JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, March 16, 2020

at 7:00 P.M.

* – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Amy Shuler Goodwin	**Miles C. Cary II**
Mayor	**City Clerk**

*CALL TO ORDER**

The Council met at 7:00 P.M., for the first meeting in the month of March on the 2nd day, in the year 2020, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Knauff and the Pledge of Allegiance was led by the Honorable Clerk, Miles C. Cary II. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

ADAMS	**BAILEY**	**BAYS**
BURTON	**CAMPBELL**	**CEPERLEY**
COOK	**FAEGRE**	**HAAS**
HOOVER	**JENKINS**	**JONES**
KING	**KNAUFF**	**LAIRD**
MCKINNEY	**MINARDI**	**OVERSTREET**
PERSINGER	**PHARR**	**REISHMAN**
ROBINSON*	**SHEETS**	**SNODGRASS**
STEELE	**WESLEY-PLEAR**	**MAYOR GOODWIN**

With twenty-seven members being present, the Mayor declared a quorum present.

Pending the reading of the Journal of the previous meeting, the reading thereof was dispensed with and the same duly approved.

*In response to the COVID-19 pandemic, the meeting of Council was conducted electronically. The City Clerk, Mayor Goodwin and Councilmember Jenkins were physically present, while the remaining members of Council attended via conference call. The meeting was made available to the public as a live stream via CivicClerk (per the agenda) and the City of Charleston's Facebook page.

PUBLIC SPEAKERS

NONE.

CLAIMS

1. A claim of Briana Martin, Charleston, WV;
   alleges damage to vehicle.
   Refer to City Solicitor.

2. A claim of Carla Parkman, Charleston, WV;
   alleges loss of property.
   Refer to City Solicitor.

3. A claim of Gary L. Pickens, South Charleston, WV;
   alleges damage to vehicle.
   Refer to City Solicitor.

4. A claim of Robert Williams, Jr., Charleston, WV;
   alleges personal injury.
   Refer to City Solicitor.

5. A claim of Christopher Workman, Charleston, WV;
   alleges damage to vehicle.
   Refer to City Solicitor.

COMMUNICATIONS

NONE

PROCLAMATIONS

NONE

MISCELLANEOUS RESOLUTIONS

1. Resolution No. 316-20 - Amending Rule No. 1 of the Rules of Council relating to the location of City Council meetings in extraordinary circumstances.

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

That Rule No. 1 of the Rules of Council be amended to read as follows:

Rule No. 1. - Time and place of meetings.

(a) The city council shall meet in regular public session at the council chamber in the city building at 7:00 p.m. on the first and third Mondays of each month.

(b) If the city council shall determine that the council chamber in the city building is not or will not, for any reason, be an appropriate place for the holding of a meeting, the council may, upon motion, designate another place open to the public within the city for the holding of such meeting.

(c) Notwithstanding the provisions of subsection (b) of this rule, the presiding officer may make an emergency declaration that a natural or man-made disaster has actually occurred or is imminent or that an emergency exists or may be imminent due to a large-scale threat beyond local control, which requires the meeting of council to be held electronically, rather than in-person. An electronic meeting may be held over media such as audio, video, or computer-based communications when the presiding officer makes such an emergency declaration. If the presiding officer exercises the authority under this subsection to require an electronic meeting, the meeting shall be held in a manner that ensures city council members are able to participate and the public is able to observe the meeting consistent with the West Virginia Open Governmental Proceedings Act, West Virginia Code §6-9A-1, *et seq*.

Councilmember Ceperley requested immediate consideration of the resolution. There were no objections.

Councilmember Ceperley added that there is a need to find a way, in this day and time, to be able to move the government forward, to continue to provide the services that they were elected to provide and to be able to do it electronically. The COVID-19 pandemic has made Council face that issue. Despite the current crisis, the provisions to be able to conduct business electronically in an emergency needs to be in place. She stated that she was glad the Administration was willing and able to provide that opportunity for current Council and future Council to be able to serve citizens in a time of crisis. Councilmember Ceperley stressed that the proposed resolution is not an opportunity for Council to attend the meeting remotely during normal circumstances. It will apply only for declared emergencies.

Councilmember Wesley-Plear expressed concern that provisions be made for public comments for electronic meetings.

Councilmember Jenkins moved to approve the Resolution. The motion was seconded. With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 316-20 adopted.

REPORTS OF COMMITTEES

COMMITTEE ON PLANNING, STREETS AND TRAFFIC

Councilmember Hoover, Chair of the Council Committee on Planning, Streets and Traffic, submitted the following reports:

1. Your committee on Planning, Streets and Traffic has had under consideration the following committee report, and reports the same to Council with the recommendation that the street naming do pass.

The Committee on Planning, Streets and Traffic has had under consideration a request to name the alley running between and parallel to Bigley Avenue and Indiana Avenue between West Washington Street and Buchanan Street as Charly Jupiter Way.
The Committee finds the naming complies with the E911 addressing rules.

Councilmember Hoover added that the alley on the West Side between Bigley Avenue and Indiana Avenue sits in front of the Charly Jupiter Hamilton Wonder Mural. Currently, the alley does not have a name or any addresses attached to it that would impact businesses. There are not a lot of places that one can go in Charleston and not enjoy Charly's work: Lola's Pizza in South Hills, Bluegrass Kitchen on the East End, Taylor's Books and Annex Galley Downtown, Gallery 64 under the interstate and the Wonder Mural on the West Side. Charly Jupiter Hamilton was born in 1948 in Princeton, New Jersey. As Charly will to you, his life as an artist started when he received glasses at the age of 10 and realized what he had been missing. After his Navel service during Vietnam, he used the GI Bill to attend UNC Chapel Hill to study poetry. In order to capture the images in his mind, he took some fine art and literature classes in subjects that interested him. His work has been on exhibit throughout the United States. He is best known for his energetic, highly expressive acrylic canvases, hand-built sculptures packed with colorful marble, thoughtful wood block prints and his carved and painted wall relief. His works has been described as a cross between the psychedelic art of the 1960s and the work of indigenous tribal art, such as the aboriginal people of Australia. Whether it has been fans such as Nicholas Cage, the celebrity attorney Alan Dershowitz or the folks of Mountain Stage, it is impossible to keep your mind and eyes off of Hamilton's work. Charly Jupiter Hamilton impact on the West Virginia arts community is immeasurable. Fellow artists always have an open invitation to his studio, and he wouldn't hesitate to show his technique and offer words of mentorship. West Virginia is forever changed by Charly finding his way to our mountains and sharing his time and talent.

Councilmember Hoover moved to approve the naming. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared the naming of Charly Jupiter Way.

CITY OF CHARLESTON
WEST VIRGINIA

PLANNING DEPARTMENT
915 Quarrier St. Suite 1
Charleston, WV 25301
(304) 348-8105
(304) 348-8042 - fax

APPLICATION FOR A NEW STREET NAME

Community ________________ File Number________________

Please choose one person as the spokesperson for your road / street. That person shall be responsible for collecting the required signatures and contact information for each resident on your street. This spokesperson shall be the contact person between the City of Charleston addressing coordinator and the residents of the street. He/she must also complete the Petition Contact Person section of the "Petition to Name a Street."

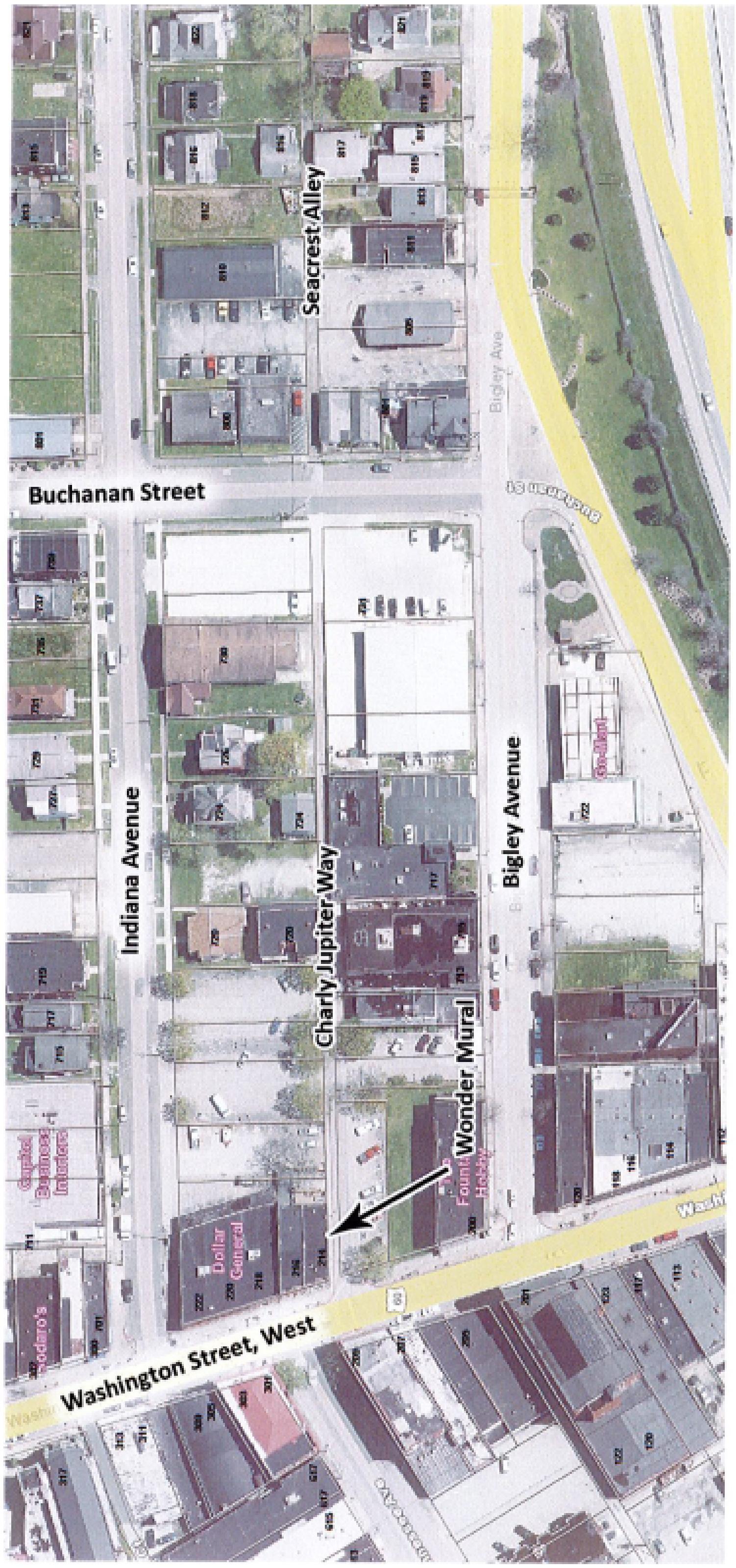
The proposed street name shall be agreed upon by the majority of all affected residents of the street/road. All residents must sign the "Petition to Name a Street" before submitting this Application for New Street Name.

REQUEST TYPE (check all that apply)	Application Date: ____________________
[ ] New Street Name	[ ] Public Street
[ ] Private Street	[X] Public Alley
[ ] Private Alley	[ ] Other: ____________________

YOUR STREET NAME RECOMMENDATION

1. Charly Jupiter Way
2. ____________________
3. ____________________
4. ____________________

The City of Charleston reserves the right to deny any road names that do not meet the adopted State standards.


Buchanan Street
Seacrest Alley
Bigley Ave
Buchanan St
Indiana Avenue
Charly Jupiter Way
Bigley Avenue
Wonder Mural
Dollar General
Washington Street, West

COMMITTEE ON FINANCE

Councilmember Jenkins, Chair of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 308-20 do pass.

Resolution No. 308-20 - Approving the Official Municipal Budget Document for the Fiscal Year 2020-2021, as proposed and revised, inclusive of the Municipal Levy Rates Estimate for Current Expenses and Excess Levy purposes.

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

That the Official Municipal Budget Document for the Fiscal Year 2020-2021, as proposed and revised, inclusive of the Municipal Levy Rates Estimate, is hereby approved.

Councilmember Jenkins added that the budget for the Fiscal Year 2020-2021 will begin on July 1, 2020. The Administration had presented the budget to the Finance Committee two weeks ago. Additionally, on March 9, 2020, the Finance Committee had a robust discussion concerning the budget where a lot of questions were asked, and answers given. A good discussion has been had regarding the proposed budget. As previously mentioned, eleven (11) positions are to be eliminated, with four (4) being filled. Some of those employees have been offered positions elsewhere in the City. The other major change is to go from a self-insured health insurance plan for City employees to PEIA's small government plan, which is not part of the State agency plan, but for local governments, cities, counties, etc. There are several municipalities, counties and non-profit organizations that are already on that plan. A few additional minor changes: the City's contribution to the Charleston-Kanawha Humane Society has been increased, the demolition of abandoned homes will continue and the focus on paving will continue. The Finance Committee believes the budget is well organized and well balanced.

Councilmember Snodgrass expressed reservations concerning the budget. The first is the change in the self-insured health plan being changed to the small government PEIA plan., mainly due to the process. She wished that a year had been spent on the changeover so that the City could have gotten several outside proposals instead of just one, being the one that the City is moving to. The second being what will happen in the future. It is great that the City will continue to keep the Clinic and retiree healthcare plan as is, although she wished there was a guarantee for both of those items going forward.

Councilmember Knauff proposed to amend Resolution No. 308-20 by

page 47, under "412–00 City Manager FY 2021 Proposed" by reinstating "Projects Administrator"…….in the amount of E124 as per the Salary Table, and reconciling the line accordingly

page 63, under "420–01 Stormwater FY 2021 Proposed" by reinstating "MS4 Environmental Ed. Spec."….in the amount of N-COMP/114 as per the Salary Table, and reconciling the line accordingly

page 119, under "712–01 Traffic Engineering FY 2021 Proposed" by reinstating "Mobility Planner"…..in the amount of E/121 as per the Salary Table, and reconciling the line accordingly

page 121, under "716–00 Homeland Security – Emergency Management" by reinstating "Administrative Assistant II"….in the amount of N-COMP/114 as per the Salary Table", and reconciling the line accordingly

And,
On page 36, Capital Outlay – Equipment Schedule, Street Department line 11, "Gradeall", by reducing FY 2022 Estimated expenditure by the amounts in the reinstatements above and reconciling the lines accordingly

Councilmember Knauff added that there are four (4) occupied positions that the City would be losing. The proposed amendment is to fund those positions. In order to balance the budget, the purchase of a Gradeall should either be removed or delayed. Councilmember Knauff stressed that one of the positions is the City's only environmental advocacy position. Another position would reduce the City's Homeland Security and Emergency Management to a staff of one, so that office would be operated by one person in a state of crisis and emergency.

Councilmember Robinson confirmed with Councilmember Knauff that the amendment would add four of the eleven positions proposed to be cut. Councilmember Robinson asked if the employees in those four positions have been replaced elsewhere in the City, as was his assumption. City Manager, Jonathan Storage, answered that some of the four affected have been offered or have been considering positions within the City. He could not say that all of them had been offered suitable placements within the City, because the Administration is evaluating skill sets and expertise with the current available positions. The Administration has committed its full assistance and commitment in locating suitable placement, if not within City, then elsewhere. Those discussions continue to happen. He reminded Council that twenty-one positions were reduced during last year's budget, and where able to help other find suitable employment.

Councilmember Cook asked for a more detailed explanation on why the decision to eliminate the positions was made, and how the affected could be absorbed. Storage stated that when the City was reviewing various expenditures for the upcoming budget, they had to seriously review every line item and personnel services lines. The vast majority of the City's budget is taken up with personnel services; this is not necessarily a negative as staff is needed to help provide the essential services that citizens expect. When certain positions were reviewed, they had to preform a check as to whether those positions were absolutely essential to the operation of the City government, or whether the function of the positions could be absorbed by other pre-existing positions. The Administration determined that those proposed positions could be eliminated. The Projects Administrator within the City Manager's Office was not needed, and had essentially been repurposed for other things. The Stormwater Educational Specialist was not recommended for elimination lightly. Storage added that the Administration met with every Department Head that was to be affected by the eliminations, and every Department Head acknowledged and agreed that the proposed reductions were justified. As it relates to Stormwater, the educational component of the MS4 Stormwater Process is not going to be eliminated, but will be absorbed by the two other remaining experts in the field who will still be within the Engineering Department Stormwater section. The Administration is discussing with the employee currently occupying that position transition options. Additionally, the Administration believes that the expertise of the Mobility Planners is already within the Traffic Engineering Division and Transportation and Traffic units. Also, support staff within the Mayor's Office have been working on ADA compatibility over the last year.

Storage added that there is a balance issue with the proposed amendment in that the Gradeall purchase is estimated for FY 2022, not the FY 20221 budget; that is why it is an estimated number. If approved, the amended budget would be balanced off of a future cost. In summary, the Gradeall purchase is not part of the FY 2021 budget, so it cannot be balanced; anything listed as FY 2022 or FY 2023 is not part of the proposed budget, it is for planning purposes and to let Council know what is expected in replacement cycles. Additionally, the $385,000 estimated figure will be financed. The City Council and Administration will not be paying cash or a lump sum for that purchase, so that actual money that the City will be paying over time will be a reduced financed amount that will take several years to pay off. Councilmember Knauff asked if the City Manager was the final arbiter. Storage responded that the only way the proposed amendment would be relevant to the current fiscal year proposal is if the Gradeall was under the FY 2021 Capital Outlay Expense, and it would have to have been for a cash purchases as opposed to a financed expense. The budget cannot be balanced on a future purpose with financed arrangements anticipated.

Councilmember Persinger stated that, during his time on Council, the group often voted to approve purchases for equipment (garbage trucks, back hoes, police cars etc.). Councilmember Persinger said he had always been under the impression that they were cash purchases, and asked if financed purchases is what the City had been typically doing for those purchases or if the

Gradeall purchase would be unique in that way. Storage replied that it would not be a unique purchase as those types of large equipment purchases are financed arrangements. Smaller equipment purchases (trailers, chipper bodies, etc.) are often purchased with cash.

Councilmember Overstreet requested that the employees to be cut be kept on a short list for future vacancies. Mayor Goodwin agreed, and added that the Administration had been very aggressive in finding placement and having an open dialogue with those employees.

Councilmember Reishman stated that there is nothing in the budget that cannot be changed at a later time. This is a huge budget, and the Administration has put in a lot of time and effort into it.

Councilmember Minardi confirmed that $385,000 is the impact of Councilmember Knauff's proposed amendment. Storage added that is the figure more or less.

Councilmember Snodgrass said that if the amendment passes, then the budget will be off by that amount, and asked if that would be a problem on a budget this large. Storage said that if that were to happen, he would consider the budget to be imbalanced because there is no other expense that is being cut in order to approve the reinstated positions. The City government would not be able to submit the budget to the State Auditor's Office with the proposed budget amendment adopted. Councilmember Snodgrass asked if Councilmember Knauff could amend the amendment so that it balances by finding something else. Storage suggested that the proper procedure would be to withdraw the amendment, reformat it and submit it.

Councilmember Knauff withdrew the amendment.

Councilmember Knauff proposed to amend Resolution No. 308-20 by

page 47, under "412–00 City Manager FY 2021 Proposed" by reinstating "Projects Administrator"…….in the amount of E124 as per the Salary Table, and reconciling the line accordingly

page 63, under "420–01 Stormwater FY 2021 Proposed" by reinstating "MS4 Environmental Ed. Spec."….in the amount of N-COMP/114 as per the Salary Table, and reconciling the line accordingly

page 119, under "712–01 Traffic Engineering FY 2021 Proposed" by reinstating "Mobility Planner"…..in the amount of E/121 as per the Salary Table, and reconciling the line accordingly

page 121, under "716–00 Homeland Security – Emergency Management" by reinstating "Administrative Assistant II"….in the amount of N-COMP/114 as per the Salary Table", and reconciling the line accordingly

And,
On page 36, Capital Outlay – Equipment Schedule, Street Department line 36, "Grader" and line 2 "Truck Chipper Body", by reducing FY 2022 Estimated expenditure by the amounts in the reinstatements above and reconciling the lines accordingly

Councilmember Knauff summarized that the four (4) positions will be kept and the purchase of a Grader and Truck Chipper Body will be eliminated.

Storage added the proposed amendment is also unbalanced as there is no recommended purchase for it (it is listed as Grader $267,000 requested amount in the left column under FY 2021) in FY 2021, FY 2022 or FY 2023 and the Chipper Body Truck is a requested amount of $140,000 with a lease purchase arrangement payment of $14,792 in the proposed General Fund for next year. As amended, the expense reduction to fund the proposed amendment is only $14,792, and does not create a balanced budget. Councilmember Knauff stated that a finance purchase can be agreed to in many different ways.

Councilmember Steele said that during the last Finance meeting, the Committee discussed the Stormwater position, and her question was if there was a way to keep the person in that educational outreach position because a lot of the emails she received were concerning how good that person was at her job. She asked if that was a possibility, and asked Councilmember Knauff if he had presented his concerns and proposed amendments to the Administration before this meeting. Councilmember Knauff replied that he had a budget meeting with the Administration on Friday afternoon (March 13, 2020), and it has taken him this long to get the proposed amendment set and organized. He added that, not being on the Finance Committee, the current meeting of Council was his only opportunity to propose an amendment. Mayor Goodwin added that the only time she could recall meeting with Councilmember Knauff to discuss the budget was a very pleasant conversation in which they discussed one position. She did not receive, during that time, any guidance, direction or suggestion as to the financial considerations he was going to propose during the current meeting.

Councilmember King asked Councilmember Knauff why the Grader and Chipper were chosen to be cut as the Street Department uses those vehicles frequently. Councilmember Knauff responded those were purchases he believed could be obtained through grants or other means.

Councilmember Faegre said that, as Councilmember Reishman stated, the budget can be amended after it had been passed. She had also received many emails concerning the Environmental Education Specialist position. Councilmember Faegre expressed concern that the employees that will take over the duties of that position are not as up to date as the person in that position. Mayor Goodwin reminded Councilmembers that any amendment to the approved budget could not be made until after the start of the fiscal year.

Councilmember Knauff moved to approve the amendment. Councilmember Campbell seconded the motion. A roll call was taken:

YEAS: Knauff, Snodgrass, Wesley-Plear
NAYS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Steele, Mayor Goodwin
ABSENT: NONE

With a majority of members present recorded thereon as voting in the negative, the Mayor declared the amendment to Resolution No. 299-20 not adopted.

Councilmember Faegre asked if, under the PEIA insurance plan, the cost of insurance for employees who make $20,000 (such as in the Refuse Department for example) will be the same as employees who make significantly more (such as Department Heads). Storage said that the way the local government plan for PEIA works is that it is not set on tiers based on salary range, like the current City plan or the State agency plan. The rates will apply to all employees in the same way. The subsidized government rates for PEIA in the local plan are very low. He added that every employee despite which plan they choose, will have an overall reduction in premium costs.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin
NAYS: NONE
ABSENT: NONE

With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 308-20 adopted.

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 304-20 do pass.

<u>Resolution No. 304-20</u> - Authorizing the Mayor or City Manager to purchase 10 portable, high durability interlocking colored sports flooring from AIP, at a total price of $238,500, to be used by the Charleston Coliseum and Convention Center. The purchase price was determined through a competitive bidding process.

<u>Be it Resolved by the Council of the City of Charleston, West Virginia:</u>

The Mayor or City Manager is authorized to purchase 10 portable, high durability interlocking colored sports flooring from AIP, at a total price of $238,500, to be used by the Charleston Coliseum and Convention Center. The purchase price was determined through a competitive bidding process.

Councilmember Jenkins added that this is the re-bid of sports flooring for the courts at the Charleston Coliseum and Convention Center. The flooring will go with the portable goals that were approved during the last meeting. This will facilitate attracting larger tournaments. The low bidder was rejected because it did not meet the specifications within the bid. The bid does require the flooring to be delivered before April 27, 2020.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 304-20 adopted.

Portable Interlocking Competition Sports Flooring for the Charleston Coliseum
Project No. 2020-009
Bid Opening: March 12, 2020 @ 10:30am

	Mateflex	**AIP**	
	2007 Reechgrove Place	466 Airport Industrial Park Road	
	Utica, NY 13501	Parkersburg, WV 26104	
	P: (315) 733-1412	P: (304) 375-6089	
	kwheelock@mateflex.com	trent@aipinc.biz	
Project Total	$199,960.00	$238,500.00	
Local Vendor Preference ($5,000)	N/A	N/A	
Project Completion	April 27, 2020	April 27, 2020	
Successful Bidder		✓	

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 310-20 do pass.

Resolution No. 310-20 - Authorizing the Mayor or City Manager to submit an application to the WV Division of Administrative Services under the Victims of Crime Act (VOCA) grant program for the Charleston Police Crime Victims Specialist in the amount of $39,850 and administer any funds awarded. These funds will partially reimburse the City for Kimberly Eagle's salary, provide travel/training and bus vouchers for crime victims.

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

That the Mayor or City Manager is authorized to submit an application to the WV Division of Administrative Services under the Victims of Crime Act (VOCA) grant program for the Charleston Police Crime Victims Specialist in the amount of $39,850 and administer any funds awarded. These funds will partially reimburse the City for Kimberly Eagle's salary, provide travel/training and bus vouchers for crime victims.

Councilmember Jenkins added that the resolution is to continue a grant program in which the City receives federal funding to offset some costs of having a Crime Victims Specialist within the Charleston Police Department that works with victims of crimes that are investigated by the CPD. The Specialist helps to get resources for victim and guides them through any sort of court process. This has been an ongoing program, and the Crime Victims Specialist has been a very good addition to the CPD is assist victims of crime.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 310-20 adopted.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 313-20 do pass.

Resolution No. 313-20 - Authorizing the Mayor or City Manager to submit an application to the WV Division of Homeland Security in the amount of $110,000 and administer any funds awarded. These funds will provide travel/training and equipment for the Charleston Fire Department's Regional Response Team.

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

That the Mayor or City Manager is authorized to submit an application to the WV Division of Homeland Security in the amount of $110,000 and administer any funds awarded. These funds will provide travel/training and equipment for the Charleston Fire Department's Regional Response Team.

Councilmember Jenkins added that this grant from the WV Division of Homeland Security is for funds for the Charleston Fire Department's Regional Response Team, which will pay for their travel/training and equipment.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Resolution 313-20 adopted.

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 315-20 do pass.

Resolution No. 315-20 - Authorizing the Charleston Coliseum & Convention Center / Municipal Auditorium Board to enter into a contract with Oak View Group, D.B.A. OVG Facilities, for the provision of both on-site and off-site booking and marketing professional services, as detailed in the attached exhibit materials. Any proposed contract must first be reviewed for legal sufficiency by the City Attorney or his/her designee.

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

The Charleston Coliseum & Convention Center / Municipal Auditorium Board is authorized to enter into a contract with Oak View Group, D.B.A. OVG Facilities, for the provision of both on-site and off-site booking and marketing professional services, as proposed in the attached exhibit materials, subject to legal review by the City Attorney or his/her designee.

Councilmember Jenkins added that this will bring the Charleston Coliseum & Convention Center into the 21st Century in regard to how the market and conventions centers are being run. Venues used to try to market themselves and solicit events, concerts, etc. What has happened in the industry in the past decade is a consolidation of groups that have national contacts to get those events, etc. The resolution proposes to hire a booking and marketing firm. Councilmember Jenkins explained that there is really no loss to the City in that a benchmark is set based on incoming funds, revenue, etc., and the firm will be paid based on what they are able to achieve beyond that benchmark. The firm will be adding five (5) of their employees at the Convention Center, whose only duty will be to promote the Convention Center to attract national acts. Councilmember Jenkins added that Live Nation Now has roughly 85% of the live acts that are booked across the country; the proposed firm is partners with Live Nation Now. For example, if a national act is traveling between Pittsburg and Charlotte with extra time, the marketing firm has access to the act's tour schedule and can attract them to add Charleston's facility to their tour. Having a marketing firm will help the Convention Center expand its reach. The Charleston Coliseum & Convention Center has given their approval.

Mayor Goodwin added that this is the way Coliseum and Convention Centers book things now, and is standard across the country.

Councilmember Bailey asked the duration of the contract, and if it could rebid in the future. Storage replied that the proposed contract is for a five (5) year agreement that is subject to renewal, but that is negotiable. Councilmember Bailey confirmed that Council would have to re-approval the renewal after five (5) years, which could be re-bid at that time, but that it would not be required.

Councilmember Pharr confirmed that it would not cost the City anything additional for events etc. that are already in place.

Councilmember Robinson said that the Charleston Coliseum & Convention Center has been working on this for several months, and is what is needed to bring bigger acts etc. into Charleston; it is a great step.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Resolution 315-20 adopted.

Financial Proposal

OVG Facilities is offering two customized options for the CCCC and Municipal Auditorium. The first option has OVG Facilities overseeing all Booking, Sales, and Marketing functions for the CCCC and Municipal Auditorium. The second option is a full management solution.

Term

OVG Facilities proposes a term for either option of Five (5) Years, with a Coliseum and Convention Center Board option to renew for an additional Five (5) Years.

Booking and Sales Services Option

OVG Facilities is offering a full-service marketing and event booking solution for the CCCC and Municipal Auditorium. We have the experience, resources, programs, and the talent to ensure that the venues will operate efficiently. OVG Facilities will place an on-site full-time Director of Sales and Booking for the CCCC. Through our corporate team, OVG Facilities will provide oversight and management of the Booking and Salesperson with direct coordination from the City and Auditorium Board. The City and Auditorium Board will approve all booking and sales plans for the venues including the Booking and Sales Policy, Rental Rates, Scheduling Policy, Standard User Agreement, and rules and regulations by which OVG Facilities will coordinate these activities with the City and Auditorium Board.

The OVG Facilities team has conducted a substantial amount of research on the Charleston market to gauge the impact of our potential partnership with the CCCC. We have carefully studied the realistic levels of improvement we believe we can create with you. As outlined in our Proposal, OVG Facilities has the confidence we can achieve the following:

- Increase the number of ticketed events in the Arena, Municipal Auditorium and conventions, meetings, tradeshows, and other events at the Convention Center. Strong leverage with managers, agents, organizers, and promoters will result in solidifying CCCC's role as the leading venue in the region.
- Work with your team to increase the profitability of all ticketed events by capitalizing on the leverage of representing the busiest and most successful venues in the country.
- Create new profitable corporate partnerships.
- Develop new premium hospitality products for concerts and major sporting events.
- Provide the CCCC access to Prevent Advisors, OVG's high-level firm specializing in counterterrorism and intelligence for public venues and large events.

Staffing

OVG Facilities proposes staffing for this solution of Five (5) total positions. All of these positions will be OVG Facilities' employees paid directly by OVG. These people will be officed in the CCCC and will be part of the overall CCCC staff team. The breakdown of proposed staff is as follows.

- Director of Sales & Booking
- Marketing Manager
- Convention Sales Manager (x 2)
- Director of Corporate Partnerships

Financial Proposal

- OVG Facilities will directly cover all staffing costs of the five positions listed above and will be fully at risk for these salaries should we fail to achieve the necessary revenue above the established Revenue Financial Benchmark detailed below.

- OVG Facilities will work with the Coliseum and Convention Center Board to mutually establish a REVENUE FINANCIAL BENCHMARK from which revenue sharing will be based. Using the attached 2020 City Established Budget Revenue Worksheet, the Benchmark would be approximately $3,467,000 annually. **We will work with Coliseum and Convention Center Board to verify the correct REVENUE FINANCIAL BENCHMARK.**

  The Benchmark will include all Sponsorship Revenue AND all NET revenues that the CCCC receives from events, including rent, ticketing commissions, ticketing fees, facility fees, food and beverage sales, ancillary income, parking, merchandise sales, decorating income, any other ancillary income, and event-related premium sales.

- OVG Facilities proposes the following revenue split:
  - CCCC receives One Hundred Percent (100%) of net revenues until the Benchmark has been reached.
  - OVG Facilities receives the first Five Hundred Thousand Dollars ($500,000) of revenue generated above the Benchmark (to cover the salaries of the Five (5) OVG Facilities positions).

- CCCC and OVG Facilities will split the next Five Hundred Thousand Dollars ($500,000) Fifty Percent (50%) to CCCC / Fifty Percent (50%) to OVG Facilities.
- CCCC and OVG Facilities will split the next Five Hundred Thousand Dollars ($500,000) Sixty Percent (60%) to CCCC / Forty Percent (40%) to OVG Facilities.
- CCCC and OVG Facilities will split all other revenue Seventy Percent (70%) to CCCC / Thirty Percent (30%) to OVG Facilities.

A Sample calculation of this Revenue Share is included in this packet.

Executive Director Option

If desired by the Coliseum and Convention Center Board, OVG Facilities will directly hire and oversee the new Executive Director of the CCCC. This salary and benefit costs will be directly reimbursed by the CCCC.

If the Coliseum and Convention Center Board desires to have this employee be an employee of the Board, OVG Facilities will assist in the recruitment and hiring of this position.

Full Management Option

OVG Facilities is offering a full-service marketing and event booking solution for the CCCC and Municipal Auditorium. We have the experience, resources, programs, and the talent to ensure that the venues will operate efficiently. OVG Facilities will place an on-site full-time Director of Sales and Booking for the CCCC. Through our corporate team, OVG Facilities will provide oversight and management of the Booking and Salesperson with direct coordination with the City and Auditorium Board. The City and Auditorium Board will approve all booking and sales plans for the venues including the Booking and Sales Policy, Rental Rates, Scheduling Policy, Standard User Agreement, and rules and regulations by which OVG Facilities will coordinate these activities with the City and Auditorium Board.

OVG Facilities is willing to take bottom line risk and responsibility for the CCCC. However, IRS tax exempt bond regulations prohibit that practice. We are willing to work with the City's Bond Counsel to discuss such options. The following is our traditional management fee proposal which complies with the IRS regulations:

Base Fee

- Twelve Thousand Five Hundred Dollars ($12,500) per month.
- Subject to annual CPI increases

Management Services Financial Incentive Fees

- Twenty Percent (20%) Operating Revenue $3.5 Million - $4.0 Million
- Twenty-Five Percent (25%) Operating Revenue $4.0 Million - $4.5 Million
- Thirty Percent (30%) Operating Revenue Over $4.5 Million

Management Services Qualitative Incentive Fees

- Up to Thirty Thousand Dollars ($30,000) in incentive fees based on the following:
  - Quality of management and operations services performed as determined by the Coliseum and Convention Center Board
  - Achievement of the Coliseum and Convention Center Board programmatic and fiscal goals
  - Community involvement
  - Customer satisfaction measurements (e.g. results of "mystery shopper" reports, informal and formal audits, inspections, customer surveys, and observations)

Investment

If desired by the Coliseum and Convention Center Board, OVG Facilities will make an investment in CCCC for mutually agreeable revenue producing facility initiatives.

- The investment will be paid back at ZERO Percent (0%) interest and amortized over the term.
- The investment payback will be considered an operating expense.

Willingness to Negotiate

OVG Facilities is willing to negotiate any fair and reasonable alternative(s) to our "Financial" Proposals.

CHARLESTON WV COLISEUM AND CONVENTION CENTER
OAK VIEW GROUP
FEE CALCULATION
As of Feb 20 2020
FOR ILLUSTRATION PURPOSES ONLY

OVG NEW REVENUE PROJECTION		
NEW ARENA & AUDITORIUM REVENUE		
Total New Arena Revenue	**$**	**550,000**
CONVENTION CENTER NEW REVENUE		
CCCC New Revenue	**$**	**500,000**
NEW SPONSORSHIP REVENUE	**$**	**250,000**
TOTAL PROJECTED CCCC NEW REVENUE	**$**	**1,300,000**

OVG BOOKING & SALES SERVICES CALCULATION				
Sample Revenue Financial Benchmark - FY 2020 Budget			**$**	**3,467,000**
Potential Projected Revenue (Benchmark plus Projected New OVG Revenue)			**$**	**4,767,000**
Total Revenue		**CCCC**		**OVG**
Amount Equal to Revenue Financial Benchmark		3,467,000		-
First $500,000 Over Benchark to OVG				500,000
Next $500,000 Revenue 50% to CCCC / 50% to OVG Facilities		250,000		250,000
Next $500,000 Revenue 60% to CCCC / 40% to OVG Facilities		180,000		120,000
All Remaining Revenue 70% to CCCC / 30% to OVG Facilities		-		-
Total CCCC / OVG	**$**	**3,897,000**	**$**	**870,000**
Less OVG Staffing Costs			$	(500,000)
NET REVENUE	**$**	**3,897,000**	**$**	**370,000**
				-

OVG FULL MANAGEMENT CALCULATION		
Potential Projected Revenue (Benchmark plus Projected New OVG Revenue)	**$**	**4,767,000**
ANNUAL MANAGEMENT FEE	$	150,000
OVG FINANCIAL INCENTIVE FEE (Based on Potential Projected Revenue)		
20% Operating Revenue $3.5 Million - $4.0 Million	$	100,000
25% Operating Revenue $4.0 Million - $4.5 Million	$	125,000
30% Operating Revenue Over $4.5 Million	$	80,100
OVG QUALITATIVE INCENTIVE FEES	$	30,000
TOTAL OVG MANAGEMENT FEE	**$**	**485,100**

CHARLESTON WV COLISEUM AND CONVENTION CENTER
OAK VIEW GROUP
OPERATING REVENUES
Subject to Verifcation

	2020 City Budget
Rent	1,290,000
Commissions	265,000
Parking -Buildings & Lots	113,000
Distinctive Gourmet	659,000
Patron Services	170,000
Security	69,000
Advertising	375,000
Spotlight Rental	8,000
Power Usage	58,000
Table Covers/Drapes	36,000
Rent -PA System	15,000
Staging	23,000
Booth Rental	72,000
Interest	5,000
Piano Rental	1,500
Table Rental	30,000
Miscellaneous	19,000
Building Damages	2,000
Telephone Rental	7,000
Audio Visual Equipment	224,000
Teletix	1,500
Carpet Rental	22,000
Drayage	2,000
TOTAL	**3,467,000**

6. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 309-20 do pass.

Resolution No. 309-20 - Authorizing the Mayor or City Manager to enter into a contract with GAI Consultants, Inc. for the amount of $17,980.00 for the completion of the 5 Corners Architecture and Historic Intensive Survey and the nomination of the 5 Corners Historic District to the National Register of Historic Places. The area to be surveyed and nominated encompasses approximately sixty buildings within a 17-acre area of Virginia Street from Maryland Avenue to Elm Street, and Central Avenue from Delaware Avenue to Elm Street. The consultant must be able to complete the project by September 1, 2020.

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

The Mayor or City Manager is authorized to enter into a contract with GAI Consultants, Inc. for the amount of $17,980.00 for the completion of the 5 Corners Architecture and Historic Intensive Survey and the nomination of the 5 Corners Historic District to the National Register of Historic Places.

Councilmember Jenkins added the resolution is to award the bid winner, GAI Consultants, Inc., $17,980.00 to survey approximately 60 buildings to see how they fit within historic preservation ideals in terms of their contribution to history, architecture, etc. Once the survey is complete, they will apply to nominate the area for the National Register of Historic Places.

Councilmember Minardi asked what group is asking the City to do this. Councilmember Jenkins said he believed the request came from the Planning Department and the Historic Landmarks Commission. Councilmember Minardi said that, while he is not against historical designation, there are examples in the City where an historical designation is not always beneficial (expensive or impossible to renovate). While there is value in preserving the integrity of the architecture, he does not want it to backfire in that it would make it more difficult to develop in the future.

Councilmember Bailey asked for confirmation if this included design review. Councilmember Hoover said that there is a design review on the East End Historic District.

Councilmember Persinger confirmed that it would be a federal registry. He added that in the 5 Corners area, the buildings are not particularly unique in such a way that a lot of effort be put to keep them as they are.

Councilmember Jones said, being familiar with that area, there are only two original buildings still standing (a gas station and an old bar). Councilmember Jones confirmed it would be for approximately sixty buildings, mostly commercial.

Director of Planning, Dan Vriendt, was called. Councilmember Bailey said the concern is design revue versus no design review. Vriendt said there were no plans for a design review; that would come at a later time. He did not ever envision a design review to be part of this proposal. This is really for economic development tools, so people can take advantage of a 25% State and 20% Federal tax credits. Councilmember Bailey asked if someone in this proposed district would be able to get a regular building permit. Councilmember Minardi asked Vriendt to clarify what he meant by economic development tools. Vriendt answered that to file for the tax credits he mentioned, people will have to meet with the State Historic Preservation Office to file the Secretary of the Interior's Standards for Rehabilitation. Any other renovations that would not include the tax credits would be done as normal.

Councilmember Faegre confirmed with Vriendt that approximately sixty buildings would be surveyed. Vriendt added that after the survey, it will then be determined which building to include in the actual Historic District. The area encompasses Virginia Street West from Maryland Avenue to Elm Street, and Central Avenue from Delaware Avenue to Elm Street.

Councilmember Knauff confirmed that this was staff initiated not Council initiated. Vriendt added that the Planning Department felt that this was the next logical step in order to use it as an economic development tool.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Ceperley, Cook, Hoover, Jenkins, Knauff, Laird, McKinney, Overstreet, Pharr, Reishman, Robinson, Sheets, Steele, Wesley-Plear, Mayor Goodwin
NAYS: Campbell, Faegre, Haas, Jones, King, Minardi, Persinger, Snodgrass
ABSENT: NONE

With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 309-20 adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis;
   February 2020.
   Received and Filed.

2. City Treasurer's Report to City Council Month Ending
   February 2020.
   Received and Filed.

3. City of Charleston, WV – Financial Statements, for the seven-month period ending
   January 31, 2020.
   Received and Filed.

NEW BILLS

NONE.

MISCELLANEOUS/UNFINISHED BUSINESS

1. Mayor Goodwin thanked Councilmembers for their patience, and added that this was the first time a meeting of Council had ever been conducted in this manner.

2. Councilmember Wesley-Plear said that community members are collecting items for the family of Heather Ross; let her know if you would like to donate.

3. Councilmember Persinger shared that a positive test for the COVID-19 virus is classified by the Occupational Safety and Health Administration as a recordable incident; this means it is a workers comp claim if the virus is contracted while at work or while required to be at work.

4. Councilmember Knauff apologized to the City Manager for using his first name and not title during the budget discussion. He respects City Manager Storage and knows a lot of work went into the budget.

5. Councilmember Pharr announced that there has been an additional booking for a basketball tournament, with approximately 100 teams for both genders at the Convention Center May 15-17, 2020.

ADJOURNMENT

The Clerk, Miles C. Cary II, called the closing roll call:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin
NAYS: NONE
ABSENT: NONE

At 8:44 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, April 6, 2020, at 7:00 p.m., in the Council Chamber in City Hall or electronically as needed.

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Amy Shuler Goodwin, Honorable Mayor

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Miles C. Cary II, City Clerk