MINUTES
FINANCE COMMITTEE MEETING
6:15 P.M., JANUARY 4, 2021
A/V CONFERENCE ROOM*

Joseph Jenkins, Chairperson, called the meeting of the Charleston City Council Committee on Finance to order at 6:15 p.m., January 4, 2021, in the Audio/Visual Room in City Hall*.

A silent roll was taken by the Clerk and a quorum was established. The following committee members were present:

Joseph Jenkins, Chair
Bobby Reishman, Vice Chair
Ben Adams
Brent Burton
Becky Ceperley
Mary Beth Hoover
Will Laird

*In response to the COVID-19 pandemic, the meeting of the Finance Committee was conducted electronically. The meeting was made available to the public as a live stream via Zoom and CivicClerk (per the agenda).

I. DISCUSSION:

a. Approval of Previous Minutes - Councilmember Reishman asked for unanimous consent to dispense with the reading of the minutes for the December 21, 2020 meeting and that they be approved as distributed. There was no objection and the minutes were approved.

II. RESOLUTIONS:

a. Resolution No. 410-21 – Authorizing the Mayor or City Manager to purchase five (5) Jeep Grand Cherokees for the Charleston Police Department from Thornhill Ford, in the amount of $139,675.00, where each purchase will be made using a competitively sourced State contract.

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

   That the Mayor or City Manager is authorized to 5 (five) Jeep Grand Cherokees for the Charleston Police Department from Thornhill Ford, in the amount of $139,675.00, where each purchase will be made using a competitively sourced State contract.

City Manager, Jonathan Storage, added that the Administration recommends authorization to purchase these 5 Jeep Grand Cherokees to be used by the Criminal Investigation Division of the Charleston Police Department. These vehicles represent a capital outlay allocation contained the current Fiscal Year budget. (Unit Cost is $27,935). They will replace 5 vehicles on a 10-year rotation cycle. (Fusions and Malibus).

Councilmember Reishman moved to approve the Resolution. With a majority of members present recorded thereon as voting in the affirmative, Chairperson Jenkins declared Resolution No. 410-21 approved.

b. Resolution No. 411-21 - Authorizing the Mayor or City Manager to purchase one (1) Class 10 Ford Ranger Extended Cab, from Matheny Motor Truck, in the amount of $26,979.00, two (2) Class 27 Ram 2500 DJ7L92 Large Pick Up Crew Cab in the amount of $29,023.00 totaling $58,046.00, and one (1) Class 15 Ram D56L91 Standard Pickup Crew Cab in the amount of $27,224.00 from Stephen Auto Center for Public Grounds, where each purchase will be made using a competitively sourced State contract.

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

   That the Mayor or City Manager is authorized to purchase one (1) Class 10 Ford Ranger Extended Cab, from Matheny Motor Truck, in the amount of $26,979.00, two (2) Class 27 Ram 2500 DJ7L92 Large Pick Up Crew Cab in the amount of $29,023.00 totaling $58,046.00, and one (1) Class 15 Ram D56L91 Standard Pickup Crew Cab in the amount of $27,224.00 from Stephen Auto Center for Public Grounds, where each purchase will be made using a competitively sourced State contract.

Storage added that the Administration also recommends authorization to purchase these vehicles to be used by the Public Grounds Department. These vehicles represent capital outlay allocations contained the current Fiscal Year budget.

Councilmember Jenkins asked what 4 vehicles are being replaced. Head of Equipment Maintenance, Kevin Oxley, replied that 1 Ford Ranger and 3 Ford F250s are to be replaced. Councilmember Jenkins confirmed that these are trucks for normal use.

Councilmember Reishman moved to approve the Resolution. With a majority of members present recorded thereon as voting in the affirmative, Chairperson Jenkins declared Resolution No. 411-21 approved.

c. Resolution No. 412-21 - Authorizing the Mayor or City Manager to purchase one (1) Class 7 Ford Explorer K8B SUV from Stephens Auto for Spring Hill Cemetery, in the amount of $28,166.00, where the purchase will be made using a competitively sourced State contract.

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

   That the Mayor or City Manager is authorized to purchase one (1) Class 7 Ford Explorer K8B SUV from Stephens Auto for Spring Hill Cemetery, in the amount of $28,166.00, where the purchase will be made using a competitively sourced State contract.

Storage added that the Administration recommends authorization to purchase this vehicle to be used by the Spring Hill Cemetery. The SUV will replace a pickup truck to better facilitate tours of the Cemetery property to citizens looking to complete their final arrangements. Currently, Cemetery Staff have no way to transport citizens in a single vehicle for property examinations, and citizens have to follow behind the superintendent as they take a look at available plots within the 70-acre cemetery. Storage added that the Department is willing to forgo the purchase of a pickup truck in order to better facilitate customer service.

Councilmember Reishman moved to approve the Resolution. With a majority of members present recorded thereon as voting in the affirmative, Chairperson Jenkins declared Resolution No. 412-21 approved.

d. Resolution No. 413-21 - Authorizing the Mayor or City Manager to submit an application to the WV Division of Administrative Services under the Project Safe Neighborhoods (PSN) grant program for the Charleston Police Department in the amount of $114,000 and administer any funds awarded. These funds will be used to purchase cell phone download software, two years of maintenance fees on the National Integrated Ballistic Information Network (NIBIN) machine, binoculars and a drone.

   Now, therefore, 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 Project Safe Neighborhoods (PSN) grant program for the Charleston Police Department in the amount of $114,000 and administer any funds awarded. These funds will be used to purchase cell phone download software, two years of maintenance fees on the National Integrated Ballistic Information Network (NIBIN) machine, binoculars and a drone.

Storage added that the two-year grant, if awarded, will provide significant aid to the Charleston Police Department in furtherance of preventing and solving crime. The City of Charleston is the only municipality in the State to have a NIBIN machine, which is used in ballistics forensics to match bullets to the guns that fired them. The proposed grant will cover the maintenance fees for operating this sophisticated piece of technology at $17,500 per year (total $35,000). The grant application will also propose enrollment in a 2-year contract for Celebrite Premium, which is a special law enforcement tool to unlock cellphones and extract critical data in furtherance of a lawful criminal investigation. The Per-year maintenance fees for this service are $27,000 (total $54,000). The proposed grant also calls for a police drone with a thermal imaging camera, operational iPad, and FAA training and licensing fees. The potential uses for such a drone are innumerable, but some key uses include:

- Aerial crime scene photography, where the camera can cover 2 City blocks or more
- Identifying hiding suspects in wooded areas or finding lost children or the elderly
- Capturing HD photos at a rate of 60+ frames per second
- Recording video at 4K HD standards
- Pursuing suspects

The proposed grant also seeks to procure 10 specialty binoculars that can be used both for daytime and nighttime surveillance.

Councilmember Adams confirmed that the software is $27,000 per year. The drone is $9,000, and there will be training for it.

Councilmember Laird confirmed that these are Federal funds that are being passed through the State. Storage added that the program was originally established under the George W. Bush presidency.

Councilmember Reishman moved to approve the Resolution. With a majority of members present recorded thereon as voting in the affirmative, Chairperson Jenkins declared Resolution No. 413-21 approved.

e. Bill No. 7890 - A BILL to amend the Municipal Code of the City of Charleston by amending and reenacting Section 111-14 of Chapter 111, relating to correcting inadvertent errors made in the year 2018 with respect to detailing the deposit and allocation of the City's Consumer Sales and Use Tax revenue as required by the bond documents related to the Charleston Coliseum and Convention Center renovations; and authorizing any future unencumbered revenue to be transferred to the Uniform Pensions Reserve Fund after payment of the first, second and third priority items.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLESTON THAT:

Section 111-14 of the Municipal Code of the City of Charleston is hereby amended and reenacted to read as follows:

Chapter 111. – CONSUMERS SALES AND USE TAXES

Sec. 111-14. - Deposit of taxes collected in special revenue funds.

(a) The special revenue fund in the city treasury previously established, designated and known as the City Sales and Use Tax Fund is hereby continued. The second special revenue fund in the city treasury previously established, designated and known as the Uniform Pensions Reserve Fund is hereby continued. The City Sales and Use Tax Fund shall continue to receive all revenues received from collection of the city's sales and use taxes, including any interest, additions to tax and penalties deposited with the city treasurer. ~~until September 30, 2015. During the period of October 1 through October 31, 2015, or at such other time as the city treasurer receives the quarterly remittance from the state tax department representing collections for the period of June, July, and August, 2015, 60 percent of the revenues received from the taxes imposed by this chapter, including interest and additions to tax, shall be deposited in the City Sales and Use Tax Fund and 40 percent of the revenues shall be deposited in the Uniform Pensions Reserve Fund. Beginning November 1, 2015, one-half of the revenues received from the taxes imposed by this chapter, including interest and additions to tax, shall be deposited in the City Sales and Use Tax Fund and the second half of the revenues shall be deposited in the Uniform Pensions Reserve Fund. Additionally, there shall be deposited in each fund: (1) all appropriations to the particular fund; (2) all interest earned from investment of the particular fund; and (3) any gifts, grants or contributions received and placed by the city into the City Sales and Use Tax Fund or the Uniform Pensions Reserve Fund. Revenues in the City Sales and Use Tax Fund and the Uniform Pensions Reserve Fund shall not be treated by any person as general revenue of the city. Revenues in the City Sales and Use Tax Fund shall be disbursed in the manner and consistent with the priorities set forth in subsection (b) below. Revenues in the Uniform Pensions Reserve Fund shall be disbursed in the manner and consistent with the priorities set forth in subsection (c) below.~~

(b) Revenues in the City Sales and Use Tax Fund shall be used each quarter: (i) first, to satisfy the debt service requirements and any prior debt service requirements deficit ~~each fiscal year~~ on, and to replenish any required reserves in accordance with the bond documents for, any bonds issued by, or other obligations incurred by, the city, from time to time, including any refunding bonds, to finance improvements to the Charleston Coliseum and Convention Center and for any other economic development or public safety projects, including the funding of any reserve funds relating to any such bonds or other obligations, and/or to make lease payments which secure bonds issued to finance improvements to such Charleston Coliseum and Convention Center or other economic development projects; ~~and~~ (ii) second, after providing for payment of first priority items, (A) during the period of October 1 through October 31, 2015, or at such other time as the city treasurer receives the quarterly remittance from the state tax department representing collections for the period of June, July, and August, 2015, 40 percent of the revenues received from the taxes imposed by this chapter, or any lessor amount remaining after providing for payment of first priority items, shall be deposited in the Uniform Pensions Reserve Fund and (b) beginning November 1, 2015, one-half of the revenues received from the taxes imposed by this chapter, or any lessor amount remaining after providing for payment of first priority items, shall be deposited in the Uniform Pensions Reserve Fund; and (iii) third, after providing for payment of first and second priority items, in the event there were insufficient funds available in any prior quarter to transfer 40 percent or one-half, as applicable, of the revenues received from the taxes imposed by this chapter to the Uniform Pensions Reserve Fund, such amounts shall be deposited in the Uniform Pensions Reserve Fund from revenues available in the City Sales and Use Tax Fund; and (iv) fourth, after providing for payment of first, second and third priority items, any unencumbered revenue in the City Sales and Use Tax Fund may periodically be transferred as necessary or convenient to the ~~city's general revenue account~~ Uniform Pensions Reserve Fund. Additionally, there shall be deposited in each fund: (1) all appropriations to the particular fund; (2) all interest earned from investment of the particular fund; and (3) any gifts, grants or contributions received and placed by the city into the City Sales and Use Tax Fund or the Uniform Pensions Reserve Fund. Revenues in the City Sales and Use Tax Fund and the Uniform Pensions Reserve Fund shall not be treated by any person as general revenue of the city.

(c) Revenues in the Uniform Pensions Reserve Fund shall be used: (i) first, to satisfy the balance of the benefit obligations imposed and assumed by the city on a pay-as-you-go basis for those members who have retired after election of the conservation method set forth in W.Va. Code § 8-22-20(f) after first applying the member contributions and premium tax proceeds not required to be retained in the closed trusts pursuant to W.Va. Code § 8-22-20(f)(2), and any other dedicated or designated income sources as authorized by law, to any such obligations; (ii) second, after providing for payment of first priority items, to satisfy the city's obligations to the Municipal Police Officers and Firefighters Retirement System for the new members hired after adoption of the conservation method as provided by W.Va. Code §§ 8-22-20(f)(3) and 8-22a-1, et. seq.; and (iii) third, at such time as the actuarial report required by W.Va. Code § 8-22-20(f) indicates no actuarial deficiency in the closed municipal policemen's or firemen's pension and relief funds, and after providing for payment of first and second priority items and normal costs as contemplated by W.Va. Code § 8-22-20(f)(4), any remaining and unencumbered revenues may be transferred as necessary or convenient to the city's general revenue account; *Provided*: nothing herein shall preclude transfers from the Uniform Pensions Reserve Fund into the city's general revenue account or any other fund or account from time to time in such amounts as may be necessary or convenient to facilitate the payment of obligations or to accomplish the purposes herein, so long as consistent with the priorities set forth in this subsection.

~~(d) Notwithstanding any other provision of this section to the contrary, revenues deposited into the Uniform Pensions Reserve Fund may be pledged, as a priority over any other uses of such revenues set forth in subsection (c) of this section, as security for any bonds issued by, or other obligations incurred by, the city, from time to time, including any refunding bonds, to finance improvements to the Charleston Coliseum and Convention Center, and/or to make lease payments which secure bonds issued to finance improvements to the Charleston Coliseum and Convention Center. In the event there are insufficient funds available in the City Sales and Use Tax Fund to satisfy scheduled debt service obligations on any bond indebtedness, or other obligations, issued or incurred by the city pursuant to this section, the city treasurer shall transfer the amount of such insufficiency from the Uniform Pensions Reserve Fund to the City Sales and Use Tax Fund to permit the city to meet such scheduled debt service obligations. In the event the city treasurer is required to make such a transfer from the Uniform Pensions Reserve Fund to the City Sales and Use Tax Fund, such amounts so transferred shall be repaid to the Uniform Pensions Reserve Fund as soon as possible from revenues deposited in the City Sales and Use Tax Fund available therefore, from time to time, after satisfaction of succeeding scheduled debt service obligations payable from the City Sales and Use Tax Fund.~~

Storage added that the Administration discovered an error that occurred in 2015 when the bonds were being finalized. It appears that Municode, who codifies the City's online code, received an incorrect version of the bill. In 2018, when the Coliseum and Convention Center was established, a bill was introduced to correct the naming of the facility. The online, incorrect version of the code was used to draft that bill, thus overriding the bill passed in 2015. Storage added that the bill is a technical clean up to ensure that the actual text of City Code complies with the bond documents.

Councilmember Reishman moved to approve the Bill. With a majority of members present recorded thereon as voting in the affirmative, Chairperson Jenkins declared Bill No. 7890 approved.

Councilmember Reishman motioned to adjourn the meeting.

Meeting adjourned.