

CHARLESTON CITY COUNCIL

Regular Meeting

October 21, 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 10-21-2019

PROCLAMATIONS

1. 10-21-2019

COMMUNICATIONS

1. 10-21-2019

REPORTS OF STANDING COMMITTEES

ORDINANCE AND RULES

1. Bill No. 7843 - A BILL to amend and reenact Section 46-1 of the Municipal Code, relating to updating requirements for alarm systems; removing the requirement that alarm systems be registered; and updating when false alarms become a violation that subjects the owner to a fine; and increasing the fine amount.

2. Bill No. 7844 Committee Substitute - A BILL to amend and reenact sections of the Code of the City of Charleston, relating to providing authority for the mayor to appoint a general manager of the Charleston Coliseum and Convention Center and Auditorium; authorizing the general manager to employ necessary employees within the budget approved by Council; clarifying financial and purchasing requirements; requiring an annual report and detailing its contents; and requiring rates to be posted on the Charleston Coliseum and Convention Center website.
3. Bill No. 7845 - A BILL to amend and reenact Section 114-90 of the Municipal Code of the City of Charleston, relating to formalizing a dispute process for parking citations with the Director of Parking; and detailing the appeal process from the decision of the Director of Parking.

PUBLIC SAFETY

1. Resolution No. 251-19 - Authorizing the Chief of Police to enter into a Memorandum of Understanding with the United States Marshall Service to create a Violent Offender Task Force to investigate and arrest persons who have active state and federal warrants for their arrest, thereby improving public safety and reducing violent crime.
2. Bill No. 7835 Committee Substitute - A BILL to amend and reenact the Code of the City of Charleston relating to clarifying the process by which the Charleston Police Department may address houses where illegal activity is ongoing; updating notice requirements; and defining terms.

FINANCE

1. Resolution No. 244-19 - A Resolution authorizing the Mayor or City Manager to accept two loans from the West Virginia Housing Development Fund to be used to develop a comprehensive blight mapping project and housing infill architectural design across the entire City of Charleston.
2. Resolution No. 252-19 - A Resolution authorizing the Mayor or City Manager to enter into an agreement with Municipal Leasing Consultants for the lease purchase of various vehicles and equipment for City departments.
3. Resolution No. 253-19 - Authorizing the Mayor or City Manager to enter into a construction contract with Triton Construction, Inc. for repair work to the South Side Bridge.
4. Resolution No. 254-19 - Authorizing the Mayor or City Manager to enter into a construction contract with Blue Creek Masonry, Inc. for the construction of a new Charleston Wayfinding Welcome Sign to be placed near the intersection of Airport Road and Greenbrier Street.

REPORTS OF OFFICERS

1. 10-21-2019

NEW BILLS

1. 10-21-2019

UNFINISHED BUSINESS AND/OR MISCELLANEOUS BUSINESS

ROLL CALL

ADJOURNMENT

THE NEXT REGULAR MEETING OF COUNCIL WILL BE HELD NOVEMBER 4, 2019 AT 7:00 P.M.

THIS AGENDA WAS AMENDED 10-17-2019

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



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, Jordan Cantrell, Claimant, who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 5017 Staunton Avenue SE Charleston, WV 25304

Telephone Number: (304) 588-0263

and that on the 7th day of October, 2019, at approximately 6:45 am in the City of Charleston, West Virginia, he/she sustained

The tree owned by the City of Charleston, located in claimant's front yard, lost several branches

Nature Of Injury And/Or Damage

As A Result Of:

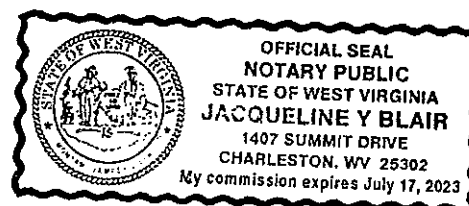
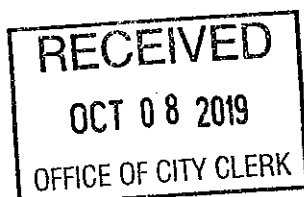
The City of Charleston's tree branches landed on a recently installed 3.5' white vinyl fence, damaging three panels and one post.

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

Jordan Cantrell
Signature of Claimant

Taken, subscribed and sworn to before me this 8th day of October, 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,

PERRY WAYNE LEWIS

, Claimant,

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

That this affiant resides at: 5452 Deerfield Lane, Cross Lanes, WV 25313

Telephone Number: 304-552-8596

and that on the 12th day of July, 2019, at approximately 9 am/pm
in the City of Charleston, West Virginia, he/she sustained

My daughter & I received confirmation of lost property (cell phone) by the Charleston Police Dept. from her lawyer (John Carr)

Nature Of Injury And/Or Damage

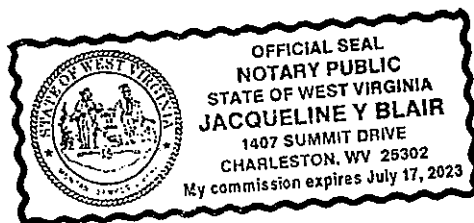
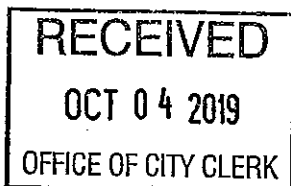
As A Result Of:

(Morgan Lewis)
On March 28th 2018 my daughter's cellphone (Iphone 8 plus), which is on my AT&T account, was taken from her & given to the Charleston Police Dept. At the end of the investigation her lawyer was told by the Charleston Police Dept. that they didn't know where her phone was, & thus it couldn't be returned to her. I started paying for this phone 11/24/17, as of 10/4/19 still paying for it.
As a result of which accident the Claimant, Perry Wayne Lewis, does hereby make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by him/her in the future.

Perry W. Lewis
Signature of Claimant

Taken, subscribed and sworn to before me this 4th day of October, 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,

Victoria McCabe, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 650 Piccadilly St., Charleston, WV 25302

Telephone Number: 304-546-6947 (cell)

and that on the 1 day of August, 2019, at approximately 1:00 am/pm
in the City of Charleston, West Virginia, he/she sustained

Tire damage & nail from road work punctured tire

Nature Of Injury And/Or Damage

As A Result Of:

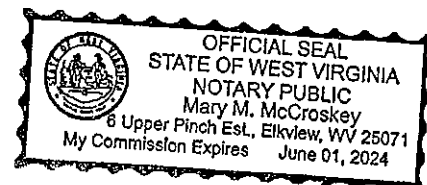
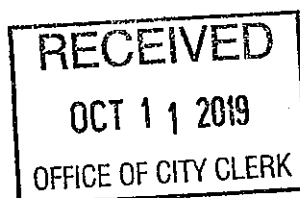
Westmoreland Drive underpass, I live up Westmoreland & all summer during Westmoreland Bridge construction, I was directed to drive through debris fallen onto Westmoreland Drive from the underpass above in order to get home. Debris damaged my tires, including a nail puncturing the side of one tire.

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

Victoria McCabe
Signature of Claimant

Taken, subscribed and sworn to before me this 8 day of October, 2018.
My commission expires June 1, 2024.

Mary M. McCroskey
Notary Public



**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

- WHEREAS:** It is important to accurately detect and test for Phelan-McDermid Syndrome, also known as 22q13 Deletion Syndrome, which is a rare genetic condition caused by a deletion or other structural change of the terminal end of chromosome 22 in the 22q13 region or a disease-causing mutation of the SHANK3 gene; and
- WHEREAS:** This microdeletion is rarely uncovered by typical genetic screening, therefore a fluorescence in situ hybridization, or FISH test, or whole exome sequencing (WES) is recommended to confirm the diagnosis; and
- WHEREAS:** Individuals, parents and advocacy groups can increase awareness of Phelan-McDermid Syndrome and its symptoms through scientific education opportunities and informational exchange; and
- WHEREAS:** Although the range and severity of symptoms may vary, Phelan-McDermid Syndrome is generally thought to be characterized by intellectual disability of varying degrees, delayed or absent speech, symptoms of autism spectrum disorder, low muscle tone, motor delays, and epilepsy; and
- WHEREAS:** It is important to raise awareness of Phelan-McDermid and promote education that will help inform citizens about this disease

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby proclaim October 22, 2019, as

PHELAN-MCDERMID SYNDROME AWARENESS DAY

in Charleston, West Virginia and urge our citizens to learn about this disease and support others that have it.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 21st day of October 2019.



Amy Shuler Goodwin, Mayor

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: On October 29, 2019 the Baha'is of West Virginia and their families, friends, neighbors, and colleagues are celebrating the 200th anniversary of the birth of the herald of the Baha'i Faith; and

WHEREAS: In the 19th Century, the Baha'i Faith brought a message of peace, love and unity for all humanity; and

WHEREAS: In 1916, the first Baha'i to visit Charleston was Louis Gregory, America's first "Race Amity Worker"; and for over 100 years the Baha'is of West Virginia have built communities welcoming all races, nationalities and religions; and

WHEREAS: We recognize the contributions of the Baha'i community to sow love and grow peace with Peace Rose plantings around Charleston; and congratulate our Baha'is on their celebration of this important milestone.

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby proclaim October 29, 2019, as

BAHA'IS OF WEST VIRGINIA DAY

in the City of Charleston and encourage all citizens to recognize the importance of cultivating a welcoming and inclusive environment for all residents and visitors.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 21st day of October 2019.



A handwritten signature in blue ink, reading "Amy Shuler Goodwin", is written over a horizontal line.

Amy Shuler Goodwin, Mayor

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: Charleston, West Virginia is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism and service; and

WHEREAS: Charleston is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment and conviction to their individual ambitions, family, friends and community; and

WHEREAS: Charleston chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS: The Capital City acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2019.

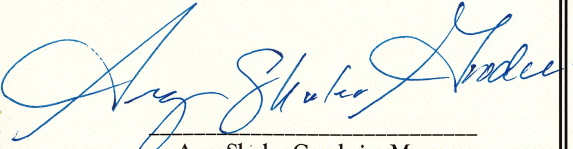
NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby proclaim November 1, 2019 as

EXTRA MILE DAY

in the City of Charleston and urge individuals in the community to take time on this day to not only “go the extra mile,” but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country and world a better place.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 21st day of October 2019.




Amy Shuler Goodwin, Mayor

Bill No. 7843

Introduced in Council:

October 7, 2019

Introduced by:

Jeanine Faegre

Adopted by Council:

Referred to:

Ordinance and Rules

Bill No. 7843 - A BILL to amend and reenact Section 46-1 of the Municipal Code of the City of Charleston, as amended, relating to updating requirements for alarm systems; removing the requirement that alarm systems be registered; and updating when false alarms become a violation that subjects the owner to a fine; and increasing the fine amount.

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

That Section 46-1 of the Municipal Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

Chapter 46 - EMERGENCY SERVICES

Sec. 46-1. – Alarm systems.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alarm system means equipment designed to signal an illegal entry or other activity to which the police department is requested to respond by silent or audible alarm, but does not include an automobile alarm.

Alarm user means any person whose business premises are protected by an alarm system within the city.

False alarm means an alarm not resulting from an unauthorized entry, robbery or where no other crime was committed or attempted at the premises. An alarm caused by power failure shall be deemed a false alarm if the power outage lasts longer than the alarm system's battery backup. A false alarm does not include an alarm that activates during violent weather.

Reporting period means each 12-month period following a false alarm for an alarm user. ~~described in the first sentence of subsection (c) of this section.~~

~~(b) *Alarm system registration.*~~

~~(1) An alarm user shall register its alarm system with the city by completing a registration application prepared by the police department for such purpose in accordance with this section, and filing such application with the police department. Registration shall be free and must be renewed annually on or by July 1. An alarm user~~

36 who fails to register an alarm system after receipt of three written notices from the
37 police department of the obligation to do so shall thereafter be subject to a fine of
38 \$100.00 on each occasion on which such alarm system records a false alarm and
39 remains unregistered.

40 (2) The registration application shall provide the police department with a record
41 of the company or firm that installed the alarm system, the names and telephone
42 numbers of contact people (key holders) to call when an alarm is activated, and
43 information concerning the maintenance and inspection of the alarm system. The
44 registration application shall also confirm whether the alarm system includes an audible
45 alarm (siren, etc.) and, if so, whether such alarm system has an automatic 15-minute
46 shutoff switch. No registration pertaining to an alarm system having an audible alarm
47 shall be deemed completed unless it confirms that such system also has an automatic
48 shutoff switch as set forth in this section. The alarm user shall notify the police
49 department of any changes in any information set forth in an application within 30 days
50 of each such change. Failure to notify the police department of such changes shall
51 result in a \$100.00 fine.

52 (c) *False alarms; penalties.*

53 (1) The police department shall maintain records regarding false alarms. ~~for each~~
54 ~~alarm system for consecutive 12-month periods initially beginning on the date the alarm~~
55 ~~system is registered. If an alarm user has a false alarm, the police department shall~~
56 ~~notify the alarm user that continued false alarms during the reporting period will result in~~
57 ~~a fine consistent with this section. The notice may be made orally or in writing and~~
58 ~~failure to provide the notice is not a defense to a violation of this section.~~

59 (2) ~~After an alarm system is registered, the~~ An alarm user owning such an alarm
60 system, upon conviction following the filing of a complaint in municipal court, shall be
61 ~~fined \$100.00~~ \$500.00 upon the occurrence of ~~the sixth false alarm recorded by such~~
62 ~~alarm system three or more false alarms in any three month period during any reporting~~
63 ~~period, and for each false alarm occurring thereafter during the same reporting period.~~
64

Committee Substitute for Bill No. 7844

Introduced in Council:

October 7, 2019

Introduced by:

Jennifer Pharr and Ben Adams

Adopted by Council:

Referred to:

Ordinance and Rules

Committee Substitute for Bill No. 7844 - A BILL to amend and reenact Chapter 2, Article VII, Sections 2-553, 2-554, 2-555, and 2-556 of the Code of the City of Charleston, as amended, relating to providing authority for the mayor to appoint a general manager of the Charleston Coliseum and Convention Center and Auditorium; authorizing the general manager to employ necessary employees within the budget approved by Council; clarifying financial and purchasing requirements; requiring an annual report and detailing its contents; and requiring rates to be posted on the Charleston Coliseum and Convention Center website.

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

That Chapter 2, Article VII, Sections 2-553, 2-554, 2-555, and 2-556 of the Code of the City of Charleston be amended and reenacted to read as follows:

Sec. 2-553. – Powers and duties.

(a) The Charleston Coliseum and Convention Center/Municipal Auditorium Board shall have power, authority, and duty to supervise, administer, operate, and maintain the municipal civic, cultural, and educational center of the city, located on Civic Center Drive, commonly called the “Charleston Coliseum and Convention Center,” and the Municipal Auditorium, located on Virginia and Truslow streets, commonly called the “Auditorium;” to prepare, make, adopt, prescribe, and promulgate instructions, procedures, rules, and regulations appropriate for the management of the Charleston Coliseum and Convention Center and the Auditorium; to provide for the safeguarding of and accountability for all funds derived from and in connection with the operation of the Charleston Coliseum and Convention Center and Auditorium; and to determine, prescribe and collect all charges, fees, and revenue of any kind due to the city for the use of the Charleston Coliseum and Convention Center and Auditorium. However, any schedule of fees, rates, or charges shall be first approved by the city council before being put into effect.

(b) The board shall not allow the property under its control to be used for or in connection with any program or purpose that is prohibited by law or resolution of council.

(c) If a vacancy occurs in the position of general manager, the board may appoint an interim general manager until the mayor makes an appointment pursuant to this

subsection. Upon the request of the mayor, the board shall initiate a nationwide search for a new general manager and, upon conclusion of the search and pursuant to the timeline set by the mayor, provide no less than three and no more than seven recommendations to the mayor to fill the general manager position. The mayor shall appoint a general manager, by and with the advice and consent of the council, who shall work with the board to execute a vision for the Charleston Coliseum and Convention Center and Auditorium. The mayor shall fix the compensation of the general manager, subject to council approval, and have the full and complete power of removal of the general manager, **subject to any employment contract approved by the board and authorized by resolution of council.** The board general manager shall have the authority to employ a manager and such other employees as are necessary properly to effectively operate the Charleston Coliseum and Convention Center and Auditorium and, subject to approval of the council, to fix the compensation of such employees consistent with the budget approved by council.

Sec. 2-554. - Finances.

All revenue derived from the use and operation of the Charleston Coliseum and Convention Center and the Auditorium shall be paid into the city treasury, general fund in a special fund dedicated to the Charleston Coliseum and Convention Center and the Auditorium. and all All connected expenditures from the special fund shall be requisitioned and accounted for in the same manner as other general fund expenditures, and pursuant to all of the purchasing requirements of Article IV of this chapter.

Sec. 2-555. – Annual and Quarterly reports to city council.

The Charleston Coliseum and Convention Center/Municipal Auditorium Board shall make a written annual report to the city council detailing the economic impact attributable to the Coliseum and Convention Center and the Auditorium. The annual report shall include, at a minimum, the following information: (1) the number of events, unique attendees, total hotel room nights, and a summary of the direct economic impact figures for the preceding fiscal year, (2) an operations breakdown summarizing food and beverage, community impact, and sustainability efforts, and (3) financial summaries for the previous five fiscal years.

The Charleston Coliseum and Convention Center/Municipal Auditorium Board shall make a quarterly written report to the city council of its operating expenses and finances, quarterly due within 30 days of the end of each fiscal quarter.

Sec. 2-556. – Schedule of rates, rentals and other charges for use of services and facilities.

(a) A true copy of the schedule of fees, rates and charges for the use of the Charleston Coliseum and Convention Center and the Auditorium, as approved by the city council pursuant to the provisions of section 2-553, shall be maintained on file in the office of the Charleston Coliseum and Convention Center/Municipal Auditorium Board or

82 the general manager of the Charleston Coliseum and Convention Center and
83 Auditorium and on the Charleston Coliseum and Convention Center's website.
84

85 (b) All fees, rates and charges for the use of the Charleston Coliseum and
86 Convention Center and the Auditorium established or approved by the city council and
87 in effect immediately prior to the effective date of this Code are continued in full force
88 and effect until such time as new fees, rates and charges are determined, prescribed
89 and approved pursuant to the provisions of section 2-553, as set forth in Chapter 82,
90 Article 1, Section 82-4, Schedule of Rates and Rentals.

Bill No. 7845

Introduced in Council:

October 7, 2019

Introduced by:

Will Laird

Adopted by Council:

Referred to:

Ordinance and Rules

Bill No. 7845 - A BILL to amend and reenact Section 114-90 of the Municipal Code of the City of Charleston, as amended, relating to formalizing a dispute process for parking citations with the Director of Parking; and detailing the appeal process from the decision of the Director of Parking.

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

That Section 114-90 of the Municipal Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

Sec. 114-90. - Parking citation as prima facie evidence of offense; process to pay or contest parking citations.

(a) Issuance of a parking citation to an alleged violator of the provisions of this chapter shall be deemed to be prima facie evidence of the parking violation indicated on the face of the parking citation. As such, any person who is issued a parking citation must pay the fine indicated for the violation, as set forth in City Code subsection 114-3(c), in full to the cashier for the parking system within ten days of issuance; provided, however, that any person who feels he or she was improperly issued such parking citation may, within the ten days from issuance, ~~file a motion to contest the parking citation along with the required bond with the municipal court clerk~~ file a dispute with the Director of Parking. The Director of Parking shall review the dispute and make an independent determination regarding the citation. The Parking System shall communicate the decision of the Director of Parking to the alleged violator and notify the alleged violator that they may appeal the decision to the municipal court within ten days in accordance with the following:

(1) Prior to filing any ~~motion to contest~~ appeal of the decision of the Director of Parking, the alleged violator ~~must~~ shall pay the required amount of the fine in full to the ~~cashier for the parking system, which amount will be held by the parking system City Collector or on the City's online payment website~~ as bond pending evidentiary hearing before and resolution of the case by the municipal court. ~~the cashier~~ The City Collector must issue a receipt to the alleged violator showing the amount of the bond paid. Thereafter, in order to properly and timely ~~contest~~ appeal the decision of the Director of Parking regarding his or her citation, the alleged violator must file a copy of the bond

36 receipt along with his or her ~~motion to contest~~ appeal of the decision of the Director of
37 Parking with the municipal court clerk within ten days of issuance of the decision of the
38 Director of Parking citation as set forth above. If any ~~motion to contest~~ appeal filed in
39 accordance with this section is not timely filed or is not accompanied with the required
40 receipt showing payment of the required bond, the alleged violator shall be deemed to
41 have waived his or her right to contest the citation, and such ~~motion~~ appeal shall be
42 summarily denied as untimely filed; provided, however, that nothing set forth
43 hereinabove shall prevent the municipal court judge from finding upon proper showing
44 that an alleged violator suffers from financial hardship, and, as a result, waiving the
45 requirement that the bond be posted as a prerequisite to filing a ~~motion to contest~~ an
46 appeal.

47
48 (2) Any ~~motion to contest~~ appeal filed with the municipal court clerk must be in
49 writing, on the form to be provided by the municipal court clerk, and must be signed by
50 the alleged violator affirming that the contents of the ~~motion~~ appeal are true and
51 accurate to the best of the alleged violator's knowledge at that time. Such ~~motion to~~
52 ~~contest~~ appeal must state the facts and reasons in support of the ~~motion~~ alleged
53 violator's position. Upon filing any such ~~motion to contest~~ appeal with the municipal
54 court clerk, the alleged violator must serve a copy of the ~~motion~~ appeal and receipt
55 showing proof of bond upon the city attorney.

56
57 (b) Upon filing of a ~~motion to contest~~ an appeal of the Director of Parking's
58 decision with the municipal court clerk, the clerk or his or her designee shall place the
59 case on the municipal court docket, set the case for evidentiary hearing, and provide a
60 notice of hearing to the alleged violator, city attorney, and Director of Parking. ~~and The~~
61 municipal court clerk shall forward a copy of the ~~motion~~ appeal to the ~~parking system~~
62 ~~director~~ city attorney and the Director of Parking. Upon receipt of the ~~motion,~~ the
63 ~~parking system director~~ appeal, the Director of Parking shall cause a copy of the
64 parking citation at issue to be forwarded to the municipal court clerk who shall file it as
65 the original complaint alleging the violation indicated therein and forward a copy to the
66 city attorney. Further, if the alleged violator alleges as his or her reason for contesting
67 that he or she is reporting a defective parking meter, then the ~~parking system director~~
68 Director of Parking shall cause an inspection of the meter to be made and a report to be
69 generated setting forth the findings of the inspection, a copy of which will be forwarded
70 to the municipal court clerk to be placed in the court file along with the motion to contest
71 and to the city attorney; if the meter is found defective, the appeal will be granted and
72 the parking citation shall be dismissed.

73
74 (c) The municipal court shall treat the parking citation itself as the original
75 complaint before the court, and shall treat it as prima facie evidence of the parking
76 violation alleged therein. As such, the alleged violator will bear the burden of
77 overcoming the prima facie case at the evidentiary hearing. At the close of all of the
78 evidence, should the municipal judge find against the alleged violator, the bond posted
79 by the alleged violator will be applied as payment for the fine indicated for the violation;
80 ~~and the court may assess against the alleged violator appropriate court costs in an~~
81 ~~amount equal to the court costs generally assessed for any other violation of this~~

82 chapter; however, should the court find in favor of the alleged violator, the bond shall be
83 refunded to the alleged violator. ~~by the municipal court clerk, and no court costs will be~~
84 ~~assessed.~~

85

86 (d) In any instance in which a an alleged violator does not timely pay, within ten
87 days of the issuance of a parking citation upon him or her or ten days after the decision
88 of the Director of Parking (if applicable), the full amount of the fine set by City Code
89 subsection 114-3(c) at the increased amount for the alleged offense described in the
90 parking citation becomes due. ~~or If the alleged violator properly and timely file a motion~~
91 ~~to contest files an appeal~~ along with the required bond, then the amount of the fine shall
92 automatically remain at the original amount until ten days after the decision by the
93 municipal court, at which point the amount due will increase to the amount set forth in
94 subsection 114-3(c) as a penalty for late payment.

95

Resolution No. 251-19

Introduced in Council:

October 21, 2019

Introduced by:

Keeley Steele

Adopted by Council:

Referred to:

Public Safety

Resolution No. 251-19 – “Authorizing the Chief of Police to enter into a Memorandum of Understanding with the United States Marshall Service to create a Violent Offender Task Force, pursuant to 28 U.S.C. § 566, to investigate and arrest persons who have active state and federal warrants for their arrest, thereby improving public safety and reducing violent crime.”

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

That the Chief of Police is hereby authorized to enter into a Memorandum of Understanding with the United States Marshall Service to create a Violent Offender Task Force, pursuant to 28 U.S.C. § 566, to investigate and arrest persons who have active state and federal warrants for their arrest, thereby improving public safety and reducing violent crime.

Committee Substitute for Bill No. 7835

Introduced in Council:

September 16, 2019

Adopted by Council:

Introduced by:

Keeley Steele, Becky Ceperley, Pat Jones,
Bobby Reishman, Shannon Snodgrass,
Jeanine Faegre, Brent Burton and Joseph Jenkins

Referred to:

Public Safety

Committee Substitute for Bill No. 7835 - A BILL to amend and reenact Sections 50-34 ~~and 50-36~~ of the Code of the City of Charleston, as amended, ~~all~~ relating to clarifying the process by which the Charleston Police Department may address houses where illegal activity is ongoing; updating notice requirements; ~~and~~ defining terms; ~~and clarifying certain warrant requirements related to inspections.~~

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

That Sections 50-34 ~~and 50-36~~ of the Code of the City of Charleston, as amended, are hereby amended and reenacted to read as follows:

Sec. 50-34. - Additional nuisances; penalties.

(a) No owner or operator of any property shall knowingly allow on the property or permit the use of the property for any illegal activity. Conduct prohibited by this shall constitute a nuisance. Each day ~~such activity exists~~ conduct prohibited by this section continues shall constitute a separate offense.

(b) Any owner or operator who shall violate the provisions of subsection (a) shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than ~~\$500.00~~ \$1,000.00 ~~or by confinement in jail not more than 30 days for each offense.~~ ~~An owner or operator of a property who receives notice by certified mail from the Charleston Police Department of illegal activity on the property shall take action to terminate the illegal activity within thirty (30) days after receiving notice by certified mail by the Charleston Police Department. If the owner or operator fails to terminate the illegal activity within thirty (30) days after the notice then he or she shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 for each offense.~~

(c) ~~An owner or operator of a property who receives notice by certified mail from the Charleston Police Department of illegal activity on the property shall take action to terminate the illegal activity within thirty (30) days after receiving notice by certified mail by the Charleston Police Department. If the owner or operator fails to terminate the~~

34 illegal activity within thirty (30) days after the notice then he or she shall be guilty of a
35 misdemeanor and, upon conviction thereof, shall be punished by a fine of not more
36 than \$1,000.00 for each offense. Any owner who is not the operator of the property
37 upon which illegal activity is taking place or which is being used for illegal activity who
38 fails to take action to terminate the illegal activity for a period of 30 days after notice by
39 the chief of police or his designated representative shall be subject to a civil fine of
40 \$500.00 for each day the illegal activity takes place after expiration of such 30-day
41 period. The conduct prohibited by this subsection ~~(b) of this section~~ is subject to the
42 following:

43
44 (1) The chief of police or his designated representative Charleston Police
45 Department shall first provide a notice by certified mail to the tenant in owner and/or
46 operator of the property that illegal activity is being conducted and that the tenant will be
47 subject to eviction if any such activity is not corrected within a period of 15 days, a copy
48 of which notice shall be provided to the owner of the property and payer of rent owner
49 and/or operator of the property are subject to the provisions of this article if not
50 corrected, and the property could potentially be subject to forfeiture if applicable by
51 state and federal laws.

52
53 (2) Any notice to the owner of the property under this section shall also be
54 served on the tenant by regular mail.

55
56 (3) A letter to the owner of the property shall describe in specific detail the facts
57 forming the basis for the allegation of the illegal activity and the specific illegal activity
58 occurring. The letter to the owner shall inform the owner that the illegal activity
59 constitutes a nuisance and that the owner has a duty to take all action reasonably
60 expected to abate the nuisance.

61
62 (4) If the owner properly notifies the Charleston Police Department, then the
63 chief of police or his a designated representative shall appear at any hearing on eviction
64 action or other legal action taken by the owner of the property pursuant to this section
65 and produce witnesses and other evidence detailing the illegal activity of the tenant.

66
67 (5) It shall be an absolute defense for the owner of property for charges under
68 this section if such owner initiates legal activity to evict the tenant pursuant to this
69 section, regardless of the ultimate ruling or outcome of the case in court.

70
71 ~~(6) An owner of property shall have the absolute right to evict any tenant of~~
72 ~~property upon receipt of the 30-day notice letter from the chief of police or his~~
73 ~~designated representative.~~

74
75 (d) For purposes of this section the following definitions shall apply:

76
77 (1) "Operator" means any person, whether an owner, tenant, possessor or any
78 agent, partner, officer or employee, in possession and control of property.

80 (2) "Property" means any business, establishment, building, vehicle, home,
81 structure or other property, together with the land surrounding property.

82
83 (3) "Illegal Activity" means an act harmful not only to an individual but also to a
84 community, society or state, which is forbidden and punishable by law.

85
86 **~~Sec. 50-36. -- Inspections, investigations and complaints.~~**

87 ~~It shall be the duty of the building and housing commissioner, chief of police,~~
88 ~~chief of the bureau of fire prevention in the fire department, city engineer, city manager,~~
89 ~~health commissioner and such other city officers as may be subject to the orders of the~~
90 ~~city manager and designated by him for such purpose to make inspections and~~
91 ~~investigations, or to cause inspections and investigations to be made, from time to time~~
92 ~~to determine whether any condition exists or any activity is being engaged in which~~
93 ~~constitutes a nuisance; and any such officer shall make or cause to be made an~~
94 ~~inspection and investigation upon complaint being made by any responsible person.~~
95 ~~Any inspection of investigation that encroaches upon the curtilage of the real property~~
96 ~~not owned or maintained by the City, absent exigent circumstances, must be made~~
97 ~~pursuant to a valid warrant or consent. For the purpose of this section, "curtilage"~~
98 ~~means an area of land attached to a house and forming one enclosure with it.~~

Resolution No. 244-19:

Introduced in Council:

Adopted by Council:

October 21, 2019

Introduced by:

Referred to:

Joseph Jenkins

1 Resolution No. 244-19 - A Resolution authorizing the Mayor or City Manager to accept two
2 loans from the West Virginia Housing Development Fund (the "Lender") in the original
3 principal amount of up to \$10,000 for the Organization Technical Assistance Program and up to
4 \$20,000 for the Predevelopment Program (the "Loans") to be used to develop a
5 comprehensive blight mapping project and housing infill architectural design templates to
6 assist with blight removal and redevelopment across the entire City of Charleston; and

7
8 WHEREAS, in connection with the Loans, the City Of Charleston intends to execute and
9 deliver a promissory note pursuant to which the Lender will extend the Loans to the City of
10 Charleston, and certain other agreements, documents, instruments and certificates in
11 connection with the foregoing, including a credit line deed of trust granting the Lender a lien
12 on and security interest (all of the foregoing, including the promissory note and credit line
13 deed of trust, are collectively referred to as the "Loan Documents").

14
15 Now Therefore, Be it Resolved by the Council of the City of Charleston, West Virginia:

16
17 That the Mayor or City Manager be, and hereby is, authorized to negotiate the terms
18 of, and execute, on behalf of the City, the Loan Documents, any amendments, supplements,
19 modifications, extensions and renewals to the Loan Documents and any and all other
20 documents contemplated by the terms of the Loan Documents which the Lender may request
21 or require in connection with the consummation of the Loan.

22
23 FURTHER RESOLVED, that any and all actions taken by the Mayor or City Manager and
24 any other properly authorized officers of the City in connection with the negotiation,
25 preparation and execution of the Loan Documents prior to the date hereof are hereby ratified,
26 affirmed and approved in all respects.

27
28 FURTHER RESOLVED, that the signature of the Mayor or City Manager to any of the
29 Loan Documents shall be conclusive evidence of the authority of the Mayor or City Manager to
30 execute and deliver such Loan Document on behalf of the City of Charleston.

Resolution No. 252-19:

Introduced in Council:

Adopted by Council:

October 21, 2019

Introduced by:

Referred to:

Joseph Jenkins

1 Resolution No. 252-19 - A Resolution authorizing the Mayor or City Manager to enter into an
2 agreement with Municipal Leasing Consultants, in the amount of approximately \$615,000.00
3 for a three-year lease purchase period at a rate of 2.027% and approximately \$ 1,843,500 for a
4 five-year lease purchase period at a rate of 2.027%, for the purchase of various vehicles and
5 equipment for City departments subject to review and final approval by legal counsel for the
6 City. The vendor was selected through a competitive bidding process.

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

9
10 That the Mayor or City Manager is authorized to enter into an agreement with Municipal
11 Leasing Consultants, in the amount of approximately \$615,000.00 for a three-year lease
12 purchase period at a rate of 2.027% and approximately \$ 1,843,500 for a five-year lease
13 purchase period at a rate of 2.027%, for the purchase of various vehicles and equipment for
14 City departments subject to review and final approval by legal counsel for the City.

15

Lease Purchase Agreement
 Bid Opening: October 7, 2019 @ 11:00am

		Three (3) Year Loan	Five (5) Year Loan
Country Roads Leasing, LLC PO Box 217 Bridgeport, WV 26330 P: (304) 842-2288	Non-Bank Qualified	4.27%	4.34%
	Bank Qualified	3.27%	3.34%
Pinnacle Public Finance, Inc. a Bank United Company 8377 E Hartford Dr., Suite 115 Scottsdale, AZ 85255 P: (480) 419-3634	Non-Bank Qualified	2.35%	2.38%
	Bank Qualified	2.35%	2.38%
Municipal Leasing Consultants 7 Old Town Lane Grand Isle, VT 05458 P: (802) 372-8435	Non-Bank Qualified	2.027%	2.027%
	Bank Qualified	2.027%	2.027%
PNC Equipment Finance, LLC 155 E. Broad Street, 5th Floor Columbus, OH 43215 P: (614) 463-6575	Non-Bank Qualified	2.10%	2.14%
	Bank Qualified	2.06%	2.06%

Resolution No 253-19

Introduced in Council

Passed by Council

October 21, 2019

Introduced by
Joseph Jenkins

Referred from
Finance

1 Resolution No. 253-19 - Authorizing the Mayor or City Manager to enter into a
2 construction contract with Triton Construction, Inc. in the amount of \$2,430,500.00 for
3 repair work to the South Side Bridge. The contractor was selected through a competitive
4 bidding process.

5

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

7

8 That the Mayor or City Manager is hereby authorized to enter into a construction
9 contract with Triton Construction, Inc. in the amount of \$2,430,500.00 for repair work to
10 the South Side Bridge. The contractor was selected through a competitive bidding
11 process.

12

City of Charleston, WV
 South Side Bridge Repair Project
 Bid Opening: Friday, October 11, 2019 @ 10:00am

	Triton Contstruction, Inc PO Box 1360 St. Albans, WV 25177 P: (304)759-2100	Advantage Steel and Construction LLC 2300 South Noah Drive Saxonburg, PA 16056 P: (724) 352-4842	Orders Construction Company PO Box 1448 St. Albans, WV 25177 P: (304) 722-4237
South Side Bridge Repair Project	\$2,430,500.00	\$3,129,120.00	\$4,305,430.00
Total Bid	\$2,430,500.00	\$3,129,120.00	\$4,305,430.00

Resolution No. 254-19

Introduced in Council

Passed by Council

October 21, 2019

Introduced by
Joseph Jenkins

Referred from
Finance Committee

1 Resolution No. 254-19 - Authorizing the Mayor or City Manager to enter into a
2 construction contract with Blue Creek Masonry, Inc. in the amount of \$53,500.00 for the
3 construction of a new Charleston Wayfinding Welcome Sign to be placed near the
4 intersection of Airport Road and Greenbrier Street.

5

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

7

8 That the Mayor or City Manager is hereby authorized to enter into a construction
9 contract with Blue Creek Masonry, Inc. in the amount of \$53,500.00 for the construction
10 of a new Charleston Wayfinding Welcome Sign to be placed near the intersection of
11 Airport Road and Greenbrier Street.

12

City of Charleston, WV Wayfinding Welcome Sign Bid Opening: October 15, 2019 @ 10:00am	
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	Blue Creek Masonry, Inc 1505 Rutledge Rd Charleston, WV 25311 (304) 400-4520 meansstone@hotmail.com
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Charleston Wayfinding Welcome Sign	\$53,500.00
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Total Bid	\$53,500.00
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CITY OF CHARLESTON
Payroll Variance Analysis
September 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%	66,692	66,692	0	0.00%	289,000	222,308	
		OT	-	-	-		-	-	-		-	-	
		Total	22,231	22,231	0	0.00%	66,692	66,692	0	0.00%	289,000	222,308	
City Council	410	Regular	13,000	12,250	750	5.77%	39,000	28,250	10,750	27.56%	169,000	140,750	
		OT	-	-	-		-	-	-		-	-	
		Total	13,000	12,250	750	5.77%	39,000	28,250	10,750	27.56%	169,000	140,750	
City Manager - Admin.	412-00	Regular	38,576	38,802	(225)	-0.58%	115,729	116,010	(281)	-0.24%	501,494	385,484	
		OT	-	-	-		-	-	-		-	-	
		Total	38,576	38,802	(225)	-0.58%	115,729	116,010	(281)	-0.24%	501,494	385,484	
City Treasurer	413	Regular	9,478	9,478	(0)	0.00%	28,433	28,433	(0)	0.00%	123,211	94,778	
		OT	692	400	292	42.22%	2,077	700	1,377	66.30%	9,000	8,300	
		Total	10,170	9,878	292	2.87%	30,510	29,133	1,377	4.51%	132,211	103,078	
City Collector	414	Regular	51,803	38,896	12,907	24.92%	155,410	147,313	8,097	5.21%	673,445	526,132	
		OT	-	-	-		-	20	(20)		-	(20)	
		Total	51,803	38,896	12,907	24.92%	155,410	147,333	8,077	5.20%	673,445	526,112	
City Clerk	415	Regular	9,540	9,540	(0)	0.00%	28,619	28,619	(0)	0.00%	124,014	95,395	
		OT	-	-	-		-	-	-		-	-	
		Total	9,540	9,540	(0)	0.00%	28,619	28,619	(0)	0.00%	124,014	95,395	
Municipal Court	416	Regular	22,326	21,858	467	2.09%	66,977	61,189	5,788	8.64%	290,232	229,043	
		OT	1,385	977	407	29.42%	4,154	4,759	(605)	-14.57%	18,000	13,241	
		Total	23,711	22,835	876	3.68%	71,131	65,948	5,183	7.29%	308,232	242,284	
City Attorney	417	Regular	28,191	28,000	191	0.68%	84,573	84,000	573	0.68%	366,485	282,485	
		OT	-	-	-		-	-	-		-	-	
		Total	28,191	28,000	191	0.68%	84,573	84,000	573	0.68%	366,485	282,485	

Prepared: 10/10/2019
 Andy Wood, Finance Director

Current Month covers 2 pay periods (8/18/2019 - 9/14/2019)
 YTD covers 6 pay periods (6/23/2019 - 9/14/2019)

CITY OF CHARLESTON
Payroll Variance Analysis
September 2019

Department Name	Code	Type	Current Month				Year To Date				Annual	
		Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Accounting	418	Regular	22,089	22,089	0	0.00%	66,267	66,267	0	0.00%	287,157	220,890
		OT	-	-	-		-	-	-		-	-
		Total	22,089	22,089	0	0.00%	66,267	66,267	0	0.00%	287,157	220,890
Engineering - General	420-00	Regular	35,449	35,449	0	0.00%	106,348	106,348	0	0.00%	460,841	354,493
		OT	269	-	269	100.00%	808	-	808	100.00%	3,500	3,500
		Total	35,719	35,449	269	0.75%	107,156	106,348	808	0.75%	464,341	357,993
Engineering - Stormwater	420-01	Regular	16,690	16,690	0	0.00%	50,071	50,071	0	0.00%	216,976	166,905
		OT	-	-	-		-	-	-		-	-
		Total	16,690	16,690	0	0.00%	50,071	50,071	0	0.00%	216,976	166,905
MOECD	421	Regular	30,329	30,329	0	0.00%	90,986	90,814	172	0.19%	394,272	303,458
		OT	-	-	-		-	-	-		-	-
		Total	30,329	30,329	0	0.00%	90,986	90,814	172	0.19%	394,272	303,458
Human Resources	422	Regular	31,580	30,830	750	2.37%	94,740	92,490	2,250	2.37%	410,538	318,048
		OT	-	-	-		-	-	-		-	-
		Total	31,580	30,830	750	2.37%	94,740	92,490	2,250	2.37%	410,538	318,048
Mail Room	431	Regular	2,472	2,472	(0)	0.00%	7,416	7,416	(0)	0.00%	32,136	24,720
		OT	-	-	-		-	-	-		-	-
		Total	2,472	2,472	(0)	0.00%	7,416	7,416	(0)	0.00%	32,136	24,720
Building Commission	436	Regular	47,927	47,169	758	1.58%	143,781	143,023	758	0.53%	623,050	480,027
		OT	-	-	-		-	-	-		-	-
		Total	47,927	47,169	758	1.58%	143,781	143,023	758	0.53%	623,050	480,027
Planning	437	Regular	30,353	29,471	882	2.91%	91,059	88,413	2,646	2.91%	394,587	306,174
		OT	-	-	-		-	-	-		-	-
		Total	30,353	29,471	882	2.91%	91,059	88,413	2,646	2.91%	394,587	306,174

Prepared: 10/10/2019
Andy Wood, Finance Director

Current Month covers 2 pay periods (8/18/2019 - 9/14/2019)
YTD covers 6 pay periods (6/23/2019 - 9/14/2019)

CITY OF CHARLESTON
Payroll Variance Analysis
September 2019

Department Name	Code	Type	Current Month				Year To Date				Annual	
			Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Information Systems	439	Regular	42,802	43,055	(253)	-0.59%	128,405	131,029	(2,624)	-2.04%	556,420	425,391
		OT	-	-	-	-	-	-	-	-	-	-
		Total	42,802	43,055	(253)	-0.59%	128,405	131,029	(2,624)	-2.04%	556,420	425,391
General Services	440	Regular	29,273	34,784	(5,511)	-18.83%	87,819	97,813	(9,994)	-11.38%	380,550	282,737
		OT	3,462	-	3,462	100.00%	10,385	350	10,035	96.63%	45,000	44,650
		Total	32,735	34,784	(2,049)	-6.26%	98,204	98,163	(441)	-0.45%	425,550	327,387
Strategy Management	442	Regular	13,455	9,170	4,285	31.85%	40,364	27,509	12,855	31.85%	174,910	147,401
		OT	-	-	-	-	-	-	-	-	-	-
		Total	13,455	9,170	4,285	31.85%	40,364	27,509	12,855	31.85%	174,910	147,401
Morris Square Property	500	Regular	1,832	1,923	(92)	-5.00%	5,496	9,518	(4,022)	-73.19%	23,814	14,297
		OT	738	107	631	85.46%	2,215	601	1,614	72.87%	9,600	8,999
		Total	2,570	2,031	540	20.99%	7,711	10,119	(2,408)	-31.22%	33,414	23,295
Public Works	566	Regular	8,000	8,000	-	0.00%	24,000	24,000	-	0.00%	104,000	80,000
		OT	-	-	-	-	-	-	-	-	-	-
		Total	8,000	8,000	-	0.00%	24,000	24,000	-	0.00%	104,000	80,000
Public Grounds - Adm.	567-00	Regular	66,175	63,956	2,219	3.35%	198,525	189,569	8,956	4.51%	860,277	670,708
		OT	-	-	-	-	-	-	-	-	-	-
		Total	66,175	63,956	2,219	3.35%	198,525	189,569	8,956	4.51%	860,277	670,708
		OT	1,846	137	1,709	92.56%	5,538	3,825	1,713	30.93%	24,000	20,175
		Total	68,021	64,093	3,928	5.77%	204,064	193,394	10,669	5.23%	884,277	690,883
Public Grounds - C/T	567-01	Regular	4,728	4,728	-	0.00%	14,184	14,062	122	0.86%	61,464	47,402
		OT	-	-	-	-	-	-	-	-	-	-
		Total	4,728	4,728	-	0.00%	14,184	14,062	122	0.86%	61,464	47,402
		OT	308	-	308	100.00%	923	-	923	-100.00%	4,000	4,000
		Total	5,036	4,728	308	6.11%	15,107	14,062	1,045	6.92%	65,464	51,402
Police - Uniform	700-00	Regular	616,414	573,494	42,920	6.96%	1,849,241	1,741,632	107,609	5.82%	8,013,376	6,221,744
		OT	133,034	152,202	(19,168)	-14.41%	377,515	485,807	(108,292)	-28.69%	1,729,442	1,243,635
		Reimb.	(1,923)	(1,792)	(131)	-6.82%	(5,769)	(5,776)	7	0.12%	(25,000)	(19,224)
		Total	747,524	723,904	23,621	3.16%	2,220,987	2,221,663	(676)	-0.03%	9,717,818	7,496,155

Prepared: 10/10/2019
 Andy Wood, Finance Director

Current Month covers 2 pay periods (8/18/2019 - 9/14/2019)
 YTD covers 6 pay periods (6/23/2019 - 9/14/2019)

CITY OF CHARLESTON
Payroll Variance Analysis
September 2019

Department Name	Code	Type	Current Month				Year To Date				Annual	
			Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Police - Civilian	700-01	Regular	64,178	62,448	1,731	2.70%	192,535	180,095	12,440	6.46%	834,320	654,225
		OT	3,846	2,040	1,806	46.96%	11,538	2,790	8,748	75.82%	50,000	47,210
		Total	68,024	64,488	3,536	5.20%	204,073	182,885	21,188	10.39%	884,320	701,435
Fire - Uniform	706-00	Regular	639,928	629,595	10,332	1.61%	1,886,115	1,901,884	(15,769)	-0.84%	8,319,058	6,417,174
		OT	75,324	56,855	18,469	24.52%	225,973	197,852	28,121	12.44%	979,216	781,364
		Total	715,252	686,450	28,802	4.03%	2,112,088	2,099,736	12,352	0.58%	9,298,274	7,198,538
Fire - Civilian	706-01	Regular	6,566	6,566	0	0.00%	19,698	19,697	1	0.00%	85,356	65,659
		OT	-	-	-	-	-	-	-	-	-	-
		Total	6,566	6,566	0	0.00%	19,698	19,697	1	0.00%	85,356	65,659
Traffic	712	Regular	32,881	34,415	(1,533)	-4.66%	98,644	98,145	499	0.51%	427,459	329,314
		OT	862	1,855	(993)	-115.31%	2,585	4,699	(2,114)	-81.80%	11,200	6,501
		Total	33,743	36,270	(2,527)	-7.49%	101,229	102,844	(1,615)	-1.60%	438,659	335,815
Emergency Services	716	Regular	11,023	4,000	7,023	63.71%	33,069	12,000	21,069	63.71%	143,301	131,301
		OT	-	-	-	-	-	-	-	-	-	-
		Total	11,023	4,000	7,023	63.71%	33,069	12,000	21,069	63.71%	143,301	131,301
Street	750	Regular	178,908	176,195	2,713	1.52%	536,725	525,571	11,154	2.08%	2,325,810	1,800,239
		OT	-	-	-	-	-	-	-	-	-	-
		Total	178,908	176,195	2,713	1.52%	536,725	525,571	11,154	2.08%	2,325,810	1,800,239
Equipment Maintenance	754	Regular	61,330	61,739	(409)	-0.67%	183,991	188,364	(4,373)	-2.38%	797,293	608,929
		OT	-	-	-	-	-	-	-	-	-	-
		Total	61,330	61,739	(409)	-0.67%	183,991	188,364	(4,373)	-2.38%	797,293	608,929
Refuse & Recycling	800	Regular	151,693	138,631	13,062	8.61%	455,078	414,304	40,774	8.96%	1,972,004	1,557,700
		OT	-	-	-	-	-	-	-	-	-	-
		Total	151,693	138,631	13,062	8.61%	455,078	414,304	40,774	8.96%	1,972,004	1,557,700
Police - Civilian	700-01	Regular	64,178	62,448	1,731	2.70%	192,535	180,095	12,440	6.46%	834,320	654,225
		OT	3,846	2,040	1,806	46.96%	11,538	2,790	8,748	75.82%	50,000	47,210
		Total	68,024	64,488	3,536	5.20%	204,073	182,885	21,188	10.39%	884,320	701,435
Fire - Uniform	706-00	Regular	639,928	629,595	10,332	1.61%	1,886,115	1,901,884	(15,769)	-0.84%	8,319,058	6,417,174
		OT	75,324	56,855	18,469	24.52%	225,973	197,852	28,121	12.44%	979,216	781,364
		Total	715,252	686,450	28,802	4.03%	2,112,088	2,099,736	12,352	0.58%	9,298,274	7,198,538
Fire - Civilian	706-01	Regular	6,566	6,566	0	0.00%	19,698	19,697	1	0.00%	85,356	65,659
		OT	-	-	-	-	-	-	-	-	-	-
		Total	6,566	6,566	0	0.00%	19,698	19,697	1	0.00%	85,356	65,659
Traffic	712	Regular	32,881	34,415	(1,533)	-4.66%	98,644	98,145	499	0.51%	427,459	329,314
		OT	862	1,855	(993)	-115.31%	2,585	4,699	(2,114)	-81.80%	11,200	6,501
		Total	33,743	36,270	(2,527)	-7.49%	101,229	102,844	(1,615)	-1.60%	438,659	335,815
Emergency Services	716	Regular	11,023	4,000	7,023	63.71%	33,069	12,000	21,069	63.71%	143,301	131,301
		OT	-	-	-	-	-	-	-	-	-	-
		Total	11,023	4,000	7,023	63.71%	33,069	12,000	21,069	63.71%	143,301	131,301
Street	750	Regular	178,908	176,195	2,713	1.52%	536,725	525,571	11,154	2.08%	2,325,810	1,800,239
		OT	-	-	-	-	-	-	-	-	-	-
		Total	178,908	176,195	2,713	1.52%	536,725	525,571	11,154	2.08%	2,325,810	1,800,239
Equipment Maintenance	754	Regular	61,330	61,739	(409)	-0.67%	183,991	188,364	(4,373)	-2.38%	797,293	608,929
		OT	-	-	-	-	-	-	-	-	-	-
		Total	61,330	61,739	(409)	-0.67%	183,991	188,364	(4,373)	-2.38%	797,293	608,929
Refuse & Recycling	800	Regular	151,693	138,631	13,062	8.61%	455,078	414,304	40,774	8.96%	1,972,004	1,557,700
		OT	-	-	-	-	-	-	-	-	-	-
		Total	151,693	138,631	13,062	8.61%	455,078	414,304	40,774	8.96%	1,972,004	1,557,700

CITY OF CHARLESTON
Payroll Variance Analysis
September 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	81,574	7,950	8.88%	268,571	245,098	23,473	8.74%	1,163,808	918,710
		IP	16,800	18,849	(2,049)	-12.19%	140,000	150,383	(10,383)	-7.42%	280,000	129,617
		OT	3,938	4,783	(844)	-21.43%	11,815	21,562	(9,747)	-82.49%	51,200	29,638
	Budget 31	OT										
	Actual 30	Total	110,262	105,205	5,057	4.59%	420,386	417,043	3,343	0.80%	1,495,008	1,077,965
Public Arts	906	Regular	3,846	3,846	(0)	0.00%	11,538	11,538	(0)	0.00%	50,000	38,462
		IP	-	-	-	-	-	-	-	-	-	-
		OT	-	-	-	-	-	-	-	-	-	-
	Budget 1	Total	3,846	3,846	(0)	0.00%	11,538	11,538	(0)	0.00%	50,000	38,462
Municipal Auditorium	910	Regular	7,438	7,442	(4)	-0.05%	22,314	22,318	(4)	-0.02%	96,695	74,377
		IP	-	-	-	-	-	-	-	-	-	-
		OT	308	89	218	70.95%	923	867	56	6.09%	4,000	3,133
	Budget 3	Total	7,746	7,531	215	2.77%	23,237	23,185	53	0.23%	100,695	77,510
Spring Hill Cemetery	952	Regular	24,897	22,212	2,685	10.78%	74,692	59,115	15,577	20.86%	323,666	264,551
		IP	7,750	7,611	139	1.80%	27,125	27,953	(828)	-3.05%	62,000	34,047
		OT	738	243	495	67.04%	2,215	1,569	646	29.16%	9,600	8,031
	Budget 8	Total	33,386	30,067	3,319	9.94%	104,033	88,637	15,395	14.80%	395,266	306,629
	Actual 7											
General Fund	761	Regular	2,466,925	2,363,326	103,598	4.20%	7,367,106	7,118,608	248,498	3.37%	32,070,019	24,951,411
		IP	34,204	29,877	4,327	12.65%	196,087	187,449	8,638	4.41%	467,500	280,051
		OT	264,666	247,022	17,645	6.67%	772,412	855,510	(83,098)	-10.76%	3,512,658	2,657,148
	Budget 761	Reimb.	(2,846)	(1,792)	(1,054)	-37.04%	(8,538)	(6,682)	(1,856)	-21.74%	(37,000)	(30,318)
	Actual 725	Total	2,762,948	2,638,433	124,516	4.51%	8,327,066	8,154,885	172,181	2.07%	36,013,177	27,858,292

Prepared: 10/10/2019
 Andy Wood, Finance Director

Current Month covers 2 pay periods (8/18/2019 - 9/14/2019)
 YTD covers 6 pay periods (6/23/2019 - 9/14/2019)

CITY OF CHARLESTON
Payroll Variance Analysis
September 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	91,276	357	0.39%	274,898	272,996	1,902	0.69%	1,191,226	918,230
		IPT	26,538	7,877	18,662	70.32%	79,615	30,776	48,839	61.34%	345,000	314,224
		OT	4,000	1,764	2,236	55.89%	12,000	6,394	5,606	46.72%	52,000	45,606
Budget	29											
Actual	28	Total	122,171	100,917	21,254	17.40%	366,514	310,166	56,347	15.37%	1,588,226	1,278,060

Parking System	406	Regular		45,736	45,720	16	0.03%	137,207	133,121	4,086	2.98%	594,563	461,442
		IPT		3,923	2,549	1,374	35.03%	11,769	8,232	3,537	30.05%	51,000	42,768
		OT		1,231	436	795	64.57%	3,692	2,732	961	26.02%	16,000	13,268
	Budget	18											
		OT		1,231	436	795	64.57%	3,692	2,732	961	26.02%	16,000	13,268
	Actual	18	Total	50,889	48,705	2,185	4.29%	152,668	144,085	8,583	5.62%	661,563	517,478

Total		Regular		2,604,293	2,500,322	103,971	3.99%	7,779,211	7,524,726	254,485	3.27%	33,855,808	26,331,082
		IPT		64,665	40,302	24,363	37.68%	287,471	226,457	61,014	21.22%	863,500	637,043
		OT		269,897	249,222	20,675	7.66%	788,104	864,635	(76,531)	-9.71%	3,580,658	2,716,023
	Budget	808	Reimb.	(2,846)	(1,792)	(1,054)	37.04%	(8,538)	(6,682)	(1,856)	21.74%	(37,000)	(30,318)
	Actual	771	Total	2,936,009	2,788,054	147,955	5.04%	8,846,248	8,609,136	237,111	2.68%	38,262,966	29,653,830

Vacancy Report:

Collector	4
Building Commission	1
Strategy Management	1
Public Works (all)	8
Police - Uniform	10
Fire - Uniform	9
Emergency Services	1
Parks & Recreation	1
Cemetery	1
Total General Fund	36
CCCC	1
Total All	37

As of September 30, 2019

Prepared: 10/10/2019
 Andy Wood, Finance Director

Current Month covers 2 pay periods (8/18/2019 - 9/14/2019)
 YTD covers 6 pay periods (6/23/2019 - 9/14/2019)

**MUNICIPAL COURT
CITY OF CHARLESTON**

**Post Office Box 2749
Charleston, West Virginia 25330
(304) 348-8079**

Anne B. Charnock, Judge

Conrad Lucas, Clerk

TO: Mayor Amy Shuler Goodwin
FROM: Conrad Lucas, Clerk
DATE: **Friday, October 4, 2019**
RE: **September 2019** Financial Information, Charleston Municipal Court

TOTAL CITATIONS FILED: 1,030

Criminal Violations: 223

Traffic Violations: 807

Parking: 0

Building Search Warrants: 0

RESTITUTION COLLECTED (paid to victims): \$137.00

Primarily related to shoplifting cases, restitution monies are collected and refunded to the store/victim.

FINANCIAL REPORT ATTACHED

cc: Judge Anne B. Charnock
Miles Cary, City Clerk
Victor Grigoraci, Treasurer
Lieutenant Paul Perdue, Deputy Chief of Police
Tony Harmon, Building Department
David Potters, Office of the City Attorney
Captain Mark Abbott, CPD
Nikki Smith, City Clerk's Office

CHARLESTON MUNICIPAL COURT

Page: 1

Report For September 1, 2019 Thru September 30, 2019

FILEDST

Violations by Filed Date...

CRIMINAL	223	
TRAFFIC	807	
Total Filed Violations		1,030

Completed Cases...

Paid Fine...

CRIMINAL	3	
TRAFFIC	403	
Total Paid Fines		406

Before Judge...

CRIMINAL	7	
TRAFFIC	10	
Total Before Judge		17

Total Completed		423
-----------------	--	-----

Other Completed...

DISMISS- OFFICER NOT WITH CITY

CRIMINAL	2	
TRAFFIC	4	
Total		6

DEFENDANT DECEASED

CRIMINAL	2	
TRAFFIC	3	
Total		5

DISMISSED OFFICER FAIL TO PROS

CRIMINAL	7	
TRAFFIC	15	
Total		22

DISMISSED(PRESENTED INSURANCE)

CRIMINAL	0	
TRAFFIC	43	
Total		43

DISMISSED (BY JUDGE'S ORDER)

CRIMINAL	0	
TRAFFIC	11	
Total		11

DISMISSED E-PROOF

CRIMINAL	0	
TRAFFIC	2	

CHARLESTON MUNICIPAL COURT

Page: 2

Report For September 1, 2019 Thru September 30, 2019

FILEDST

Total		8
DISMISSED (PRESENTED BL)		
CRIMINAL	0	
TRAFFIC	7	
Total		7
DISMISSED MISTAKEN IDENTITY		
CRIMINAL	0	
TRAFFIC	1	
Total		1
DISMISSED STORE CLOSED		
CRIMINAL	2	
TRAFFIC	0	
Total		2
DISMISSED OFF FAIL TO PROV VIN		
CRIMINAL	0	
TRAFFIC	6	
Total		6
DISMISSED (PROSECUTOR'S ORDER)		
CRIMINAL	53	
TRAFFIC	79	
Total		132
DISMISSED PRESENTED RECORDS		
CRIMINAL	0	
TRAFFIC	116	
Total		116
DISMISSED AFTER PT DIVERSION		
CRIMINAL	9	
TRAFFIC	19	
Total		28
DISMISSED VICTIM/WITNESS FTA		
CRIMINAL	3	
TRAFFIC	0	
Total		3
DISMISSED WITHOUT PREJUDICE		
CRIMINAL	27	
TRAFFIC	23	
Total		50
DISMISSED (AFTER APPEAL)		
CRIMINAL	1	
TRAFFIC	1	
Total		2
VOIDED DOCKET		
CRIMINAL	1	

TRAFFIC	4	5
Total		
Total Other Completed	447	
Grand Total Completed	870	
Net Difference Filed/Complete	160	

Warrants...

Issued...		
CRIMINAL	306	
TRAFFIC	456	
Total Violations	832	
Total Warrants Issued	832	
Cleared...		
CRIMINAL	212	
TRAFFIC	277	
Total Violations	490	
Total Warrants Cleared	490	
Change in Total Warrants	342	

Other Paid Cases...

Paid Fine...		
Total Other Paid Fines	124	

FINE FINE	\$33,149.65
LAWEND LAW ENFORCE. TRAIN STATE	\$734.00
LAWLOC LAW ENFORCE. TRAIN (LOCAL)	\$1,745.00
CVC CRIME VICTIM'S FUND	\$2,925.70
ADMIN ADMINISTRATIVE COST	\$732.00
JAILF REGIONAL JAIL CORR.	\$14,042.68
CCF COMMUNITY CORRECTIONS FUND	\$153.00
CP OVER PAYMENT	\$54.00
REST RESTITUTION	\$700.35
BF BOND FORFEITURE	\$200.00
Total Fees/Fines Paid	\$65,036.38

Monthly Report – Definition Key

Violations by Filed Date:

Violations keyed into the Court software during the month

Completed Cases:

Cases where the fine and court costs were paid in full and the case was closed during the month.

Before Judge:

Number of violations where a case set for trial before the judge; the defendant was found guilty or entered a guilty plea at trial and the defendant paid off all costs/fines in full thereby closing the case.

Other Completed -Dismissed (By Complainant):

The City Attorney moved to dismiss cases because the person who filed the complaint no longer wishes to pursue the charges.

Defendant Deceased:

Cases dismissed because the defendant died.

Dismissed Officer Fail to Pros:

Cases dismissed because the officer failed to appear in Court.

Dismissed (presented insurance):

Cases dismissed because the defendant presented valid proof of insurance for the offense date.

Dismissed (presented DL):

Cases dismissed because the defendant presented a valid driver's license.

Dismissed Mistaken Identity:

Cases dismissed cases on the City Attorney's motion due to mistaken identity.

Dismissed (Prosecutor's Order):

Cases dismissed on the City Attorney's motion or as a result of a plea agreement.

Dismissed Presented Records:

Cases dismissed because the defendant presented records to satisfy a code or Court requirement.

Dismissed After PT Diversion:

Cases dismissed because the defendant entered into a Pre-Trial Diversion agreement with the City and satisfied the requirements of the Pre-Trial Diversion.

Dismissed Victim/Witness FTA:

Cases dismissed because the witness or victim did not appear in Court for trial.

Dismissed without prejudice:

Cases dismissed but the City having the option to re-file the case within one (1) year of the date of the offense.

Dismissed No Drug Results:

Drug results were not received for trial.

Dismissed – Officer Not With City

Officer/Witness is no long employed by the City.

Warrants

The Court issues warrants for Failure to Appear in Court for court sessions. These warrants are printed and copied to the CPD Warrants Division.

Cleared:

The Court clears warrants once the warrant is served by an officer or when a defendant self reports to the Court. The Court also clears warrants if a person is deceased, posts bond and or, in some cases, enters a plea.

Other Paid Cases:

The Court received a partial payment for a case; however, the defendant still has a balance due.

Search Warrant Issued:

A search warrant document was prepared and presented to the court by the City Attorney's office with regard to safety and public health concerns of a structure/property.

This report is not indicative of the case volume in Municipal Court. Rather, this information reflects payment status/coding for cases.



City of Charleston West Virginia

Vic Grigoraci, City Treasurer

City Treasurer's Report to City Council

Month Ended

September 2019

Please Note:

1. Here is the September 2019 Page 1 "All Funds Collections & Withdrawals" that shows the total of each fund balance.
2. A full copy of the September 2019 Report has been emailed to you.
3. The Report is searchable.
4. If you would like a paper copy of the full report, or if you need assistance in any way, please contact my office at 304-348-8029.

Respectfully submitted,

Victor Grigoraci, CPA – City Treasurer

<u>Fund / Description</u>	<u>Balance September 2018</u>	<u>Balance August 2019</u>	<u>Collections September 2019</u>	<u>Withdrawals September 2019</u>	<u>Balance September 30, 2019</u>
001 General Fund	6,666,156.87	8,018,123.71	9,708,597.63	7,473,515.83	10,253,205.51
002 Coal Severance Tax	17.08	22.97	0.00	0.00	22.97
003 Municipal Stabilization	4,213,726.24	4,302,269.58	7,072.22	0.00	4,309,341.80
009 Community Development	11,963.18	27,686.80	39,221.06	42,676.47	24,231.39
012 West Side Improvement	0.00	37,899.50	20,079.25	31,323.50	26,655.25
014 IT Infrastructure	0.00	89,832.16	164.90	0.00	89,997.06
016 Charleston Land Trust	45,654.69	45,703.78	75.13	0.00	45,778.91
017 Project West Invest	15,200.41	25,525.46	25,029.63	50,000.00	555.09
026 Uniform Pension Reserve Fund	13,460,811.00	18,170,130.85	18.15	340,749.00	17,829,400.00
035 Municipal Beautification	31,606.67	32,832.43	645.78	0.00	33,478.21
036 Special Demolition	15,156.62	18,159.56	29.85	0.00	18,189.41
037 Sister Cities	26,760.17	27,322.49	44.91	0.00	27,367.40
038 Solid Waste	371,306.14	885,489.18	359,110.71	956,953.00	287,646.89
039 Waste Disposal	0.00	0.00	81,935.00	81,935.00	0.00
040 Landfill Closure	3,221,215.21	3,338,255.88	10,593.60	0.00	3,348,849.48
041 Police Contributions	10,493.15	11,421.02	7,019.66	0.00	18,440.68
042 Police Evidence	31,997.80	1,210,805.59	1,985.62	9,576.77	1,203,214.44
043 Forfeited Funds	327,258.19	288,138.45	2,536.91	3,434.63	287,240.73
044 Municipal Court	169,471.24	227,293.39	54,111.38	62,687.18	218,717.59
045 Homeland Security	3,846.97	13,078.00	0.00	0.00	13,078.00
047 Health Insurance Reserves	6,053,742.21	6,180,949.96	10,160.47	0.00	6,191,110.43
048 Wayfinding Commission	73,098.89	73,906.51	121.49	0.00	74,028.00
049 Live On The Levee	10,658.31	18,057.59	900.16	8,629.65	10,328.10
080 Human Rights	176,793.29	176,793.29	0.00	0.00	176,793.29
081 Home Program	8,040.34	27,079.68	1,255.31	684.93	27,650.06
085 Firefighters Assistance Grant	77.08	77.08	0.00	0.00	77.08
088 SBA Riverfront Project Donation Account	9.18	9.18	0.00	0.00	9.18
088 SBA Riverfront Project Grant Account	10,167.71	10,167.71	0.00	0.00	10,167.71
091 Byrne Justice 10/11	1,500.00	0.00	0.00	0.00	0.00
094 Byrne Justice	0.00	0.00	33,420.00	0.00	33,420.00
095 Police Grants	156,293.52	40,595.82	21,031.12	0.00	61,626.94
096 Historic Preservation	2,601.00	2,601.00	16,100.00	16,100.00	2,601.00
099 Public Arts Grant	203,792.10	146,264.34	3,000.00	0.00	149,264.34
100 Sinking Fund	4,007,446.37	4,089,180.07	6,721.94	0.00	4,095,902.01
200 Infrastructure	148,846.77	151,974.51	249.82	0.00	152,224.33
207 South Side Recreation	9,977.69	0.00	0.00	0.00	0.00
214 Civic Center Capital Improvement	337,934.15	390,394.49	641.74	0.00	391,036.23
215 Municipal Auditorium Capital Improvement	139,076.52	160,744.54	264.24	0.00	161,008.78
218 Soccer Fields	3,080.92	0.00	0.00	0.00	0.00
220 General Maintenance	1,299,064.09	2,143,779.28	3,515.03	6,630.00	2,140,664.31
221 City Service Fee Capital Project	4,398,770.33	1,868,941.00	2,828.79	372,927.50	1,498,842.29
222 Facilities Maintenance	1,985,721.40	273,485.21	42,119.84	4,585.20	311,019.85
255 Ballpark Maintenance	86,275.42	55,565.91	91.34	0.00	55,657.25
402 Civic Center Revenue	178,995.43	100,257.89	329,557.74	359,278.88	70,536.75
406 Parking System Revenue	4,024,939.03	4,543,051.86	244,069.74	136,512.36	4,650,609.24
426 Parking Operation and Maintenance	1,603,626.76	1,768,328.39	2,816.37	86,086.81	1,685,057.95
427 Civic Center TIF Project	1,776,011.81	7,439.95	105,836.66	0.00	113,276.61
900 M - DENT	565,938.32	718,106.39	1,759.00	16,057.91	703,807.48
901 Pending Forfeiture	2,255,016.16	962,926.78	7,549.48	1,381.64	969,094.62
Working Cash Advance Fund	37,460.00	32,925.00	0.00	0.00	32,925.00
Total All Funds	58,177,596.43	60,713,594.23	11,160,236.57	10,069,681.16	61,804,149.64

Bill No. 7847

Introduced in Council:

October 21, 2019

Introduced by:

Joseph Jenkins

Adopted by Council:

Referred to:

Finance

1 **Bill No. 7847** - A BILL to amend the Municipal Code of the City of Charleston, as
2 amended, by adding thereto two new sections in Chapter 2, Article VI, Division 4,
3 Subdivision I, designated Sections 2-459 and 2-460 previously reserved for Division 3
4 of said Article VI; to amend and reenact Section 2-461; to repeal Section 2-462; to
5 amend and reenact Sections 2-471 and 2-472; to repeal Section 2-473; to amend and
6 reenact Sections 2-474, 2-475, 2-476, 2-479, and 2-480; and to amend said Code by
7 adding thereto a new Subdivision III containing eight new sections in said Division 4,
8 designated Sections 2-481, 2-482, 2-483, 2-484, 2-485, 2-486, 2-487, and 2-488, all
9 relating to modernizing and clarifying the City of Charleston purchasing policies;
10 defining terms; clarifying the policy of the City to attempt to procure commodities and
11 services locally; authorizing the use of a robust solicitation process instead of
12 newspaper advertisement; clarifying the handling of tie bids; explicitly requiring
13 contracts for commodities and services to be in writing; updating the requirements for
14 bid notices, bid submissions, deposits by bidders, the process for handling deposit
15 forfeitures, and rejection of bids; creating and detailing a local vendor preference under
16 certain conditions; specifying that contracts are not to be awarded to a bidder that is
17 delinquent in a financial obligation to the city; detailing the time period during which city
18 employees may not communicate with vendors; creating new policies related to change
19 orders, contract cancellation, bid protests, use of other competitively-procured
20 government contracts, and direct purchases; adopting the West Virginia Purchasing
21 Division's impossible to bid list; and creating grounds and procedures related to
22 debarment of potential bidders on city contracts.

23

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

25

26 That the Municipal Code of the City of Charleston, as amended, be amended by adding
27 thereto two new sections in Chapter 2, Article VI, Division 4, Subdivision I, designated
28 Sections 2-459 and 2-460 previously reserved for Division 3 of said Article VI; that
29 Section 2-461 of said code be amended and reenacted; that Section 2-462 of said code
30 be repealed; that Sections 2-471 and 2-472 of said code be amended and reenacted;
31 that Section 2-473 of said code be repealed; that Sections 2-474, 2-475, 2-476, 2-479,
32 and 2-480 of said code be amended and reenacted; and that said Code be amended
33 by adding thereto a new Subdivision III containing eight new sections in said Division 4,
34 designated Sections 2-481, 2-482, 2-483, 2-484, 2-485, 2-486, 2-487, and 2-488, all to
35 read as follows.

36
37 **Chapter 2. – ADMINISTRATION.**

38 **ARTICLE VI. – FINANCE.**

39 **DIVISION 4. – CONTRACTS AND PURCHASES.**

40 **Subdivision I. – In General.**

41
42 **Sec. 2- 459 – Definitions.**

43
44 As used in this division, unless the context clearly requires a different meaning:

45 (1) “City manager” means the City Manager of the City of Charleston or his or her
46 designee, such as the city’s purchasing director.

47 (2) “Commodities” means supplies, material, equipment and any other articles or
48 things used by or furnished to the city.

49 (3) “Contract” means an agreement between the city and a vendor relating to the
50 procurement of commodities or services, or both.

51 (4) “Debarment” means the exclusion of a vendor from the right to bid on
52 contracts to sell goods or supply services to the city for a specified period of time.

53 (5) “Debarred Vendor” means any vendor debarred by the West Virginia
54 Purchasing Division pursuant to W. Va. Code § 5A-3-33e or debarred by the city, which
55 results in the city’s inability to solicit offers from, award contract to, or consent to
56 subcontract with the vendor during the debarment period.

57 (6) “Electronic transmission” or “electronically transmitted” means any process of
58 communication not directly involving the physical transfer of paper that is suitable for
59 the retention, retrieval and reproduction of information by the recipient.

60 (7) “Final offer” means a tie-breaking bid submitted subsequent to a bid opening
61 where the apparent lowest bidder and apparent second-lowest bidder submit tied initial
62 bids.

63 (8) “Impossible to Bid List” means a list adopted by the city of commodities or
64 services that are not possible to submit for competitive bid.

65 (9) “Local Vendor” means a responsible vendor who has an active and current
66 business and occupation tax account on file with the city collector for the duration of a
67 period of one year preceding the date on which an applicable bid opening occurs.

68 (10) “Lowest responsible bidder” means a responsible bidder who has submitted
69 the lowest priced bid and who did not materially deviate from the mandatory terms and
70 conditions contained in the solicitation.

71 (11) “Responsible bidder” means a bidder who has the capability to fully perform
72 the contract requirements and the integrity and reliability which will assure good-faith
73 performance.

74 (12) “Non-responsible bid” means a bid that fails to conform to the solicitation in
75 all material respects.

76 (13) “Non-responsible bidder” means a bidder not having the capability to fully
77 perform the contract requirements and lacking the integrity and reliability which will
78 assure good-faith performance.

79 (14) “Services” means the furnishing of labor, time, expertise or effort, not
80 involving the delivery of a specific end commodity or product other than one that may
81 be incidental to the required performance.

(15) "Vendor" means any person or entity that may, through contract or other means, supply the city with commodities or services.

Sec. 2-460. - City manager to purchase all commodities and services.

It shall be the duty of the city manager to supervise the purchase of all commodities and services necessary for the city or for the departments of city government.

Sec. 2-461. – Purchase of supplies and materials commodities and services.

(a) All ~~supplies and materials~~ commodities and services for the various departments of the city government, not exceeding at any one time the sum of \$25,000.00, shall be purchased by the city manager, and every reasonable precaution shall be taken to procure the ~~supplies and materials~~ commodities and services at the very lowest price possible consistent with good service and quality. The city manager is encouraged to first attempt to procure commodities and services from responsible vendors within city limits before contracting with vendors principally operating outside of city limits. All such purchases shall be made upon requisition signed by the officer in charge of the department for which the ~~supplies and materials~~ commodities or services are needed and filed with the city manager. City department employees who receive deliveries from vendors are responsible for inspecting the commodities and services upon delivery to ensure that purchases meet contractual requirements and are responsible for maintaining records of receipt. ~~who shall thereupon direct his/her order to the person from whom it is proposed to purchase the supplies or materials, requiring him/her to deliver the supplies to the person in charge of the department for which ordered, and the supplier shall make out his bill at the contract price, on a blank form attached to order and furnished therewith by the manager, and shall send the bill with the goods to the officer in charge of the department for which they were ordered; and it shall be the duty of the officer to examine the goods delivered and the quantity thereof; and if he/she finds the quantity to be as stated in the order and the quality first class or of the grade ordered, he/she shall endorse the bill with a statement that the goods have been received and the quantity and quality found to be correct and shall return the bill and the order upon which it was furnished to the merchant or person making the same, who shall file it with the city manager for approval and authorization for payment. If found incorrect, or if the quality be found below the standard and grade ordered, the officer in charge shall refuse to accept the goods and shall notify the manager to that effect, and the person furnishing the goods shall be notified by the officer in charge of the department that the goods can only remain where delivered at the risk of the person delivering.~~

(b) The purchase of ~~supplies and materials~~ commodities and services for the various departments of the city government exceeding at any one time the sum of \$25,000.00 shall be approved by the city council, and thereupon the provisions of subsection (a) of this section shall become applicable.

(c) Nothing in this article shall be construed to preclude the purchase by the city of ~~materials, supplies and equipment~~ commodities and services by agreement between

the city and state director of the division of purchases of the department of finance and administration West Virginia Purchasing Division, as provided in West Virginia Code § 8-12-10(a).

(d) Nothing in this article shall preclude the city manager from purchasing ~~supplies and materials~~ commodities and services without receiving approval from city council where, in the judgment of the city manager, the failure to immediately purchase ~~supplies and materials~~ the commodities or services, prior to securing council approval, would result in a condition of extreme peril resulting in substantial damages or injury to persons or property within this city, whether such occurrence is caused by an act of God, nature or man, including an enemy of the United States.

(e) No contract may be authorized to any business or individual that is delinquent in any financial obligation to the city or is not operating with all required licenses and permits.

~~Sec. 2-462. - City manager to purchase all supplies and materials.~~

~~It shall be the duty of the city manager to supervise the purchase of all supplies and materials necessary for the use of the city or for any and all departments of the city government.~~

Subdivision II. - Bids

Sec. 2-471. - When advertising for bids required; publication of advertisement, time for opening of bids; letting of contracts breaking of ties; contracts to be in writing.

(a) Whenever any contract is proposed to be entered into by the city involving the expenditure of more than \$25,000.00, except where such contract involves the rendering of professional services or where such contract is for ~~materials and supplies~~ commodities and services as referenced in Section 2-461, the city manager shall ~~publish an advertisement~~ a solicitation calling for bids ~~for this work~~, unless it is decided to do this work with city personnel or others employed by the city for such purposes. The time for opening such bids shall not be less than ten days from the date of the first publication of the ~~advertisement~~ solicitation. ~~The advertisement~~ solicitation shall be advertised through city websites and may also be advertised in newspapers, newsletters, trade journals, mass emailing, or any other media the city manager considers advisable. ~~shall be printed once a week for two successive weeks in two newspapers of opposite politics, and of general circulation and published in the city, preceding the time of opening the bids.~~

(b) ~~The council shall reserve the right to reject any and all bids, but the contract, if let, must be let to the lowest responsible bidder. When tie bids are received, the city manager may break the tie by allowing the vendors to make a final offer according to procedures adopted by the city manager.~~

(c) All contracts for the purchase of commodities and services must be in writing.

(d) No contract shall be awarded to any bidder that is delinquent in any financial obligation to the city or is not operating with all required licenses and permits; Provided,

~~that nothing herein~~ Nothing in this article is to ~~affect~~ effect the procurement procedures for design build projects ~~which are~~ governed by West Virginia Code §5-22A-1 et seq. and Section 3-16 of this code, or the procurement procedures for architectural or engineering services ~~which are~~ governed by West Virginia Code § 5G-1-1 et seq. and Section 3-15 of this code.

(b) (e) Nothing in this article shall preclude the city manager from entering into contracts without first advertising for bids and receiving council approval where, in the judgment of the city manager, the failure to immediately enter into a contract, would result in a condition of extreme peril resulting in substantial damages or injury to persons or property within this city, whether such occurrence is caused by an act of God, nature or man, including an enemy of the United States.

Sec. 2-472. - Contents of advertisements solicitation for bids.

Notice to bidders shall state:

- (1) The nature of the work;
- (2) The place where the plans and specifications and forms of contract may be seen;
- (3) The amount of cash or bond to be deposited with the city treasurer or city manager, as may be required;
- (4) The city's local vendor preference guidelines;
- (4) (5) The time up to which the bids shall be received and the hour and place of ~~opening the bids~~ bid opening; and
- (5) (6) The right of the city council or the city manager to reject any and all bids;
- (7) That debarred vendors may not submit bids or be awarded contracts;
- (8) That bidders have a right to file a bid protest; and
- (9) That the city is exempt from state and local taxes.

Sec. 2-473. - ~~Additional invitations and advertising soliciting bids.~~

~~Nothing in section 2-471 shall preclude the city council from directing that invitations to bid shall also be given to contractors in other localities believed to be qualified to perform the work sought to be performed, or from causing additional advertisements from being published in other localities; however, all such invitations and advertisements shall conform to the requirements of section 2-472, and no prospective bidder shall be given any information not given to all other prospective bidders.~~

Sec. 2-474. - Submission of bids.

Bids must be submitted in accordance with the procedures established by the city manager. The city manager is authorized, but is not required, to accept bids by electronic transmission with the use of suitable computer software programs or systems approved by the city manager.

~~Each bid for work under this division shall be made upon a blank form to be~~

~~furnished by the city manager and shall be placed in a sealed envelope addressed to the manager and endorsed "Proposals for _____." Each bid shall be signed by the bidder or by an authorized officer or agent where the bid is by a firm or corporation. The bid shall not be opened before the time and hour fixed in the notice.~~

Sec. 2-475. - Deposits by bidders.

The city manager shall determine the applicability and amount of bonds or deposits required of a vendor at any time, if, it is judged that security is necessary to safeguard the city from undue risk. The city manager may require the vendor to submit a certified check, certificate of deposit, performance bond, litigation bond, or any other security acceptable to the city manager, payable to the City of Charleston. Neither personal checks nor company checks are acceptable. Vendors can request that bonds or other security be returned after the purpose for which the bond was provided has been fulfilled. Upon confirmation from the city department or other relevant party that the bond or security in question has fully served its purpose, the city manager may return the bond or security.

~~_____ (a) The amount of the cash or bond deposited shall be equal to five percent of the total cost of the work as estimated by the city manager; however, no deposit shall be less than \$25.00.~~

~~_____ (b) The deposit so made shall be conditioned that the successful bidder shall enter into a written contract to do the work bid for according to the terms of his bid and shall furnish approved security within ten days after the award has been made and the successful bidder notified.~~

Sec. 2-476. - When bidder's deposit forfeited.

If any bidder to whom a contract shall have been awarded fails to enter into a contract and to furnish approved security within the time specified, his deposit shall be forfeited to the city. and the The city manager may advertise for new bids or may contract with the next lowest responsible bidder, so long as such vendor honors the price submitted in its bid.

Sec. 2-479. - Rejection of bids.

The city manager must reject a bid that is found to be non-responsible. The city manager may waive minor irregularities in bids or specifications when the city manager determines such action to be appropriate.

~~_____ If in any bid blanks are not properly filled up so as to make the bid complete and without an ambiguity as to its intent and meaning, or if a bid has any alteration or erasure upon it, or if it is not properly signed, or if the certificate of deposit has not been enclosed with the bid as provided, the bid shall be rejected.~~

Sec. 2-480. - Action upon bids; bid evaluation; local vendor preference; award of

contract; authority to reject all bids.

(a) Upon the opening and consideration of all bids by the city manager, he shall submit them to the city council, together with his calculations and recommendations, to the city council for appropriate action with respect to awarding the contract.

(b) A local vendor may qualify for a competitive advantage applied to its bid when the following conditions are met:

(1) The vendor has marked on its bid submission that it is requesting to be considered a local vendor for bid evaluation purposes;

(2) The vendor provides documentation evidencing that it has the right to conduct business in the State of West Virginia; and

(3) The vendor submits an affidavit confirming that it has paid all applicable business taxes to the city or has a non-delinquent payment plan with the city and has had an active and current business and occupation tax account with the city collector during the entire preceding one-year period.

(c) Competitive advantages shall be applied in the following manner:

(1) A competitive advantage of 4% shall be applied to the local vendor's bid when, prior to applying the competitive advantage, the apparent lowest responsible bidder submits a bid that is greater than \$25,000 but does not exceed \$125,000.

(2) The competitive advantage of \$5,000 shall be applied to the local vendor's bid when, prior to applying the competitive advantage, the apparent lowest responsible bidder submits a bid that is greater than \$125,000.

(d) In evaluating bids, the city manager shall apply the applicable competitive advantage to a qualifying local vendor by deducting the value of the competitive advantage from the local vendor's net total bid amount. The resulting amount will be used in evaluating the bids to determine the lowest responsible bidder.

(e) The contract, if awarded, must be awarded to the lowest responsible bidder. Provided; that no contract shall be awarded to any bidder that is delinquent in any financial obligation to the city or is not operating with all required licenses and permits.

(f) From the time a solicitation is advertised until an award is made, no city employee may communicate with vendors about a solicitation or any component thereof without prior approval from the city manager. All communication regarding a solicitation must be directed to the city manager until an award has been made. Nothing in this subsection, however, shall prevent city employees from communicating with a vendor about existing contracts or other matters unrelated to a pending solicitation.

(g) The council or the manager shall have the authority to reject all bids.

Subdivision III. - Administrative.

Sec. 2-481. – Change Orders.

The city manager has the authority and responsibility to review contract change orders just as he or she has authority and responsibility for review and approval of the original contract. Any city department desiring to make a change to a contract must submit a request for the contract change to the city manager for review. City departments must not permit vendors to perform work that is the subject of a change

order request until the change order has been approved by the city manager.

Sec. 2-482. – Contract Cancellation.

(a) The city manager may cancel a purchase or contract immediately under any one of the following conditions including, but not limited to:

(1) The vendor agrees to the cancellation;

(2) The vendor has obtained the contract by fraud, collusion, conspiracy, or is in conflict with any statutory or constitutional provision of the State of West Virginia;

(3) Failure to honor any contractual term or condition or to honor standard commercial practices;

(4) The existence of an organizational conflict of interest is identified;

(5) Funds are not appropriated or an appropriation is discontinued by the council for the acquisition;

(6) Violation of any federal, state, or local law, regulation, or ordinance, and

(7) The contract was awarded in error.

(b) The city manager may cancel a purchase or contract for any reason or no reason, upon providing the vendor with 30 days' notice of the cancellation.

Sec. 2-483 – Protests.

(a) Protest of a purchase or contract award may be submitted no later than seven calendar days after the council approves of the award following a formal solicitation and bid opening process administered by the city. When the due date for the protest submission falls on a legal holiday, the protest must be received during the next business day. The vendor is responsible for knowing the bid opening and award dates. Protests received late may be rejected at the option of the city manager.

(b) All protests must be submitted in writing to the city manager and contain the following information:

(1) The name and address of the protestor;

(2) The solicitation number;

(3) A statement of the grounds of protest;

(4) Supporting documentation, if necessary; and

(5) The resolution or relief sought.

(c) Failure to submit this information shall be grounds for rejection of the protest by the city manager.

(d) The city manager shall review the matter of protest and issue a written decision. A hearing may be conducted at the option of the city manager. Continuation or delay of a contract award is at the discretion of the city manager.

(e) The decision of the city manager is final and is not appealable.

(f) The city manager may refuse to review any protests when the matter involved is the subject of litigation before a court of competent jurisdiction; if the merits have previously been decided by a court of competent jurisdiction; or if it has been decided by the city manager in a previous protest.

Sec. 2-484 – Use of Other Competitively-Procured Government Contracts.

Notwithstanding any provision of this code to the contrary, the city manager may purchase commodities or services without advertising a city solicitation and receiving bids when a responsible vendor has been awarded a contract with a federal or State of West Virginia governmental entity through a competitive selection process. Provided; that for purchases of commodities or services exceeding \$25,000 in value, the purchase must be approved by council.

Sec. 2-485 – Impossible to Bid List.

Notwithstanding any provision of this code to the contrary, the city adopts the West Virginia Purchasing Division's list of commodities and services that are not possible to submit for competitive bid, as identified in the agency's Procedures Handbook, which may be amended from time to time. The city manager may contract directly with a responsible vendor who supplies commodities or services identified on the Impossible to Bid List. Council approval is required when the contract will exceed \$25,000. Provided; that the city attorney, with the consent of the city manager, may contract directly with an attorney, law firm, expert witness, or legal consultant considered necessary and suitable in pursuing and defending the city's interests without first seeking council approval.

Sec. 2-486 – Direct Purchases.

Notwithstanding any provision of this code to the contrary, the council may approve by resolution to forego these bidding requirements and contract directly with a responsible vendor when, in the council's sound judgment, it is in the city's best interest to procure certain commodities or services directly from the identified responsible vendor: Provided, That this section does not apply to the procurement of construction contracts, which are governed by W. Va. Code § 5-22-1, or contracts for architectural or engineering services, which are governed by W. Va. Code § 5G-1-1 et seq. and Section 3-15 of this code. Provided further; that this section does not apply when federal statutes or regulations require the city to follow a competitive selection process to apply for or administer federal grants or aid.

Sec. 2-487 – Grounds for Debarment.

(a) Grounds for debarment are:

(1) Conviction of an offense involving fraud or a felony offense related to obtaining or attempting to obtain a public contract or subcontract;

(2) Conviction of any federal or state antitrust statute relating to the submission of offers; such as price fixing, bid rigging, and market allocation schemes;

(3) Conviction of an offense involving embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property related to the performance of a contract;

(4) Conviction of a felony offense demonstrating a lack of business integrity or business honesty that affects the present responsibility of the vendor or subcontractor;

____ (5) Violation of the terms of a public contract or subcontract for:
____ (A) Willful failure to substantially perform in accordance with the terms of one or
more public contracts;
____ (B) Performance in violation of standards established by law or generally
accepted standards of the trade or profession amounting to intentionally deficient or
grossly negligent performance on one or more public contracts;
____ (C) Use of substandard materials on one or more public contracts or defects in
construction in one or more public construction projects amounting to intentionally
deficient or grossly negligent performance, even if discovery of the defect is subsequent
to acceptance of a construction project and expiration of any warranty thereunder; or
____ (D) A repeated pattern or practice of failure to perform so serious and compelling
as to justify debarment; or
____ (6) Any other cause of a serious and compelling nature amounting to knowing
and willful misconduct of the vendor that demonstrates a wanton indifference to the
interests of the public and that caused, or that had a substantial likelihood of causing,
serious harm to the public.
____ (b) For the purposes of this section, the term "conviction" includes, but may not
be limited to, the entering of a deferred prosecution agreement or a plea of guilty or
nolo contendere, including pleading to a lesser or related offense in exchange for some
form of prosecutorial leniency.
____ (c) Pursuant to W. Va. Code § 5A-3-33f, vendors debarred by the West Virginia
Purchasing Division are automatically debarred by the city and may not be awarded
contracts.

Sec. 2-488. - Debarment Procedures.

____ (a) The city manager shall notify the vendor by certified mail of the following:
____ (1) The reasons for the proposed debarment in sufficient detail to put the vendor
on notice of the conduct or transactions upon which the proposed debarment is based;
____ (2) The causes relied upon for the proposed debarment;
____ (3) That within thirty calendar days after receipt of the notice, the vendor may
submit in writing information and argument in opposition to the proposed debarment;
____ (4) The procedures governing debarment decision-making; and
____ (5) The potential effect of the proposed debarment.
____ (b) The city manager may hold a hearing if the vendor contests the debarment.
In any debarment decision, the city manager shall make a specific finding, based on the
substantial record, whether the public interest requires that the debarment decision
extend to all commodities and services of the vendor, or whether the public interest
allows the debarment decision to be limited to specific commodities or services.
____ (c) In any debarment decision, the city manager shall specify the length of the
debarment period. The debarment period must be for the period of time that the city
manager finds necessary and proper to protect the public from a non-responsible
vendor.
____ (d) Proof of grounds for debarment must be clear and convincing.
____ (e) The debarment decision of the city manager is appealable to the Circuit Court
of Kanawha County, West Virginia, within 30 calendar days of receiving the decision.

450 and the appeal will be governed by the procedure established in W. Va. Code § 29A-5-
451 4.
452

1 **Bill No. 7848**

2 Passed by Council:

3 Introduced in Council

4 **October 21, 2019**

5 Introduced by:

6 **Brent Burton**

Referred to

Planning, Streets and Traffic

7
8
9
10 **Bill No. 7848** - A Bill to establish a Stop intersection on Mullins Road at Oakhurst Drive
11 by placing a stop sign on the corner of Mullins Road and amending the Traffic Control
12 Map and Traffic Control File, established by the code of the City of Charleston, West
13 Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2,
14 Article 4, Chapter 114, to conform therewith.

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

16 Section 1. Stop intersection on Mullins Road at Oakhurst Drive by placing a stop sign on
17 the corner of Mullins Road

18 Section 2. The Traffic Control Map and Traffic Control File, established by the code
19 of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic
20 Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and
21 hereby are amended, to conform to this Ordinance.

22
23 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
24 repealed to the extent of said inconsistency.

1 **Bill No. 7849**

2

Passed by Council:

3 Introduced in Council

4 **October 21, 2019**

5

Referred to

6 Introduced by:

Planning, Streets and Traffic

7 **Mary Beth Hoover, Adam Knauff,**

8 **Becky Ceperley, Jennifer Pharr,**

9 **Will Laird and Chad Robinson**

Planning, Streets and Traffic

10

11

12 **Bill No. 7849** - A Bill to establish a 15 MPH Speed Limit on Venable Avenue from 35th
13 Street SE, easterly to 37th Street SE and amending the Traffic Control Map and Traffic
14 Control File, established by the code of the City of Charleston, West Virginia, two
15 thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4,
16 Chapter 114, to conform therewith.

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

18 Section 1. 15 MPH Speed Limit on Venable Avenue from 35th Street SE, easterly to 37th
19 Street SE

20 Section 2. The Traffic Control Map and Traffic Control File, established by the code
21 of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic
22 Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are
23 amended, to conform to this Ordinance.

24 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
25 repealed to the extent of said inconsistency.

1 **Bill No. 7850**

2 Passed by Council:

3 Introduced in Council

4 **October 21, 2019**

5 Referred to

6 Introduced by:

7 **Mary Beth Hoover, Adam Knauff,**

8 **Becky Ceperley, Jennifer Pharr,**

9 **Will Laird and Chad Robinson**

Planning, Streets and Traffic

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11
12 **Bill No. 7850** - A Bill to establish a 15 MPH Speed Limit on Ruffner Avenue from
13 Jackson Street, northerly to Lewis Street and amending the Traffic Control Map and
14 Traffic Control File, established by the code of the City of Charleston, West Virginia, two
15 thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4,
16 Chapter 114, to conform therewith.

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

18 Section 1. 15 MPH Speed Limit on Ruffner Avenue from Jackson Street, northerly to
19 Lewis Street

20 Section 2. The Traffic Control Map and Traffic Control File, established by the code
21 of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic
22 Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are
23 amended, to conform to this Ordinance.

24 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
25 repealed to the extent of said inconsistency.

1 **Bill No. 7851**

2 Passed by Council:

3 Introduced in Council

4 **October 21, 2019**

5 Referred to

6 Introduced by:

7 **Mary Beth Hoover, Adam Knauff,**

8 **Becky Ceperley, Jennifer Pharr,**

9 **Will Laird and Chad Robinson**

Planning, Streets and Traffic

10
11
12 **Bill No. 7851** - A Bill to establish a 15 MPH Speed Limit on Donnally Street from Court
13 Street westerly to Clendenin Street and amending the Traffic Control Map and Traffic
14 Control File, established by the code of the City of Charleston, West Virginia, two
15 thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4,
16 Chapter 114, to conform therewith.

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

18 Section 1. 15 MPH Speed Limit on Donnally Street from Court Street westerly to
19 Clendenin Street

20 Section 2. The Traffic Control Map and Traffic Control File, established by the code
21 of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic
22 Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and
23 hereby are amended, to conform to this Ordinance.

24
25 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
26 repealed to the extent of said inconsistency.

1 **Bill No. 7852**

2 Passed by Council:

3 Introduced in Council

4 **October 21, 2019**

5 Referred to

6 Introduced by:

7 **Mary Beth Hoover, Adam Knauff,**

8 **Becky Ceperley, Jennifer Pharr,**

9 **Will Laird and Chad Robinson**

Planning, Streets and Traffic

10
11
12 **Bill No. 7852** - A Bill to establish a 15 MPH Speed Limit on 6th Avenue West from 21st
13 Street West, easterly to end of 6th Avenue West, continuing easterly to end of City
14 property and amending the Traffic Control Map and Traffic Control File, established by
15 the code of the City of Charleston, West Virginia, two thousand and three, as amended,
16 Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

18 Section 1. 15 MPH Speed Limit on 6th Avenue West from 21st Street West, easterly to
19 end of 6th Avenue West, continuing easterly to end of City property

20 Section 2. The Traffic Control Map and Traffic Control File, established by the code
21 of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic
22 Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are
23 amended, to conform to this Ordinance.

24 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
25 repealed to the extent of said inconsistency.

Bill No. 7853

Introduced in Council:

October 21, 2019

Introduced by:

**Mary Beth Hoover, Naomi Bays,
Becky Ceperley, Will Laird, Adam
Knauff, Jennifer Pharr and
Chad Robinson**

Adopted by Council:

Referred to:

Planning, Streets and Traffic

Bill No. 7853 - A BILL to amend and reenact Section 114-402 of the Code of the City of Charleston, as amended, relating to lowering the default speed limit for roads in Charleston that do not have posted speed limit signs and authorizing the director of traffic, upon the approval of the planning/streets and traffic committee, to designate maximum speeds for certain streets.

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

That Section 114-402 of the Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

Sec. 114-402. - Maximum speed limits established.

(a) Where no special hazard exists that requires lower speed for compliance with section 114-401, the speed of any vehicle not in excess of the limits specified in this section or established as authorized in this division shall be lawful, but any speed in excess of the limits specified in the subsections of this section or established as authorized in this division shall be unlawful.

~~(b) In residence districts, when not otherwise signposted, the maximum speed shall be 30 miles per hour. On all city streets, when not otherwise signposted, the maximum speed shall be 25 miles per hour.~~

(c) At any intersection in ~~residence districts~~ not controlled by traffic signal lights, the maximum speed shall be 20 miles per hour.

~~(d) In business and congested districts, when not otherwise signposted, the maximum speed shall be 25 miles per hour.~~

~~(e) At intersection in business and congested districts not controlled by traffic signal lights, the maximum speed shall be 20 miles per hour.~~

(f) When passing through school zones during school recess or while children are going

34 to or from school during opening or closing hours, the maximum speed shall be 15
35 miles per hour.

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37 (e) On all public alleys, when not otherwise signposted, the maximum speed shall be 10
38 miles per hour.

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40 (f) On all streets and drives in Spring Hill Cemetery, the maximum speed shall be 15
41 miles per hour.

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43 (g) When encountering school buses while standing or loading or unloading, traffic shall
44 come to a full stop.

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46 (h) When emerging from an alley, driveway, parking lot, garage, building or place of
47 business, traffic must come to a full stop.

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49 ~~(i) On all streets and drives in Spring Hill Cemetery, the maximum speed shall be 15~~
50 ~~miles per hour.~~

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52 ~~(j)~~ (j) On all streets and roadways for which a maximum speed is prescribed on official
53 traffic control signs, the speed shall be as specified on such signs. Unless specifically
54 set by ordinance, the director of traffic shall have authority, upon the approval of the
55 planning/streets and traffic committee of city council, to designate the maximum speed
56 for specific city streets or portions of streets and to update official traffic control signs
57 accordingly.

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