CITY COUNCIL REGULAR MEETING

~ AGENDA ~

REGULAR MEETING

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

June 4, 2024 | 7:00 P.M. | Council Chamber

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

I. CALL TO ORDER

II. APPROVAL OF MINUTES

1. Minutes May 21, 2024
   City Council minutes 5212024.docx

III. CITIZEN'S PRESENTATIONS/PETITIONS

IV. CITY MANAGER/STAFF REPORTS

1. Police Chief - May Status Report
2. City Manager Report

V. COMMUNICATIONS FROM THE MAYOR

VI. COUNCIL BUSINESS

1. Public Hearing - 2024- 357 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.
   Legal notice for Ordinance 2024-357 CVB.docx
2. Second Reading - 2024- 357 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 1st Reading.pdf
   2024-357 Redline.pdf

Ordinance 2024-357 2nd Reading.pdf

3. Public Hearing - An Ordinance to Relinquish and Vacate a Certain Right of Way described in Deed Book 94, Page 36
   Legal notice for Foundry.docx

4. Second Reading - An Ordinance to Relinquish and Vacate a Certain Right of Way described in Deed Book 94, Page 36
   Signed_Ranson_ALTA_-_Foundry_Center_received_3.29.24 Map.pdf
   Right_of_Way_Reliquishment_Ordinance_1st reading.docx
   Right_of_Way_Reliquishment_Ordinance_2nd Reading.docx

5. Public Hearing - 2024-356 An Ordinance Abandoning and Annulling a Public Alleyway described in the Deed Book 1284, Page 1
   642024 Legal ad Abandoning Alleyway - Community Ministries.docx

6. Second Reading- 2024-356 An Ordinance Abandoning and Annulling a Public Alleyway described in the Deed Book 1284, Page 1
   Ordinance 2024 356.docx
   Ordinance 2024 356 2nd Reading.docx

7. Discussion and Consideration of City Support for a Proposed Summer Revival Event Coordinated by Councilor Custer

8. Ranson Mini- Grant Program: FY24 Distribution Recommendation

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 minutes 5212024.docx

CITY COUNCIL REGULAR MEETING

~ AGENDA ~

REGULAR MEETING

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

May 21, 2024 | 7:00 P.M. | Council Chamber

I. CALL TO ORDER

Meeting was called to order by Mayor Keith D. Pierson

Keith D. Pierson	Present
Mike Anderson	Present
Andy Colandrea	Present
Herbie McDaniel	Absent
Amanda Stroud	Present
Ken Suits	Present
Tommy Custer	Present
Todd Wilt t	Present
Robbie Roberts	Present
Timothy Stranko	Remote
Darla Armstrong	Present

II. APPROVAL OF MINUTES

5-0
1- Absent
1- Abstained

Mayor Keith Pierson	**Abstained**
Mike Anderson	**YES**
Amanda Stroud	**YES**
Andy Colandrea	**YES**
Ken Suits	**YES**
Herbie McDaniel	**Absent**
Tommy Custer	**YES**

III. CITIZEN'S PRESENTATIONS/PETITIONS

Stacy Rohn with Boys and Girls Club came to Thank Council and Mayor for the Donations of funds through the America Rescue Plan Act (ARPA) to buy a 13-passenger van. Boys and Girls kids and staff were walking to their activities prior to receiving this van.

Mark Peiffer spoke to the Mayor and Council regarding the Mini Grant. The mayor will meet with the Committee and will take recommendations from the Council.

Adam Watson with the Independent Fire Company came to Thank the Council and Mayor for the donation of funds thru American Rescue Plan Act (ARPA) to buy a 2023 Tahoe Duty Vehicle. The council, and Mayor had their pictures taken with the Vehicle.

IV. CITY MANAGER/STAFF REPORTS

1. Police Chief Status Report
   Chief Reported the new Officer will go to the Academy in June.

2. Parks and Recreation Status Report- April
   No Action needed.

3. Community Development Status Report- April
   No action needed.

4. Public Works Status Report- April-
   No action needed.

5. Finance Status Report- April
   No action needed.

6. City Manager Report

   City Manager Todd Wilt informed the council Ranson would have Tennis in Ranson for eight weeks in the summer registration is open. Nancy Strine will be at the June 18, 2024 Council meeting to discuss Eastern Panhandle HOME Consortium within local counties. The City Manager reported a temporary fill in Finance payroll has been filled to help in that department until the position is posted. Property assessment for the property across the street from City Hall, formerly known as the Jefferson County Day Report. Kimley Horn is currently doing the assessment on the property. Ranson Car show will be Saturday June 1, 2024. Debbie McClure went over the activities, Kids Zone, Food trucks and lots of Venders.

7. Retirement Benefit Project Update

   The city manager has not heard a lot of feedback from the council. Reported there are things that are being sorted out one being the buyback years for Prior Years, PERS and what challenges the City of Ranson will come into. This will come back in front of the council at a later date.

8 Ranson Lost History Trail

Council Member Stroud spoke on the Ranson Lost History Trial said there were 7 different plats around the city. Thanked Public Works for all their help.

9 Presentation Regarding Ranson's Consideration of Participating with the Jefferson County Convention & Visitors Bureau

Council member Andy Colandrea presented a slide show and invited the General Manager of Hampton Inn and Home 2 hotels. Customs broke ground and will have a facility that will house 220 guests and will have food on site. Customs make up 50 % of Home 2 room rentals and 65 % of the Room rentals at Hampton. With the Decrease of room rentals will also decrease the percentage of what the CVB would receive from hotels. The general Manger of Hampton spoke to council says he already sees a decrease in room rentals. General Manager Home 2 seen a decrease already in the first quarter when customs rescheduled their training until May.

V. COMMUNICATIONS FROM THE MAYOR

No Communications from the Mayor

VI. COUNCIL BUSINESS

1. Trash Collection Services

Apple Valley Waste had submitted their Proposal and was the only Proposal City of Ranson had received. It is priced at a discounted rate with exclusive rights for the city of Ranson. Ranson will send a letter to the competitors Apple Valley Waste will be the only trash service in Ranson. The Rate of Apple Valley has increase by $1.00 this contract will be valid for five (5) years.

5-0
2- Absent
2- Abstained

Mayor Keith Pierson	Abstain
Mike Anderson	Yes
Andy Colandrea	Second
Amanda Stroud	Yes
Ken Suits	Motion
Tommy Custer	Yes
Herbie McDaniel	Absent

2. City Council Strategic Planning Goals FY 2025

The City Manager spoke to the Council and Mayor, these are priorities although new things will come up moving forward. May not complete the entire list but they are goals to strive for. The city manager informed the council this list can be added too as well. Council member Tommy Custer would like to see something for Veterans support.

3. Community Gardens Memorandum of Understanding
No Action at this time. Will be discussed at another time.

4. Ranson Mini- Grant Program: FY24 Distribution Recommendation

To the Res Q and Community Market Inc. had submitted an application that was not received by email or mail. Mayor Duke Pierson reviewed the application and has granted To the Res Q $ 2500.00 with the Council approval. Mini Grant Committee will discuss Community Market Inc when they meet. Ranson City Council member Ken Suits has requested for the Mayor and Mini Grant Committee to discuss funds requested to Citizen Fire Company and Boys and Girls Club for the Eastern Panhandle.

TO the Res Q Mini Grant for $ 2500.00
5-0
3- Absent
3- Abstained

Mayor	**Abstained**
Ken Suits	**Motion**
Amanda Stroud	**YES**
Andy Colandrea	**YES**
Mike Anderson	**Second**
Tommy Custer	**YES**
Herbie McDaniel	**Absent**

5. Resolution 2024 - 10 FY 2024 General Fund Budget Adjustment #3
5-0
4- Absent
4- Abstained

Mayor Keith Pierson	Abstained
Ken Suits	Motion
Herbie McDaniel	Absent
Amanda Stroud	YES
Andy Colandrea	Second
Mike Anderson	YES
Tommy Custer	YES

6. Resolution 2024 –11 FY 2024 Capital Fund Budget Adjustment #3
   5-0
   1- Absent
   1-Abstained

Mayor Keith Pierson	Abstained
Ken Suits	Motion
Herbie McDaniel	Absent
Amanda Stroud	Second
Andy Colandrea	YES
Mike Anderson	YES
Tommy Custer	YES

VII. ADJOURNMENT

Adjournment at 8:08 P.M. Motion was made by Mike Anderson 2nd by Amanda Stroud. Next Ranson Council meeting will be held June 4, 2024. Ranson Council Chamber 312 South Midred Street, Ranson WV 25438.

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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:

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:

The City Manager will present a report addressing matters of relevance to the City Council. Council action is not anticipated or requested on these matters.

ATTACHMENTS:

AGENDA ITEM VI.1

City Council Regular Meeting Request for Action

TO:

FROM: Darla Armstrong

ITEM TYPE: Presentation

AGENDA SECTION: **COUNCIL BUSINESS**

SUBJECT:

ATTACHMENTS:

Legal notice for Ordinance 2024-357 CVB.docx

LEGAL NOTICE
PUBLIC HEARING NOTICE
CITY OF RANSON

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

NOTICE OF PUBLIC HEARING: In accordance with W. Va. Code 8-11-4. The Ranson City Council will hold a public hearing on June 4, 2024, at 7:00 pm at Ranson City Hall, 312 S. Mildred Street, Ranson, WV. The purpose of the public hearing is to accept public comments to Ordinance 2024- 357 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. Documents are available during regular office hours of 8:00 am – 4:00 pm weekdays, excluding holidays at City Hall. All persons are invited to attend and make comments about the proposal.

If you cannot attend but wish to comment, you may write, and it must be received at the following address prior to June 4, 2024: City of Ranson, Attn: City Clerk, 312 S. Mildred Street, Ranson, WV 25438 or cityclerk@ransonwv.us Written Comments received prior to May 31, 2024, will be provided to the Ranson City Council and inserted into the official record.

AGENDA ITEM VI.2

City Council Regular Meeting Request for Action

TO:

FROM: Darla Armstrong

ITEM TYPE: Presentation

AGENDA SECTION: **COUNCIL BUSINESS**

SUBJECT:

ATTACHMENTS:

Ordinance 2024-357 1st Reading.pdf
2024-357 Redline.pdf
Ordinance 2024-357 2nd Reading.pdf

Ordinance 2024-357

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
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.

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

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 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 take effect on July 1, 2024, or as otherwise provided by law.

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

Ordinance 2024-357

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
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.

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

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 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 take effect on July 1, 2024, or as otherwise provided by law.

First Reading:	May 7, 2024
Public Hearing:	June 4, 2024
Second Reading:	June 4, 2024

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 June 4, 2024 by a vote of _____ in the affirmative, _____in the negative with _____ abstentions.

THE CITY OF RANSON

_____

Mayor

ATTEST:

_____

City Clerk

AFFIX CITY SEAL

Ordinance 2024-357

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
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.

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

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 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 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 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) 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) 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.

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 take effect on July 1, 2024, or as otherwise provided by law.

First Reading:	May 7, 2024
Public Hearing:	June 4, 2024
Second Reading:	June 4, 2024

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 June 4, 2024 by a vote of _____ in the affirmative, _____in the negative with _____ abstentions.

THE CITY OF RANSON

_____

Mayor

ATTEST:

_____

City Clerk

AFFIX CITY SEAL

AGENDA ITEM VI.3

City Council Regular Meeting Request for Action

TO:

FROM: Darla Armstrong

ITEM TYPE: Presentation

AGENDA SECTION: **COUNCIL BUSINESS**

SUBJECT:

ATTACHMENTS:

Legal notice for Foundry.docx

LEGAL NOTICE
PUBLIC HEARING NOTICE
CITY OF RANSON

AN ORDINANCE TO RELINQUISH AND VACATE A CERTAIN RIGHT OF WAY

NOTICE OF PUBLIC HEARING: In accordance with W. Va. Code § 8-11-4. The Ranson City Council will hold a public hearing on June 4, 2024, at 7:00 pm at Ranson City Hall, 312 S. Mildred Street, Ranson, WV. The purpose of the public hearing is to accept public comments to Ordinance 2024- 358 Relinquish and Vacate a certain Right away described in deed book 94 page 36 Which is located in the vicinity of 116 W. 7th Avenue. Plans are available during regular office hours of 8:00 am – 4:00 pm weekdays, excluding holidays at City Hall. All persons are invited to attend and make comments about the proposed Site Plan.

If you cannot attend but wish to comment, you may write, and it must be received at the following address prior to June 4, 2024: City of Ranson, Attn: City Clerk, 312 S. Mildred Street, Ranson, WV 25438 or cityclerk@ransonwv.us Written Comments received prior to May 31, 2024, will be provided to the Ranson City Council and inserted into the official record.

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 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:

Signed_Ranson_ALTA_-_Foundry_Center_received_3.29.24 Map.pdf
Right_of_Way_Reliquishment_Ordinance_1st reading.docx
Right_of_Way_Reliquishment_Ordinance_2nd Reading.docx

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*

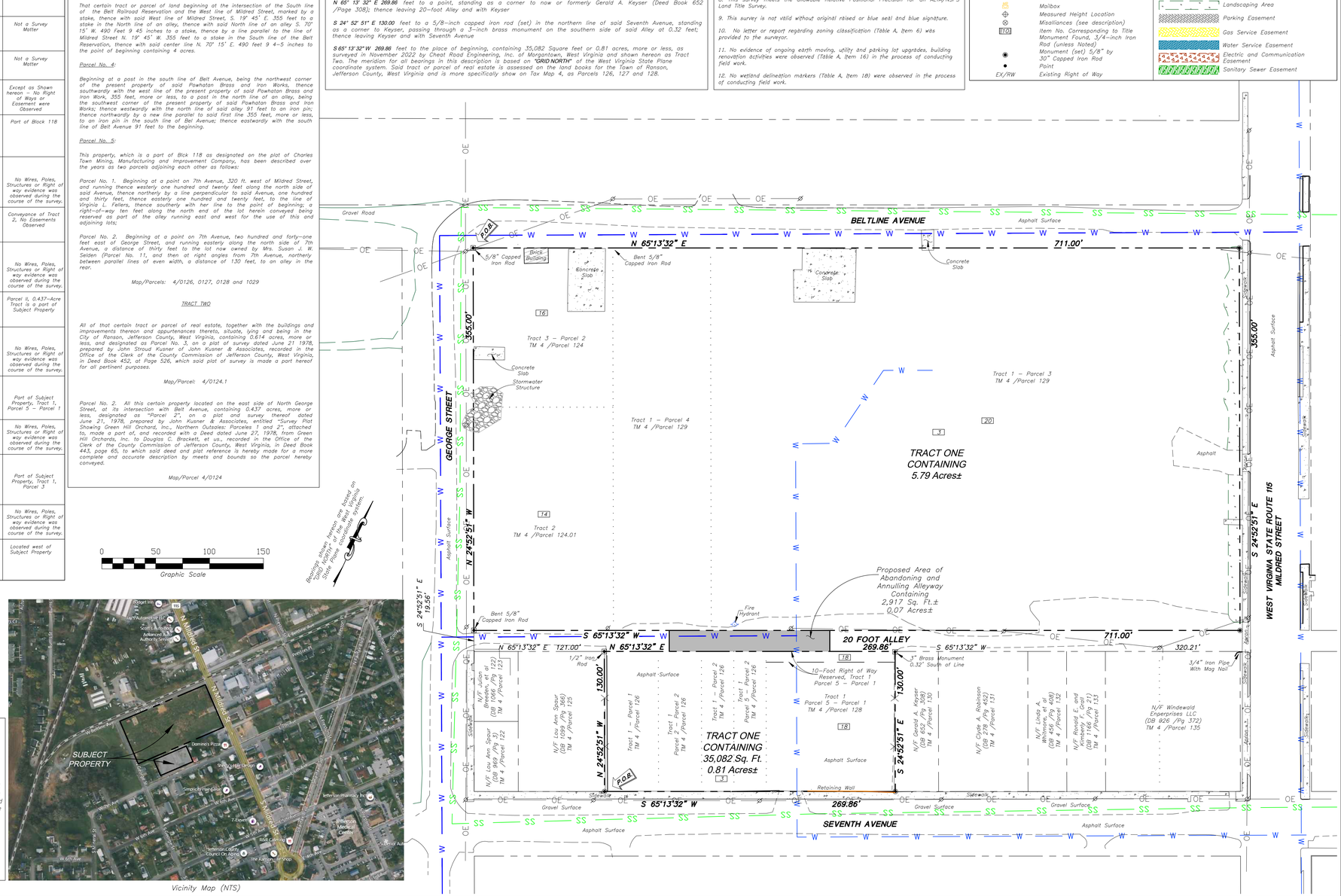
S 65° 13' 32" W 269.86 *feet to the place of beginning, containing 35,082 Square feet or 0.81 acres, more or less, as surveyed in November 2022 by Cheat Road Engineering, Inc. of Morgantown, West Virginia and shown hereon as Tract Two. The meridian for all bearings in this description is based on "GRID 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 540370D156E 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	Misallances (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

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

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.

AN ORDINANCE TO RELINQUISH AND VACATE A CERTAIN RIGHT OF WAY

First Reading: May 7, 2024

Public Hearing: June 4 2024

Second Reading: June 4, 2024

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 June 4, 2024 by a vote of _____ in the affirmative, _____in the negative with _____ abstentions.

THE CITY OF RANSON

_____
Mayor

ATTEST:

_____
City Clerk

AFFIX CITY SEAL

AGENDA ITEM VI.5

City Council Regular Meeting Request for Action

TO:

FROM: Darla Armstrong

ITEM TYPE: Presentation

AGENDA SECTION: **COUNCIL BUSINESS**

SUBJECT:

ATTACHMENTS:

642024 Legal ad Abandoning Alleyway - Community Ministries.docx

LEGAL NOTICE

PUBLIC HEARING

Abandoning and Annulling a Portion of a Public Alleyway

NOTICE OF PUBLIC HEARING: Pursuant to W. Va. Code § 8-11-4 the Ranson City Council will hold a public hearing on June 4, 2024 at 7:00 P.M. at Ranson City Hall, 312 S. Mildred Street, Ranson WV 25438 for Ordinance 2024-356. The purpose of this public hearing is to accept public comments for the request received from applicant Jefferson County Community Ministries Inc. (JCCM), for the City of Ranson to vacate, discontinue a portion of an alleyway, and reverts to the owner of the servient properties. This Alley is located in the vicinity of Racetrack Street Ranson, WV A copy of the proposed request is available at cityclerk@ransonwv.us or during office hours in the offices of the City of Ranson, 312 S. Mildred Street, Ranson, West Virginia.

If you cannot attend but wish to comment, you may write, and it must be received at the following address prior to June 4, 2024: City of Ranson, Attn: City Clerk, 312 S. Mildred Street, Ranson, WV 25438 or cityclerk@ransonwv.us Written Comments received prior to May 31, 2024, will be provided to the Ranson City Council and inserted into the official record.

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
Ordinance 2024 356 2nd Reading.docx

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

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: June 4, 2024

Second Reading: June 4, 2024

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 June 4, 2024 by a vote of _____ in the affirmative, _____in the negative with _____ abstentions.

THE CITY OF RANSON

_____
Mayor

ATTEST:

_____
City Clerk

AFFIX CITY SEAL

AGENDA ITEM VI.7

City Council Regular Meeting Request for Action

TO:

FROM: Todd Wilt, Community & Economic Development

ITEM TYPE: Presentation

AGENDA SECTION: **COUNCIL BUSINESS**

SUBJECT:

The City Council will discuss and consider the potential support for a proposed Revival event to be held this summer, coordinated by Councilor Custer. The proposed support involves providing background assistance in preparation and teardown activities but does not include direct involvement in the event itself.

ATTACHMENTS:

AGENDA ITEM VI.8

City Council Regular Meeting Request for Action

TO:

FROM: Darla Armstrong

ITEM TYPE: Presentation

AGENDA SECTION: **COUNCIL BUSINESS**

SUBJECT:

The Mini-Grant Committee provides the funding recommendation based on an evaluation of the included application. The City Council suggested at the May 21, 2024 meeting to consider approval of the Community Market, Citizens Fire Company and Boys and Girls Club.

Committee Recommendations: Community Market- $ 2,500.00, Citizens Fire Company- $ 10,000.00, Boys and Girls Club - $ 10,000.00

ATTACHMENTS: