

CHARLESTON CITY COUNCIL

Regular Meeting

November 4, 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. 11-4-2019

PROCLAMATIONS

1. 11-4-2019

COMMUNICATIONS

1. 11-4-2019

MISCELLENIOUS RESOLUTIONS

1. 11-4-2019

REPORTS OF STANDING COMMITTEES

ENVIRONMENT AND RECYCLING

1. Bill No. 7825 Committee Substitute - A Bill to amend the code of the City of Charleston relating to recyclables collection.

PLANNING, STREETS AND TRAFFIC

1. Bill No. 7837 - A Bill to amend and reenact Ordinance number 2876 relating to Stop and Yield Signs at the intersection of Westmoreland Drive and Jane Street by requiring vehicles westbound, southbound and eastbound to stop while giving right-of-way to northbound traffic.
2. Bill No. 7838 - A Bill to repeal Ordinance number 3800 which created a 10 minute parking zone on the easterly side of Summers Street from a point 150 feet south of Lee Street to a point 176 feet south of Lee Street, and thereby returning this area to metered parking spaces.
3. Bill No. 7839 - A Bill to repeal Ordinance number 7141 which created a 5 minute stopping or standing zone on the easterly side of Hale Street from a point 76 feet south of Quarrier Street to a point 120 feet south of Quarrier Street, and thereby returning this area to metered parking spaces.
4. Bill No. 7840 - A Bill to repeal Ordinance number 3716 which created a 15 minute parking zone from 8:00 a.m. to 5:00 p.m. on the easterly side of Summers Street from the intersection of Summers Street and the Pedestrian Mall to a point 56 feet south of the intersection of Summers Street and the Pedestrian Mall, and thereby returning this area to metered parking spaces.
5. Bill No. 7841 - A Bill to amend and re-enact Ordinance number 6658 which created a 30 minute parking area on the southerly side of Washington Street West, amending the Ordinance to instead allow metered parking spaces.
6. Bill No. 7842 - A Bill to repeal Ordinance number 2187 which created a No Parking zone on the northerly side of Bigley Avenue from a point 90 feet east of Buchanan Street to a point 140 feet east of Buchanan Street, and thereby returning this area to metered parking spaces.
7. Bill No. 7848 - A Bill to establish a Stop intersection on Mullins Road at Oakhurst Drive by placing a stop sign on the corner of Mullins Road and amending the Traffic Control Map and Traffic Control File.
8. Bill No. 7849 Committee Substitute - A Bill to establish a 15 MPH Speed Limit on Venable Avenue from 35th Street SE, easterly to 37th Street SE and on 37th Street SE from Venable Ave southerly to Washington Ave SE, and amending the Traffic Control Map and Traffic Control File.
9. Bill No. 7850 - A Bill to establish a 15 MPH Speed Limit on Ruffner Avenue from Jackson Street, northerly to Lewis Street and amending the Traffic Control Map and Traffic Control File.
10. Bill No. 7851 - A Bill to establish a 15 MPH Speed Limit on Donnally Street from Court Street westerly to Clendenin Street and amending the Traffic Control Map and Traffic Control File.
11. Bill No. 7852 - A Bill to establish a 15 MPH Speed Limit on 6th Avenue West from 21st Street West, easterly to end of 6th Avenue West, continuing easterly to end of City property and amending the Traffic Control Map and Traffic Control File.

12. Bill No. 7853 - A BILL to amend and reenact the Code of the City of Charleston 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.

FINANCE

1. Resolution No. 255-19 - Authorizing the Mayor or City Manager to sign Change Order No. 1 with Garcie R. Marker & Sons, Inc. to repair approximately 4,500 square feet of additional concrete pavement on Court Street.
2. Resolution No. 256-19 - Authorizing the Finance Director to establish Agency Fund 902, Coliseum & Convention Center Ticket Fund, a custodial account that accounts for revenues received from ticket sales for events held at the Coliseum & Convention.
3. Resolution No. 257-19 - Authorizing the Finance Director to establish Agency Fund 903, Coliseum & Convention Promotions Fund, a custodial account that accounts for revenues received from customers for Coliseum & Convention Center sponsored and run events, and are subsequently dispersed and deposited to the Coliseum & Convention Center Revenue Fund after the events are over.
4. Resolution No. 259-19 - Approval of FY 2020 Budget Amendment No. 4 – Creation of the Office of Constituent Services.
5. Bill No. 7847 - A Bill to amend the Municipal Code of the City of Charleston by adding thereto two new sections, all relating to modernizing and clarifying the City of Charleston purchasing policies.

REPORTS OF OFFICERS

1. 11-4-2019

NEW BILLS

1. 11-4-2019

UNFINISHED BUSINESS AND/OR MISCELLANEOUS BUSINESS

ROLL CALL

ADJOURNMENT

THE NEXT REGULAR MEETING OF COUNCIL WILL BE HELD NOVEMBER 18, 2019 AT 7:00 P.M.

THIS AGENDA WAS AMENDED 10-31-2019

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



AFFIDAVIT
Charleston Sanitary Board



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

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

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

That this affiant resides at: 144 Costello St. Charleston WV 25302

Telephone Number: (304) 344-4246

and that on the 24th day of July, 2018/2019, at approximately 10:30 am (pm)
in the City of Charleston, West Virginia, he/she sustained

Back and thumb injury

Nature Of Injury And/Or Damage

As A Result Of:

Sanitary Board doing construction on our street in front of our house. The pavement was chopped up from excavating and there were no signs, cones, etc. As I went to cross the street I fell in the hole injuring my thumb and back.

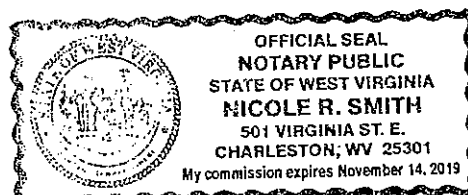
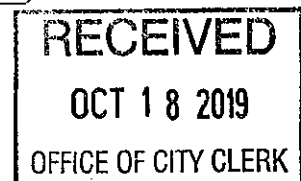
As a result of which accident the Claimant, Christian Kerns, does hereby make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by him/her in the future.

Christian Kerns

Signature of Claimant

Taken, subscribed and sworn to before me this 18th day of October, 2019.
My commission expires November 14, 2019.

Nicole R. Smith
Notary Public





AFFIDAVIT
City of Charleston



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

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

James and Connie Young, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 3709 Virginia Ave SE

Telephone Number: 304-546-7950

and that on the 14 day of October, 2018/2019, at approximately 8:30 am/pm
in the City of Charleston, West Virginia, he/she sustained

property damage

Nature Of Injury And/Or Damage

As A Result Of:

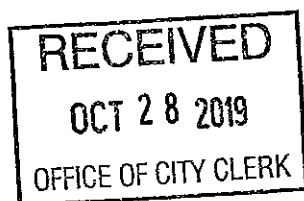
Tree falling

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

James Young Connie Young
Signature of Claimant

Taken, subscribed and sworn to before me this 25th day of October, 2019.
My commission expires June 26, 2022.

Michelle D. Nelson
Notary Public



**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

- WHEREAS:** The Charleston Light Opera Guild (CLOG) has provided quality light opera and musical theater entertainment for West Virginia—growing the creative economy and providing a powerful engine of community vitality; and
- WHEREAS:** The Guild strives to entertain, excite and inspire audiences with high-caliber community-based theater offered at an affordable price; and
- WHEREAS:** CLOG provides an outlet for nurturing the talents of singers, actors, dancers, musicians, stage hands, crew members and behind-the-scenes volunteers; and
- WHEREAS:** As of 2019, the Guild has produced 253 shows with 150 unique titles; and
- WHEREAS:** CLOG has produced shows at the Charleston Coliseum & Convention Center Little Theater, Clay Center for the Arts & Sciences of WV, Culture Center and Charleston Light Opera Guild Theater allowing thousands of patrons to enjoy shows every year; and
- WHEREAS:** The Charleston Light Opera Guild's final production of their 70th season is a revival of Rodgers and Hammerstein's Oklahoma!, the Pulitzer Prize winning musical credited with changing the face of Broadway and transforming the Guild from a producer of light opera to musical theater

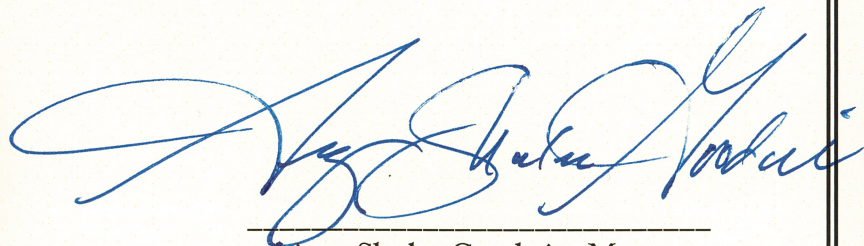
NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby proclaim 2019, as

**CHARLESTON LIGHT OPERA GUILD'S
70TH ANNIVERSARY**

in the City of Charleston and encourage all citizens to celebrate this milestone and take part in upcoming shows as a performer, crew member, volunteer or patron.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 4th day of November 2019.





Amy Shuler Goodwin, Mayor

CITY OF CHARLESTON
OFFICE OF THE MAYOR



TO: MILES CARY
CITY CLERK

FROM: AMY SHULER GOODWIN
MAYOR

A handwritten signature in blue ink, appearing to read "Amy Shuler Goodwin", is written over the "FROM:" line.

RE: CHANGES IN COUNCIL COMMITTEES

DATE: NOVEMBER 4, 2019

I am making the following changes to Committee assignments on City Council for the remainder of the current term:

- Remove Becky Ceperley from the Public Safety Committee; and
- Add Deanna McKinney to the Public Safety Committee.

ASG/tls

Committee Substitute for Bill No. 7825

Introduced in Council:

July 1, 2019

Introduced by:

John Kennedy Bailey

Adopted by Council:

Referred to:

Environment & Recycling

Committee Substitute for Bill No. 7825 - A BILL to amend and reenact Section 98-121 of the Municipal Code of the City of Charleston, relating to recyclables collection.

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

Article II. – Collection and Disposal.

Division 4. Recyclables.

Sec. 98-121. - Separation of recyclables from municipal solid waste.

(a) Residences. Persons shall separate all recyclables, including aluminum bi-metal, and steel cans; newspaper; and plastics identified by the society of plastics industry (SPI) code numbers 1 and 2, boxboard, corrugated cardboard, office mix paper, magazines, and junk mail, from municipal solid waste generated at residences and shall store the recyclables until they are collected for recycling. Pursuant to West Virginia code Chapter 22, Article 15A, Section 18(b)(1), each person, partnership, corporation or other entity in the city shall separate at least three recyclables from municipal solid waste. The city manager shall have the authority to designate the three recyclables that will be collected by the city and may amend the designated recyclables from time to time. The city manager shall provide notice of his designations to residents.

(b) All residents receiving refuse collection services by the city shall place all designated recyclables into either a clear plastic bag or a ~~bin or other~~ container that is no larger than 48 gallons in volume, no heavier than 40 pounds when full, and clearly marked as containing ~~recycling goods-recyclables,~~ and place for collection in the manner set forth in section 98-101: Provided, That any paper or cardboard recyclables shall be placed in a clear plastic bag or water-proof container in order to protect the recyclables from water damage. The city may reject any wet paper or cardboard and any recyclable materials that are comingled with food or any item not on the list of accepted materials contained in subsection (a) of this section.

(c) An owner, landlord, or agent of an owner or landlord of a multi-family rental dwelling with four or more units receiving refuse service from the city may establish a collection system at each such property. The collection system shall include a separate suitable receptacle specifically for collection and storing recyclables which tenants have separated in clear plastic bags in compliance with section 98-121(b) of this Code, and

37 written instructions to the occupants concerning the use and availability of the collection
38 system. The receptacle shall be clearly marked as designated for recyclables only and
39 shall be placed in a location easily accessible to the tenants. Owners, landlords, or
40 agents of owners or landlords who provide a collection system under this section shall
41 not be liable for non-compliance of occupants of their buildings.

42

43 (d) Commercial, industrial and institutional establishments shall separate at least three
44 materials from refuse generated at such establishments and shall store such materials
45 until they are collected for recycling in a manner consistent with section 98-122(b) of
46 this Code. "Community activities" as used here includes events that are sponsored by
47 public or private agencies or individuals that include but are not limited to regattas, fairs,
48 bazaars, socials, picnics, performances, and organized sporting events attend by five
49 hundred or more individuals per day. Any person or entity in charge of a community
50 activity shall provide for separation of at least three recyclables from refuse generated
51 at such event and shall store such materials until they are collected for recycling in a
52 manner consistent with section 98-122(b) of this Code. The three recyclables shall be
53 chosen from the following group; office paper, computer paper, corrugated paper,
54 newspaper, clear glass jugs/jars/bottles, aluminum, bi-metal and steel cans, automotive
55 or industrial lead acid batteries, tires, computer ribbons, laser toner cartridges, copier
56 toner cartridges, yard (green) waste or e-waste.

57

58 (e) An owner, landlord, or agent of an owner or landlord of a commercial, industrial or
59 institutional establishment that leases its premises to other such establishments shall be
60 deemed to have complied with its recycling responsibilities if it establishes a collection
61 system meeting the requirements of the collection system for multi-family dwellings
62 described in subsection (c) of this section.

63

1 **Bill No. 7837**

2 Passed by Council:

3 Introduced in Council

4 **October 7, 2019**

5
6 Introduced by:

Referred to

7 **Adam Knauff**

Planning, Streets and Traffic

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10 **Bill No. 7837** - A Bill to amend and reenact Ordinance number 2876 Passed by Council
11 October 5, 1981, relating to Stop and Yield Signs at the intersection of Westmoreland
12 Drive and Jane Street by requiring vehicles westbound, southbound and eastbound to
13 stop while giving right-of-way to northbound traffic; and amending the Traffic Control
14 Map and Traffic Control File, established by the code of the City of Charleston, West
15 Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2,
16 Article 4, Chapter 114, to conform therewith.

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

18 Section 1. The Stop intersection established by Ordinance number 2876 is hereby
19 amended to require easterly, westerly and southerly traffic to stop giving right-of-way to
20 Westmoreland Drive; northerly traffic by placing stop signs on Jane Street eastbound,
21 Jane Street westbound and Westmoreland Drive southbound.

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

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

Bill No. 7838

Introduced in Council

October 7, 2019

Introduced by:

Mary Beth Hoover

Adopted by Council:

Referred to:

Planning, Streets and Traffic

1 **Bill No. 7838** - A Bill to repeal Ordinance number 3800, passed by Council August 20,
2 1984, which created a 10 minute parking zone on the easterly side of Summers Street
3 from a point 150 feet south of Lee Street to a point 176 feet south of Lee Street, and
4 thereby returning this area to metered parking spaces; and amending the Traffic Control
5 Map and Traffic Control File, established by the code of the City of Charleston, West
6 Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2,
7 Article 4, Chapter 114, to conform therewith.

8

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

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11 Section 1. The 10 minute parking zone on the easterly side of Summers Street from a
12 point 150 feet south of Lee Street to a point 176 feet south of Lee Street is hereby
13 repealed. The Director of Parking is hereby authorized to install parking meters
14 consistent with the general area in this location.

15

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

20

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

23

Bill No. 7839

Introduced in Council:

October 7, 2019

Introduced by:

Mary Beth Hoover

Adopted by Council:

Referred to:

Planning, Streets and Traffic

1 **Bill No. 7839** - A Bill to repeal Ordinance number 7141, passed by Council May 16,
2 2005, which created a 5 minute stopping or standing zone on the easterly side of Hale
3 Street from a point 76 feet south of Quarrier Street to a point 120 feet south of Quarrier
4 Street, and thereby returning this area to metered parking spaces; and amending the
5 Traffic Control Map and Traffic Control File, established by the code of the City of
6 Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section
7 263, Division 2, Article 4, Chapter 114, to conform therewith.

8

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

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11 Section 1. The 5 minute stopping or standing zone established by Ordinance No. 7141
12 on the easterly side of Hale Street from a point 76 feet south of Quarrier Street to a
13 point 120 feet south of Quarrier Street is hereby repealed. The Director of Parking is
14 hereby authorized to install parking meters consistent with the general area in this
15 location.

16

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

21

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

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Bill No. 7840

Introduced in Council:

October 7, 2019

Adopted by Council:

Introduced by:

Mary Beth Hoover

Referred to:

Planning, Streets and Traffic

Bill No. 7840 - A Bill to repeal Ordinance number 3716, passed by Council April 2, 1984, which created a 15 minute parking zone from 8:00 a.m. to 5:00 p.m. on the easterly side of Summers Street from the intersection of Summers Street and the Pedestrian Mall to a point 56 feet south of the intersection of Summers Street and the Pedestrian Mall, and thereby returning this area to metered parking spaces; and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. The 15 minute parking zone from 8:00 a.m. to 5:00 p.m. on the easterly side of Summers Street from the intersection of Summers Street and the Pedestrian Mall to a point 56 feet south of the intersection of Summers Street and the Pedestrian Mall is hereby repealed. The Director of Parking is hereby authorized to install parking meters consistent with the general area in this location.

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

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

Bill No. 7841

Introduced in Council:

October 7, 2019

Introduced by:

Mary Beth Hoover

Adopted by Council:

Referred to:

Planning, Streets and Traffic

1 **Bill No. 7841** - A Bill to amend and re-enact Ordinance number 6658, passed by
2 Council April 17, 2000, which created a 30 minute parking area on the southerly side of
3 Washington Street West from a point 40 feet west of Tennessee Avenue to a point 82
4 feet west of Tennessee Avenue; 111 feet west of Tennessee Avenue, amending the
5 Ordinance to instead allow metered parking spaces; and amending the Traffic Control
6 Map and Traffic Control File, established by the code of the City of Charleston, West
7 Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2,
8 Article 4, Chapter 114, to conform therewith.

9

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

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12 Section 1. The 30 minute parking zone contained in Ordinance No. 6658 on the
13 southerly side of Washington Street West from a point 40 feet west of Tennessee
14 Avenue to a point 82 feet west of Tennessee Avenue; 111 feet west of Tennessee
15 Avenue is hereby amended and re-enacted to allow for metered parking. The Director
16 of Parking is hereby authorized to install parking meters consistent with the general
17 area, as needed, on the southerly side of Washington Street West from a point 40 feet
18 west of Tennessee Avenue to a point 40 feet east of Ohio Avenue.

19

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

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

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Bill No. 7842

Introduced in Council:

October 7, 2019

Adopted by Council:

Introduced by:

Mary Beth Hoover

Referred to:

Planning, Streets and Traffic

Bill No. 7842 - A Bill to repeal Ordinance number 2187, passed by Council April 3, 1978, which created a No Parking zone on the northerly side of Bigley Avenue from a point 90 feet east of Buchanan Street to a point 140 feet east of Buchanan Street, and thereby returning this area to metered parking spaces; and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. The No Parking zone established by Ordinance No. 2187 on the northerly side of Bigley Avenue from a point 90 feet east of Buchanan Street to a point 140 feet east of Buchanan Street is hereby repealed. The Director of Parking is hereby authorized to install parking meters consistent with the general area in this location.

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

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

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

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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 **Committee Substitute for 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, Chad Robinson, Pat Jones**

10 **And Naomi Bays**

Planning, Streets and Traffic

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13 **Committee Substitute for Bill No. 7849** - A Bill to establish a 15 MPH Speed Limit on
14 Venable Avenue from 35th Street SE; easterly to 37th Street SE; and on 37th Street SE
15 from Venable Avenue southerly to Washington Avenue SE; and amending the Traffic
16 Control Map and Traffic Control File, established by the code of the City of Charleston,
17 West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division
18 2, Article 4, Chapter 114, to conform therewith.

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

20 Section 1. 15 MPH Speed Limit on Venable Avenue from 35th Street SE; easterly to 37th
21 Street SE; and 15 MPH Speed Limit on 37th Street SE from Venable Avenue southerly
22 to Washington Avenue SE.

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

27 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
28 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, Chad Robinson, Pat Jones**

10 **And Naomi Bays**

Planning, Streets and Traffic

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

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

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

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

25 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
26 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, Chad Robinson, Pat Jones**

10 **And Naomi Bays**

Planning, Streets and Traffic

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

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

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

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

25
26 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
27 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, Chad Robinson, Pat Jones**

10 **And Naomi Bays**

Planning, Streets and Traffic

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

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

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

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

25 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
26 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.

36

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

39

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

42

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

45

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

48

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

51

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.

58

Resolution No. 255-19

Introduced in Council:

Adopted by Council:

November 4, 2019

Introduced by:

Referred to:

Joseph Jenkins

Finance

Resolution No. 255-19 - Authorizing the Mayor or City Manager to sign Change Order No. 1 with Garcie R. Marker & Sons, Inc., in the amount of \$100,000.00, to repair approximately 4,500 square feet of additional concrete pavement on Court Street. The work includes approximately 115 cubic yards of Class K Portland Cement Concrete Pavement at \$815 per cubic yard and approximately 95 tons of aggregate base at \$65 per ton. The additional costs will increase the contract price from \$619,225.00 to \$719,225.00.

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

That the Mayor or City Manager is hereby authorized to sign Change Order No. 1 with Garcie R. Marker & Sons, Inc., in the amount of \$100,000.00, to repair approximately 4,500 square feet of additional concrete pavement on Court Street. The work includes approximately 115 cubic yards of Class K Portland Cement Concrete Pavement at \$815 per cubic yard and approximately 95 tons of aggregate base at \$65 per ton. The additional costs will increase the contract price from \$619,225.00 to \$719,225.00.

Concrete Street Repair Project #E4-06/19-126U



CHANGE ORDER NO.1

Council Approval of Contract:

July 1, 2019

Contractor:

**Garcie R. Marker & Sons Inc.
1119 Jefferson Road
South Charleston, WV 25309**

Description:

This change order will allow Garcie R. Marker & Sons, Inc. to repair approximately 4,500 ft² of additional concrete pavement on Court Street. The work includes approximately 115 yd³ of Class K Portland Cement Concrete Pavement at \$815/yd³ and approximately 95 TON of aggregate base at \$65/TON. The total amount of this change order is \$100,000.

Original Contract Price:	\$619,225.00
Total of this Change Order:	\$100,000.00
Total of previously approved Change Orders	\$ 0.00
Contract Price with all Approved Change Orders	\$719,225.00

Approved by:

Accepted by:

City of Charleston

Garcie R. Marker & Sons Inc.

Date

Date

Resolution No. 256-19

Introduced in Council:

Adopted by Council:

November 4, 2019

Introduced by:

Referred to:

Joseph Jenkins

Finance

Resolution No. 256-19 Authorizing the Finance Director to establish Agency Fund 902, *Coliseum & Convention Center Ticket Fund*, a custodial account that accounts for revenues received from ticket sales for events held at the Coliseum & Convention.

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

That the Finance Director is hereby authorized to establish Agency Fund 902, *Coliseum & Convention Center Ticket Fund*, a custodial account that accounts for revenues received from ticket sales for events held at the Coliseum & Convention.

Resolution No. 257-19

Introduced in Council:

Adopted by Council:

November 4, 2019

Introduced by:

Referred to:

Joseph Jenkins

Finance

1 Resolution No. 257-19 - Authorizing the Finance Director to establish Agency Fund 903,
2 *Coliseum & Convention Promotions Fund*, a custodial account that accounts for revenues
3 received from customers for Coliseum & Convention Center sponsored and run events, and are
4 subsequently dispersed and deposited to the *Coliseum & Convention Center Revenue Fund*
5 after the events are over.

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

7

8 That the Finance Director is hereby authorized to establish Agency Fund 903, Coliseum &
9 Convention Promotions Fund, a custodial account that accounts for revenues received from
10 customers for Coliseum & Convention Center sponsored and run events, and are subsequently
11 dispersed and deposited to the Coliseum & Convention Center Revenue Fund after the events
12 are over.

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Resolution No. 259-19

Introduced in Council

Passed by Council

November 4, 2019

Introduced by
Joseph Jenkins

Referred from
Finance Committee

1 Resolution No. 259-19 - Approval of FY 2020 Budget Amendment No. 4 – Creation of the
2 Office of Constituent Services.

3

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

5

6 That Amendment No. 4 in the FY 2020, Creation of the Office of Constituent Services, is
7 approved.

General Fund FY 2019-2020 Budget Amendment No. 4 - November 4, 2019

Account No.	Department	Account Description	Amount
001 409 00 000 5 568	Mayor's Office	Other Contributions	(80,000)
001 442 01 000 1 103	Constituent Services	Wages & Salaries	51,500
001 442 01 000 1 104	Constituent Services	FICA	3,940
001 442 01 000 1 105	Constituent Services	Medical & Life Insurance	18,180
001 442 01 001 1 106	Constituent Services	Retirement - PERS	5,150
001 442 01 000 1 111	Constituent Services	Dental & Vision	621
001 442 01 000 1 112	Constituent Services	Insurance - Payroll Deduction	(2,683)
001 442 01 000 2 219	Constituent Services	Building & Equipment Rents	1,000
001 442 01 001 2 221	Constituent Services	Training	500
001 442 01 000 2 226	Constituent Services	Insurance - WC & UC	1,292
001 442 01 000 3 341	Constituent Services	Material & Supplies	500

To establish a separate budget unit for the Constituent Services Office, including 2 positions (pay grade 109).

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.

Chapter 2. – ADMINISTRATION.

ARTICLE VI. – FINANCE.

DIVISION 4. – CONTRACTS AND PURCHASES.

Subdivision I. – In General.

Sec. 2- 459 – Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) “Services” means the furnishing of labor, time, expertise or effort, not involving the delivery of a specific end commodity or product other than one that may 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)~~ (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)~~ (6) The right of the city council or the city manager to reject any and all bids;
- ~~(7)~~ (7) That debarred vendors may not submit bids or be awarded contracts;
- ~~(8)~~ (8) That bidders have a right to file a bid protest; and
- ~~(9)~~ (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

Committee Substitute for Bill No. 7847

Introduced in Council:

October 21, 2019

Introduced by:

Joseph Jenkins

Adopted by Council:

Referred to:

Finance

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

Chapter 2. – ADMINISTRATION.

ARTICLE VI. – FINANCE.

DIVISION 4. – CONTRACTS AND PURCHASES.

Subdivision I. – In General.

Sec. 2- 459 – Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) “Services” means the furnishing of labor, time, expertise or effort, not involving the delivery of a specific end commodity or product other than one that may 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, the procurement procedures for construction contracts governed by West Virginia Code §5-22-1 et seq., 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.

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

359
360 Notwithstanding any provision of this code to the contrary, the city manager may
361 purchase commodities or services without advertising a city solicitation and receiving
362 bids when a responsible vendor has been awarded a contract with a federal or State of
363 West Virginia governmental entity through a competitive selection process. Provided;
364 that for purchases of commodities or services exceeding \$25,000 in value, the
365 purchase must be approved by council.

366
367 **Sec. 2-485 – Impossible to Bid List.**

368
369 Notwithstanding any provision of this code to the contrary, the city adopts the
370 West Virginia Purchasing Division's list of commodities and services that are not
371 possible to submit for competitive bid, as identified in the agency's Procedures
372 Handbook, which may be amended from time to time. The city manager may contract
373 directly with a responsible vendor who supplies commodities or services identified on
374 the Impossible to Bid List. Council approval is required when the contract will exceed
375 \$25,000. Provided; that the city attorney, with the consent of the city manager, may
376 contract directly with an attorney, law firm, expert witness, or legal consultant
377 considered necessary and suitable in pursuing and defending the city's interests without
378 first seeking council approval.

379
380 **Sec. 2-486 – Direct Purchases.**

381
382 Notwithstanding any provision of this code to the contrary, the council may
383 approve by resolution to forego these bidding requirements and contract directly with a
384 responsible vendor when, in the council's sound judgment, it is in the city's best interest
385 to procure certain commodities or services directly from the identified responsible
386 vendor: Provided, That this section does not apply to the procurement of construction
387 contracts, which are governed by W. Va. Code § 5-22-1, or contracts for architectural or
388 engineering services, which are governed by W. Va. Code § 5G-1-1 et seq. and Section
389 3-15 of this code. Provided further; that this section does not apply when federal
390 statutes or regulations require the city to follow a competitive selection process to apply
391 for or administer federal grants or aid.

392
393 **Sec. 2-487 – Grounds for Debarment.**

394
395 (a) Grounds for debarment are:

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

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

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

403 (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

450 of Kanawha County, West Virginia, within 30 calendar days of receiving the decision,
451 and the appeal will be governed by the procedure established in W. Va. Code § 29A-5-
452 4.
453

CITY OF CHARLESTON
Payroll Variance Analysis
October 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%	88,923	88,923	0	0.00%	289,000	200,077
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Budget	3									
		Actual	3									
		Total	22,231	22,231	0	0.00%	88,923	88,923	0	0.00%	289,000	200,077
Mayor - CARE Office	409-02	Regular	8,231	-	8,231	100.00%	8,231	-	8,231	100.00%	107,000	107,000
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Budget	2									
		Actual	-									
		Total	8,231	-	8,231	100.00%	8,231	-	8,231	100.00%	107,000	107,000
City Council	410	Regular	13,000	11,750	1,250	9.62%	52,000	40,000	12,000	23.08%	169,000	129,000
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Budget	26									
		Actual	26									
		Total	13,000	11,750	1,250	9.62%	52,000	40,000	12,000	23.08%	169,000	129,000
City Manager - Admin.	412-00	Regular	38,576	38,802	(225)	-0.58%	154,306	154,812	(506)	-0.33%	501,494	346,682
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Budget	7									
		Actual	7									
		Total	38,576	38,802	(225)	-0.58%	154,306	154,812	(506)	-0.33%	501,494	346,682
City Treasurer	413	Regular	9,478	9,478	(0)	0.00%	37,911	37,911	(0)	0.00%	123,211	85,300
		IPT	692	715	(23)	-3.28%	2,769	1,415	1,354	48.90%	9,000	7,585
		OT	-	-	-		-	-	-		-	-
		Budget	3									
		Actual	3									
		Total	10,170	10,193	(23)	-0.22%	40,680	39,326	1,354	3.33%	132,211	92,885
City Collector	414	Regular	51,803	38,593	13,210	25.50%	207,214	185,907	21,307	10.28%	673,445	487,538
		IPT	-	-	-		-	-	-		-	-
		OT	-	6	(6)		-	25	(25)		-	(25)
		Budget	15									
		Actual	12									
		Total	51,803	38,599	13,205	25.49%	207,214	185,932	21,282	10.27%	673,445	487,513
City Clerk	415	Regular	9,540	9,540	(0)	0.00%	38,158	38,158	(0)	0.00%	124,014	85,856
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Budget	3									
		Actual	3									
		Total	9,540	9,540	(0)	0.00%	38,158	38,158	(0)	0.00%	124,014	85,856
Municipal Court	416	Regular	22,326	21,523	803	3.60%	89,302	82,712	6,590	7.38%	290,232	207,520
		IPT	1,385	-	1,385	100.00%	5,538	4,759	779	14.07%	18,000	13,241
		OT	1,723	1,008	715	41.48%	6,892	5,820	1,073	15.56%	22,400	16,580
		Budget	8									
		Actual	8									
		Total	25,433	22,531	2,902	11.41%	101,733	93,290	8,443	8.30%	330,632	237,342

CITY OF CHARLESTON
Payroll Variance Analysis
October 2019

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
City Attorney	417	Regular	28,191	28,000	191	0.68%	112,765	112,000	765	0.68%	366,485	254,485
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	28,191	28,000	191	0.68%	112,765	112,000	765	0.68%	366,485	254,485
Accounting	418	Regular	22,089	22,089	0	0.00%	88,356	88,356	0	0.00%	287,157	198,801
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	22,089	22,089	0	0.00%	88,356	88,356	0	0.00%	287,157	198,801
Engineering - General	420-00	Regular	35,449	35,449	0	0.00%	141,797	141,797	0	0.00%	460,841	319,044
		IPT	269	-	269	100.00%	1,077	-	1,077	100.00%	3,500	3,500
		OT	-	-	-		-	-	-		-	-
		Total	35,719	35,449	269	0.75%	142,874	141,797	1,077	0.75%	464,341	322,544
Engineering - Stormwater	420-01	Regular	16,690	16,690	0	0.00%	66,762	66,762	0	0.00%	216,976	150,214
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	16,690	16,690	0	0.00%	66,762	66,762	0	0.00%	216,976	150,214
MOECD	421	Regular	30,329	30,156	172	0.57%	121,314	120,970	344	0.28%	394,272	273,302
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	30,329	30,156	172	0.57%	121,314	120,970	344	0.28%	394,272	273,302
Human Resources	422	Regular	31,580	30,830	750	2.37%	126,319	123,320	3,000	2.37%	410,538	287,218
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	31,580	30,830	750	2.37%	126,319	123,320	3,000	2.37%	410,538	287,218
Mail Room	431	Regular	2,472	2,472	-	0.00%	9,888	9,888	(0)	0.00%	32,136	22,248
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	2,472	2,472	-	0.00%	9,888	9,888	(0)	0.00%	32,136	22,248
Building Commission	436	Regular	47,927	47,832	95	0.20%	191,708	190,855	853	0.44%	623,050	432,195
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	47,927	47,832	95	0.20%	191,708	190,855	853	0.44%	623,050	432,195

CITY OF CHARLESTON
Payroll Variance Analysis
October 2019

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Planning	437	Regular	30,353	29,471	882	2.91%	121,411	117,884	3,528	2.91%	394,587	276,703
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	30,353	29,471	882	2.91%	121,411	117,884	3,528	2.91%	394,587	276,703
		Budget	7									
		Actual	7									
Information Systems	439	Regular	42,802	43,055	(253)	-0.59%	171,206	174,084	(2,878)	-1.68%	556,420	382,336
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	42,802	43,055	(253)	-0.59%	171,206	174,084	(2,878)	-1.68%	556,420	382,336
		Budget	10									
		Actual	10									
General Services	440	Regular	29,273	30,779	(1,506)	-5.14%	117,092	128,592	(11,500)	-9.82%	380,550	251,958
		IPT	3,462	220	3,242	93.64%	13,846	570	13,276	95.88%	45,000	44,430
		OT	4,800	8,271	(3,471)	-72.32%	19,200	19,178	22	0.12%	62,400	43,222
		Total	37,535	39,270	(1,736)	-4.62%	150,138	148,340	1,799	1.20%	487,950	339,610
		Budget	11									
		Actual	11									
Strategy Management	442	Regular	13,455	11,312	2,142	15.92%	53,818	38,821	14,997	27.87%	174,910	136,089
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	13,455	11,312	2,142	15.92%	53,818	38,821	14,997	27.87%	174,910	136,089
		Budget	3									
		Actual	3									
Morris Square Property	500	Regular	1,832	1,849	(17)	-0.94%	7,327	11,366	(4,039)	-55.12%	23,814	12,448
		IPT	-	-	-		-	-	-		-	-
		OT	738	159	580	78.49%	2,954	760	2,194	74.27%	9,600	8,840
		Total	2,570	2,008	562	21.88%	10,281	12,126	(1,845)	-17.95%	33,414	21,288
		Budget	1									
		Actual	1									
Public Works	566	Regular	8,000	8,000	-	0.00%	32,000	32,000	-	0.00%	104,000	72,000
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	8,000	8,000	-	0.00%	32,000	32,000	-	0.00%	104,000	72,000
		Budget	1									
		Actual	1									
Public Grounds - Adm.	567-00	Regular	66,175	62,962	3,213	4.86%	264,701	252,531	12,169	4.60%	860,277	607,746
		IPT	-	-	-		-	-	-		-	-
		OT	1,846	22	1,824	98.79%	7,385	3,848	3,537	47.89%	24,000	20,152
		Total	68,021	62,985	5,037	7.40%	272,085	256,379	15,706	5.77%	884,277	627,898
		Budget	27									
		Actual	25									
Public Grounds - C/T	567-01	Regular	4,728	4,728	-	0.00%	18,912	18,790	122	0.65%	61,464	42,674
		IPT	-	-	-		-	-	-		-	-
		OT	308	-	308	100.00%	1,231	-	1,231	-100.00%	4,000	4,000
		Total	5,036	4,728	308	6.11%	20,143	18,790	1,353	6.72%	65,464	46,674
		Budget	2									
		Actual	2									

CITY OF CHARLESTON
Payroll Variance Analysis
October 2019

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Police - Uniform700-00		Regular	616,414	589,982	26,431	4.29%	2,465,654	2,331,614	134,040	5.44%	8,086,136	5,754,522
Budget173 Actual161		OT	133,034	145,166	(12,132)	-9.12%	510,549	630,973	(120,423)	-23.59%	1,763,138	1,132,165
		Reimb.	(1,923)	(3,200)	1,277	66.40%	(7,692)	(8,976)	1,284	16.69%	(25,000)	(16,024)
		Total	747,524	731,948	15,576	2.08%	2,968,511	2,953,611	14,900	0.50%	9,824,274	6,870,663
Police - Civilian700-01		Regular	64,178	60,874	3,305	5.15%	256,714	240,969	15,745	6.13%	834,320	593,351
Budget24 Actual24		IPT	3,846	2,480	1,366	35.52%	15,385	5,270	10,115	65.75%	50,000	44,730
		OT	6,892	5,000	1,892	27.45%	27,569	20,933	6,636	24.07%	89,600	68,667
		Total	74,917	68,354	6,563	8.76%	299,668	267,172	32,496	10.84%	973,920	706,748
Fire - Uniform706-00		Regular	639,928	597,991	41,936	6.55%	2,526,043	2,499,875	26,168	1.04%	8,319,058	5,819,183
Budget169 Actual161		OT	75,324	50,690	24,635	32.70%	301,298	248,542	52,756	17.51%	1,014,784	766,242
		Reimb.	(923)	(1,208)	285	30.87%	(3,692)	(2,114)	(1,578)	-42.75%	(12,000)	(9,886)
		Total	714,329	647,473	66,856	9.36%	2,823,648	2,746,303	77,345	2.74%	9,321,842	6,575,539
Fire - Civilian706-01		Regular	6,566	6,566	0	0.00%	26,263	26,263	0	0.00%	85,356	59,093
Budget2 Actual2		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	6,566	6,566	0	0.00%	26,263	26,263	0	0.00%	85,356	59,093
Traffic712		Regular	32,881	34,212	(1,330)	-4.05%	131,526	132,357	(831)	-0.63%	427,459	295,102
Budget11 Actual11		IPT	-	-	-		-	-	-		-	-
		OT	862	665	197	22.87%	3,446	5,363	(1,917)	-55.63%	11,200	5,837
		Total	33,743	34,876	(1,133)	-3.36%	134,972	137,721	(2,749)	-2.04%	438,659	300,938
Emergency Services716		Regular	11,023	4,000	7,023	63.71%	44,093	16,000	28,093	63.71%	143,301	127,301
Budget2 Actual1		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	11,023	4,000	7,023	63.71%	44,093	16,000	28,093	63.71%	143,301	127,301
Street750		Regular	178,908	170,466	8,442	4.72%	715,634	696,037	19,596	2.74%	2,325,810	1,629,773
Budget73 Actual71		IPT	-	-	-		-	-	-		-	-
		OT	12,923	19,012	(6,089)	-47.12%	51,692	73,385	(21,693)	-41.97%	240,000	166,615
		Total	191,832	189,478	2,353	1.23%	767,326	769,423	(2,097)	-0.27%	2,565,810	1,796,387
Equipment Maintenance754		Regular	61,330	52,971	8,360	13.63%	245,321	241,335	3,986	1.62%	797,293	555,958
Budget21 Actual18		IPT	-	-	-		-	-	-		-	-
		OT	4,000	3,360	640	16.00%	16,000	9,319	6,681	41.76%	52,000	42,681
		Total	65,330	56,331	8,999	13.78%	261,321	250,654	10,667	4.08%	849,293	598,639

CITY OF CHARLESTON
Payroll Variance Analysis
October 2019

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Refuse & Recycling	800	Regular	151,693	134,210	17,483	11.53%	606,770	548,513	58,257	9.60%	1,972,004	1,423,491
		IPT	-	-	-		-	513	(513)		-	(513)
		OT	17,231	10,386	6,845	39.72%	68,923	57,111	11,812	17.14%	224,000	166,889
		Total	168,923	144,596	24,327	14.40%	675,694	606,138	69,556	10.29%	2,196,004	1,589,866
Parks & Recreation	900	Regular	89,524	80,677	8,846	9.88%	358,095	325,775	32,320	9.03%	1,163,808	838,033
		IPT	11,200	15,448	(4,248)	-37.93%	151,200	165,831	(14,631)	-9.68%	280,000	114,169
		OT	3,938	6,007	(2,069)	-52.53%	15,754	27,569	(11,815)	-75.00%	51,200	23,631
		Total	104,662	102,133	2,529	2.42%	525,049	519,176	5,873	1.12%	1,495,008	975,832
Public Arts	906	Regular	3,846	3,846	(0)	0.00%	15,385	15,385	(0)	0.00%	50,000	34,615
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	3,846	3,846	(0)	0.00%	15,385	15,385	(0)	0.00%	50,000	34,615
Municipal Auditorium	910	Regular	7,438	7,432	7	0.09%	29,752	29,749	3	0.01%	96,695	66,946
		IPT	-	-	-		-	-	-		-	-
		OT	308	146	162	52.63%	1,231	1,013	218	17.72%	4,000	2,987
		Total	7,746	7,577	168	2.18%	30,983	30,762	221	0.71%	100,695	69,933
Spring Hill Cemetery	952	Regular	24,897	22,255	2,642	10.61%	99,590	81,370	18,219	18.29%	323,666	242,296
		IPT	5,813	3,920	1,893	32.57%	32,938	31,873	1,065	3.23%	62,000	30,127
		OT	738	318	421	57.00%	2,954	1,887	1,067	36.12%	9,600	7,713
		Total	31,448	26,492	4,956	15.76%	135,481	115,130	20,351	15.02%	395,266	280,136
General Fund		Regular	2,475,155	2,323,073	152,082	6.14%	9,842,261	9,441,682	400,580	4.07%	32,249,779	22,808,097
		IPT	26,666	22,783	3,884	14.56%	222,753	210,231	12,522	5.62%	467,500	257,269
		OT	264,666	250,215	14,451	5.46%	1,037,078	1,105,725	(68,648)	-6.62%	3,581,922	2,476,197
		Reimb.	(2,846)	(4,408)	1,562	54.88%	(11,385)	(11,090)	(295)	-2.59%	(37,000)	(25,910)
		Total	2,763,642	2,591,663	171,978	6.22%	11,090,707	10,746,548	344,159	3.10%	36,262,201	25,515,653

CITY OF CHARLESTON
Payroll Variance Analysis
October 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	84,825	6,808	7.43%		366,531	357,821	8,710	2.38%	1,191,226	833,405
Budget 29 Actual 26		OT	IPT	26,538	11,624	14,914	56.20%		106,154	42,400	63,754	60.06%	345,000	302,600
				4,000	3,962	38	0.96%		16,000	10,355	5,645	35.28%	52,000	41,645
			Total	122,171	100,411	21,760	17.81%		488,685	410,577	78,108	15.98%	1,588,226	1,177,649
Parking System		406	Regular	45,736	45,352	383	0.84%		182,942	178,473	4,469	2.44%	594,563	416,090
Budget 18 Actual 18		OT	IPT	3,923	3,502	421	10.74%		15,692	11,734	3,958	25.22%	51,000	39,266
				1,231	761	469	38.13%		4,923	3,493	1,430	29.05%	16,000	12,507
			Total	50,889	49,616	1,274	2.50%		203,558	193,701	9,857	4.84%	661,563	467,862
Total		Regular	2,612,524	2,453,251	159,273	6.10%		10,391,735	9,977,977	413,758	3.98%	34,035,568	24,057,591	
		IPT	57,128	37,909	19,219	33.64%		344,599	264,366	80,233	23.28%	863,500	599,134	
		OT	269,897	254,938	14,958	5.54%		1,058,001	1,119,574	(61,573)	-5.82%	3,649,922	2,530,348	
		Reimb.	(2,846)	(4,408)	1,562	-54.88%		(11,385)	(11,090)	(295)	2.59%	(37,000)	(25,910)	
		Total	2,936,702	2,741,690	195,013	6.64%		11,782,950	11,350,826	432,124	3.67%	38,511,990	27,161,164	

Vacancy Report:

Collector	3
Public Works (all)	14
Police - Uniform	12
Fire - Uniform	8
Emergency Services	1
Parks & Recreation	1
Cemetery	1
Total General Fund	40
CCCC	3
Total All	43

As of October 31, 2019

1 **Bill No. 7855**

2 Passed by Council:

3 Introduced in Council

4 **November 4, 2019**

5 Referred to

6 Introduced by:

7 **Pat Jones**

Planning, Streets and Traffic

8
9
10 **Bill No. 7855** - A Bill to establish a 15 MPH speed limit on Woodhaven Drive from
11 Woodward Drive to end of Woodhaven Drive and amending the Traffic Control Map and
12 Traffic Control File, established by the code of the City of Charleston, West Virginia, two
13 thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4,
14 Chapter 114, to conform therewith.

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

16 Section 1. Establish a 15 MPH speed limit on Woodhaven Drive from Woodward
17 Drive to end of Woodhaven Drive.

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, including but not limited to Ordinance 936, which are
24 inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Bill No. 7846

Introduced in Council

Passed by Council

November 4, 2019

Introduced by:

Referred to:

Adam Knauff

**Planning, Streets & Traffic
Committee
Municipal Planning
Commission**

Bill No. 7846 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by allowing "Automotive Body and Paint Shop" as a permitted use in the C-8 Village Commercial District.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA

The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended as follows:

1) In Article 3 Establishment of Zoning Districts and Map

Section 3-050 Permitted Land Uses

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CB-D	UC-D	CV-D	PM-C	I-2	I-4	PU-D	SU-PP.
Automotive Body and Paint Shop							P	P	P						P	P		14

2) All prior ordinances or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.