

CHARLESTON CITY COUNCIL

Regular Meeting

September 3, 2019

at 7:00 PM



Council Chambers, Third Floor
City Hall, 501 Virginia St. E.
Charleston, WV

AGENDA

CALL TO ORDER BY THE MAYOR

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC SPEAKERS AND CLAIMS

1. Claims 9-3-2019

PROCLAMATIONS

1. 9-3-2019

COMMUNICATIONS

1. 9-3-2019

REPORTS OF STANDING COMMITTEES

PARKS AND RECREATION

1. Resolution No. 235-19 - Re-dedicating the park located at the corner of 57th Street and Watson Street as Hunter Park.

FINANCE

1. Resolution No. 236-19 - Authoring the Mayor or City Manager to submit an application to the WV Governor's Highway Safety Program in the amount of \$170,000 and administer any primary and supplemental funds awarded.
2. Resolution No. 237-19 - Authorizing a grant application to the Centralized Assessment Grant as part of the Continuum of Care grant to the U.S. Department of Housing and Urban Development.
3. Resolution No. 238-19 - A Resolution to enter into agreement with Dougherty Company in the amount of \$28,900.00 for Replacement of three (3) HVAC units at the Sojourners Homeless Shelter.
4. Resolution No. 239-19 - Authoring the Mayor or City Manager to submit an application to the Kanawha County Commission Public Safety Grant Committee in the amount of \$19,800 and administer any funds awarded.
5. Resolution No. 240-19 - Authorizing the Mayor or City Manager to sign Change Order No. 1 with Thaxton Construction Company, Inc., in the amount of \$94,620.00 for additional work performed for the Annual Pile and Lagging Wall Project on Edgewood Drive.
6. Resolution No. 241-19 - Authorizing the Mayor or City Manager to purchase fifteen (15) temporary poles and lights from Appalachian Power.
7. Resolution No. 242-19 - Authorizing the Mayor or City Manager to renew an annual software maintenance contract with Zuercher Technologies LLC for the provision of a records management system for the Charleston Police Department.
8. Purchase of four (4) ambulances for the Charleston Fire Department.
9. Purchase of fifteen (15) Panasonic CF31 Mobile Data Terminals for the Charleston Police Department.

REPORTS OF OFFICERS

1. 9-3-2019

NEW BILLS

1. 9-3-2019

UNFINISHED BUSINESS AND/OR MISCELLANEOUS BUSINESS

ROLL CALL

ADJOURNMENT

THE NEXT REGULAR MEETING OF COUNCIL WILL BE HELD SEPTEMBER 16, 2019 AT 7:00 P.M.

***Meetings may be recorded and broadcast via internet <https://charlestonwv.civicclerk>**



AFFIDAVIT
Charleston Sanitary Board



STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,

John Bailes, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 1118 Swan Road, Charleston, WV 25314

Telephone Number: 304-415-0000

and that on the October day of 2018/2019, at approximately am/pm
in the City of Charleston, West Virginia, he/she sustained

Damage done to two yards (1118 and 1116 Swan Rd.) by
pipeline contractor on Porters Hollow Sewer Line project.
Nature Of Injury And/Or Damage

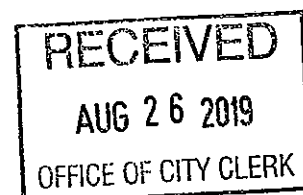
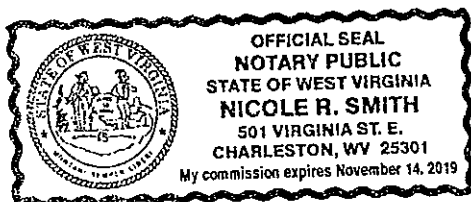
As A Result Of: Negligence on the part of the pipe line
contractor to return these two yards to their
original contour.

As a result of which accident the Claimant, John A. Bailes, does hereby
make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by
him/her in the future.

John A. Bailes
Signature of Claimant

Taken, subscribed and sworn to before me this 26th day of August, 2019.
My commission expires November 14, 2019.

Nicol R. Smith
Notary Public





AFFIDAVIT
City of Charleston



STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,

STACEY K. DEAN, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 127 Sheridan Circle Charleston WV 25311

Telephone Number: 304-881-2933

and that on the 30 day of May, 2018/2019 at approximately 10:00 am/pm
in the City of Charleston, West Virginia, he/she sustained

The City of Charleston recycling truck
hit the (my) Stone mailbox.
Nature Of Injury And/Or Damage

As A Result Of:

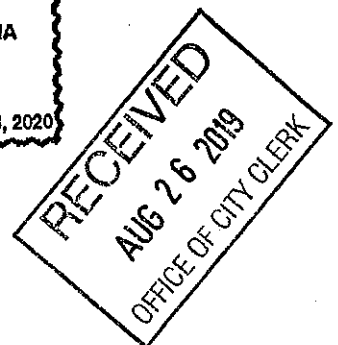
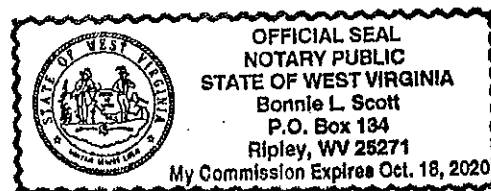
the truck hitting the Stone mailbox it
is off of the foundation and much of the
Stone at bottom of mailbox broke away.

As a result of which accident the Claimant, STACEY K. DEAN, does hereby
make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by
him/her in the future.

Stacey K. Dean
Signature of Claimant

Taken, subscribed and sworn to before me this 23rd day of August, 2019.
My commission expires October 18, 2020.

Bonnie L Scott
Notary Public





AFFIDAVIT
City of Charleston

RECEIVED
AUG 20 2019
OFFICE OF CITY CLERK



STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,

Johnnie A. Gavin, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 2122 Lippert St Charleston, WV 25387

Telephone Number: 304-356-9630

and that on the 7th day of July, 2018/2019, at approximately 8pm - 3am
in the City of Charleston, West Virginia, he/she sustained

a broken windshield & rear passenger window

Nature Of Injury And/Or Damage

As A Result Of:

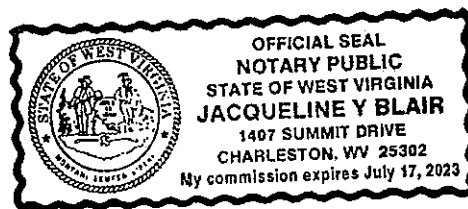
street sweeper

As a result of which accident the Claimant, Johnnie A. Gavin, does hereby
make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by
him/her in the future.

Johnnie A. Gavin
Signature of Claimant

Taken, subscribed and sworn to before me this 20th day of August, 2019.
My commission expires July 17, 2023.

Jacqueline Y Blair
Notary Public





AFFIDAVIT City of Charleston



STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,

KIM R. PAULEY, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 1583 VIRGINIA ST Chas WV 25311

Telephone Number: 304-541-8534

and that on the 24th day of JUNE, 2018/2019, at approximately 7:00 am/pm
in the City of Charleston, West Virginia, he/she sustained

damage to the city park fence along the back of
our property line (RUFFNER PARK)
Nature Of Injury And/Or Damage

As A Result Of:

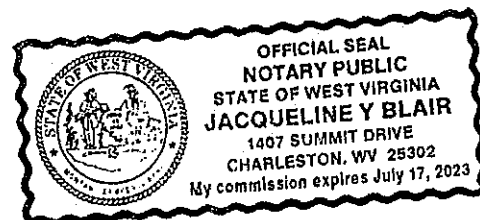
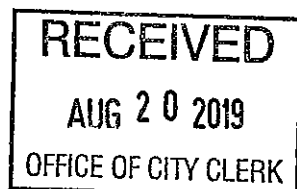
2 TORNADOS & HIGH WINDS IN THE
Charleston AREA. TREES THAT FELL and
damaged the fence line

As a result of which accident the Claimant, Kim R Pauley, does hereby
make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by
him/her in the future.

Kim R Pauley
Signature of Claimant

Taken, subscribed and sworn to before me this 20th day of August, 2019.
My commission expires July 17, 2023.

Jacqueline Y Blair
Notary Public





AFFIDAVIT City of Charleston



STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,
Emett Spencer, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 1910 Hudson Street Charleston, WV 25302

Telephone Number: 304-342-3938 / 304-444-0661

and that on the day of July 26, 2018/2019, at approximately 130 (am) pm
in the City of Charleston, West Virginia, he/she sustained

Nature Of Injury And/Or Damage

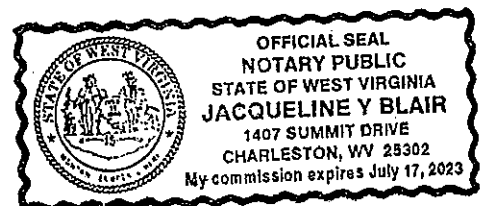
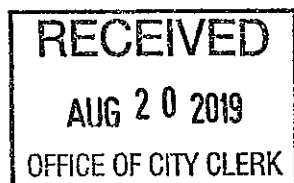
As A Result Of: (Double pane) Insulated Cool Vent tube of
Daughter Just Looked out her bedroom window and police/city charleston threw a chunking
at her window and broke her bedroom window out also threw and broke my Grandmother's chair
and broke my trees (lighted trees) broke my Storm Door Frame busted on Door tore screen up
on another window glass all over my autistic Daughters floor, Games, bed hair Daughters Table
Cracked.

As a result of which accident the Claimant, Emett Spencer, does hereby
make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by
him/her in the future.

Emett Spencer III
Signature of Claimant

Taken, subscribed and sworn to before me this 20th day of August, 2019.
My commission expires July 17, 2023.

Jacqueline Y Blair
Notary Public





AFFIDAVIT City of Charleston



STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,

SARA E Sullivan, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 1581 Clark Road Charleston WV 25314

Telephone Number: 304-767-0259

and that on the 30 day of June, 2018/2019, at approximately 10 @am/pm
in the City of Charleston, West Virginia, he/she sustained

Hit Metal Plate in Road that caused Tire and wheel Damage
Nature Of Injury And/Or Damage

As A Result Of:

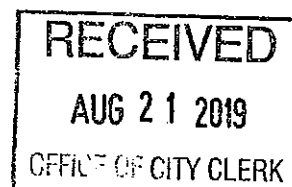
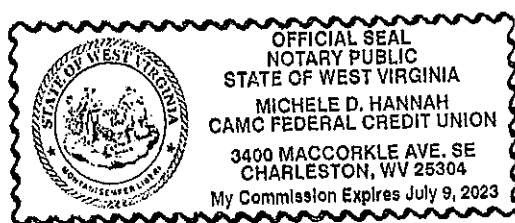
Cut Hole in Sidewall of Tire and bent Rim

As a result of which accident the Claimant, Sara E Sullivan, does hereby make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by him/her in the future.

Sara Sullivan
Signature of Claimant

Taken, subscribed and sworn to before me this 15th day of August 2019.
My commission expires July 9th 2023

Michele D. Hannah
Notary Public





AFFIDAVIT
City of Charleston



STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,

Tyrome L. Thomas, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 512 Main St.

Telephone Number: 304 356-6572

and that on the 10th day of August, 2018/2019, at approximately 10:10³⁰ am/pm
in the City of Charleston, West Virginia, he/she sustained

Center + upper back

Nature Of Injury And/Or Damage

As A Result Of:

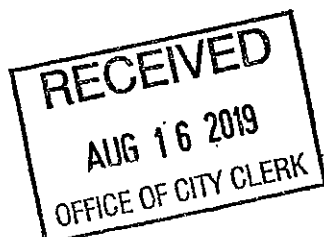
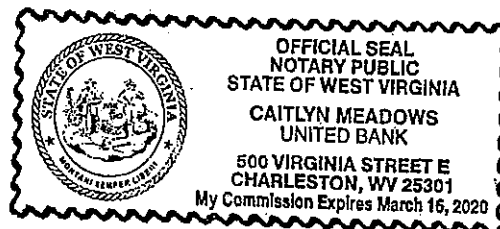
Hit a hole in middle of
street.

As a result of which accident the Claimant, Tyrome L. Thomas does hereby
make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by
him/her in the future.

Tyrome L. Thomas
Signature of Claimant

Taken, subscribed and sworn to before me this 10th day of August, 2019.
My commission expires 03-16-2020.

Caitlyn C. Meadows
Notary Public



**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: Antonio Maurice Harris, known to everyone as Tony, has been the heart and soul of Capital High football – leading the team onto the field for every game – since the school opened in 1989; and

WHEREAS: Tony was named Manager of the Charleston High School football team as a sophomore and held the role until being named “President of Football Operations” under Capital High School’s Head Football Coach John Carpenter, helping teams to five State Championships along the way; and

WHEREAS: While Tony took his role as “Hype-man” for Capital High very seriously, always getting the team and the fans excited for every game, he placed greater importance on being a friend and mentor to every player he met; and

WHEREAS: on June 1, 2019, Tony passed away at the age of 53, leaving a legacy of inspiration, positivity, passion and kindness which has impacted the lives of countless youth in the City of Charleston; and

WHEREAS: Friday, September 6, 2019 Capital High School will take on Conference rival South Charleston High School. While Tony will not lead the team onto the field – his memory lives on through the team’s passion and spirit;

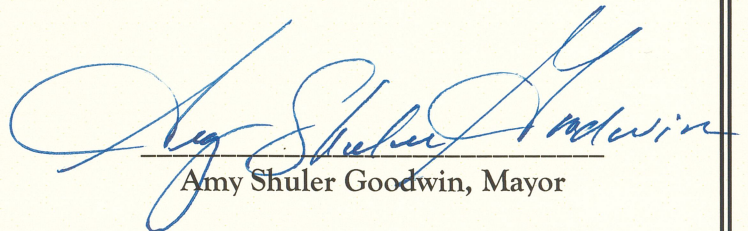
NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby proclaim September 6, 2019, as

TONY HARRIS DAY

in Charleston, West Virginia and encourage all citizens to attend the game at Laidley Field and cheer on the Capital Cougars with the same energy Tony always did.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 3rd day of September 2019.




Amy Shuler Goodwin, Mayor

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

- WHEREAS:** Each year, the Federal Emergency Management Agency (FEMA) designates September as National Preparedness Month to promote family and community disaster and emergency planning and preparedness across the nation; and
- WHEREAS:** Charleston recognizes that protecting individuals, families, pets, infrastructure, public institutions and businesses within our city from disasters and emergencies is of paramount importance; and
- WHEREAS:** Proactive preparedness prior to a disaster or emergency is essential in helping to mitigate harm and damage, strengthen response efforts and promote faster community recovery; and
- WHEREAS:** Active engagement in home and corporate preparedness in conjunction with emergency services personnel can keep Charleston resilient and strong; and
- WHEREAS:** The citizens of Charleston realize that being prepared to meet the unknown challenges of tomorrow is a duty and responsibility that we all share.

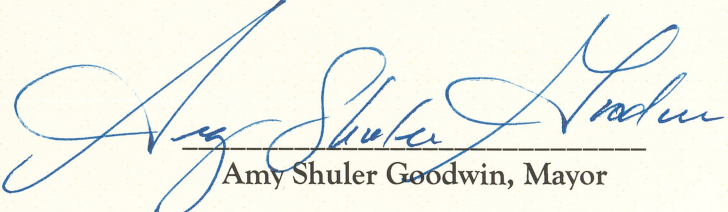
NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby proclaim September 2019, as

PREPAREDNESS MONTH

in the City of Charleston and encourage all citizens to recognize the importance of preparedness and become educated on disaster and emergency preparedness resources.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 3rd day of September 2019.




Amy Shuler Goodwin, Mayor

Resolution No. 235-19

Introduced in Council:

September 3, 2019

Adopted by Council:

Introduced by:

Will Laird, Chad Robinson and Bruce King

Referred to:

Parks & Recreation

1 **Resolution No. 235-19** - Re-dedicating the park located at the corner of 57th Street and
2 Watson Street in the City of Charleston as Hunter Park.

3

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

6

7 That the City Council hereby authorizes and approves that the park located at the
8 corner of 57th Street and Watson Street in the City of Charleston be named Hunter Park
9 in honor of three children that perished in the Upper Donnelly Flood of 1973. The park
10 was originally named The Hunter Playground via Charleston City Council Resolution
11 No. 266-73 in July 1973. The City Council hereby re-dedicates Hunter Park to continue
12 to serve as a memorial “to remind us all of the uncertainty of this life and the duty of us
13 to love, protect and nourish the little ones that dwell among us as friends and
14 neighbors,” as stated by City Council in 1973.

15

Resolution No. 236-19

Introduced in Council:

Adopted by Council:

September 3, 2019

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 236-19 - Authoring the Mayor or City Manager to submit an application to the
2 WV Governor's Highway Safety Program in the amount of \$170,000 and administer any primary
3 and supplemental funds awarded. The Charleston Police Department will use these funds to
4 provide reimbursement to the City for overtime expended for DUI, seat belt, child restraint,
5 work zone, distracted and aggressive driving enforcement, equipment and travel/training.

6
7 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

8
9 That the Mayor or City Manager is hereby authorized to submit an application to the WV
10 Governor's Highway Safety Program in the amount of \$170,000 and administer any primary and
11 supplemental funds awarded.

Resolution No. 237-19

Introduced in Council:

September 3, 2019

Adopted by Council:

Introduced by:

Joseph Jenkins

Referred to:

Finance Committee

1 Resolution No. 237-19 - Authorizing the Mayor or their designee to submit the Centralized
2 Assessment Grant renewal as part of the 2019 Continuum of Care grant to the U. S. Department
3 of Housing and Urban Development and sign all required certifications and agreements
4 including sub-recipient agreements, relating to the Centralized Assessment Team Grant.

5
6 Be it Resolved by the Council of the City of Charleston, West Virginia:

7
8 That the Mayor or their designee is hereby authorized and directed to submit the Centralized
9 Assessment Grant renewal as part of the 2019 Continuum of Care grant to the U. S. Department
10 of Housing and Urban Development and sign all required certifications and agreements
11 including sub-recipient agreements, relating to the Centralized Assessment Team Grant.

12

Centralized Assessment Team (CAT) Project

The City of Charleston will be applying to renew the Centralized Assessment Team (CAT) project. The project provides a single point of access and appropriate assessment for individuals seeking homeless services, while maintaining standardized process and tools.

A collaboration of local homeless providers will contribute to this centralized assessment system. The CAT team will be comprised of four case managers (employed by four agencies) and will be stationed at Covenant House (the centralized point of entry) on a rotating basis to enter/assess homeless individuals. All case managers are trained in diversion, assessment and referrals.

The Kanawha Valley Collective (KVC) Continuum of Care (CoC) through the CAT team will operate the centralized assessment system in conformance with 24 CFR 578, Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Continuum of Care Program Interim Final Rule published in Volume 77 No. 147 of the Federal Register on July 31, 2012. The centralized assessment system will support the purpose of the CoC programs which are designed to reduce, prevent, and end homelessness within the CoC.

The centralized assessment system will cover the geographic area, designed to be easily accessed by individuals and families seeking housing or services, will be well advertised, and will include a comprehensive and standardized assessment tool.

The objectives of the assessment are:

1. To provide diversion services when/where necessary and appropriate (divert individuals from becoming literally homeless).
2. To assist individuals who are literally homeless and unstably housed in obtaining appropriate, safe, and stable housing as quickly as possible
3. To provide direct referrals for a wide range of services to address the household's current housing crisis and any related needs.

Persons served by CoC funded projects must be **"homeless"** under the HUD's final rule on the definition of homelessness under the HEARTH Act. The new definition includes four broad categories of homelessness:

1. **People who are living in a place not meant for human habitation, in emergency shelter, in transitional housing, or are exiting an institution** where they temporarily resided if they were in shelter or a place not meant for human habitation before entering the institution. The only significant change from existing practice is that people will be considered homeless if they are exiting an institution where they resided for up to 90 days (it was previously 30 days), and were homeless immediately prior to entering that institution.
2. **People who are losing their primary nighttime residence, which may include a motel or hotel or a doubled up situation, within 14 days** and lack resources or support networks to remain in housing. HUD had previously allowed people who were being displaced within 7 days to be considered homeless. The regulation also describes specific documentation requirements for this category.
3. **Families with children or unaccompanied youth who are unstably housed and likely to continue in that state.** This is a new category of homelessness, and it applies to families with children or unaccompanied youth (up to age 24) who have not had a lease or ownership interest in a housing unit in the last 60 or more days, have had two or more moves in the last 60 days, and who are likely to continue to be unstably housed because of disability or multiple barriers to employment.
4. **People who are fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening situations** related to violence; have no other residence; and lack the resources or support networks to obtain other permanent housing.

Resolution No. 238-19

Introduced in Council

Passed by Council

September 3, 2019

Introduced by
Joseph Jenkins

Referred from
Finance Committee

1 Resolution No. 238-19 - Authorizing the Mayor or City Manager to enter into an
2 agreement with Dougherty Company in the amount of \$28,900.00 for the
3 replacement of three (3) HVAC units at the Sojourners Homeless Shelter. To be
4 charged as follows: \$19,000 charged to Account No. 009-018-00-002-0-999 and
5 \$9,900 charged to Account No. 009-019-00-002-0-999.

6

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

8

9 That the Mayor or City Manager is authorized to enter into an agreement with
10 Dougherty Company in the amount of \$28,900.00 for the replacement of three (3)
11 HVAC units at the Sojourners Homeless Shelter. To be charged as follows:
12 \$19,000 charged to Account No. 009-018-00-002-0-999 and \$9,900 charged to
13 Account No. 009-019-00-002-0-999.

14

Replacement of HVAC Units at Sojourner's Homeless Shelter
Bid Opening: August 23, 2019 @ 11:00 a.m.

	Doughtery Company, Inc. 600 50th St, S.E. Charleston, WV 25304 P: (304) 925-6664 briansmith@doughertyco.com		DSO Mechanical LLC 515 Third Ave. South Charleston, WV 25303 P: (304) 744-8479 mclaughlin@dsomech.com	
	Unit Price	Total Cost	Unit Price	Total Cost
Total Bid	\$28,900.00		\$35,148.00	
Project Completion	30 days		90 days	

Resolution No. 239-19

Introduced in Council:

Adopted by Council:

September 3, 2019

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 239-19 - Authoring the Mayor or City Manager to submit an application to the
2 Kanawha County Commission Public Safety Grant Committee in the amount of \$19,800 and
3 administer any funds awarded. These funds will be utilized by the Charleston Police
4 Department to purchase flashlights, cases and reversible florescent yellow rain coats. There is
5 no match required on these funds.

6

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

8

9 That the Mayor or City Manager is hereby authorized to submit an application to the Kanawha
10 County Commission Public Safety Grant Committee in the amount of \$19,800 and administer
11 any funds awarded.

Resolution No. 240-19

Introduced in Council:

Adopted by Council:

September 3, 2019

Introduced by:

Referred to:

Joseph Jenkins

Finance

1 Resolution No. 240-19- Authorizing the Mayor or City Manager to sign Change Order
2 No. 1 with Thaxton Construction Company, Inc., in the amount of \$94,620.00 for
3 additional work performed for the Annual Pile and Lagging Wall Project on Edgewood
4 Drive. The additional costs will increase the contract price from \$416,250.00 to
5 \$510,870.00.

6

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

8

9 That the Mayor or City Manager is hereby authorized and directed to sign Change
10 Order No. 1 with Thaxton Construction Company, Inc., in the amount of \$94,620.00 for
11 additional work performed for the Annual Pile and Lagging Wall Project on Edgewood
12 Drive. The additional costs will increase the contract price from \$416,250.00 to
13 \$510,870.00.

14

15

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2018 Annual Pile and Lagging Wall Project



CHANGE ORDER NO.1

Council Approval of Contract:

September 3, 2019

Contractor:

**Thaxton Construction Company, Inc.
P.O. Box 13279
Charleston, WV 25360**

Description:

In October 2018 City Council approved a \$416,250.00 contract for the 2018 Annual Pile and Lagging Wall Project.

This change order will allow the contractor to construct approximately 105 linear feet of pile and lagging wall on Edgewood Drive. The wall will consist of 672 linear feet of HP 12x53 Soldier Pile (\$110.00/L.F.), 140 pieces of 8x24x57 Concrete Lagging (\$130.00/EA) and 100 linear feet of HP 6x28 Steel Wale (\$25.00/L.F.). The cost of this additional work is \$94,620.00

Approved by:

Accepted by:

City of Charleston

Thaxton Construction, Inc.

Date

Date

Resolution No. 241-19

Introduced in Council:

September 3, 2019

Introduced by:

Joseph Jenkins

Adopted by Council:

Referred to:

Finance Committee

1 Resolution No. 241-19 - Authorizing the Mayor or City Manager to purchase fifteen (15)
2 temporary poles and lights from Appalachian Power, a regulated public utility, in an
3 amount not to exceed \$55,000, where the purchase price includes the purchase of
4 poles, wires, lighting fixtures, and installation along the Kanawha Boulevard east of
5 Greenbrier Street.

6

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

8

9 The Mayor or City Manager is authorized to purchase 15 temporary poles and lights
10 from Appalachian Power, a regulated public utility, in an amount not to exceed \$55,000,
11 where the purchase price includes the purchase of poles, wires, lighting fixtures, and
12 installation along the Kanawha Boulevard east of Greenbrier Street.

13

Resolution No. 242-19

Introduced in Council:

Adopted by Council:

September 3, 2019

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 242-19 - Authorizing the Mayor or City Manager to renew an annual
2 software maintenance contract with Zuercher Technologies LLC for the provision of a
3 records management system for the Charleston Police Department in an amount not to
4 exceed \$62,972.70.

5

6

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

8

9 The Mayor or City Manager is authorized to renew an annual software maintenance
10 contract with Zuercher Technologies LLC for the provision of a records management
11 system for the Charleston Police Department in an amount not to exceed \$62,972.70.

Purchase of four (4) Ambulances for CFD

Bid Opening: August 20, 2019 @ 11:00 a.m.

		Atlantic Emergency Solutions 3045 Victorian Place Hurricane, WV 25526 P: (304) 989-4113 cawalker@atlanticemergency.com			PennCare 1317 North Road Niles, Ohio 44446 P: (800) 392-7233 ext.306 joe@penncare.net			J&J Emergency Vehicle Sales 951 Point Marion Road Morgantown, WV 26508 P: (304) 296-9741 jbodkin@jiemergencyvehicles.com			J&J Emergency Vehicle Sales 951 Point Marion Road Morgantown, WV 26508 P: (304) 296-9741 jbodkin@jiemergencyvehicles.com			J&J Emergency Vehicle Sales 951 Point Marion Road Morgantown, WV 26508 P: (304) 296-9741 jbodkin@jiemergencyvehicles.com		
Item	Quantity	Make/Model	Unit Price	Total Price	Make/Model	Unit Price	Total Price	Make/Model	Unit Price	Total Price	Make/Model	Unit Price	Total Price	Make/Model	Unit Price	Total Price
Ambulance	4	2020 Chevrolet K3500 4x4 Frontline	\$113,898.00	\$455,592.00	2020 Chevrolet Medix Metro Express RP90 Type IK3500	\$131,961.00	\$527,844.00	*** 2020 Chevrolet K3500 4x4 Frontline - Proposal 1	\$114,000.00	\$456,000.00	***2019 Chevrolet K3500 4x4 Frontline - Proposal 2	\$110,500.00	\$442,000.00	***2- 2019 & 2 - 2020 Chevrolet K3500 4x4 Frontline - Proposal 3	2 - 2019 @ 112,000.00 ; 2 - 2019@ 125,000	\$474,000.00
TOTAL BID		\$455,592.00			\$527,844.00			\$456,000.00			\$442,000.00			\$474,000.00		
Time of Completion		40-60 days			90-120 days			90-120 days			90-120 days			90-120 days		

***** Bid Explanation**

J&J Emergency Vehicle Sales submitted three proposals with their bid.

- Proposal 1 - (4) 2020 Ambulance Model, Red
- Proposal 2 - (4) 2019 Ambulance Model, All white units
- Proposal 3 - (2) - 2019 Ambulance Models, Red, Built
(2) - 2019 Ambulance Models, Red, not built

COMMITTEE REPORT

TO: Clerk of the Council of the City of Charleston, West Virginia

FROM: The Committee on Finance

Your Committee on Finance has had under consideration:

A purchase from Atlantic Emergency Solutions, in the amount \$455,592.00 for purchase of four (4) ambulances to be used by the Charleston Fire Department. The vendor was selected through a competitive bidding process.

To be charged to Account No. 001-976-00-706-4-459, Public Safety Capital Outlay

and reports the same to Council with the recommendation that the

committee report be adopted

CHAIRMAN

COMMITTEE REPORT

TO: Clerk of the Council of the City of Charleston, West Virginia

FROM: The Committee on Finance

Your Committee on Finance has had under consideration:

A bid submitted by MobileTek Consulting, in the amount \$57,300.00 for purchase of fifteen (15) Panasonic CF31 Mobile Data Terminals to be used by the Charleston Police Department. The vendor was selected through a competitive bidding process.

To be charged to Account No. 001-976-00-700-4-459, Police Capital Outlay

and reports the same to Council with the recommendation that the
committee report be adopted

CHAIRMAN

Mobile Data Terminals - CPD

Bid Opening: August 27, 2019 @ 11:00 a.m.

		MobileTek Consulting 9902 Carver Rd., Suite 203 Cincinnati, OH 45242 P: (888) 809-5474 hmandel@mobile-tek.com
Item		Unit Price
Panasonic Toughbook CF-31		\$3,820.00

CITY OF CHARLESTON
Payroll Variance Analysis
August 2019

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Mayor	409	Regular	22,231	22,231	0	0.00%	44,462	44,462	0	0.00%	289,000	244,538
		IPT	-	-	-		-	-	-		-	-
Budget	3	OT	-	-	-		-	-	-		-	-
Actual	3	Total	22,231	22,231	0	0.00%	44,462	44,462	0	0.00%	289,000	244,538
City Council	410	Regular	13,000	5,500	7,500	57.69%	26,000	16,000	10,000	38.46%	169,000	153,000
		IPT	-	-	-		-	-	-		-	-
Budget	26	OT	-	-	-		-	-	-		-	-
Actual	26	Total	13,000	5,500	7,500	57.69%	26,000	16,000	10,000	38.46%	169,000	153,000
City Manager - Admin.	412-00	Regular	38,576	38,632	(56)	-0.15%	77,153	77,208	(55)	-0.07%	501,494	424,286
		IPT	-	-	-		-	-	-		-	-
Budget	7	OT	-	-	-		-	-	-		-	-
Actual	7	Total	38,576	38,632	(56)	-0.15%	77,153	77,208	(55)	-0.07%	501,494	424,286
City Treasurer	413	Regular	9,478	9,478	(0)	0.00%	18,956	18,956	(0)	0.00%	123,211	104,255
		IPT	692	300	392	56.67%	1,385	300	1,085	78.33%	9,000	8,700
Budget	3	OT	-	-	-		-	-	-		-	-
Actual	3	Total	10,170	9,778	392	3.86%	20,340	19,256	1,085	5.33%	132,211	112,955
City Collector	414	Regular	51,803	57,465	(5,662)	-10.93%	103,607	108,417	(4,810)	-4.64%	673,445	565,028
		IPT	-	-	-		-	-	-		-	-
Budget	15	OT	-	-	-		-	20	(20)		-	(20)
Actual	13	Total	51,803	57,465	(5,662)	-10.93%	103,607	108,437	(4,830)	-4.66%	673,445	565,008
City Clerk	415	Regular	9,540	9,540	(0)	0.00%	19,079	19,079	(0)	0.00%	124,014	104,935
		IPT	-	-	-		-	-	-		-	-
Budget	3	OT	-	-	-		-	-	-		-	-
Actual	3	Total	9,540	9,540	(0)	0.00%	19,079	19,079	(0)	0.00%	124,014	104,935
Municipal Court	416	Regular	22,326	21,121	1,204	5.39%	44,651	39,331	5,320	11.92%	290,232	250,901
		IPT	1,385	2,001	(616)	-44.52%	2,769	3,782	(1,013)	-36.56%	18,000	14,218
Budget	8	OT	1,723	1,294	429	24.89%	3,446	4,008	(561)	-16.29%	22,400	18,392
Actual	8	Total	25,433	24,417	1,017	4.00%	50,866	47,120	3,746	7.37%	330,632	283,512
City Attorney	417	Regular	28,191	28,000	191	0.68%	56,382	56,000	382	0.68%	366,485	310,485
		IPT	-	-	-		-	-	-		-	-
Budget	5	OT	-	-	-		-	-	-		-	-
Actual	5	Total	28,191	28,000	191	0.68%	56,382	56,000	382	0.68%	366,485	310,485

CITY OF CHARLESTON
Payroll Variance Analysis
August 2019

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Accounting	418	Regular	22,089	22,089	0	0.00%	44,178	44,178	0	0.00%	287,157	242,979
		IPT	-	-	-		-	-	-		-	-
Budget	5	OT	-	-	-		-	-	-		-	-
Actual	5	Total	22,089	22,089	0	0.00%	44,178	44,178	0	0.00%	287,157	242,979
Engineering - General	420-00	Regular	35,449	35,449	0	0.00%	70,899	70,899	0	0.00%	460,841	389,942
		IPT	269	-	269	100.00%	538	-	538	100.00%	3,500	3,500
Budget	7	OT	-	-	-		-	-	-		-	-
Actual	7	Total	35,719	35,449	269	0.75%	71,437	70,899	538	0.75%	464,341	393,442
Engineering - Stormwater	420-01	Regular	16,690	16,690	0	0.00%	33,381	33,381	0	0.00%	216,976	183,595
		IPT	-	-	-		-	-	-		-	-
Budget	4	OT	-	-	-		-	-	-		-	-
Actual	4	Total	16,690	16,690	0	0.00%	33,381	33,381	0	0.00%	216,976	183,595
MOECD	421	Regular	30,329	30,156	172	0.57%	60,657	60,485	172	0.28%	394,272	333,787
		IPT	-	-	-		-	-	-		-	-
Budget	7	OT	-	-	-		-	-	-		-	-
Actual	7	Total	30,329	30,156	172	0.57%	60,657	60,485	172	0.28%	394,272	333,787
Human Resources	422	Regular	31,580	30,830	750	2.37%	63,160	61,660	1,500	2.37%	410,538	348,878
		IPT	-	-	-		-	-	-		-	-
Budget	7	OT	-	-	-		-	-	-		-	-
Actual	7	Total	31,580	30,830	750	2.37%	63,160	61,660	1,500	2.37%	410,538	348,878
Mail Room	431	Regular	2,472	2,472	-	0.00%	4,944	4,944	(0)	0.00%	32,136	27,192
		IPT	-	-	-		-	-	-		-	-
Budget	1	OT	-	-	-		-	-	-		-	-
Actual	1	Total	2,472	2,472	-	0.00%	4,944	4,944	(0)	0.00%	32,136	27,192
Building Commission	436	Regular	47,927	47,927	(0)	0.00%	95,854	95,854	(0)	0.00%	623,050	527,196
		IPT	-	-	-		-	-	-		-	-
Budget	13	OT	-	-	-		-	-	-		-	-
Actual	13	Total	47,927	47,927	(0)	0.00%	95,854	95,854	(0)	0.00%	623,050	527,196
Planning	437	Regular	30,353	29,471	882	2.91%	60,706	58,942	1,764	2.91%	394,587	335,645
		IPT	-	-	-		-	-	-		-	-
Budget	7	OT	-	-	-		-	-	-		-	-
Actual	7	Total	30,353	29,471	882	2.91%	60,706	58,942	1,764	2.91%	394,587	335,645

CITY OF CHARLESTON
Payroll Variance Analysis
August 2019

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Information Systems	439	Regular	42,802	43,055	(253)	-0.59%	85,603	87,974	(2,371)	-2.77%	556,420	468,446
		IPT	-	-	-		-	-	-		-	-
Budget	10	OT	-	-	-		-	-	-		-	-
Actual	10	Total	42,802	43,055	(253)	-0.59%	85,603	87,974	(2,371)	-2.77%	556,420	468,446
General Services	440	Regular	29,273	29,552	(279)	-0.95%	58,546	63,028	(4,482)	-7.66%	380,550	317,522
		IPT	3,462	-	3,462	100.00%	6,923	350	6,573	94.94%	45,000	44,650
Budget	11	OT	4,800	4,151	649	13.53%	9,600	8,034	1,566	16.31%	62,400	54,366
Actual	11	Total	37,535	33,703	3,832	10.21%	75,069	71,413	3,656	4.87%	487,950	416,537
Strategy Management	442	Regular	13,455	9,170	4,285	31.85%	26,909	18,340	8,570	31.85%	174,910	156,570
		IPT	-	-	-		-	-	-		-	-
Budget	3	OT	-	-	-		-	-	-		-	-
Actual	2	Total	13,455	9,170	4,285	31.85%	26,909	18,340	8,570	31.85%	174,910	156,570
Morris Square Property	500	Regular	1,832	1,849	(17)	-0.94%	3,664	7,594	(3,930)	-107.28%	23,814	16,220
		IPT	-	-	-		-	-	-		-	-
Budget	1	OT	738	90	648	87.79%	1,477	494	983	66.57%	9,600	9,106
Actual	1	Total	2,570	1,939	631	24.55%	5,141	8,088	(2,947)	-57.33%	33,414	25,326
Public Works	566	Regular	8,000	8,000	-	0.00%	16,000	16,000	-	0.00%	104,000	88,000
		IPT	-	-	-		-	-	-		-	-
Budget	1	OT	-	-	-		-	-	-		-	-
Actual	1	Total	8,000	8,000	-	0.00%	16,000	16,000	-	0.00%	104,000	88,000
Public Grounds - Adm.	567-00	Regular	66,175	64,074	2,101	3.18%	132,350	125,613	6,737	5.09%	860,277	734,664
		IPT	-	-	-		-	-	-		-	-
Budget	27	OT	1,846	452	1,394	75.51%	3,692	3,688	4	0.11%	24,000	20,312
Actual	26	Total	68,021	64,526	3,495	5.14%	136,043	129,301	6,742	4.96%	884,277	754,976
Public Grounds - C/T	567-01	Regular	4,728	4,728	-	0.00%	9,456	9,334	122	1.29%	61,464	52,130
		IPT	-	-	-		-	-	-		-	-
Budget	2	OT	308	-	308	100.00%	615	-	615	-100.00%	4,000	4,000
Actual	2	Total	5,036	4,728	308	6.11%	10,071	9,334	738	7.33%	65,464	56,130
Police - Uniform	700-00	Regular	616,414	575,304	41,110	6.67%	1,232,827	1,168,138	64,689	5.25%	8,013,376	6,845,238
		OT	111,447	164,551	(53,104)	-47.65%	244,481	333,605	(89,124)	-36.45%	1,729,442	1,395,837
Budget	173	Reimb.	(1,923)	(3,216)	1,293	67.23%	(3,846)	(3,984)	138	3.58%	(25,000)	(21,016)
Actual	163	Total	725,938	736,639	(10,701)	-1.47%	1,473,462	1,497,759	(24,297)	-1.65%	9,717,818	8,220,059

CITY OF CHARLESTON
Payroll Variance Analysis
August 2019

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Police - Civilian	700-01	Regular	64,178	59,331	4,848	7.55%	128,357	117,647	10,709	8.34%	834,320	716,673
		IPT	3,846	350	3,496	90.90%	7,692	750	6,942	90.25%	50,000	49,250
Budget	24	OT	6,892	5,158	1,734	25.16%	13,785	10,844	2,941	21.33%	89,600	78,756
Actual	24	Total	74,917	64,839	10,078	13.45%	149,834	129,241	20,593	13.74%	973,920	844,679
Fire - Uniform	706-00	Regular	606,260	603,048	3,212	0.53%	1,246,187	1,272,288	(26,101)	-2.09%	8,319,058	7,046,770
		OT	75,324	71,653	3,671	4.87%	150,649	140,997	9,652	6.41%	979,216	838,219
Budget	169	Reimb.	(923)	(906)	(17)	-1.85%	(1,846)	(906)	(940)	-50.93%	(12,000)	(11,094)
Actual	160	Total	680,661	673,795	6,866	1.01%	1,394,990	1,412,379	(17,389)	-1.25%	9,286,274	7,873,895
Fire - Civilian	706-01	Regular	6,566	6,566	0	0.00%	13,132	13,132	0	0.00%	85,356	72,224
		IPT	-	-	-		-	-	-		-	-
Budget	2	OT	-	-	-		-	-	-		-	-
Actual	2	Total	6,566	6,566	0	0.00%	13,132	13,132	0	0.00%	85,356	72,224
Traffic	712	Regular	32,881	31,968	914	2.78%	65,763	63,731	2,032	3.09%	427,459	363,728
		IPT	-	-	-		-	-	-		-	-
Budget	11	OT	862	1,288	(427)	-49.54%	1,723	2,844	(1,121)	-65.05%	11,200	8,356
Actual	11	Total	33,743	33,256	487	1.44%	67,486	66,575	911	1.35%	438,659	372,084
Emergency Services	716	Regular	11,023	4,000	7,023	63.71%	22,046	8,000	14,046	63.71%	143,301	135,301
		IPT	-	-	-		-	-	-		-	-
Budget	2	OT	-	-	-		-	-	-		-	-
Actual	1	Total	11,023	4,000	7,023	63.71%	22,046	8,000	14,046	63.71%	143,301	135,301
Street	750	Regular	178,908	174,492	4,417	2.47%	357,817	349,376	8,441	2.36%	2,325,810	1,976,434
		IPT	-	-	-		-	-	-		-	-
Budget	73	OT	12,923	15,593	(2,670)	-20.66%	25,846	42,467	(16,621)	-64.31%	240,000	197,533
Actual	70	Total	191,832	190,085	1,747	0.91%	383,663	391,843	(8,180)	-2.13%	2,565,810	2,173,967
Equipment Maintenance	754	Regular	61,330	66,909	(5,578)	-9.10%	122,660	126,625	(3,964)	-3.23%	797,293	670,668
		IPT	-	-	-		-	-	-		-	-
Budget	21	OT	4,000	2,180	1,820	45.49%	8,000	4,391	3,609	45.12%	52,000	47,609
Actual	21	Total	65,330	69,089	(3,759)	-5.75%	130,660	131,016	(355)	-0.27%	849,293	718,277
Refuse & Recycling	800	Regular	151,693	138,223	13,470	8.88%	303,385	275,673	27,713	9.13%	1,972,004	1,696,331
		IPT	-	513	(513)		-	513	(513)		-	(513)
Budget	67	OT	17,231	8,210	9,020	52.35%	34,462	38,215	(3,753)	-10.89%	224,000	185,785
Actual	61	Total	168,923	146,946	21,977	13.01%	337,847	314,401	23,446	6.94%	2,196,004	1,881,603

CITY OF CHARLESTON
Payroll Variance Analysis
August 2019

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Parks & Recreation	900	Regular	89,524	80,947	8,577	9.58%	179,047	163,524	15,524	8.67%	1,163,808	1,000,284
		IPT	56,000	57,322	(1,322)	-2.36%	123,200	131,535	(8,335)	-6.77%	280,000	148,465
Budget	31	OT	3,938	9,632	(5,694)	-144.57%	7,877	16,779	(8,902)	-113.02%	51,200	34,421
Actual	29	Total	149,462	147,901	1,561	1.04%	310,124	311,838	(1,713)	-0.55%	1,495,008	1,183,170
Public Arts	906	Regular	3,846	3,846	(0)	0.00%	7,692	7,692	(0)	0.00%	50,000	42,308
		IPT	-	-	-		-	-	-		-	-
Budget	1	OT	-	-	-		-	-	-		-	-
Actual	1	Total	3,846	3,846	(0)	0.00%	7,692	7,692	(0)	0.00%	50,000	42,308
Municipal Auditorium	910	Regular	7,438	7,438	(0)	0.00%	14,876	14,876	(0)	0.00%	96,695	81,819
		IPT	-	-	-		-	-	-		-	-
Budget	3	OT	308	65	243	78.95%	615	778	(162)	-26.34%	4,000	3,223
Actual	3	Total	7,746	7,503	243	3.14%	15,492	15,654	(162)	-1.05%	100,695	85,041
Spring Hill Cemetery	952	Regular	24,897	20,384	4,514	18.13%	49,795	36,903	12,892	25.89%	323,666	286,763
		IPT	9,688	9,389	298	3.08%	19,375	20,342	(967)	-4.99%	62,000	41,658
Budget	8	OT	738	-	738	100.00%	1,477	1,326	151	10.23%	9,600	8,274
Actual	7	Total	35,323	29,773	5,551	15.71%	70,647	58,571	12,076	17.09%	395,266	336,695
General Fund		Regular	2,433,257	2,339,932	93,325	3.84%	4,900,181	4,755,282	144,899	2.96%	32,070,019	27,314,737
		IPT	75,341	69,876	5,466	7.25%	161,883	157,572	4,311	2.66%	467,500	309,928
		OT	243,079	284,319	(41,239)	-16.97%	507,746	608,488	(100,743)	-19.84%	3,512,658	2,904,170
Budget	761	Reimb.	(2,846)	(4,122)	1,276	44.83%	(5,692)	(4,890)	(802)	-14.09%	(37,000)	(32,110)
Actual	725	Total	2,748,832	2,690,005	58,827	2.14%	5,564,117	5,516,452	47,665	0.86%	36,013,177	30,496,725

CITY OF CHARLESTON
Payroll Variance Analysis
August 2019

Department		Type	Current Month				Year To Date				Annual		
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available	
Coliseum & Conv. Center		402	Regular	91,633	91,191	442	0.48%	183,266	181,721	1,545	0.84%	1,191,226	1,009,505
Budget		29	IPT	26,538	14,835	11,704	44.10%	53,077	22,900	30,177	56.86%	345,000	322,100
		OT	4,000	1,061	2,939	73.47%	8,000	4,629	3,371	42.13%	52,000	47,371	
Actual		28	Total	122,171	107,087	15,084	12.35%	244,342	209,249	35,093	14.36%	1,588,226	1,378,977
Parking System		406	Regular	45,736	45,470	266	0.58%	91,471	87,401	4,070	4.45%	594,563	507,162
Budget		18	IPT	3,923	1,965	1,958	49.92%	7,846	5,683	2,163	27.56%	51,000	45,317
		OT	1,231	1,149	82	6.66%	2,462	2,295	166	6.75%	16,000	13,705	
Actual		18	Total	50,889	48,583	2,306	4.53%	101,779	95,380	6,399	6.29%	661,563	566,183
Total		Regular	2,570,625	2,476,593	94,032	3.66%	5,174,918	5,024,404	150,514	2.91%	33,855,808	28,831,404	
		IPT	105,803	86,675	19,128	18.08%	222,806	186,155	36,651	16.45%	863,500	677,345	
		OT	248,310	286,528	(38,218)	-15.39%	518,207	615,413	(97,206)	-18.76%	3,580,658	2,965,245	
		Budget	808	Reimb.	(2,846)	(4,122)	1,276	-44.83%	(5,692)	(4,890)	(802)	14.09%	(37,000)
Actual		771	Total	2,921,892	2,845,674	76,218	2.61%	5,910,239	5,821,082	89,156	1.51%	38,262,966	32,441,884

Vacancy Report:

Collector	2
Strategy Management	1
Public Works (all)	10
Police - Uniform	10
Fire - Uniform	9
Emergency Services	1
Parks & Recreation	2
Cemetery	1
Total General Fund	36
CCCC	1
Total All	37

As of August 31, 2019

1 **Bill No. 7833**

2 Passed by Council:

3 Introduced in Council

4 **September 3, 2019**

5 Introduced by:

Referred to:

6 **Mary Beth Hoover**

Municipal Planning Commission
Planning, Streets and Traffic

8
9 **Bill No. 7833** - A Bill amending the Zoning Ordinance of the City of Charleston, West
10 Virginia, enacted the 1st day of January 2006, as amended, and the map made a part
11 thereof, by rezoning from a C-10 General Commercial District to CBD Central Business
12 District, that certain parcel of land located at 216-222 Leon Sullivan Way being
13 Charleston East District, Map 14, Parcel 39, Charleston, West Virginia.

14
15 **Be it Ordained by the City Council of the City of Charleston, West Virginia:**

16
17 1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st
18 day of January 2006, as amended, is hereby amended by rezoning from C-10 General
19 Commercial District to CBD Central Business District whole of the following described
20 parcels of land:

21
22 That certain parcel of land located at 216-222 Leon Sullivan Way being
23 Charleston East District, Map 14, Parcel 39, Charleston, West Virginia. Said tax
24 map is of record in the Planning Office.

25
26 2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is
27 hereby amended in accordance with Article 29 of this ordinance.

28
29 3. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are
30 hereby repealed to the extent of such inconsistency.