



JOURNAL of the PROCEEDINGS of the CITY COUNCIL

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, June 15, 2020

at 7:00 P.M.

* – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Amy Shuler Goodwin
Mayor

Miles C. Cary II
City Clerk

CALL TO ORDER*

The Council met at 7:00 P.M., for the second meeting in the month of June on the 15th day, in the year 2020, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Reishman and the Pledge of Allegiance was led by Coy Adams. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

**ADAMS
BURTON
COOK
HOOVER
KING
MCKINNEY
PERSINGER
ROBINSON
STEELE**

**BAILEY
CAMPBELL
FAEGRE
JENKINS
KNAUFF
MINARDI
PHARR
SHEETS
WESLEY-PLEAR**

**BAYS
CEPERLEY
HAAS
JONES
LAIRD
OVERSTREET
REISHMAN
SNODGRASS
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 and Mayor Goodwin 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 Zoom and CivicClerk (per the agenda).

PUBLIC SPEAKERS

1. Howard Swint – Asked that Council support the re-naming of Stonewall Jackson Middle School, memorializing Lee Street and interpretive signs at the Confederate Memorial on Kanawha Blvd.
2. Lamar Bady - Asked that Council support the re-naming of Stonewall Jackson Middle School. He added that there will be a march on 6-20-2020 to protest social injustices.
3. Jasmyne Gray – Invited Council and the Administration to the Juneteenth event on June 19, 2020.

CLAIMS

1. A claim of Chelsea T. Austin, Charleston, WV;
alleges damage to property.
Refer to City Solicitor.
2. A claim of George M. Lively, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor.
3. 2 claims of Tammi J. Ray, Charleston, WV;
alleges damage to vehicles.
Refer to City Solicitor.
4. A claim of Virgil Stutler, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor.

PROCLAMATIONS

1.



Mayor Goodwin thanked Councilmember Wesley-Plear, who had requested the proclamation.

COMMUNICATIONS

1.

TO: MILES CARY

CITY CLERK

FROM: AMY SHULER GOODWIN

MAYOR

RE: CHANGES IN COUNCIL COMMITTEES

DATE: JUNE 15, 2020

I am making the following changes to Committee assignments on City Council effective July 1, 2020.

Environmental and Recycling Committee

- Remove Pat Jones, Deanna McKinney, Robert Sheets and Sam Minardi; and
- Add Will Laird, Ben Adams, Naomi Bays and Caitlin Cook.

Facilities Committee

- Remove Adam Knauff, and Ben Adams; and
- Add Chad Robinson and Naomi Bays.

Finance Committee

- Remove Keeley Steele and Shannon Snodgrass; and
- Add Bed Adams and Becky Ceperley.

Ordinance and Rules Committee

- Remove Chuck Overstreet, Tiffany Wesley-Plear and Caitlin Cook; and
- Add Robert Sheets, Bobby Reishman and John Kennedy Bailey.

- Remove Bobby Haas as Vice-Chairperson; and
- Add Bobby Reishman as Vice-Chairperson.

Parks and Recreation Committee

- Remove Bruce King and John Kennedy Bailey; and
- Add Robert Sheets and Joseph Jenkins.

Planning / Streets and Traffic Committee

- Remove Jennifer Pharr; and
- Add Sam Minardi.

Public Safety Committee

- Remove Robert Sheets, Joseph Jenkins, Brady Campbell and Naomi Bays; and
- Add Pat Jones, Tiffany Wesley-Plear, Shannon Snodgrass and Bruce King.

Urban Renewal Committee

- Remove Bobby Reishman, Naomi Bays and Caitlin Cook; and
- Add Chuck Overstreet, Adam Knauff and Brady Campbell.

Received and filed.

REPORTS OF COMMITTEES

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. 342-20 do pass.

Resolution No. 342-20 - Adopting the proposed Fiscal Year 2020-2021 Coliseum & Convention Center budget as indicated on the attached document.

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

The proposed Fiscal Year 2020-2021 Coliseum & Convention Center budget is adopted as indicated on the attached document.

Councilmember Jenkins added that the anticipated budget is lower due to the ongoing COVID-19 pandemic, the postponement and rescheduling of many events. Four (4) currently vacant positions are to be eliminated. There is a furlough plan in place for five (5) employees that may need to be implemented at the beginning of the fiscal year due to no/few events taking place. He added that the staff of the Convention Center has done a fine job under trying circumstances. They are optimistic that events will pick back up during the second half of the fiscal year.

YEAS: Adams, Bays, Bailey, 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. 342-20 adopted.

**City of Charleston
Municipal Budget
FY 2021
Coliseum and Convention Center Revenue Summary**

Rev. Code	Description	Actual FY 2019	Original FY 2020	FY 2020 YTD Amendments	Current FY 2020	YTD May Actual FY 2020	Estimated FY 2021
Operating Revenue							
358-00-0302	Rent	1,167,712	1,290,000		1,290,000	866,403	1,067,500
358-00-0304	Commissions	275,397	265,000		265,000	146,763	178,000
358-00-0307	Parking - Buildings & Lots	118,718	113,000		113,000	84,750	165,000
358-00-0311	Distinctive Gourmet	297,028	659,000		659,000	318,794	365,000
358-00-0312	Patron Services	161,615	170,000		170,000	114,327	138,000
358-00-0313	Security	67,624	69,000		69,000	34,825	51,000
358-00-0314	Advertising	342,375	375,000		375,000	295,950	310,000
358-00-0315	Spotlight Rental	11,930	8,000		8,000	3,971	7,500
358-00-0316	Power Usage	57,722	58,000		58,000	34,449	59,500
358-00-0317	Table Covers/Drapes	33,800	36,000		36,000	13,397	36,000
358-00-0318	Rent - PA System	15,960	15,000		15,000	6,725	15,000
358-00-0319	Staging	24,067	23,000		23,000	16,674	17,000
358-00-0320	Booth Rental	80,154	72,000		72,000	37,457	80,000
358-00-0321	Interest	10,017	5,000		5,000	6,435	5,000
358-00-0322	Piano Rental	1,495	1,500		1,500	640	1,500
358-00-0323	Table Rental	34,409	30,000		30,000	19,251	38,000
358-00-0324	Miscellaneous	20,221	19,000		19,000	12,817	18,853
358-00-0325	Building Damages	3,474	2,000		2,000	79	1,000
358-00-0326	Telephone Rental	7,718	7,000		7,000	2,600	5,000
358-00-0327	Audio/Visual Equipment	283,313	224,000		224,000	105,000	170,000
358-00-0328	Teletix	-	1,500		1,500	-	1,000
358-00-0329	Carpet Rental	19,761	22,000		22,000	4,995	24,000
358-00-0330	Drayage	1,679	2,000		2,000	301	1,000
	Total Operating Revenue	3,036,191	3,467,000	-	3,467,000	2,126,602	2,754,853
Non-Operating Revenue							
358-00-0331	CC Capital Improvement Fee	82,012	-		-	49,295	-
358-00-0341	Trf In/Gen. Fund - Debt Svc	528,591	615,000	(52,103)	562,897	473,804	530,000
358-01-0341	Trf In/Gen. Fund - Health Care	217,464	212,000		212,000	365,446	200,000
358-02-0341	Trf In/Gen. Fund - Other	560,000	973,000		973,000	511,000	570,000
358-03-0341	Trf In/Gen. Fund - Equipment	-	-		-	381,260	-
358-00-0342	Transfers In/Coal Severance	149,376	135,025	52,103	187,128	160,526	169,687
358-00-0343	Transfers In/Cap. Imp. Fund	36,688	-		-	69,500	-
358-00-0379	Gain/Loss from Sale of Assets	5,553	-		-	-	-
381-11-0000	Energy Rebates	135,024	123,000	-	123,000	83,935	7,500
	Total - Non Operating Revenue	1,714,708	2,058,025	-	2,058,025	2,094,765	1,477,187
	Total Revenue	4,750,898	5,525,025	-	5,525,025	4,221,367	4,232,040

**City of Charleston
Municipal Budget
FY 2021**

Fund	402 Charleston Coliseum and Convention Center Fund	Full Time Employees					25
Department	910 CCCC/Municipal Auditorium						
Unit	01 CCCC Operations						
Expense Object		FY 2019 Actual	FY 2020 Original	FY 2020 YTD Amend.	FY 2020 Current	FY 2020 YTD May Actual	FY 2021 Proposed
Personal Services							
000-1-103	Salaries & Wages	1,414,873	1,588,226		1,588,226	1,151,644	1,306,148
000-1-104	FICA	102,609	121,499		121,499	83,765	99,920
000-1-105	Medical & Life Insurance	162,268	392,644		392,644	336,915	228,975
000-1-106	PERS	112,887	124,323		124,323	96,953	102,115
000-1-111	Dental & Optical Insurance	10,000	13,517		13,517	8,122	11,875
000-1-112	Employee Insurance Cont.	(54,716)	(58,360)		(58,360)	(44,796)	(55,250)
000-1-113	OPEB - Current	20,000	20,000		20,000	-	20,000
Total Personal Services		1,767,920	2,201,849	-	2,201,849	1,632,603	1,713,783
Contractual Services							
000-2-211	Telephone	55,998	50,185		50,185	54,239	50,185
000-2-212	Printing	15,762	10,000		10,000	7,464	10,000
000-2-213	Utilities	737,883	770,000		770,000	539,024	650,000
000-2-214	Travel	6,979	8,150		8,150	2,667	-
000-2-215	Mtce & Repair - Bldg/Ground	34,405	40,000		40,000	15,984	15,000
000-2-216	Mtce & Repair - Equipment	44,915	40,000		40,000	19,847	10,000
000-2-218	Postage	189	700		700	58	500
000-2-219	Building & Equipment Rent	229,322	180,000		180,000	104,950	140,000
000-2-220	Advertising & Legal Pub	7,025	45,000		45,000	6,952	20,000
000-2-221	Training	1,819	3,000		3,000	1,840	3,200
000-2-222	Dues & Subscriptions	1,726	1,825		1,825	1,497	2,627
000-2-223	Professional Services	-	-		-	-	-
000-2-226	Insurance - WC & UC	12,953	28,087		28,087	10,527	24,425
000-2-227	Insurance - Liability	127,039	130,000		130,000	130,535	275,000
000-2-230	Contracted Services	685,838	761,595		761,595	537,409	515,702
Total Contractual Services		1,961,853	2,068,542	-	2,068,542	1,432,993	1,716,639
Commodities							
000-3-341	Materials & Supplies	163,392	140,000		140,000	127,199	90,000
000-3-343	Gas, Oil & Tires	2,143	2,000		2,000	1,858	2,000
000-3-345	Uniforms	6,328	5,000		5,000	3,016	7,000
Total Commodities		171,863	147,000	-	147,000	132,073	99,000
Contributions & Other							
000-6-671	Principal on Bonds	510,000	530,000		530,000	-	550,000
000-6-672	Interest on Bonds	187,762	173,888		173,888	138,090	149,618
000-6-674	Bond Service Charges	2,787	4,800		4,800	2,690	3,000
Total Contributions & Other		700,549	708,688	-	708,688	140,781	702,618
Total CCCC/Municipal Auditorium		4,602,185	5,126,079	-	5,126,079	3,338,450	4,232,040

**City of Charleston
Municipal Budget
FY 2021**

Fund 402 Charleston Coliseum and Convention Center Fund
Department 910 CCCC/Municipal Auditorium
Unit 01 CCCC Operations

Authorized Full Time Positions & Salary Schedule

FY 2020 Current Approved			FY 2021 Proposed		
Title	FLSA/Paygrade	FTE	Title	FLSA/Paygrade	FTE
Executive Director	E/132	1	Executive Director	E/132	1
Assistant Director of Civic Center	E/124	1	Assistant Director of Civic Center	E/124	1
Sales and Marketing Manager	E/121	1	Sales and Marketing Manager	E/121	0
Facility Superintendent	E/116	1	Facility Superintendent	E/116	1
Business Manager Civic Center	E/115	1	Business Manager Civic Center	E/115	1
Senior Event Coordinator	N-COMP/114	1	Senior Event Coordinator	N-COMP/114	1
Safety & Security Coordinator	E/112	1	Safety & Security Coordinator	E/112	1
Events Coordinator	N-COMP/112	1	Events Coordinator	N-COMP/112	1
Technology Services Coordinator	N-COMP/113	1	Technology Services Coordinator	N-COMP/113	1
Box Office Manager	E/111	1	Box Office Manager	E/111	1
Engineering Assistant	N-OT/111	1	Engineering Assistant	N-OT/111	1
Maintenance Technician	N-OT/109	7	Maintenance Technician	N-OT/109	7
Administrative Assistant I	N-OT/109	1	Administrative Assistant I	N-OT/109	1
Office Support Specialist	N-OT/107	1	Office Support Specialist	N-OT/107	0
Accounting Clerk	N-OT/106	1	Accounting Clerk	N-OT/106	1
Facility Support Technician	N-OT/106	7	Facility Support Technician	N-OT/106	5
Box Office Assistant	N-OT/105	1	Box Office Assistant	N-OT/105	1
Total		29	Total		25

FY 2020 Current Approved		FY 2021 Proposed	
Pay Type	Amount	Pay Type	Amount
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	1,191,226	Regular Wages & Salaries	981,148
Irregular Part Time (IPT)	345,000	Irregular Part Time (IPT)	285,000
Overtime	52,000	Overtime	40,000
Tool Allowance	-	Tool Allowance	-
Total	1,588,226	Total	1,306,148

Projected Capital Equipment Acquisitions

Unit #	Equipment	FY 2021				FY 2022	FY 2023
		Direct Purchase	Lease Purchase	New Lease Payment	Total Lease Payment ¹	Estimate	Estimate
Total		-	-	-	-	-	-

¹Total Lease Payment includes all payments from outstanding lease purchase cycles that will be paid in FY 2021.

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 347-20 do pass.

Resolution No. 347-20 - Authorizing the Mayor or City Manager to contract with The Health Plan of Wheeling, West Virginia, to act as the City's third-party administrator ("TPA") for the purpose of administering the City's new Health Savings Account ("HSA") program associated with Public Employees Insurance Agency's ("PEIA") PPB Plan C.

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

The Mayor or City Manager is authorized to contract with The Health Plan of Wheeling, West Virginia, to act as the City's TPA for the purpose of administering the City's new HSA program associated with PEIA's PPB Plan C.

Councilmember Jenkins added that the Administration had worked with AssuredPartners (the City's health insurance consultant) to vet programs to administer the HAS for Plan C. While the chosen plan is not technically the cheapest option, the City does have a current relationship with The Health Plan, and it is a West Virginia company.

Councilmember Burton abstained from voting as he is employed by AssuredPartners.

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 with one (1) abstention, the Mayor declared Resolution No. 347-20 adopted.

**Consumer Driven Accounts
City of Charleston**

	The Health Plan	Health Equity	PayFlex
Set Up Fees	Waive	HSA: Waived FSA: \$250	Waived
HSA Administration Fees	\$3.50	Stand Alone HSA: \$2.25 If added with FSA then the HSA fee would be \$0.00 (FSA admin fee still applies)	\$2.50
FSA Administration Fees	\$4.00	\$3.85	\$4.00
Limited FSA Administration Fees	\$4.00	\$2.00	\$4.00
Combined Fees	\$6.50 HSA/FSA	HSA, FSA and LPFSA Combined Fees: \$5.85	HSA & Limited FSA \$6.50
Allows Investments	Yes	Yes	Yes
Provides Debit Card	Yes	Yes	Yes
Implementation Timeline	30 Days	30 Days	60-90 Days
Disclaimers: Information provided above is based off of AssuredPartners understanding of the proposals provided. If there is a discrepancy, the actual proposal will prevail.			

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 348-20 do pass.

Resolution No. 348-20 - Authorizing the Mayor or City Manager to enter into a runout agreement with The Health Plan of Wheeling, West Virginia, to administer health claims processed on or after July 1, 2020, that are associated with active employee coverages pursuant to the City's legacy self-insured health benefits program. The authorized agreement is attached as Exhibit A.

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

The Mayor or City Manager is authorized to enter into a runout agreement with The Health Plan of Wheeling, West Virginia, to administer health claims processed on or after July 1, 2020, that are associated with active employee coverages pursuant to the City's legacy self-insured health benefits program. The authorized agreement is attached as Exhibit A.

Jenkins added that The Health Plan helps to administer claims under the City's current self-insured policy. The resolution is for the run-over period that will happen when the City transitions to PEIA. It will cover into the new fiscal year any claims still in process.

Councilmember Burton abstained from voting out of an abundance of caution.

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 with one abstention, the Mayor declared Resolution No. 348-20 adopted.

ADDENDUM TO ADMINISTRATIVE SERVICES AGREEMENT

The Employer **City of Charleston** shall pay THP Insurance Co., as Claims Administration Supervisor, the following fees for administrative services:

Claims Run-out Administration

THP Insurance Co. agrees to perform claims run-out administration, as outlined in Section I., C., of the Administrative Services Agreement between THP Insurance Co. and the Employer for claims with dates of services from **7/1/2019** through **6/30/2020** for the following run-out periods:

Medical Claims Run-out Period 7/1/2020-6/30/2021

- Fee: \$10.00 PEPM 7/1/2020-12/31/2020 (based on enrollment as of 6/1/2020)
- Applies only to Active Employees

CITY OF CHARLESTON

BY: _____

TITLE: _____

DATE: _____

THP INSURANCE CO.BY: Ril H. HiggTITLE: SENIOR VICE PRESIDENTDATE: 6/10/2020

4. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7873 do pass.

Bill No. 7873 - A BILL to amend the Municipal Code of the City of Charleston, as amended, by adding thereto a new section, designated Section 2-164, and by amending and reenacting Section 54-103, Section 66-65, and Section 86-105, all relating to prohibiting insurance subsidies for retirees who were hired on or after July 1, 2020.

WHEREAS, other post-employment benefits (“OPEB”) refers to benefits, other than pensions, that a state or local government provides to retirees; and

WHEREAS, costs associated with OPEB, sometimes referred to as OPEB liability, provide a great strain on governmental budgets and negatively impact the credit rating of governmental entities; and

WHEREAS, the State of West Virginia decided to end health insurance subsidies for all retirees who were hired on or after July 1, 2010, in order to reduce its OPEB liability; and

WHEREAS, Kanawha County decided to end health insurance subsidies for all retirees who were hired on or after July 1, 1986, in order to reduce its OPEB liability; and

WHEREAS, the City of Charleston’s underfunded OPEB liabilities have resulted in downgrades to the City’s issuer and lease revenue ratings from certain credit ratings agencies; and

WHEREAS, ending the insurance subsidy for future employees upon their retirement will help provide long-term stability to the OPEB liability of the City and allow future administrations to make increased investment in the City of Charleston;

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

That the Municipal Code of the City of Charleston, as amended, is amended by adding thereto a new section, designated Section 2-164, and by amending and reenacting Section 54-103, Section 66-65, and Section 86-105, all to read as follows:

Chapter 2 – ADMINISTRATION.

ARTICLE IV. – OFFICERS AND EMPLOYEES.

DIVISION 2. – BENEFITS.

Sec. 2-164. End of insurance subsidy for retirees who were hired on or after July 1, 2020.

Notwithstanding any provision of this code or City policy to the contrary, the City of Charleston is hereafter prohibited from paying any subsidy or any portion of the cost of insurance coverage for retired employees whose most recent hire date is on or after July 1, 2020. The City of Charleston shall update all relevant policies to ensure that employees hired on or after July 1, 2020, are not eligible for a health insurance subsidy or contribution when they retire, but that the employee may elect to maintain health insurance coverage and pay the entire premium without any subsidy from the City of Charleston.

Chapter 54 – FIRE PREVENTION AND PROTECTION.

ARTICLE II. – FIRE DEPARTMENT.

DIVISION 3. – VACATION, OTHER LEAVE, DUTY HOURS, AND CALCULATION OF OVERTIME PAY.

Sec. 54-103. - Sick leave.

(a) Beginning January 1, 2015, each uniformed member shall be entitled to and granted sick leave with full pay. Such leave shall accrue at the rate of eight hours credited on the last day of each month during which the member has worked or has had leave credited for one or more tours of duty.

(b) When a member hired before July 1, 2020, retires, the member will have the privilege of converting up to 144 hours of sick leave accrued under subsection 54-103(a) on or after January 1, 2012, or any remaining unused sick leave accrued prior to January 1, 2012, whichever is greater, to insurance benefits based on the formula of 24 hours for one month single coverage insurance premium or 36 hours for one month family coverage insurance premium. Any sick leave accrued by a member under subsection 54-103(a) on or after January 1, 2012, that is not converted to insurance benefits to the extent permitted by this section shall be forfeited effective as of the date of the member's retirement or separation from employment.

(c) Sick leave shall be granted for the following reasons:

(1) Illness on the part of or injury to the member, incapacitating him or her for duty.

(2) Illness in the immediate family, i.e. spouse, child, father, mother, sister, brother, father-in-law and mother-in-law, of such a critical nature as to require the presence of the member. This provision shall not be construed to cover absences for the purpose of nursing or caring for members of the immediate family not declared by the attending physician to be critically ill.

(3) Exposure to contagious diseases and subsequent determination by competent medical authority that such member's presence on duty might jeopardize the health of others.

(d) After the equivalent of half of the annual sick leave has been used by the member, the member shall provide the fire chief with a certificate from the attending physician setting forth the nature and duration of any of the conditions which would entitle him to sick leave as provided in subsection (c) of this section. Failure to provide such certificate satisfactory to the fire chief shall result in the member's not being granted sick leave with pay, and may subject the member to discipline for an unexcused absence.

(e) The city manager may, in his or her discretion and at the request of the fire chief, advance

additional leave necessary to avoid substantial hardship to any member, provided that all other accrued vacation, sick and personal contingency leave shall have first been exhausted.

(f) The fire chief shall also have the right to investigate or cause to be investigated the alleged illness of any member and, for good cause shown, not only to deny sick leave but also to take proper disciplinary action against any feigner or abuser.

(g) In the event of an emergency, as declared by the mayor, an attending physician's excuse may be required for any days missed; and during the emergency, the mayor may suspend, in whole or in part, any sick leave or personal contingency leave as permitted by subsections (a) and (c) of this section.

(h) For purposes of this section, a medical provider shall include a licensed physician, surgeon, chiropractor, psychologist, or dentist.

Chapter 66 – LAW ENFORCEMENT.

ARTICLE II. – POLICE DEPARTMENT.

DIVISION 2. – DUTY HOURS, HOLIDAYS AND OTHER LEAVE.

Sec. 66-65. - Sick leave.

(a) Beginning January 1, 2015, each uniformed member shall be entitled to and granted sick leave with full pay. Such leave shall accrue at the rate of eight hours credited on the last day of each month during which the member has worked or has had leave credited for one or more tours of duty.

(b) When a member hired before July 1, 2020, retires, the member will have the privilege of converting up to 96 hours of sick leave accrued under subsection 66-65(a) on or after January 1, 2015, or any remaining unused sick leave accrued prior to January 1, 2015, whichever is greater, to insurance benefits based on the formula of 16 hours for one month single coverage insurance premium or 24 hours for one month family coverage insurance premium. Any sick leave accrued by a member under subsection 66-65(a) on or after January 1, 2015, that is not converted to insurance benefits to the extent permitted by this section shall be forfeited effective as of the date of the member's retirement or separation from employment.

(c) Sick leave shall only be granted for the following reasons:

(1) Illness on the part of or injury to the member, incapacitating him for duty.

(2) Illness in the immediate family, i.e. husband, wife, child, father, mother, sister, brother, father-in-law and mother-in-law, of such a critical nature as to require the presence of the member. This provision shall not be construed as to cover absences for the purposes of nursing or caring for immediate family members not declared by the attending physician to be critically ill.

(3) Exposure to a contagious disease and subsequent determination by competent medical authority that the member's presence on duty might jeopardize the health of others.

(d) A member shall be required to furnish to the chief of police a certificate from the attending physician for all consecutive days of sick leave granted beyond three working days.

(e) After the equivalent of half of annual sick leave has been used in single-day events, a member shall furnish documentation from a physician or other medical provider establishing reason for relief from duty for use of additional sick leave for single-day events.

(f) In cases of emergency, the chief of police may, at his discretion, grant advance sick leave up to 240 hours beyond that accumulated provided that all regularly earned sick and vacation leave has been used.

(g) The chief of police shall otherwise have the right to investigate or cause to be investigated the alleged illness of any member and, for good cause shown, to not only deny sick leave but also to take proper disciplinary action against any feigner or abuser.

(h) In the event of any emergency, as declared by the mayor, an attending physician's excuse may be required for any days missed; and, further, during such emergency, the mayor may suspend, in whole or in part, any sick leave as permitted by subsection (c) of this section.

Chapter 86 – PERSONNEL MANAGEMENT AND PRACTICES.

ARTICLE II. – NON-UNIFORMED PERSONNEL.

DIVISION 1. – PERSONNEL RULES AND ADMINISTRATIVE POLICIES ESTABLISHED.

Sec. 86-105. - Sick leave.

(a) *Sick leave accruals*: Full-time employees shall accrue sick leave with pay on the basis of eight hours for each calendar month of service. Sick leave shall accrue on the last day of each month. Part-time, seasonal, part-time elected, and certain appointed positions shall not accrue sick leave.

(b) *Maximum accrual*: Employees shall be permitted to carry over from year to year an unlimited amount of any unused sick leave.

(c) *Transfer/promotion*: Promotion, transfer or reassignment does not affect sick leave accrual or the amount of accrued by unused sick leave.

(d) *Separation*: Upon separation of employment other than retirement, all sick leave accrued by an employee shall be forfeited as of his or her last working day with the city. Consistent with this Code and the Personnel Rules and Administrative Policies, employees hired before July 1, 2020 who retire will be eligible to convert accrued but unused sick leave accrued into City health insurance benefits or credit for months of service in accordance with state law and West Virginia Public Employees Retirement System guidelines. Under no circumstances shall employees be paid accrued but unused sick leave upon separation.

(e) *Advance of sick leave*: In cases of emergency or in unforeseen circumstances, the city manager may, at his discretion and on a case-by-case basis, approve an advance of sick leave up to 240 hours provided that all accrued sick leave and vacation have been exhausted. Any employee who receives a sick leave advance shall be required to agree in writing to resolve any deficit in accrual resulting from the advance under terms and conditions approved by the city manager.

Councilmember Jenkins added that this is a long overdue bill that puts the City of Charleston in line with Kanawha County and the State of West Virginia. Employees hired on or after July 1, 2020 will no longer receive subsidies for health coverage upon retirement. He added that this will address the City's OPEB liability, currently in the \$300 million+ range that effects bond ratings, etc.

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

YEAS: Adams, Bays, Bailey, 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 Bill No. 7873 passed.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis;
May 2020.
Received and Filed.
2. Municipal Court Report to City Council Month Ending
May 2020.
Received and Filed.
3. City Treasurer's Report to City Council Month Ending
May 2020.
Received and Filed.

NEW BILLS

Introduced by Councilmember Chuck Overstreet on June 15, 2020:

Bill No. 7874 – A Bill to establish a no parking zone for the 1100 Block of Livingston Avenue on the south side of the street and amending the Traffic Control Map and Traffic Control File.
Refer to Planning, Streets and Traffic Committee.

MISCELLANEOUS/UNFINISHED BUSINESS

1. Mayor Goodwin asked City Manager, Jonathan Storage to review some of the progress that has been made in securing COVID-19 related funds. Storage stated that the City receives the bulk of its revenue through B&O taxes on a quarterly basis. In the first quarter of 2020, the City received approximately \$700,000 less in B&O tax revenue than what was anticipated. Collections for the second quarter might be down as much as 20%. Over fifty (50) tax accounts took advantage of the City's waiver of penalty and interest related to tax filings for the first quarter. He added that hotel tax was probably the revenue source that took the largest hit. April's hotel/motel tax was down 43% and down 73% in May. The City received no revenue from table games/video lottery distributions in April. The City User Fee and Municipal Sales Tax are likely to be down significantly in the second quarter. Storage added that the Police/Fire Pensions as well as the debt service for the Convention Center look to be in good shape as long as the economic downturn does not last for several more quarters. The City has submitted a substantial reimbursement request to the State as part of the CARES Act. They have received positive feedback from the Governor's Office regarding the application, and the Administration feels that all payroll expenses for Fire, Police and Refuse will be covered under the CARES Act funding. The City will need to continue to reapply in stages through December 2020. The Administration is also working with the Governor's Office to justify other expenses not currently included.

Mayor Goodwin added that she is thrilled that the City has not yet needed to furlough employees thanks to the work of the Administration. The Mayor added that the drive-in movie event over the weekend was successful.

2. Councilmember Persinger confirmed with Storage that Department Heads have been cutting expenses where possible, such as discretionary spending and certain vehicle replacements. Councilmember Persinger asked if it were reasonable to assume that the City will get enough funds from the CARES Act to even the financial loss. Mayor Goodwin replied that they feel confident that the City will receive the full amount they have requested. Storage added that they do not know yet what the revenue loss will look like for the second quarter. Storage stated that the Administration is coming up with creative ways to restructure contracts to have the flexibility that will allow the City to adjust based on possible future revenue deficits. They expect the paving schedule to remain on schedule as planned.

3. Councilmember Jones said that there has been a string of suspicious house fires in in 1800 block of 7th Ave. in Ward 1, and asked that the Fire Marshall look into that.
4. Councilmember Bailey mentioned that the City might want to take advantage of current low interest rates to borrow money. Storage replied that they are trying not to borrow money at this point. Additionally, they do not want to extend the City's credit debt in the long term for construction projects, etc.
5. Councilmember Wesley-Plear, in response to Councilmember Jones, said a car had recently run into a house (that she used to live in) in that same area. She suggested that they might want to look into speed bumps or something to protect those houses.

ADJOURNMENT

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

YEAS: Adams, Bays, Bailey, 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 7:55 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, July 6, 2020, at 7:00 p.m., in the Council Chambers in City Hall or electronically as needed.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk