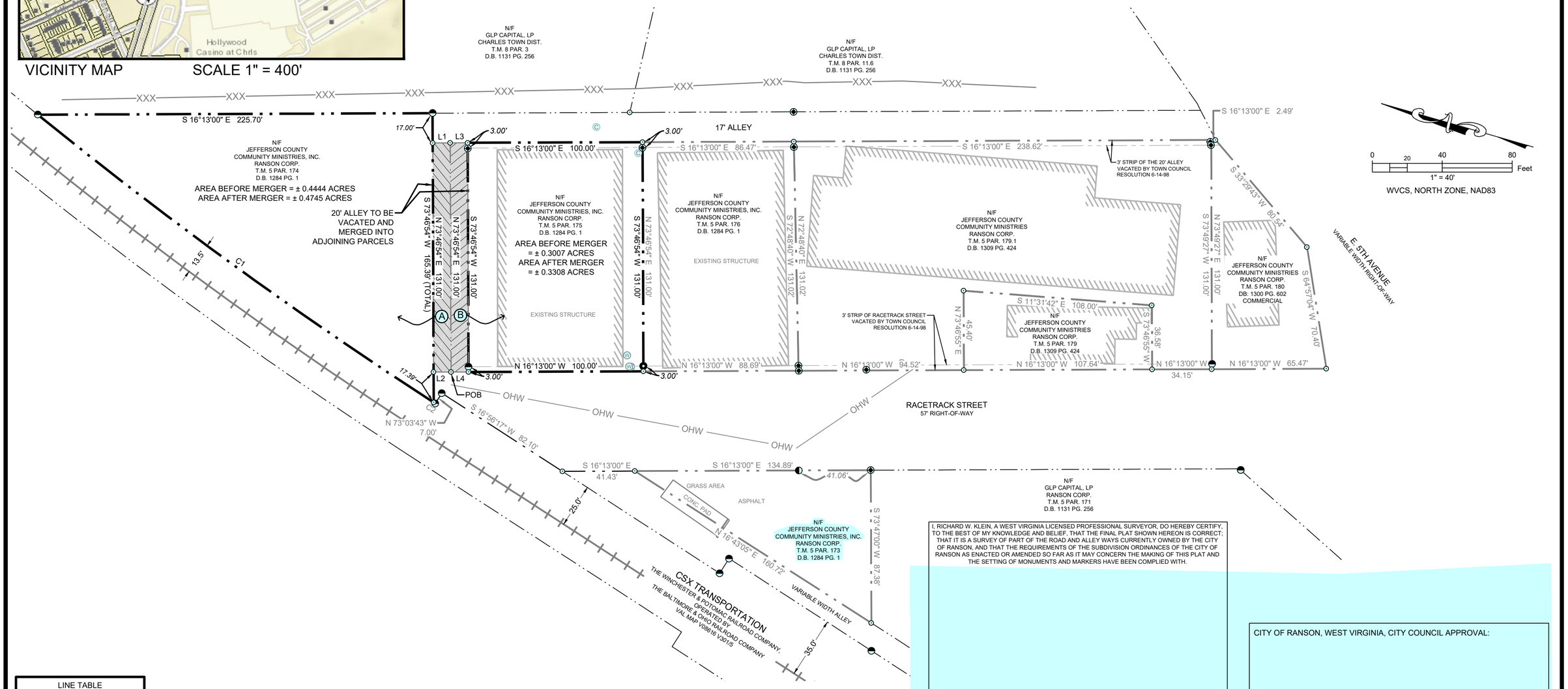
z:\projects\2022_\jobs\2209103000\drawings\survey\current\221103 xv-base.dwg 4/4/2024



VICINITY MAP SCALE 1" = 400'

LEGEND

T.M.	TAX MAP NUMBER		5/8"X30" REBAR W/ ORANGE CAP SET
PAR.	PARCEL NUMBER		CAPPED REBAR FOUND
D.B.	DEED BOOK		MAG NAIL FOUND/SET
PG.	PAGE NUMBER		5/8" REBAR FOUND
N/F	NOW OR FORMERLY		UNMARKED POINT
(A)	TRACT NAME		UTILITY POLE
	PROPERTY LINE		GUY POLE/WIRE
	ADJOINER LINE		METAL FENCE POST
	BUILDING OUTLINE		WOODEN FENCE POST
OHW	OVER HEAD WIRES	©	SANITARY CLEAN-OUT
	EDGE OF PAVEMENT		SIGN
	RAILROAD		WATER VALVE
X	WOODEN FENCE LINE	W	WATER METER
XXX	CHAIN LINK FENCE LINE		
	SANITARY SEWER LINE		



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S16° 13' 00"E	10.00'
L2	N16° 13' 00"W	10.00'
L3	S16° 13' 00"E	10.00'
L4	N16° 13' 00"W	10.00'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD BEARING
C1	279.95'	2625.21'	6°06'36"	279.81'	N20°00'57"E
C2	1.04'	2625.20'	0°01'22"	1.04'	N16°56'58"E

AREA TABLE		
TRACT NO.	AREA	OWNER NAME - TAX MAP & PARCEL REFERENCE TO BE MERGED INTO
TRACT A	± 1,310 SF	JEFFERSON COUNTY COMMUNITY MINISTRIES, INC. - TAX MAP 5 PARCEL 174
TRACT B	± 1,310 SF	JEFFERSON COUNTY COMMUNITY MINISTRIES, INC. - TAX MAP 5 PARCEL 175

NOTES:
1. TRACTS A AND B, AS DEPICTED HEREON, ARE PORTIONS OF AN EXISTING NON-DEVELOPED ALLEY RIGHT-OF-WAY THAT IS OWNED BY THE CITY OF RANSON THAT WILL BE VACATED. THE VACATED RIGHT-OF-WAY WILL BE SPLIT EVENLY IN HALF ALONG THE CENTERLINE OF THE EXISTING RIGHT-OF-WAY TO THE ADJOINING PARCEL OWNERS ON EITHER SIDE OF SAID RIGHT-OF-WAY. SAID PORTIONS OF RIGHT-OF-WAY VACATED SHALL BE CONSIDERED MERGED WITH THE ADJOINING PARCELS, INCREASING THEIR SIZE, AND SHALL NOT BE CONSIDERED SEPARATE PARCELS IN AND OF THEMSELVES.
2. THE PROPERTIES AND RIGHTS-OF-WAY, DEPICTED HEREON ARE IN FLOOD ZONE "X", AN AREA DETERMINED TO BE OUTSIDE OF THE 0.2% CHANCE ANNUAL FLOOD, PER FEMA MAP PANEL 54037C136E, EFFECTIVE DATE 12/18/2009.

I, RICHARD W. KLEIN, A WEST VIRGINIA LICENSED PROFESSIONAL SURVEYOR, DO HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE FINAL PLAT SHOWN HEREON IS CORRECT; THAT IT IS A SURVEY OF PART OF THE ROAD AND ALLEY WAYS CURRENTLY OWNED BY THE CITY OF RANSON, AND THAT THE REQUIREMENTS OF THE SUBDIVISION ORDINANCES OF THE CITY OF RANSON AS ENACTED OR AMENDED SO FAR AS IT MAY CONCERN THE MAKING OF THIS PLAT AND THE SETTING OF MONUMENTS AND MARKERS HAVE BEEN COMPLIED WITH.

RICHARD W. KLEIN, P.S. 1427 DATE:

CITY OF RANSON, WEST VIRGINIA, CITY COUNCIL APPROVAL:

MAYOR KEITH D. PIERSON DATE:

PLAT OF ALLEY TO BE VACATED BY THE CITY OF RANSON TO ADJOINING PARCEL OWNERS

RANSON CORPORATION DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA

OWNER:
CITY OF RANSON

ADDRESS:
312 S. MILDRED ST.
RANSON, WV 25438

PHONE:
304-725-1010

ATTN:
CITY COUNCIL

DEVELOPER:
JEFFERSON COUNTY COMMUNITY MINISTRIES

ADDRESS:
238 W. WASHINGTON ST.
CHARLES TOWN, WV 25414

PHONE:
571-213-4651

ATTN:
KEITH LOWRY

PROJ. NO.: 2209103.00
DATE: 4/4/2024

SHEET NO.:
1 OF 1

COPYRIGHT 2023 ALPHA ASSOCIATES, INC. ALL RIGHTS RESERVED

ALPHA ASSOCIATES, INC.
535 W. KING STREET
MARTINSBURG, WV 25401
PHONE: 304-264-0051
TOLLFREE: 877-264-0051
www.thinkALPHAfirst.com

AMENDED ORDINANCE # 2022-338

THIS AMENDED ORDINANCE originally Authorize Conveyance of 1.178 Acres of City Property Pursuant To West Virginia Code §8-l-5a And Ranson City Code §§9-93, Consisting of Parcels Designated as City Of Ranson Tax District Map 6, Parcels 173, 174, 176, 176.

THE COUNCIL OF THE CITY OF RANSON HEREBY ORDAINS:

AN ORDINANCE This Ordinance is enacted pursuant to the provisions of Chapter 8, Article 12, Section 1 of the West Virginia Code of 1931, as amended and other applicable provisions of law.

WHEREAS, the City owned in fee simple the real property that was conveyed to the Jefferson County Community Ministries by passage of Ordinance #2022-338, on May 24, 2022, because it appeared that no property of any person, firm or corporation would be injured or damaged by the Ordinance, Said Deed of Conveyance is of record in the Office of the Clerk of the Jefferson County Commission in Deed Book 1254 at Page 60.

WHEREAS this Amended Ordinance is proposed to CORRECT the language in the passed Ordinance and Deed of Conveyance, wherein the original Ordinance omitted the language including the annulment of certain alleys depicted on a plat that was prepared by THRASHER, The Thrasher Group, Inc., which survey is attached and made a part of this AMENDED ORDINANCE.

WHEREAS, it is determined that the alley on the North side of the barn, N 73 degrees 49'13" E 144.10' to a point; thence S 16 degrees 10'47" E 20.00' thence; S 73 degrees 49'13" W 131.00', which alley will be reserved and accessible for emergency vehicles Furthermore, on the East side of the barns, there is reserved that right of way S 16 degrees 10'42" E 186.48'; thence S 73 degrees 49'13" W 13'; thence running parallel with the barns to the end of the buildings. Also, attached hereto, is an arial map that shows the area that is reserved in orange, running the back side of the barns on the east side and on the east side of the barn.

WHEREAS accordingly, the parcels present no risk to the city with no corresponding benefit; and the contemplated use will provide a necessary and convenient resource to the Citizens of the City; and,

NOW; WHEREFORE, The Annulled Areas are hereby vacated, abandoned, and annulled, except for emergency vehicles and from and after the date of enactment of this Ordinance, the same shall cease to be a public way of the City of Ranson, and all public uses are hereby vacated, abandoned and annulled, and all right, title and interest of the City of Ranson

therein as an easement is expressly released and relinquished from and after the date of the original enactment of this Ordinance. Following the date of enactment of this Ordinance, the City Clerk shall cause a duly certified copy of this Ordinance, with Exhibits, to be recorded by the Clerk of the Jefferson County Commission.

Adopted by the City Council of the City of Ranson after a 1st reading on March 7, 2023, and after a 2nd reading on April 4, 2023 by a vote of 6 in the affirmative, 0 in the negative with 0 abstentions.

Keith D. Pierson, Mayor

ATTEST

Darla Armstrong
City Clerk

AFFIX CITY SEAL: