

CHARLESTON CITY COUNCIL

Regular Meeting

April 5, 2021

at 7:00 PM



THIS MEETING WILL TAKE PLACE IN PERSON AND CAN BE VIEWED LIVE VIA ZOOM

THE RECORDING WILL LATER BE MADE AVAILABLE ON CHARLESTONWV.CIVICCLERK.COM

Charleston Coliseum and Convention Center, West Hall 1

Charleston, WV

AGENDA

***Join via internet:**

<https://us02web.zoom.us/j/84481321925?pwd=bkFUMXdERFdjNTJnL3NHcGIPbi9VQT09>

Passcode: 449461

***Join via Telephone: (312) 626-6799 or (929) 436-2866**

Webinar ID: 844 8132 1925

CALL TO ORDER BY THE MAYOR

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC SPEAKERS AND CLAIMS

1. **INTERESTED PUBLIC SPEAKERS MUST REGISTER AT THE CLERK'S TABLE IN PERSON NO EARLIER THAN 15 MINUTES BEFORE THE MEETING STARTS. FIVE (5) SPEAKERS WILL BE PERMITTED (RULE NO. 22 (B)).**
2. Claims 4-5-2021

PROCLAMATIONS

1. 4-5-2021

COMMUNICATIONS

1. 4-5-2021

REPORTS OF STANDING COMMITTEES

PARKS AND RECREATION

1. Resolution No. 446-21 - Honoring the life and legacy of Patrolman Robert Edward Easley, Sr.

PLANNING, STREETS AND TRAFFIC

1. Bill No. 7896 – Amending the Zoning Ordinance by rezoning to a C-8 district Parcel 11 situated near 931 Oakhurst Drive and 112 Mullins Road, and rezoning from to a C-8 district, 7 parcels of land situated at and around 112 Mullins Road and 931 Oakhurst Drive.

PUBLIC SAFETY

1. Bill No. 7893 Committee Substitute - A BILL to amend and reenact the Municipal Code of the City of Charleston relating to requiring any distribution of hypodermic needles within the City of Charleston to be performed by persons or entities that have a certification as a Harm Reduction Program from the State of West Virginia in addition to any required state license; creating certain requirements for Harm Reduction Programs operating within the City; eliminating the ability for the Chief of Police to provide exceptions, and establishing penalties for violations.

FINANCE

1. Resolution No. 447-21 - Authorizing the Mayor or City Manager to purchase 1 Wheel Loader for the Street Department.
2. Resolution No. 448-21 - Authorizing the Mayor or City Manager to purchase one boom arm mower attachment with installation.
3. Resolution No. 449-21 - Authorizing the Mayor or City Manager to purchase one chipper body truck.
4. Resolution No. 450-21 - Authorizing the Mayor or City Manager to purchase a Heart Monitor / Defibrillator and associated equipment.
5. Resolution No. 451-21 - Authorizing the Mayor or City Manager is authorized to purchase 3 tow behind leaf collectors.
6. Resolution No. 452-21 - That the Mayor or City Manager is authorized to purchase 2 refuse packer trucks.
7. Resolution No. 453-21 – Authorizing the filing of civil actions for the condemnation of property for sanitary sewer easements necessary for the Sanitary Board to complete Phase 2 of its Woodward Branch Sewer Replacement and Rehabilitation Project.
8. Resolution No. 454-21 – Authorizing the Mayor or City Manager to enter into an agreement with The Thrasher Group, Inc. for additional scope of work services relating to the Slack Plaza Project.

REPORTS OF OFFICERS

1. 4-5-2021

NEW BILLS

1. 4-5-2021

UNFINISHED BUSINESS AND/OR MISCELLANEOUS BUSINESS

REMARKS BY MEMBERS

ROLL CALL

ADJOURNMENT

THE NEXT REGULAR MEETING OF COUNCIL WILL BE HELD APRIL 19 , 2021 AT 7:00 P.M.

THE AGENDA WAS AMENDED 4-1-2021



AFFIDAVIT City of Charleston



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

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

Simon M Bailey III, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 1923 DUBSON ST

Telephone Number: 304-951-2718

and that on the Between day of 3-14-3-18, 2020/2021 at approximately unk am/pm
in the City of Charleston, West Virginia, he/she sustained

outbldg roof caved in by broken limb

Nature Of Injury And/Or Damage

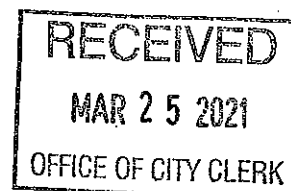
As A Result Of: Falling from tree on city property

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

Simon M Bailey III
Signature of Claimant

Taken, subscribed and sworn to before me this 22nd day of March, 2021.
My commission expires 1/26/2025

Amy A Joyce
Notary Public





AFFIDAVIT
City of Charleston



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

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,
William G. Bumpus, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 462 18th St. Dunbar, WV 25064

Telephone Number: 304-395-0190

and that on the 13th day of March, 2020/2021 at approximately 9:30 (am/pm)
in the City of Charleston, West Virginia, he/she sustained

I tripped on an uneven section of sidewalk

Nature Of Injury And/Or Damage

As A Result Of:

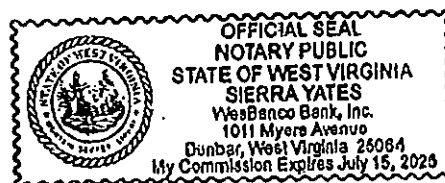
I suffered a head, eye, hand and leg injury

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

[Signature]
Signature of Claimant

Taken, subscribed and sworn to before me this 18 day of March, 2021.
My commission expires July 15, 2025.

[Signature]
Notary Public



RECEIVED

MAR 18 2021

OFFICE OF CITY CLERK



AFFIDAVIT City of Charleston



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

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

Perry M. Hoffman, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 306 Shawnee Circle, Charleston, WV 25304

Telephone Number: 304-546-2019

and that on the 17 day of February, 2020 (2021) at approximately 7:30 am (pm)
in the City of Charleston, West Virginia, he/she sustained

Contusion of tibia, skin injury/significant bruising, soreness all over body.
Passenger injuries include tongue swelling, right arm/leg bruising, chest bruising, headache.
Nature Of Injury And/Or Damage

As A Result Of:

City of Charleston employee driving city truck ran red light at
Dickinson & Virginia Street east intersection striking our vehicle.
Police report number 21-0166 cited city employee for running red light.
Eye witness was Jennifer Canterbury.

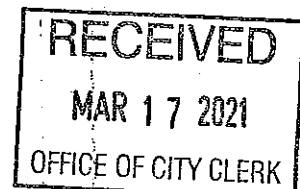
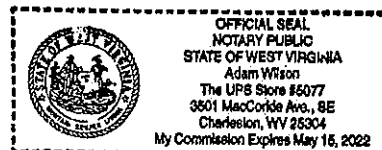
As a result of which accident, the Claimant, Perry M. Hoffman & Alesia L. Hoffman does hereby
make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by
him/her in the future.

Perry M. Hoffman

Signature of Claimant

Taken, subscribed and sworn to before me this 17 day of March, 2021.
My commission expires 05-15-2022.

[Signature]
Notary Public



AFFIDAVIT
City of Charleston

RECEIVED
MAR 19 2021
OFFICE OF CITY CLERK

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

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

Phillip R. O'Dell, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 49 Waterplant Lane, Elkview, WV 25071

Telephone Number: 304-389-1128

and that on the 4th day of March, 2021, ~~2014/2015~~, at approximately 3:00 am/pm
in the City of Charleston, West Virginia, he/she sustained

damage to truck when wind blew city gate up against
the drivers side of truck as he was pulling out of
Nature Of Injury And/Or Damage maintenance area

As A Result Of:

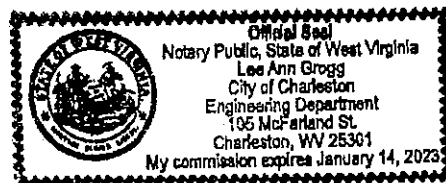
The extended cab window was busted, left side door
dented & entire side of bed dented & scratched.

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

Phillip R. O'Dell
Signature of Claimant

Taken, subscribed and sworn to before me this 19th day of March, 2021, ~~2015~~.
My commission expires January 14, 2023

[Signature]
Notary Public





AFFIDAVIT
City of Charleston



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

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,
Letari Thompson, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 724 Serene Dr Charleston, WV 25311

Telephone Number: 304.546.7458

and that on the 3 day of February, 2020 2021 at approximately 3:00 am pm
in the City of Charleston, West Virginia, he/she sustained

Damage to front and rear passenger tires which were repaired by Bent Wheel Solutions
at a cost of \$340.26.

Nature Of Injury And/Or Damage

As A Result Of:

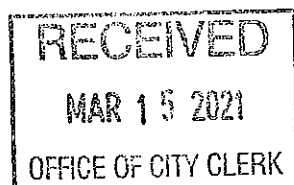
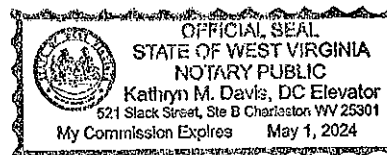
Striking a pothole while driving up Oakridge Dr.

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

L. Thompson
Signature of Claimant

Taken, subscribed and sworn to before me this 9th day of March, 2021.
My commission expires 5/1/2024

[Signature]
Notary Public



Resolution No. 446-21

Introduced in Council:

April 5, 2021

Introduced by:

**Caitlin Cook and Tiffany
Wesley-Plear**

Adopted by Council:

Referred to:

Parks & Recreation

Resolution No. 446-21 - Honoring the life and legacy of Patrolman Robert Edward Easley, Sr. by dedicating and naming the western wing of the Martin Luther King, Jr. Community Center, which is dedicated to afterschool programming, the “Robert Edward Easley, Sr. Annex”.

Whereas, Robert E. Easley, Sr. was a native of Charleston, West Virginia, and served honorably in the Charleston Police Department; and

Whereas, Robert E. Easley, Sr. was one of only a few Black Charleston Police Department members during the Civil Rights Movement of the 1950s and 1960s; and

Whereas, Robert E. Easley, Sr. was known as the “peacemaker” for his ability to find solutions to problems while transcending race, color, religion, gender, and creed; and

Whereas, Robert E. Easley, Sr. was given the 1963 Officer of the Year Award, earned the medal of valor, and received multiple Officer of the Month recognitions; and

Whereas, Robert E. Easley, Sr. helped organize The Canteen—a youth center in the Triangle District of Charleston, also known as the Block, that provided supervised activities for young people; and

Whereas, Robert E. Easley, Sr. spent countless hours volunteering his time at The Canteen in an effort to keep the youth of the community off the street and out of trouble by engaging them with drum corps, drill corps, dances, basketball games, ping-pong matches, tutoring, and much more with the assistance of other local community leaders, teachers, and volunteers; and

Whereas, Robert E. Easley, Sr.’s tireless efforts for the youth of Charleston and his commitment to The Canteen earned him the moniker of “Father of Afterschool Programs”; and

Whereas, Robert E. Easley, Sr. was beloved by the community and is fondly remembered by everyone who spent time at The Canteen and heard Officer Easley’s motivational and inspirational slogan, “Striving to Excel”; and

1
2 Whereas, Robert E. Easley, Sr. passed away in 1997 and was posthumously
3 honored by the State of West Virginia's Human Rights Commission as a West Virginia
4 Civil Rights Day honoree in 2010; and

5
6 Whereas, the City of Charleston owes a debt of gratitude to Robert E. Easley,
7 Sr. for both his distinguished service to the City as a member of the Charleston Police
8 Department and his dedication to the people of Charleston through his volunteer
9 service at The Canteen and throughout the community.

10
11 **Now, therefore, be it Resolved by the Council of the City of Charleston, West**
12 **Virginia:**

13
14 That the City of Charleston hereby honors the life and legacy of Patrolman Robert
15 Edward Easley, Sr. and expresses its thanks for Officer Easley's dedicated service as
16 both an employee of the City and a committed community volunteer with The Canteen
17 and other community engagement.

18
19 And that the City of Charleston dedicates the western wing of the Martin Luther King,
20 Jr., Community Center in honor of Patrolman Robert Edward Easley, Sr.—the Father of
21 Afterschool Programs—and hereby names the western wing, which is dedicated to
22 afterschool programming, the "Robert Edward Easley, Sr. Annex" in his memory.

Bill No. 7896

Introduced in Council

Passed by Council

March 1, 2021

Introduced by

Brent Burton

Referred to

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

Bill No. 7896 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from an R-O district to a C-8 district that certain Parcel 11 as shown upon Charleston South Annex Corp. Map No. 11 situate near 931 Oakhurst Drive and 112 Mullins Road, Charleston, West Virginia, and rezoning from an R-6 district to a C-8 district, those seven certain parcels of land situate at and around 112 Mullins Road and 931 Oakhurst Drive, Charleston, Kanawha County, West Virginia, more specifically described as follows: A part of Parcel No. 11.1 (Parcel 11, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; Parcel No. 11.2 (Parcel 11, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel Number 14 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 14.1 (Parcel 14, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; A part of Parcel 14.2 (Parcel 14, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel 16 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 15.1 (Parcel 15, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted on the 1st day of January 2006, as amended, is hereby amended by rezoning from an R-6 district to a C-8 district the whole of the following described parcels of land:

Parcel No. 11.2 (Parcel 11, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11;

Parcel Number 14 as shown upon Charleston South Annex Corp. Map No. 11;

Parcel 14.1 (Parcel 14, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11;

Parcel 15.1 (Parcel 15, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11;

Parcel 16 as shown upon Charleston South Annex Corp. Map No. 11.

34
35 A part of Parcel 11.1 (Parcel 11, Sub Parcel 1) as shown upon Charleston South
36 Annex Corp. Map No. 11;
37

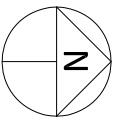
38 A part of Parcel 14.2 (Parcel 14, Sub Parcel 2) as shown upon Charleston South
39 Annex Corp. Map No. 11.
40

41 2. The Zoning Ordinance of the City of Charleston, West Virginia, enacted on the
42 1st day of January 2006, as amended, is hereby amended by rezoning from an R-O
43 district to a C-8 district the whole of the following described parcels of land:
44

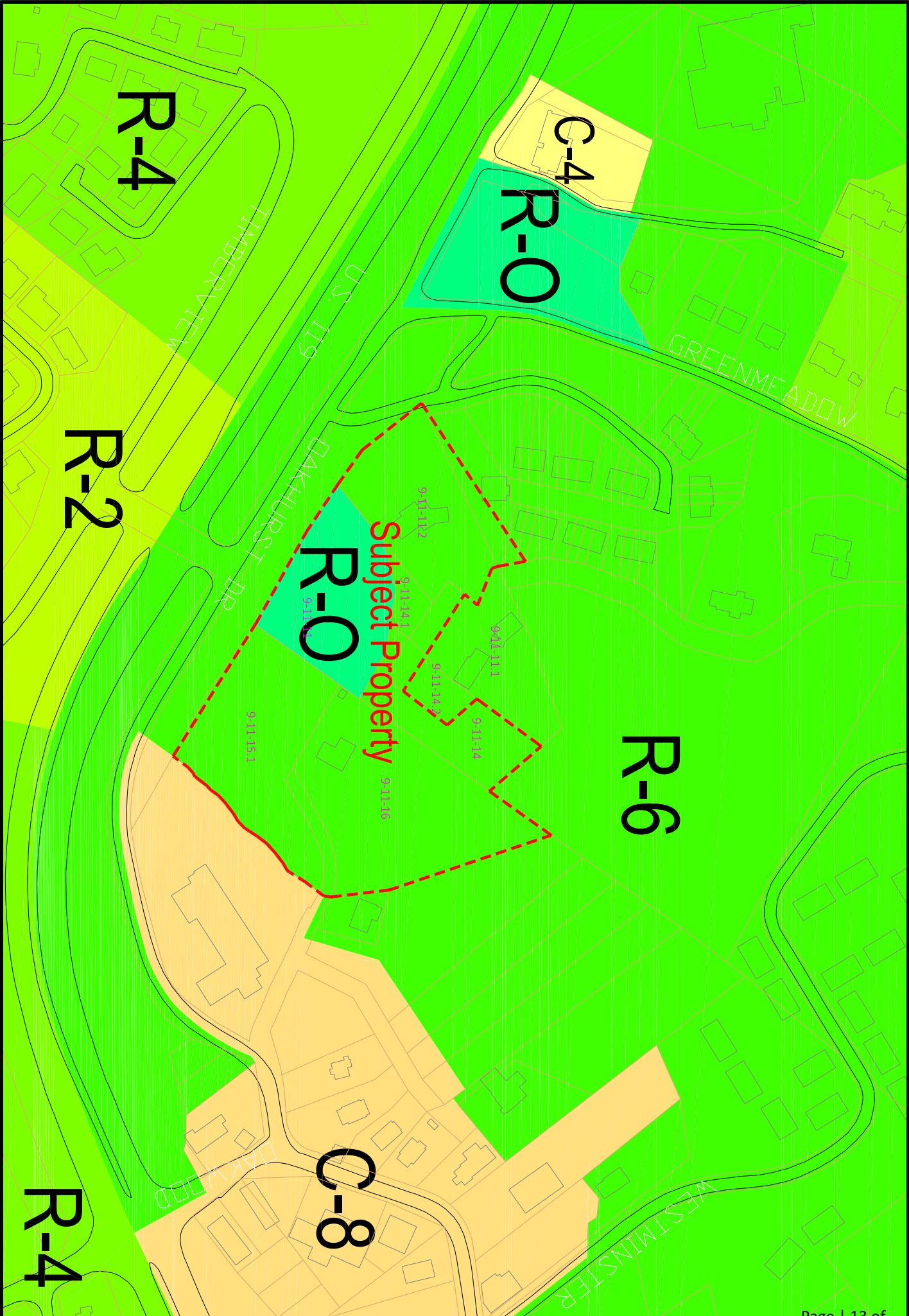
45 Parcel 11 as shown upon Charleston South Annex Corp. Map No. 11.
46

47 3. The Zoning Map, attached to and made a part of the Zoning Ordinance, is hereby
48 amended in accordance with Article 27 of this ordinance.
49

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



REZONING FROM R-6 & R-O TO C-8



**PETITION TO REZONE FROM R-6 AND R-O TO C-8
THE LAND AT AND NEAR 931 OAKHURST DRIVE AND 112 MULLINS ROAD,
CHARLESTON, WEST VIRGINIA**

TO THE MAYOR AND COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

I.

Petitioner is the potential purchaser, currently under contract, of seven full parcels of real property and a portion of two additional parcels of real property (the “Subject Property”) situate at and around 112 Mullins Road and 931 Oakhurst Drive, Charleston, Kanawha County, West Virginia, more specifically described as follows: Parcel 11 as shown upon Charleston South Annex Corp. Map No. 11; Parcel No. 11.2 (Parcel 11, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel Number 14 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 14.1 (Parcel 14, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; Parcel 15.1 (Parcel 15, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; Parcel 16 as shown upon Charleston South Annex Corp. Map No. 11; a part of Parcel 11.1 (Parcel 11, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; a part of Parcel 14.2 (Parcel 14, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11.

II.

Petitioner, pursuant to Sec. 29-030 of the City of Charleston Zoning Ordinance, seeks to have six of the seven full parcels, and a portion of the two additional parcels of the Subject Property rezoned from an R-6 use to a C-8 use, said property described as follows:

- All of Parcel No. 11 , as shown upon Charleston South Annex Corp. Map No. 11;
- All of Parcel No. 11.2 (Parcel 11, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11;
- All of Parcel Number 14 as shown upon Charleston South Annex Corp. Map No. 11;
- All of Parcel 14.1 (Parcel 14, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11;
- All of Parcel 16 as shown upon Charleston South Annex Corp. Map No. 11;
- All of parcel 15.1 (Parcel 15, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11.
- A part of Parcel 11.1 (Parcel 11, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11;
- A part of Parcel 14.2 (Parcel 14, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11.

Petitioner seeks to have one of the seven full parcels of the Subject Property rezoned from an R-O use to a C-8 use, said property described as follows: All of Parcel 11 Petitioner as shown upon Charleston South Annex Corp. Map No. 11.

The above-mentioned tax maps are as of record in the Charleston Planning Department. As set forth above, Petitioner plans to purchase a part of Parcel 11.1 and Parcel 14.2, the metes and bounds and legal description of which will be submitted upon the completion of a survey, which has been ordered and can be submitted upon completion. Petitioner seeks re-zoning of these portions of Parcels 11.1 and 14.2 from an R-6 district to a C-8 district.

The intended use and rezoning of the Subject Property is consistent with the City of Charleston Comprehensive Plan and South Hills Neighborhood Plan. The Subject Property abuts real property currently zoned as C-8 and classified as Convenience Commercial property in both plans. Furthermore, the owner of Parcel 11.1 and 14.2 is a participant in the sale. Rezoning and development of the Subject Property will enhance and improve upon this area of Convenience Commercial property and provide residents of the surrounding neighborhoods and the City of Charleston, as a whole, with the valuable service of indoor climate-controlled storage.

III.

Petitioner proposes to develop the Subject Property by constructing and operating an indoor climate-controlled self-storage facility.

IV.

The Bill for the proposed rezoning is sponsored by Council Member _____.
The Subject Property is shown on the maps attached to this Petition as Exhibits A and B.

Respectfully submitted this 4th day of
February, 2021

RPG WV Properties, LLC
By Counsel and Authorized
Representative:

Adam J. Schwendeman

(511840)

Bill No. 7893 Committee Substitute

Introduced in Council:

January 19, 2021

Introduced by:

**Sam Minardi, Adam Knauff, Pat Jones
Shannon Snodgrass, Bruce King,
Deanna McKinney, Jennifer Pharr,
Jeanine Faegre and Chuck Overstreet**

Adopted by Council:

Referred to:

Public Safety

Bill No. 7893 Committee Substitute - A BILL to amend and reenact Sections 78-381, 78-382, and 78-383 of the Municipal Code of the City of Charleston and to repeal Sections 78-396 and 78-397 of said Code, all relating to requiring any distribution of hypodermic needles within the City of Charleston to be performed by persons or entities that have a certification as a Harm Reduction Program from the State of West Virginia in addition to any required state license; **creating certain requirements for Harm Reduction Programs operating within the City;** eliminating the ability for the Chief of Police to provide exceptions, and establishing penalties for violations.

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

That Sections 78-381, 78-382, and 78-383 of the Municipal Code of the City of Charleston is amended and reenacted, and that Sections 78-396 and 78-397 of said Code are repealed, all to read as follows:

Subdivision II. - Sale, Marketing, and Distribution of Hypodermic Needles and Syringes

Sec. 78-381. - Sale, marketing and distribution Distribution of hypodermic needles; state license certification required.

It shall be unlawful for any person or persons as principal, clerk, agent, or servant or otherwise acting individually or on behalf of any entity, organization or group to sell, market, or distribute any hypodermic syringes, needles and other similar objects used or designed for injecting substances into the human body, without obtaining and having certification as a Harm Reduction Program from the West Virginia Bureau for Public Health within the West Virginia Department of Health and Human Resources and any and all licenses required under state law to do so; except that, items distributed by or exchanged at a needle exchange program sponsored or approved by the Chief of Police of the Charleston Police Department, as provided by Subdivision III herein, are thereby approved and are not unlawful.

Sec. 78-382. - Compliance with state law and regulations.

34
35 Every person, entity, organization, or group certified or licensed to sell, market, or
36 distribute hypodermic needles shall comply with all applicable state law and regulations.
37 In addition, every Harm Reduction Program operating within the City of Charleston shall
38 (1) receive one returned syringe for every syringe it distributes; (2) maintain a
39 confidential list of the number of syringes dispensed and returned by the program
40 participant for every visit; (3) individually mark each syringe it dispenses with identifying
41 information that clearly and unambiguously allows for the identification of each syringe
42 dispensed by the program that dispensed it; and (4) document at every visit that each
43 participant was offered medical services, including mental, behavioral health, and drug
44 treatment services, by a licensed or certified health care provider.

45
46 **~~Subdivision III. -- Needle Exchange Program~~**

47
48 **~~Sec. 78-383. - Penalty.~~**

49 Any person violating any provision of this subdivision shall, if convicted, be guilty of a
50 misdemeanor and be fined not less than five hundred ~~ten~~ dollars nor more than one
51 thousand ~~five hundred~~ dollars for the first offense and succeeding offenses. Each day
52 that such violation shall continue shall be deemed a separate and distinct offense.

53
54 **~~Sec. 78-396. -- Needle exchange program authorized.~~**

55
56 ~~The City of Charleston, by and through its Chief of Police, may sponsor, approve, or~~
57 ~~participate in a program or programs within the City of Charleston for the distribution or~~
58 ~~exchange of hypodermic syringes, needles and other similar objects used or designed~~
59 ~~for injecting substances into the human body.~~

60
61 **~~Sec. 78-397. -- Rules and regulations; Chief of Police authorized.~~**

62
63 ~~The Chief of Police of the City of Charleston Police Department is authorized to~~
64 ~~promulgate reasonable rules or regulations deemed necessary to implement and~~
65 ~~administer a program within the City of Charleston provided for in Section 78-396 for~~
66 ~~the distribution or exchange of hypodermic syringes, needles and other similar objects~~
67 ~~used or designed for injecting substances into the human body.~~

AMENDMENT

TO: Clerk of the Council of the City of Charleston, West Virginia

AMENDMENT TO BILL: No. 7893 Committee Substitute

OFFERED BY: Bobby Reishman

The following amendment to Bill No. 7893 Committee Substitute is proposed:

On Page 1, line 1, after the words "A BILL" by striking out the remainder of the bill and inserting in lieu thereof the following:

1 to amend the Municipal Code of the City of Charleston, by adding thereto a new Article
2 within Chapter 58 of said Code, designated Article III, consisting of Sections 58-51, 58-
3 52, 58-53, 58-54, 58-55, and 58-56, and to repeal Sections 78-381, 78-382, 78-383, 78-
4 396 and 78-397 of said Code, all relating to adopting the American Medical Association's
5 model ordinance to support community health and reduce harm from overdose and drug
6 use; making certain findings and declarations of Council; defining terms; authorizing
7 syringe services programs as part of harm reduction programs; requiring certain reports
8 to the City; requiring certain recording and evaluation of programs in operation; promoting
9 safe syringe disposal; and eliminating offenses related to hypodermic syringes and the
10 ability for the Chief of Police to provide exceptions, and establishing penalties for
11 violations.

12
13 **Now, therefore, be it ordained by the Council of the City of Charleston:**

14
15 That there is hereby created a new Article within Chapter 58, designated Article III,
16 consisting of Sections 58-51, 58-52, 58-53, 58-54, 58-55, and 58-56; and that Sections
17 78-381, 78-382, 78-383, 78-396, and 78-397 of said Code are repealed, all to read as
18 follows:

19
20 **CHAPTER 58. – HEALTH AND SANITATION.**

21 **ARTICLE III. – COMMUNITY HEALTH AND HARM REDUCTION.**

22
23 **Sec. 58-51. – Title.**

24
25 This Ordinance shall be known as and may be cited as the "City of Charleston Ordinance
26 to Support Community Health and Reduce Harm from Overdose and Drug Use."

27

28 **Sec. 58-52. – Findings.**

29
30 The City Council of the City of Charleston hereby finds and declares that:

31
32 (1) A substance use disorder is a chronic, treatable disease rather than a criminal
33 activity.

34
35 (2) Saving lives from an opioid-related overdose through administration of
36 naloxone and timely assistance from first responders and Good Samaritans benefits the
37 public welfare of our City and State.

38
39 (3) Reducing the risk of disease transmission among people who share or inject
40 drugs and drug paraphernalia constitutes a legitimate medical and public health rationale
41 for removing barriers to the use of clean syringes, needles, and related equipment or
42 supplies.

43
44 (4) Legally operated needle and syringe services programs are evidence-based
45 initiatives to mitigate health risks associated with illicit drug use and other high-risk
46 behaviors.

47
48 (5) Needle and syringe services programs also have been shown to help connect
49 people who share or inject drugs and with important health care services, including
50 treatment options for a substance use disorder.

51
52 **Sec. 58-53. – Definitions.**

53
54 For the purpose of this Article:

55
56 “Administer naloxone” means to give naloxone intravenously, intranasally,
57 intramuscularly, or through an auto-injector.

58
59 “First responder” means an emergency medical responder, police officer,
60 firefighter or other person who responds to emergencies in a professional or volunteer
61 capacity.

62
63 “Harm reduction organization” means an organization that provides direct
64 assistance and services, including but not limited to counseling, screening, and drug
65 treatment, to individuals at risk of experiencing overdose.

66
67 “Health care professional” means a person licensed under the professional
68 licensing statutes of this state to provide care to individuals, including those authorized to
69 prescribe or dispense drugs or devices approved by the U.S. Food and Drug
70 Administration.

71
72 “Individually Identifiable Health Information” means health information, that could
73 identify a specific individual, including demographic information collected from an

individual that (1) is created or received by a harm reduction organization, health care provider, health plan, employer, or health care clearinghouse; and (2) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.

“Opioid antagonist” means a drug that binds to opioid receptors and blocks or inhibits the effects of opioids acting on those receptors, including but not limited to naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration.

“Opioid-related drug overdose” means a condition including decreased level of consciousness, including coma, and respiratory depression, resulting from the consumption or use of an opioid or another substance with which an opioid was combined, or a condition that a reasonable person would believe to be an opioid-related drug overdose that requires medical assistance.

“Syringe” includes both hypodermic syringes and needles.

Sec. 58-54. – Needle and hypodermic syringe services programs.

(a) Any governmental or nongovernmental organization, including a local health department or a harm reduction organization, may establish and operate a needle and hypodermic syringe services program (“SSP”), pursuant to this section.

(b) Prior to commencing operations of an SSP established pursuant to this section, the governmental or nongovernmental organization shall report to the City of Charleston, all of the following information:

(1) The name of the organization or agency operating the SSP.

(2) The areas and populations to be served by the SSP.

(3) The methods by which the program will meet the requirements of this Article.

(c) The objectives of the SSP shall be as follows:

(1) Reduce the spread of HIV, AIDS, viral hepatitis, and other infectious bloodborne diseases in the City of Charleston.

(2) Reduce needle stick injuries to law enforcement officers and other emergency personnel.

(3) Make available to individuals who inject drugs opportunities to enroll in evidence-based treatment.

(4) Provide opioid antagonists and other reversal agents to help save lives from an opioid-related overdose or other substance.

(d) To the extent practicable, and subject to funding and resources, SSPs established pursuant to this section shall offer the following services:

(1) Secure storage and disposal of used needles and hypodermic syringes.

(2) Sterile needles, hypodermic syringes, and other injection supplies at no cost

and in quantities sufficient to ensure that needles, hypodermic syringes, and other injection supplies are not shared or reused

(3) Opioid antagonists.

(e) For each individual requesting services, the SSP shall be encouraged, but not required as a condition of providing services, to provide information, referral or access to a health care professional, program employee or volunteer concerning mental health or addiction, and other relevant services.

(f) Any health information provided to an SSP established pursuant to this section shall be considered protected health information and not entered into any database or subject to disclosure to law enforcement or other state officials without probable cause.

(g) No employee, volunteer, or participant of an SSP established pursuant to this section shall be arrested, charged with, or prosecuted for possession of any of the following:

(1) Sterile or used needles, hypodermic syringes, or other injection supplies obtained from or returned to an SSP established pursuant to this section, including testing supplies for illicit substances.

(2) Residual amounts of a controlled substance contained in a used needle, used hypodermic syringe, or used injection supplies obtained from or returned to an SSP established pursuant to this section.

Sec. 58-55. – Recording and evaluation.

(a) An organization that establishes an SSP subject to this Article shall put in place protocols for recording and evaluation of the SSP, including:

(1) Number of needles and syringes in storage;

(2) Number of needles and syringes accepted for disposal;

(3) Number of needles and syringes provided to participants; and

(4) Number of individuals who were provided services, including the type of service provided.

(b) The information required under this Section shall be provided to the City of Charleston on a semi-annual basis and no less than twice per year.

Sec. 58-56. – Promoting safe syringe disposal.

(a) The City of Charleston through the Mayor's Coordinated Addiction Response Effort ("CARE Office") shall implement procedures to set up syringe litter disposal bins in at least ten strategic locations throughout the City of Charleston by May 1, 2022, and will work in consultation with the Kanawha-Charleston Health Department on regular disposal and maintenance.

(b) The City of Charleston through its CARE Office will seek guidance for syringe litter disposal box locations from governmental and non-governmental organizations

including but not limited to: Charleston Police Department, Charleston Fire Department, Charleston Sanitation Board, the Kanawha Charleston Health Department, business owners, civic groups, healthcare providers, homeless service providers, harm reduction service providers, and the drug user community.

CHAPTER 78. – OFFENSES AND MISCELLANEOUS PROVISIONS.

ARTICLE V. – OFFENSES INVOLVING PUBLIC MORALS.

DIVISION 5. – DRUGS AND RELATED OFFENSES.

~~Subdivision II. – Sale, Marketing, and Distribution of Hypodermic Needles and Syringes~~

~~Sec. 78-381. – Sale, marketing and distribution of hypodermic needles; state license required.~~

~~It shall be unlawful for any person or persons as principal, clerk, agent, or servant to sell, market, or distribute any hypodermic syringes, needles and other similar objects used or designed for injecting substances into the human body, without obtaining and having any and all licenses required under state law to do so: except that, items distributed by or exchanged at a needle exchange program sponsored or approved by the Chief of Police of the Charleston Police Department, as provided by Subdivision III herein, are thereby approved and are not unlawful.~~

~~Sec. 78-382. – Compliance with state law and regulations.~~

~~Every person, licensed to sell, market, or distribute hypodermic needles shall comply with all applicable state law and regulations.~~

~~Subdivision III. – Needle Exchange Program~~

~~Sec. 78-383. – Penalty.~~

~~Any person violating any provision of this subdivision shall, if convicted, be guilty of a misdemeanor and be fined not less than ten dollars nor more than five hundred dollars for the first offense and succeeding offenses. Each day that such violation shall continue shall be deemed a separate and distinct offense.~~

~~Sec. 78-396. – Needle exchange program authorized.~~

~~The City of Charleston, by and through its Chief of Police, may sponsor, approve, or participate in a program or programs within the City of Charleston for the distribution or exchange of hypodermic syringes, needles and other similar objects used or designed for injecting substances into the human body.~~

~~Sec. 78-397. – Rules and regulations; Chief of Police authorized.~~

~~The Chief of Police of the City of Charleston Police Department is authorized to~~

212 ~~promulgate reasonable rules or regulations deemed necessary to implement and~~
213 ~~administer a program within the City of Charleston provided for in Section 78-396 for the~~
214 ~~distribution or exchange of hypodermic syringes, needles and other similar objects used~~
215 ~~or designed for injecting substances into the human body.~~
216

Resolution No. 447-21

Introduced in Council:

Adopted by Council:

April 5, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 447-21 - Authorizing the Mayor or City Manager to purchase one Hyundai
2 HL940A-TM Tool Master Wheel Loader from West Virginia Tractor Company in the amount of
3 \$126,500.00 for the Street Department. The purchase price was determined through a
4 competitive bidding process, and the awarded bidder qualified for local vendor preference.

5

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

7

8 That the Mayor or City Manager is authorized to purchase one Hyundai HL940A-TM Tool
9 Master Wheel Loader from West Virginia Tractor Company in the amount of \$126,500.00 for
10 the Street Department. The purchase price was determined through a competitive bidding
11 process, and the awarded bidder qualified for local vendor preference.

12

Wheel Loader

Project No. 2021-008

Bid Opening: March 15, 2021

	WV Tractor	Leslie Equipment	State Equipment
	241 Virginia Street West	19 Goff Crossing Drive	560 New Goff Mountain Road
	Charleston WV 25302	Cross Lanes WV 25313	Cross Lanes WV 25313
	P: (304) 346-5301	P: (304) 204-1818	P: (304) 776-4405
	wvtractor@msn.com	danielpaul@lec1.com	jcook@stateequipment.com
Wheel Loader	\$126,500.00	\$149,900.00	\$156,600.00
Local Vendor Preference (4%)	(\$5,060) \$121,440.00	(\$5,996) \$143,904.00	(\$6,264) \$150,336.00
Successful Bidder	✓		

Resolution No. 448-21

Introduced in Council:

Adopted by Council:

April 5, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 448-21 - Authorizing the Mayor or City Manager to purchase a boom arm
2 mower attachment with installation in the amount of \$28,980.00 from State Equipment. The
3 purchase price was determined through a competitive bidding process, and the awarded
4 bidder qualified for local vendor preference.

5

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

7

8 That the Mayor or City Manager is authorized to purchase a boom arm mower attachment
9 with installation in the amount of \$28,980.00 from State Equipment. The purchase price was
10 determined through a competitive bidding process, and the awarded bidder qualified for local
11 vendor preference.

12

Boom Arm and Installation for Kubota Mower	
Project No. 2021-007	
Bid Opening: March 16 , 2021	
	State Equipment 560 New Goff Road Cross Lanes, WV 25313 P: (304) 776-4405 jcook@stateequipment.com Total
Chipper Body Tuck	\$28,980.00
Local Vendor Preference (4%)	(\$1,159.20) \$27,820.80
Successful Bidder	✓

Resolution No. 449-21

Introduced in Council:

Adopted by Council:

April 5, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 449-21 - Authorizing the Mayor or City Manager to purchase one chipper body
2 truck from West Virginia Tractor Company in the amount of \$101,400.00. The purchase price
3 was determined through a competitive bidding process, and the awarded bidder qualified for
4 local vendor preference.

5

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

7

8 That the Mayor or City Manager is authorized to purchase one chipper body truck from West
9 Virginia Tractor Company in the amount of \$101,400.00. The purchase price was determined
10 through a competitive bidding process, and the awarded bidder qualified for local vendor
11 preference.

12

Chipper Body Truck	
Project No. 2021-006	
Bid Opening: March 16 , 2021	
	West Virginia Tractor
	PO BOX 473
	Charleston, WV 25322
	P: (304) 346-5301
	wvtractor@msn.com
	Total
Chipper Body Tuck	\$101,400.00
Local Vendor Preference (4%)	(\$4,056.) \$97,344.00
Successful Bidder	

Resolution No. 450-21

Introduced in Council:

Adopted by Council:

April 5, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 450-21 - Authorizing the Mayor or City Manager to purchase a LIEFEPAK 15 V4
2 Heart Monitor / Defibrillator and associated equipment from Stryker Corporation in the
3 amount of \$26,419.65, where the purchase price represents a \$5,000 trade-in value credit on a
4 retired device and the purchase price adheres to federal GSA contract pricing.

5

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

7

8 That the Mayor or City Manager is authorized to purchase a LIEFEPAK 15 V4 Heart Monitor /
9 Defibrillator and associated equipment from Stryker Corporation in the amount of \$26,419.65,
10 where the purchase price represents a \$5,000 trade-in value credit on a retired device and the
11 purchase price adheres to federal GSA contract pricing.

12

CITY OF CHARLESTON, West Virginia
Purchase Order Request Form
CHARLESTON FIRE DEPARTMENT

Purchase Order #: _____

Date: 03/23/21 Account Number#: 4-459

Vendor: Stryker Vendor # 4735

Contact: Austin Long Phone# _____

Address: _____
(Street, City, State, Zip)

Quantity	Description	Unit Price	Total Price
1	LP Monitor 15	31,419.65	31,419.65
	Trade In LP12	(5,000.00)	(5,000.00)
TOTAL			26,419.65

Requested By: Shaun Dickey

Purpose of Request: FY21 budget money for new LP15

Operations Chief:

☐ Denied ☐ Approved _____ Date: _____

Administrative Chief:

☐ Denied ☒ Approved Chad Jones Date: 3/23/2021

Fire Chief:

☐ Denied ☐ Approved _____ Date: _____



CharlestonFD-1LP15-Mar21

Quote Number: 10340538

Remit to:

Stryker Medical

Version: 1

P.O. Box 93308

Prepared For: CHARLESTON FIRE DEPT

Rep:

Chicago, IL 60673-3308

Attn:

Email:

Austin Long

austin.long@stryker.com

Phone Number:

(858) 774-0394

Quote Date: 03/23/2021

Expiration Date: 06/21/2021

Delivery Address

Name: CHARLESTON FIRE DEPT
Account #: 1080876
Address: 808 VIRGINIA ST W
CHARLESTON
West Virginia 25302-1820

End User - Shipping - Billing

Name: CHARLESTON FIRE DEPT
Account #: 1080876
Address: 808 VIRGINIA ST W
CHARLESTON
West Virginia 25302-1820

Bill To Account

Name: CHARLESTON FIRE DEPT
Account #: 1080876
Address: 808 VIRGINIA ST W
CHARLESTON
West Virginia 25302-1820

Equipment Products:

#	Product	Description	Qty	Sell Price	Total
1.0	99577-001957	LIFEPAK 15 V4 Monitor/Defib - Manual & AED, Trending, Noninvasive Pacing, SpO2, SpCO, NIBP, 12-Lead ECG, EtCO2, BT. Incl at N/C: 2 pr QC Electrodes (11996-000091) & 1 Test Load (21330-001365) per device, 1 Svc Manual CD (26500-003612) per order	1	\$28,442.96	\$28,442.96
2.0	41577-000288	Ship Kit -QUIK-COMBO Therapy Cable; 2 rolls100mm Paper; RC-4, Patient Cable, 4ft.; NIBP Hose, Coiled; NIBP Cuff, Reusable, adult; 12-Lead ECG Cable, 4-Wire Limb Leads, 5ft; 12-Lead ECG Cable, 6-Wire Precordial attachment	1	\$0.00	\$0.00
3.0	21330-001176	LP 15 Lithium-ion Battery 5.7 amp hrs	4	\$330.03	\$1,320.12
4.0	11171-000049	Masimo™Rainbow™ DCI Adult Reusable SpO2, SpCO, SpMet Sensor, 3 FT. For use with RC Patient Cable.	1	\$524.80	\$524.80
5.0	11171-000050	Masimo™Rainbow™ DCIP Pediatric Reusable SpO2, SpCO, SpMet Sensor, 3 FT. For use with RC Patient Cable.	1	\$578.10	\$578.10
6.0	21300-008159	LIFEPAK 15 NIBP Straight Hose, 6'	1	\$59.86	\$59.86
7.0	11160-000011	NIBP Cuff-Reusable, Infant	1	\$16.02	\$16.02
8.0	11160-000013	NIBP Cuff-Reusable, Child	1	\$18.42	\$18.42
9.0	11160-000017	NIBP Cuff -Reusable, Large Adult	1	\$24.83	\$24.83
10.0	11160-000019	NIBP Cuff-Reusable, Adult X Large	1	\$36.84	\$36.84
11.0	11577-000002	LIFEPAK 15 Basic carry case w/right & left pouches; shoulder strap (11577-000001) included at no additional charge when case ordered with a LIFEPAK 15 device	1	\$276.34	\$276.34
12.0	11220-000028	LIFEPAK 15 Carry case top pouch	1	\$50.02	\$50.02



CharlestonFD-1LP15-Mar21

Quote Number: 10340538

Version: 1

Prepared For: CHARLESTON FIRE DEPT
Attn:

Remit to:

Stryker Medical

P.O. Box 93308

Chicago, IL 60673-3308

Rep:

Austin Long

Email:

austin.long@stryker.com

Phone Number:

(858) 774-0394

Quote Date: 03/23/2021

Expiration Date: 06/21/2021

#	Product	Description	Qty	Sell Price	Total
13.0	11260-000039	LIFEPAK 15 Carry case back pouch	1	\$71.34	\$71.34
Equipment Total:					\$31,419.65

Trade In Credit:

Product	Description	Qty	Credit Ea.	Total Credit
TR-LP12B-LP15	TRADE-IN-STRYKER LIFEPAK 12B TOWARDS PURCHASE OF LIFEPAK 15	1	-\$5,000.00	-\$5,000.00

Price Totals:

Grand Total: \$26,419.65

Prices: In effect for 60 days.

Terms: Net 30 Days

Ask your Stryker Sales Rep about our flexible financing options.

AUTHORIZED CUSTOMER SIGNATURE

Deal Consummation: This is a quote and not a commitment. This quote is subject to final credit, pricing, and documentation approval. Legal documentation must be signed before your equipment can be delivered. Documentation will be provided upon completion of our review process and your selection of a payment schedule.

Confidentiality Notice: Recipient will not disclose to any third party the terms of this quote or any other information, including any pricing or discounts, offered to be provided by Stryker to Recipient in connection with this quote, without Stryker's prior written approval, except as may be requested by law or by lawful order of any applicable government agency.

Terms: Net 30 days. FOB origin. A copy of Stryker Medical's standard terms and conditions can be obtained by calling Stryker Medical's Customer Service at 1-800-Stryker.

In the event of any conflict between Stryker Medical's Standard Terms and Conditions and any other terms and conditions, as may be included in any purchase order or purchase contract, Stryker's terms and conditions shall govern.

Cancellation and Return Policy: In the event of damaged or defective shipments, please notify Stryker within 30 days and we will remedy the situation. Cancellation of orders must be received 30 days prior to the agreed upon delivery date. If the order is cancelled within the 30 day window, a fee of 25% of the total purchase order price and return shipping charges will apply.

Resolution No. 451-21

Introduced in Council:

Adopted by Council:

April 5, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 451-21 - Authorizing the Mayor or City Manager to purchase three tow behind
2 leaf collectors from Infrastructure Solutions Group in the total amount of \$154,333.02. The
3 purchase will be made pursuant to a competitively sourced multi-state contract.

4

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

6

7 That the Mayor or City Manager is authorized to purchase three tow behind leaf collectors
8 from Infrastructure Solutions Group in the total amount of \$154,333.02. The purchase will be
9 made pursuant to a competitively sourced multi-state contract.

10



Infrastructure Solutions Group
8383 Old Richfood Road Mechanicsville, Va. 23116
1-804-730-4040

Proposal: 020720AC-01 Sourcewell Contract # 41217-ODB

Date: 3/1/2021
Charleston,

For: WV

Sourcewell Member ID 45335

Quote # 020720AC-01

Contact: Al Clary
Office: 804-730-4040 Fax: 804-730-4242
Cell: 804-380-2869 Email: al@weareisg.com

Customer: City of Charleston
200 Baker Lane Charleston, WV 25302

Product:

XV600.JD74 Xtreme Vac by ODB Model LCT600 Tow Behind Leaf Collector

MSRP

\$ 47,520.06

JD74P Powered by John Deere 4045TFC03 diesel 4 cyl. engine rated for 74 HP Final Tier 4 **

\$ 8,874.13

Rubber suction hose in lieu of rubber
30" diameter suction impeller with six 3/8" thick T-1 steel blades *JD
4-groove power band belt drive for suction impeller
16" diameter x 120" rubber suction hose with steel nozzle
16" diameter x 48" long rubber exhaust hose
Hydraulic hose boom powered by an electric/hydraulic pump
13" clutch assembly with a 2.25" diameter PTO shaft
Boxed perforated pleated radiator screen
44-gallon polyethylene fuel tank
Electronic engine controls with engine safety shut down system
1/4" thick trailer deck with channel members on the ends
Single 6,000 pound rubber Torflex axle with EZ lube hubs
ST225-75-R15 radial tires mounted on steel wheels and steel fenders
Electric brakes with break-away actuator
LED type DOT lights and aoval LED amber flasher light at rear
HD height adjustable pintle eye with three quick release pins
PTO Safety engagement system
Parking jack with 5" swivel castor wheel
All components pre-painted prior to assembly - standard color is white



MSRP: \$ 56,394.19

Sourcewell 7.5% Discount: \$ 4,229.56

ISG Stock Order DCL discount 10%: \$ 5,639.42

Net Equipment Cost: \$ 46,525.21

Dealer Training \$ 500.00

Dealer PDI \$ 273.00

Delivery cost to Charleston \$ 1,748.00

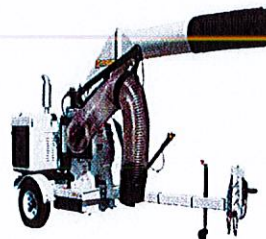
Transportation cost to Dealer: \$ 185.00

Total Delivered Cost Per Unit: \$ 49,231.21

x2 Series

Contract #041217-ODB

Lead Time is approximately 5 to 10 days





Infrastructure Solutions Group
8383 Old Richford Road Mechanicsville, Va. 23116
1-804-730-4040

Proposal: 020720AC-02 Sourcewell Contract # 41217-ODB

Date: 3/1/2021
Charleston,

For: WV

Sourcewell Member ID 45335

Quote # 020720AC-02

Contact: Al Clary
Office: 804-730-4040 Fax: 804-730-4242
Cell: 804-380-2869 Email: al@weareisg.com

Customer: City of Charleston
200 Baker Lane Charleston, WV 25302

Product:

XV600.JD74 Xtreme Vac by ODB Model LCT600 Tow Behind Leaf Collector

MSRP

\$ 47,520.06

JD74P Powered by John Deere 4045TFC03 diesel 4 cyl. engine rated for 74 HP Final Tier 4 **

\$ 8,874.13

Rubber suction hose in lieu of rubber
30" diameter suction impeller with six 3/8" thick T-1 steel blades *JD
4-groove power band belt drive for suction impeller
16" diameter x 120" rubber suction hose with steel nozzle
16" diameter x 48" long rubber exhaust hose
Hydraulic hose boom powered by an electric/hydraulic pump
13" clutch assembly with a 2.25" diameter PTO shaft
Boxed perforated pleated radiator screen
44-gallon polyethylene fuel tank
Electronic engine controls with engine safety shut down system
1/4" thick trailer deck with channel members on the ends
Single 6,000 pound rubber Torflex axle with EZ lube hubs
ST225-75-R15 radial tires mounted on steel wheels and steel fenders
Electric brakes with break-away actuator
LED type DOT lights and aoval LED amber flasher light at rear
HD height adjustable pintle eye with three quick release pins
PTO Safety engagement system
Parking jack with 5" swivel castor wheel
All components pre-painted prior to assembly - standard color is white



MSRP: \$ 56,394.19

Sourcewell 7.5% Discount: \$ 4,229.56

Net Equipment Cos \$ 52,164.60

2021 ODB Steel Surcharge \$ 1,000.00

Dealer Training \$ 500.00

Dealer PDI \$ 273.00

Delivery cost to Charleston \$ 1,748.00

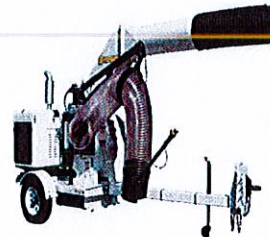
Transportation cost to Dealer: \$ 185.00

Total Delivered Cost Per Unit \$ 55,870.60

1 Device

Contract #041217-ODB

Lead Time is approximately 5 to 10 days



Refuse Packer Trucks			
Project No. 2021-010			
Bid Opening: March 15 , 2021			
			West Virginia Tractor
			PO BOX 473
			Charleston, WV 25322
			P: (304) 346-5301
			wvtractor@msn.com
	Qty	Price Per Truck	Total
Refuse Packer Trucks	2	\$141,000.00	\$282,000.00
Local Vendor Preference (4%)			(\$11,280) \$270,720.00
Successful Bidder			✓

Resolution No. 452-21

Introduced in Council:

Adopted by Council:

April 5, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 452-21 - Authorizing the Mayor or City Manager to purchase two refuse packer
2 trucks from West Virginia Tractor Company in the total amount of \$282,000.00. The purchase
3 price was determined through a competitive bidding process, and the awarded bidder qualified
4 for local vendor preference.

5

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

7

8 That the Mayor or City Manager is authorized to purchase two refuse packer trucks from West
9 Virginia Tractor Company in the total amount of \$282,000.00. The purchase price was
10 determined through a competitive bidding process, and the awarded bidder qualified for local
11 vendor preference.

12

1 Resolution No. 453-21

2
3 Introduced in Council:

Adopted by Council:

4
5 April 5, 2021

6
7 Introduced by:

Referred to:

8
9
10 Joseph Jenkins

Finance Committee

11
12 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLESTON, WEST
13 VIRGINIA AUTHORIZING THE FILING OF CIVIL ACTIONS FOR THE
14 CONDEMNATION OF PROPERTY FOR SANITARY SEWER EASEMENTS NECESSARY
15 FOR THE SANITARY BOARD OF THE CITY OF CHARLESTON, WEST VIRGINIA TO
16 CONSTRUCT, INSTALL AND COMPLETE PHASE II OF ITS WOODWARD BRANCH
17 SEWER REPLACEMENT AND REHABILITATION PROJECT
18

19 WHEREAS, the Sanitary Board of the City of Charleston, West Virginia (the “Sanitary Board”)
20 has presented a Resolution requesting the City Council of the City of Charleston, West Virginia to
21 authorize the City of Charleston (the “City”) to file civil actions in the Circuit Court of Kanawha
22 County for the condemnation of property for sanitary sewer permanent easements, temporary
23 easements, temporary construction access easements, and temporary access easements necessary
24 for the Sanitary Board to construct, install and complete Phase II of its Woodward Branch Sewer
25 Replacement and Rehabilitation Project (the “Project”);

26
27 WHEREAS, the City, in accordance with the provisions of Chapter 16, Article 13 of the Code of
28 West Virginia, 1931, owns the sewerage system, both within and without the corporate limits of
29 the City, consisting of a sewage treatment plant or plants and its collecting, intercepting and outlet
30 sewers, lateral sewers, drains, force mains, conduits, pumping stations and ejector stations and all
31 other appurtenances, extensions, improvements and betterments necessary, appropriate, useful,
32 convenient or incidental for the collection, treatment, purification and disposal in a sanitary manner
33 of liquid and solid waste, sewage and industrial waste (the “System”);

34
35 WHEREAS, the Sanitary Board, created by Ordinance of the City Council adopted March 17,
36 1952, is a separate entity from the City;

37
38 WHEREAS, by Ordinance of the City Council adopted June 16, 1952, custody, administration,
39 operation and maintenance of the System were placed under the supervision and control of the
40 Sanitary Board;

41
42 WHEREAS, due to statutory provisions under which the City owns the System, it is necessary for
43 the City to file civil actions for the condemnation of property for easements necessary for the
44 System;

1 WHEREAS, the Sanitary Board is pursuing the Project in the areas of the City including, but not
2 limited to, Larchmont Drive; Spring Drive; Thompson Circle; Ledge Hill Drive; an unnamed alley
3 between Savary Drive and Zabel Drive; and streets intersecting Woodward Drive including
4 Blackwell Drive; Savary Drive; Zabel Drive; and Diana Court, which is necessary to correct older,
5 failing sewer collection lines and is necessary for the health and welfare of the citizens of the City;

6
7 WHEREAS, the Project includes the replacement and/or rehabilitation of approximately 14,500
8 linear feet (approximately 2.7 miles) of sewer lines, and numerous permanent easements and
9 temporary construction easements are necessary to undertake and complete the Project;

10
11 WHEREAS, the Sanitary Board and its right-of-way agents have diligently sought easement
12 agreements for such necessary easements from the affected property owners and have received
13 and recorded many signed easement agreements;

14
15 WHEREAS, due to numerous factors including, but not limited to, out-of-state property owners,
16 properties held in heirships with numerous heirs, some whose location is unknown, and
17 uncooperative or uncommunicative property owners, the Sanitary Board has been unable to obtain
18 by negotiation and agreement all of the necessary sewer easements; and

19
20 WHEREAS, the Sanitary Board has no choice but to request the City to authorize the filing of civil
21 actions for the acquisition, pursuant to the City's power of eminent domain, certain property
22 interests in order to obtain the necessary sewer easements for the Project; now, therefore,

23
24 Be it Resolved by the Council of the City of Charleston, West Virginia, as follows:

25
26 Section 1. To accomplish construction of the Project in the aforesaid areas of the City necessary
27 for the health and welfare of the citizens of the City, the Sanitary Board must obtain easements
28 across and through certain properties as set forth on Exhibit A to this Resolution.

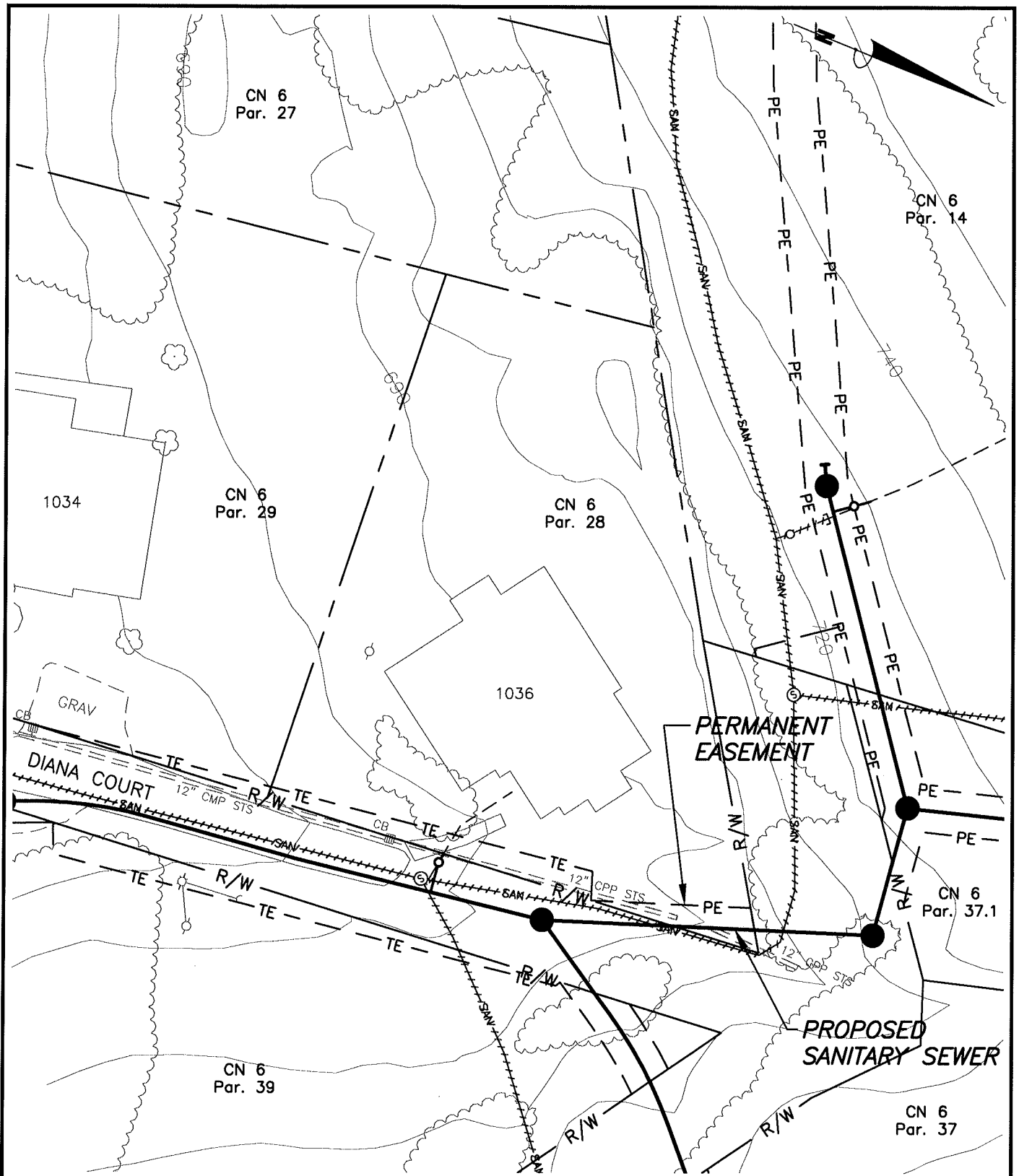
29
30 Section 2. The Sanitary Board requests the Council of the City to authorize the City, on behalf of
31 and by and through the Sanitary Board and its counsel to file civil actions for the acquisition for
32 the Sanitary Board, pursuant to the power of eminent domain, of the property interests set forth on
33 Exhibit A and to take such other and further action as may be reasonably necessary to acquire the
34 property rights for easements necessary to construct, install, operate, maintain, repair, replace,
35 rehabilitate, line and remove sewer lines and appurtenances thereto.

36
37 Section 3. The Council of the City hereby authorizes the City, on behalf of and by and through
38 the Sanitary Board and its counsel to file civil actions for the acquisition for the Sanitary Board,
39 pursuant to the power of eminent domain, of the property interests set forth on Exhibit A as needed
40 and to take such other and further action as may be reasonably necessary to acquire the property
41 rights for easements necessary to construct, install, operate, maintain, repair, replace, rehabilitate,
42 line and remove sewer lines and appurtenances thereto.

EXHIBIT A
LIST OF EASEMENTS TO BE CONDEMNED
FOR THE PHASE 2 WOODWARD BRANCH SEWER
REPLACEMENT AND REHABILITATION PROJECT
March 26, 2021

Tax Map/Parcel	Type of Easement
CN 6/28	Permanent and Temporary
CN 6/30	Permanent
CN 7/2	Permanent and Temporary
CN 10/1	Temporary
CN 78/1	Permanent and Temporary
CN 78/3.3	Temporary
CN 78/22	Temporary
CN 78/24	Temporary
CN 78/53	Temporary
CN 81/18	Permanent
CN 81/28	Permanent
CN 81/36	Permanent
CN 81/41	Permanent and Temporary
CN 82/3	Temporary

13862387



SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 6
PARCEL 28

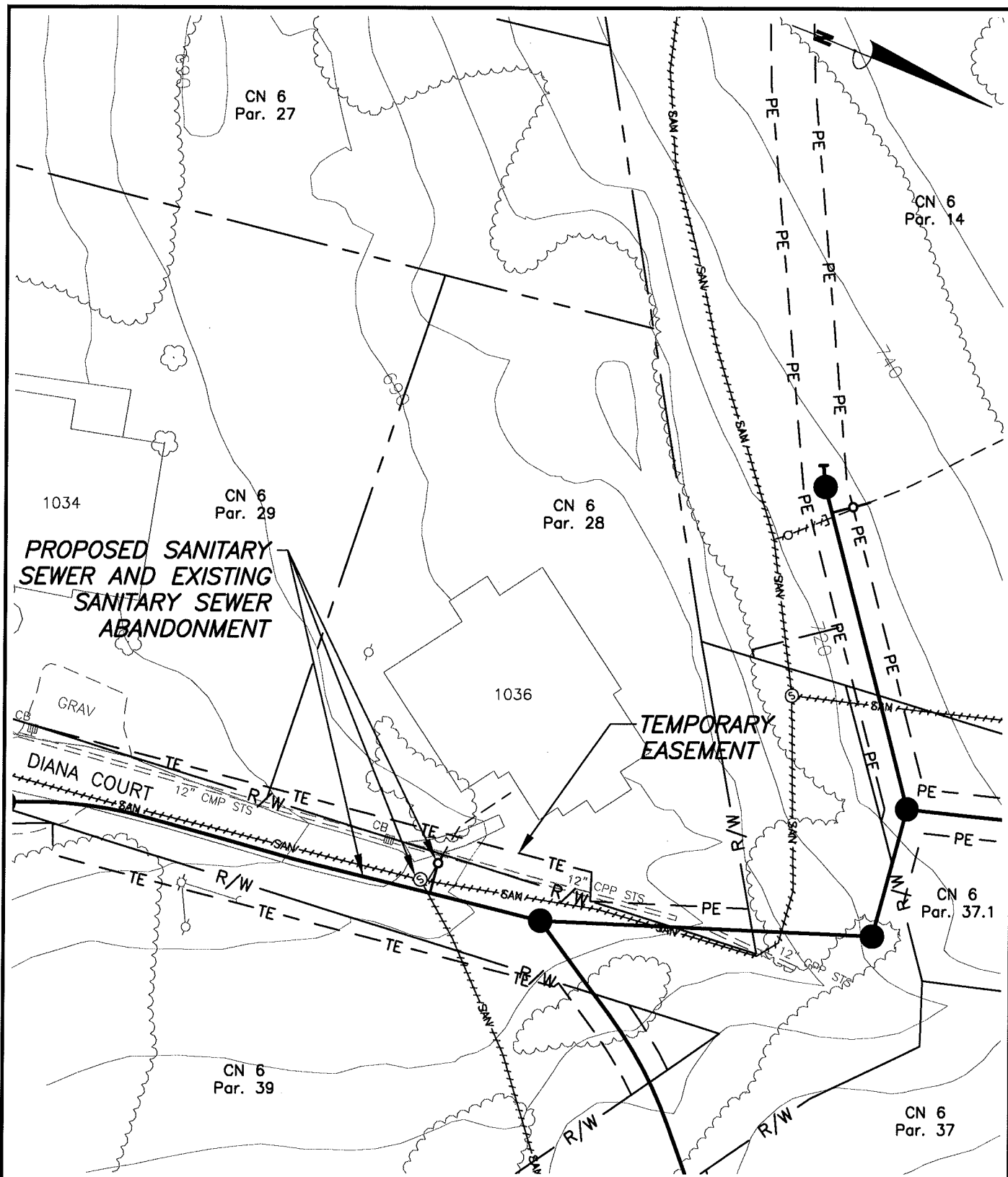
JOB NO. 56233

SCALE: NONE

DATE: 4/8/20

SHEET NO.
1

OF
1



SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 6
PARCEL 28

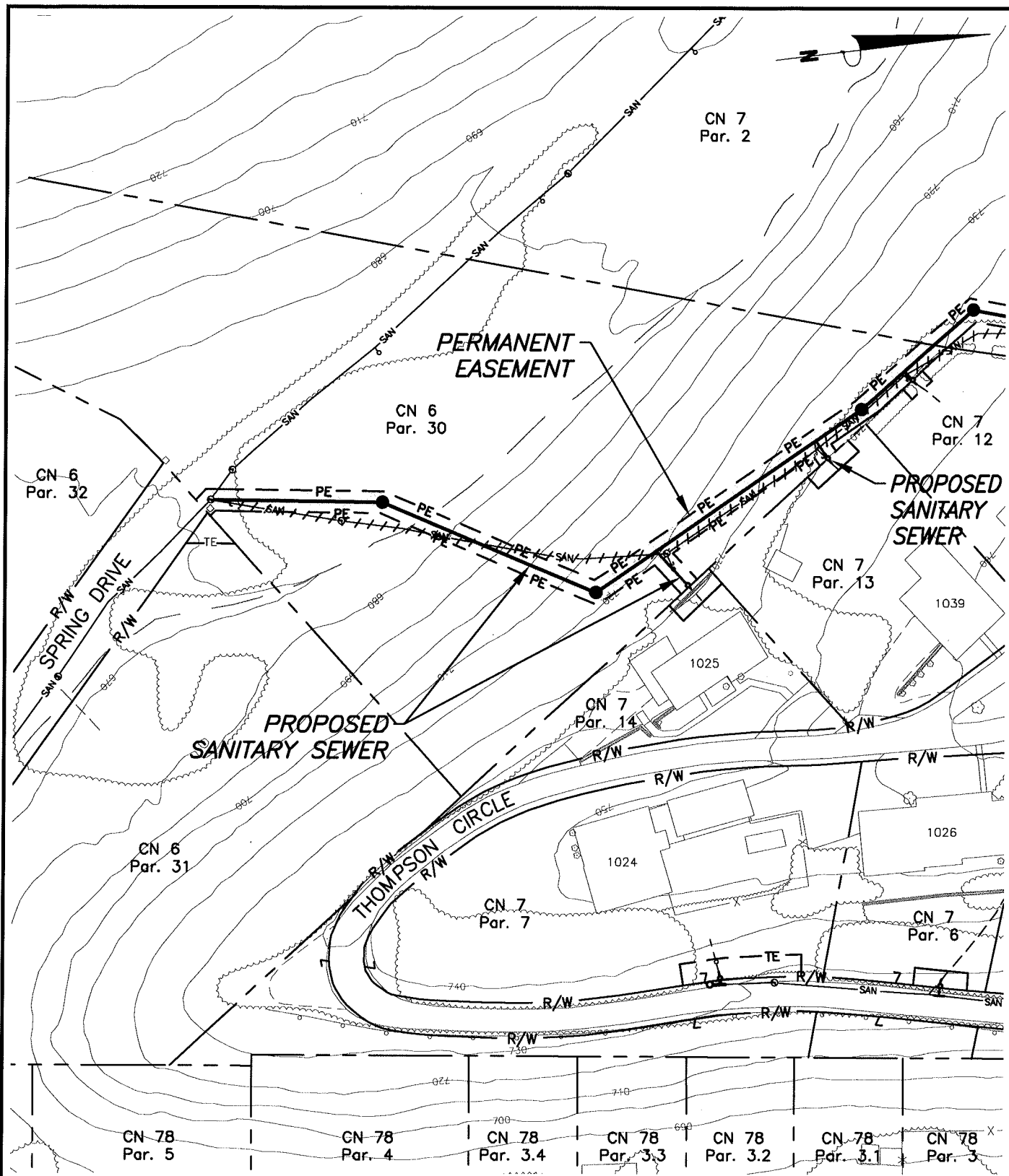
JOB NO. 56233

SCALE: NONE

DATE: 4/8/20

SHEET NO.
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SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

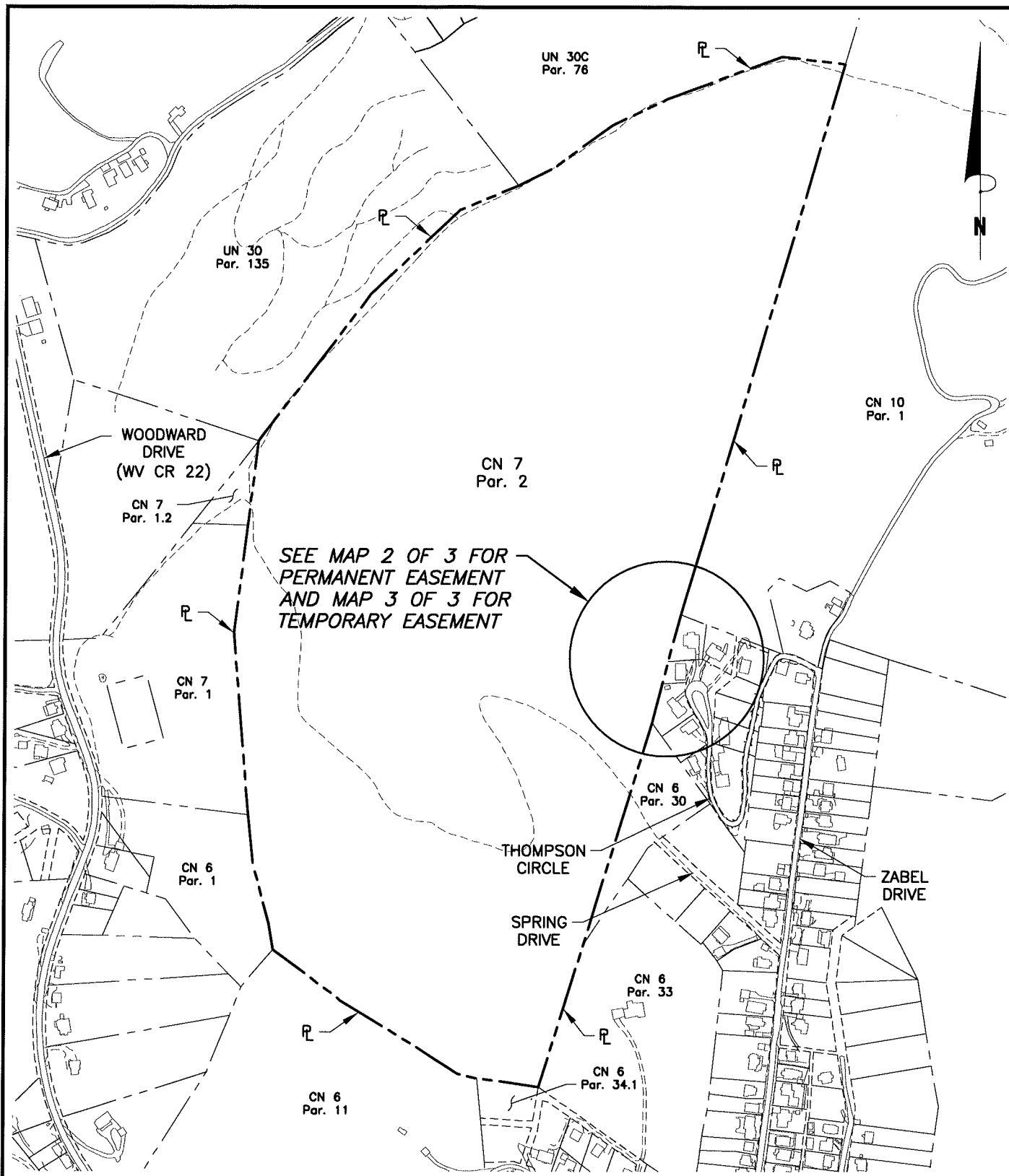
MAP NO. 6
PARCEL 30

JOB NO. 56233

SCALE: NONE

DATE: 3/5/20

SHEET NO.	OF
1	1



SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 7
PARCEL 2

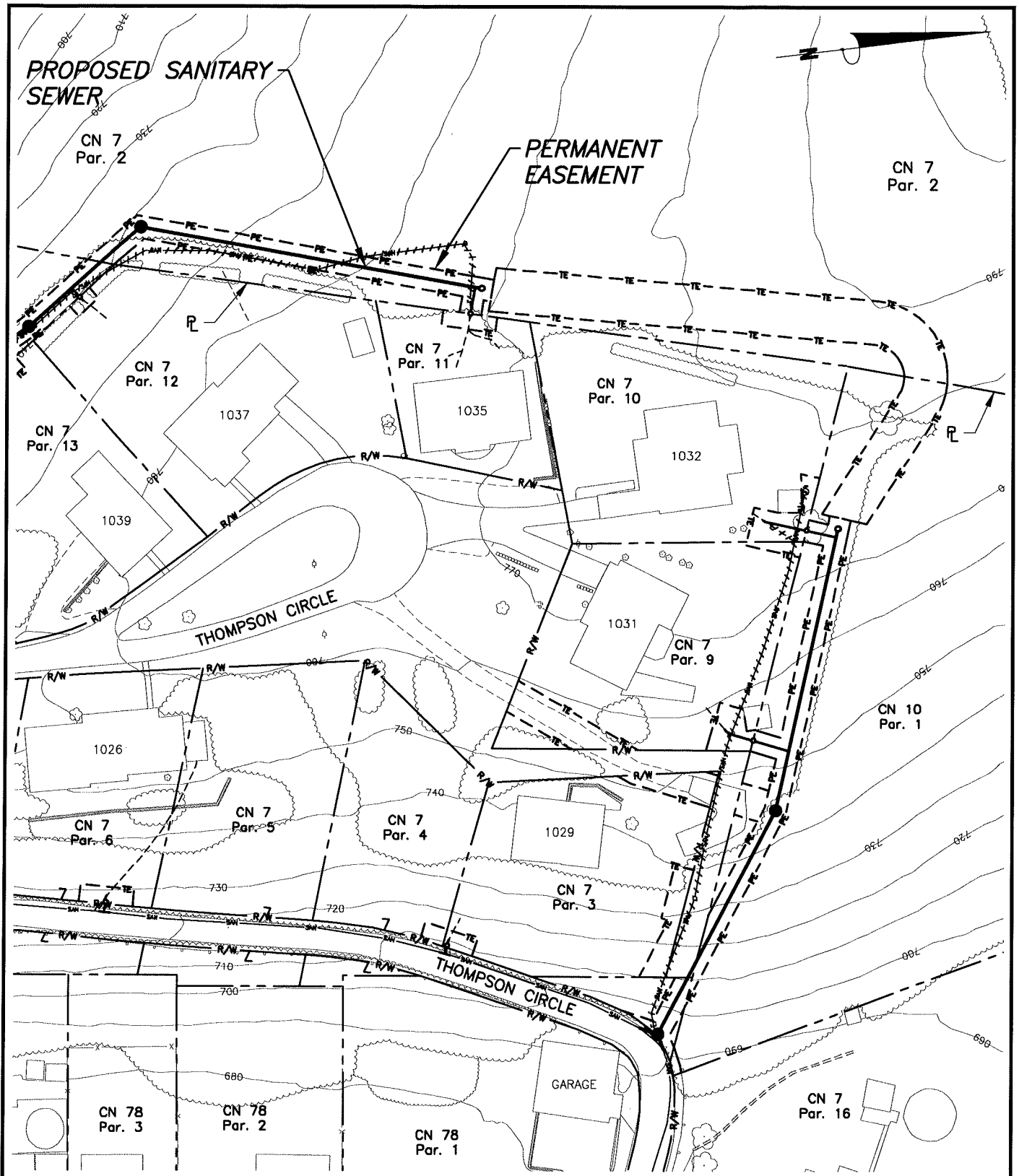
JOB NO. 56233

SCALE: NONE

DATE: 3/5/20

SHEET NO.
1

OF
3



SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 7
PARCEL 2

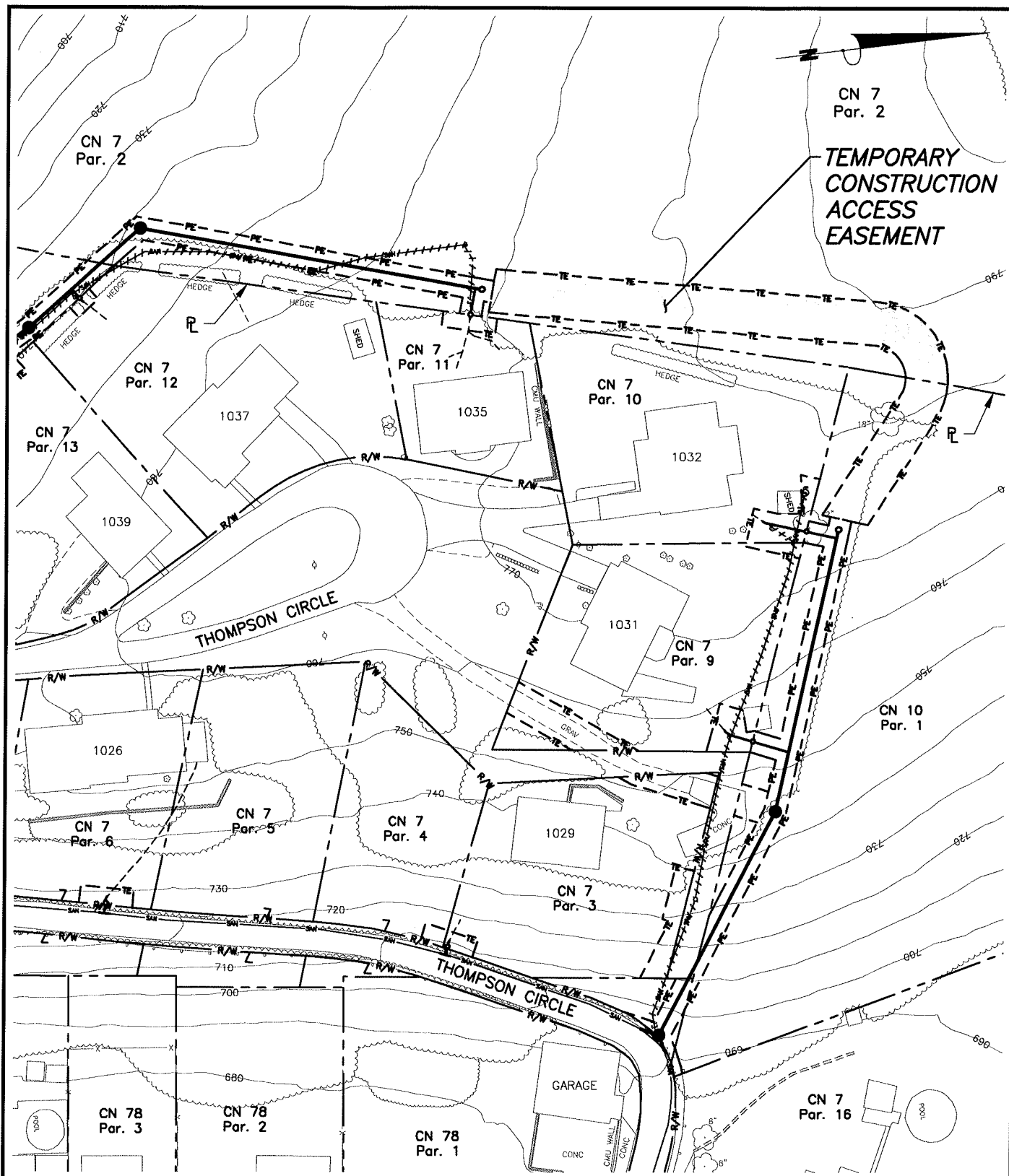
JOB NO. 56233

SCALE: NONE

DATE: 3/5/20

SHEET NO.
2

OF
3



SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 7
PARCEL 2

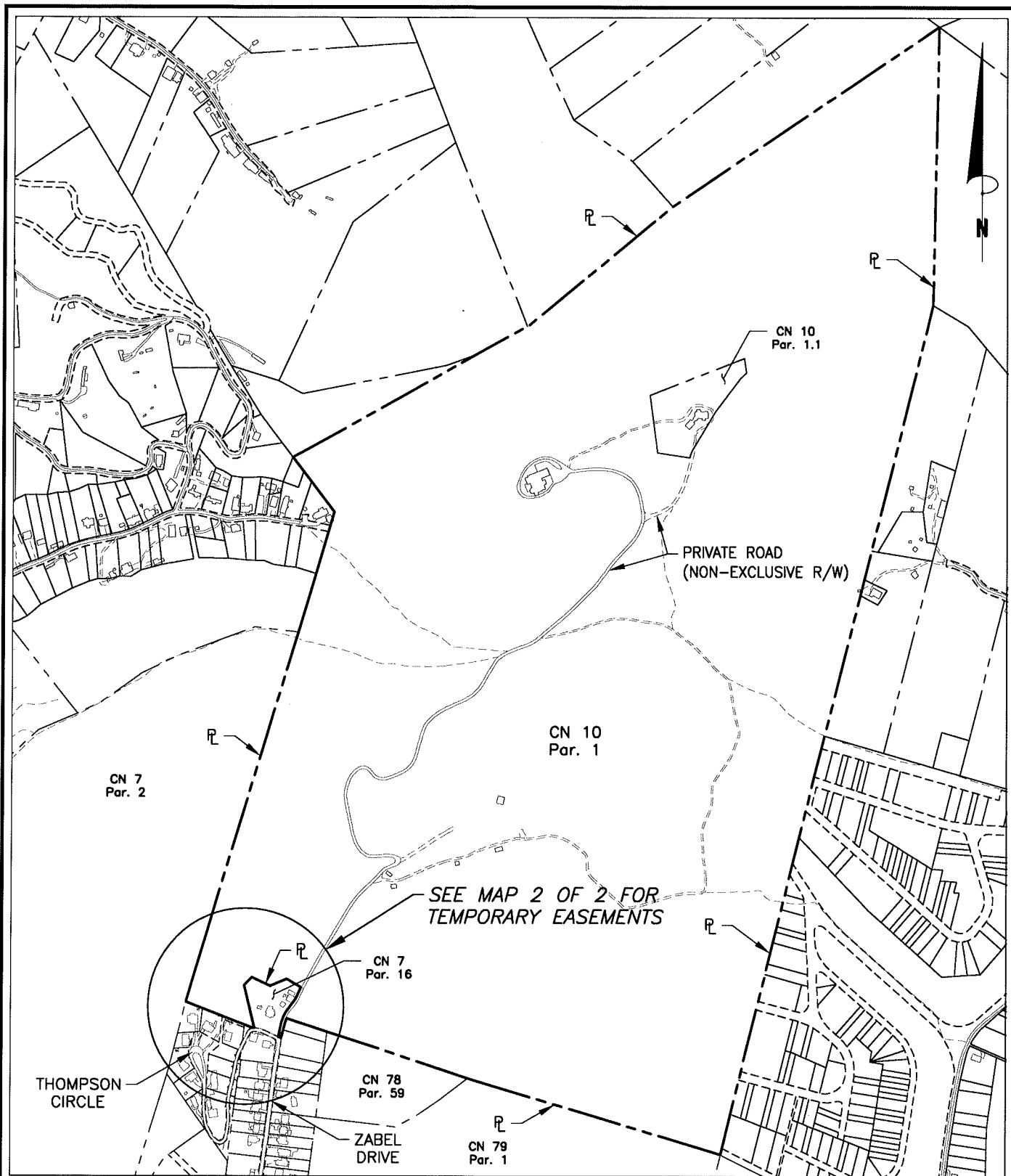
JOB NO. 56233

SCALE: NONE

DATE: 3/5/20

SHEET NO.
3

OF
3



SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 10
PARCEL 1

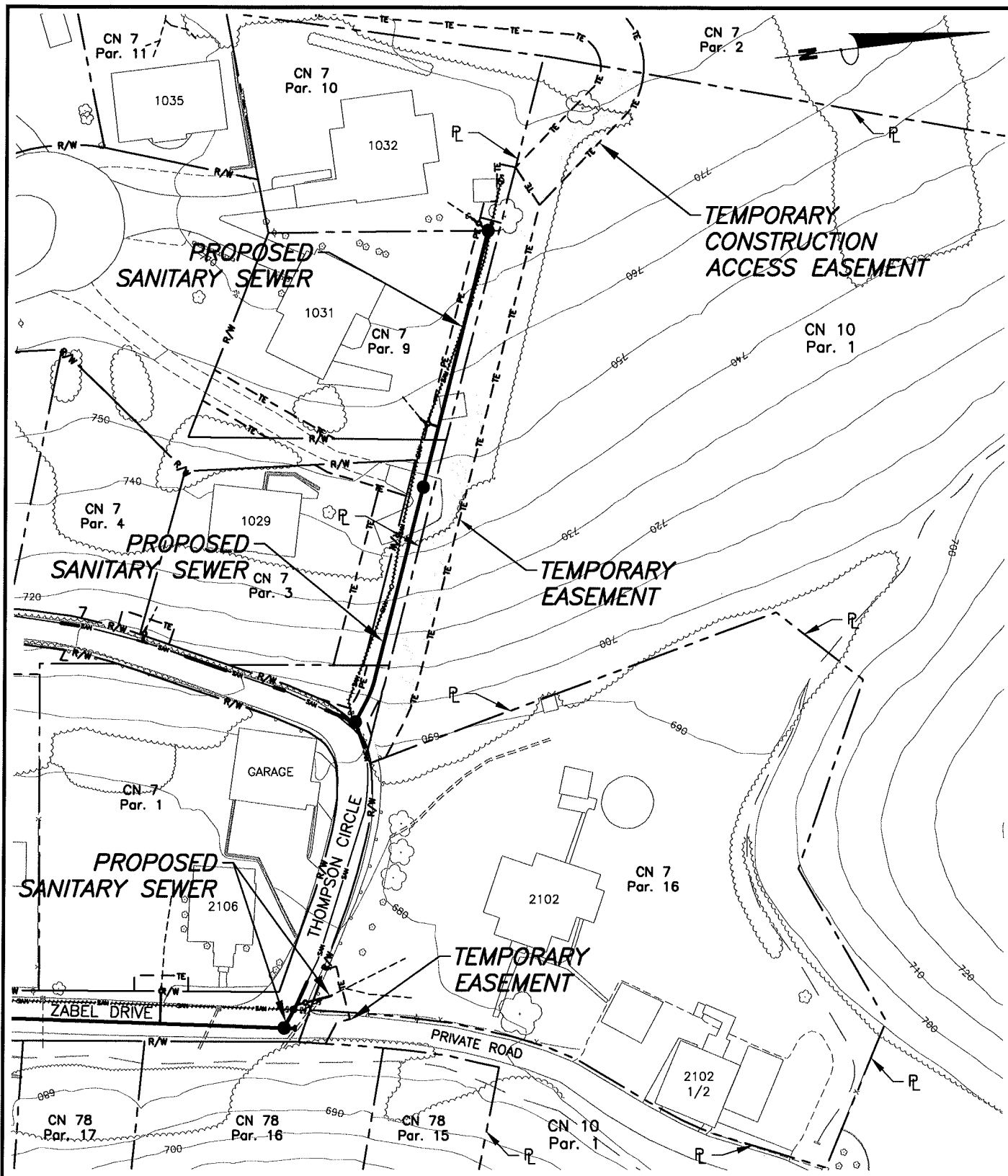
JOB NO. 56233

SCALE: NONE

DATE: 11/5/20

SHEET NO.
1

OF
2



SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 10
PARCEL 1

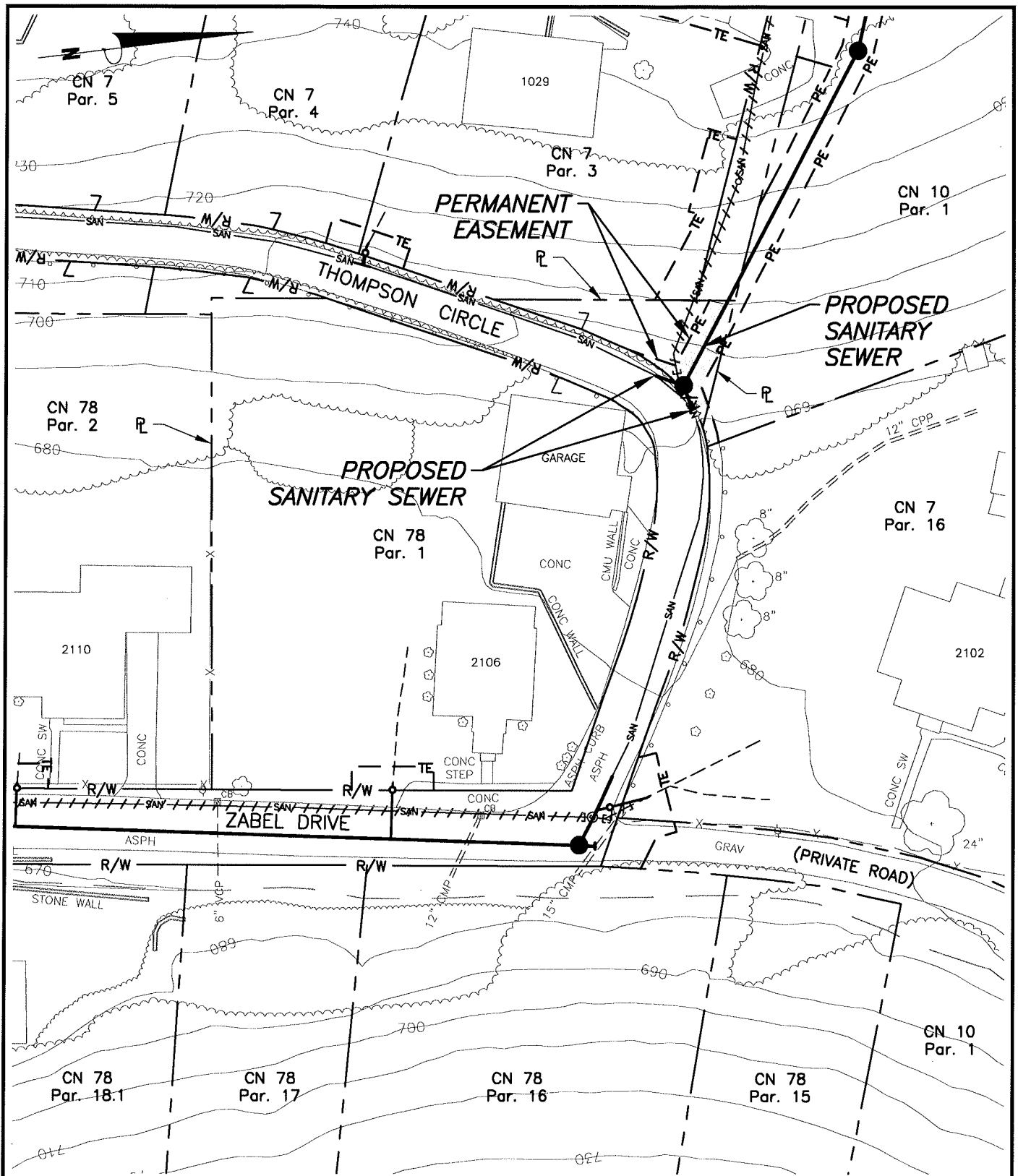
JOB NO. 56233

SCALE: NONE

DATE: 11/5/20

SHEET NO.
2

OF
2



SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 78
PARCEL 1

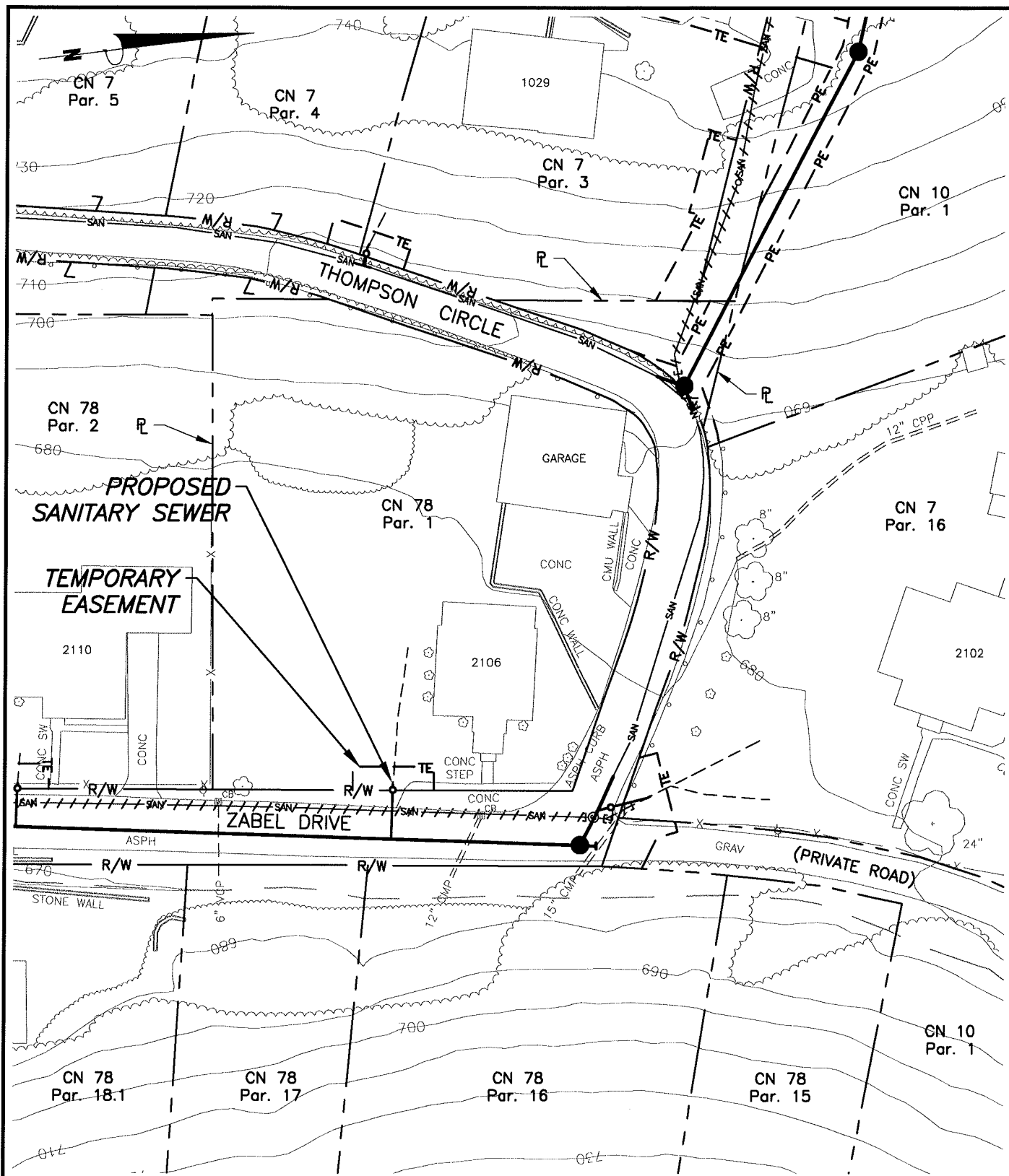
JOB NO. 56233

SCALE: NONE

DATE: 2/21/20

SHEET NO.
1

OF
1



SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 78
PARCEL 1

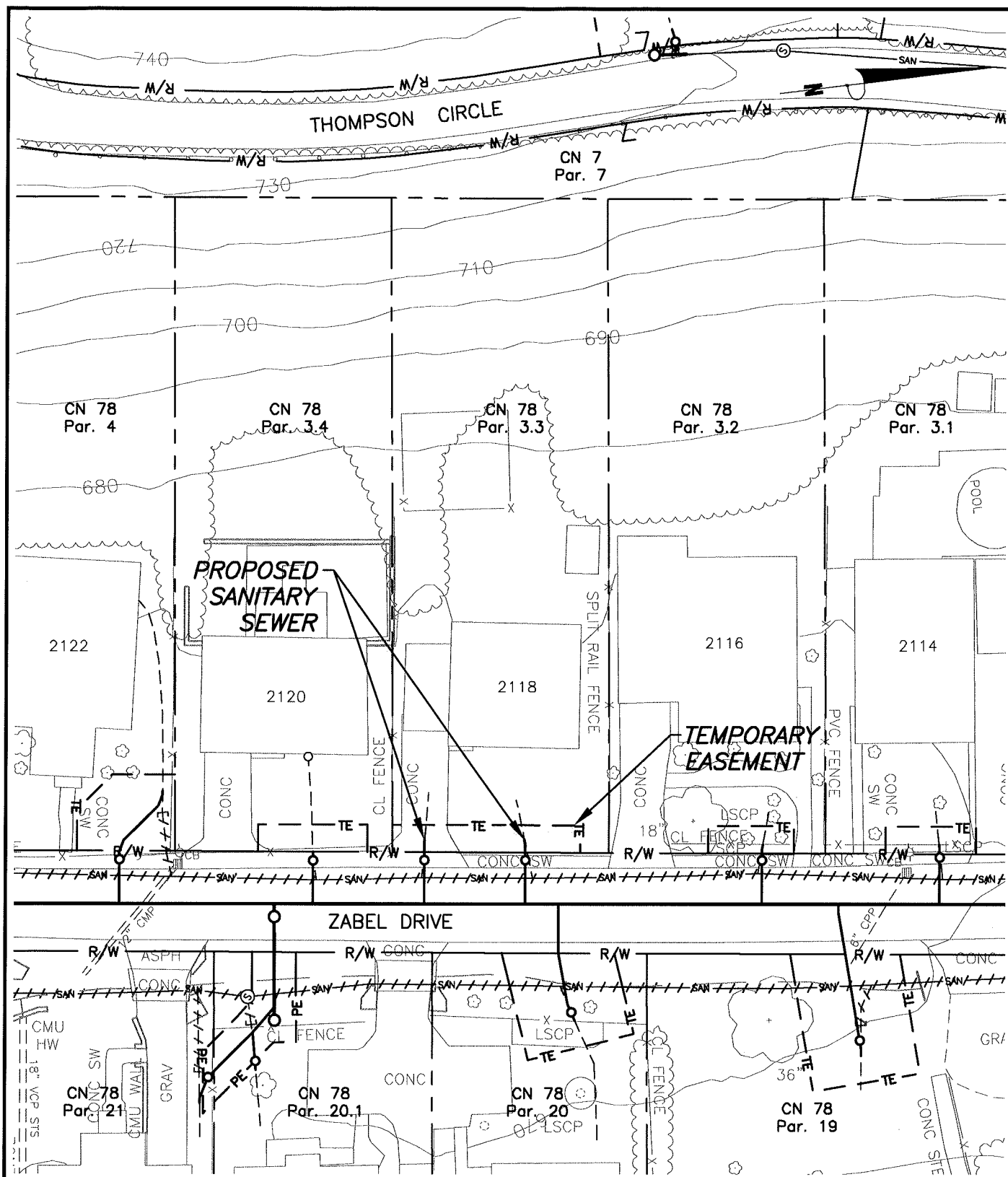
JOB NO. 56233

SCALE: NONE

DATE: 2/21/20

SHEET NO.
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OF
1



SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 78
PARCEL 3.3

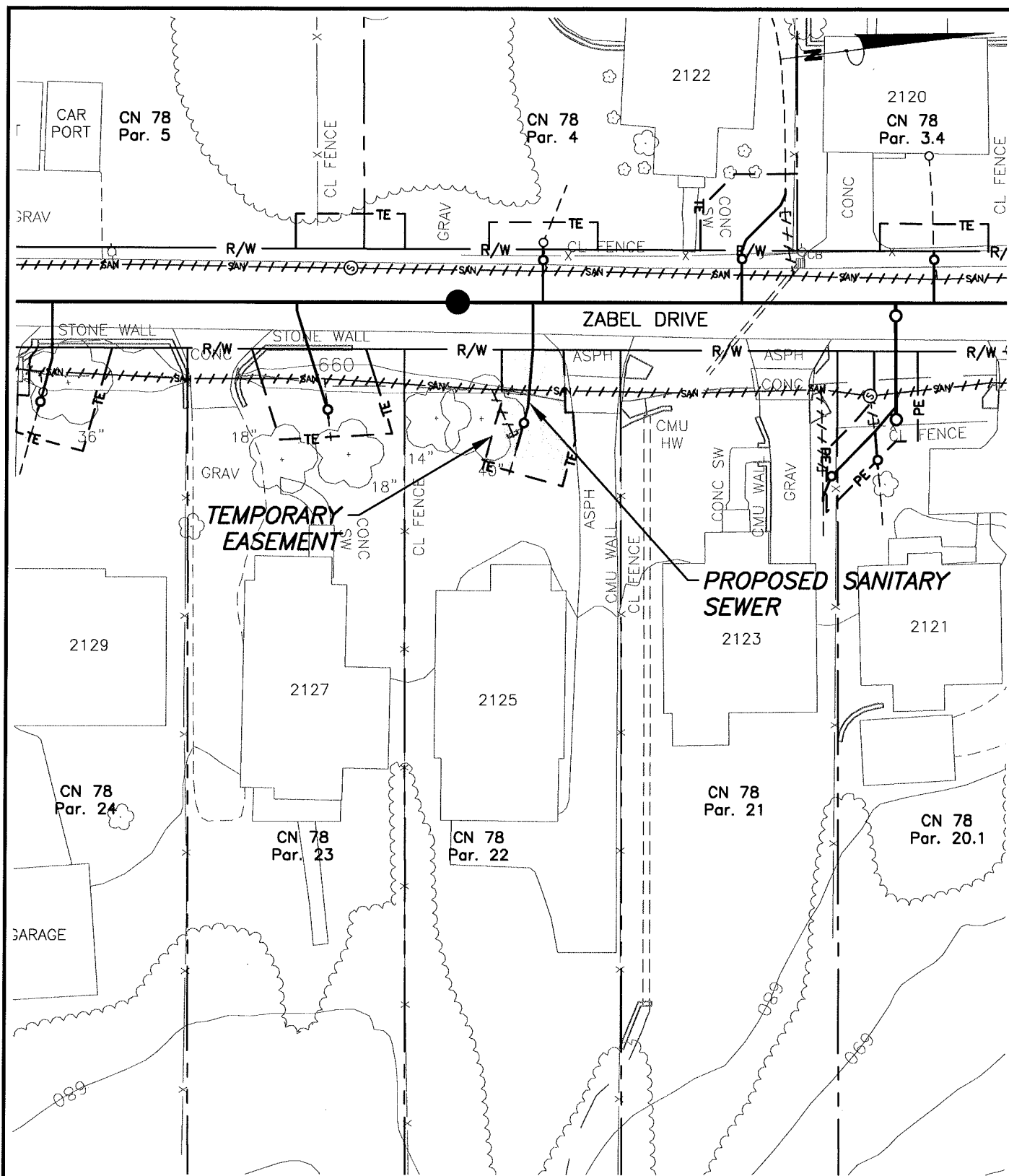
JOB NO. 56233

SCALE: NONE

DATE: 2/21/20

SHEET NO.
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OF
1



SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 78
PARCEL 22

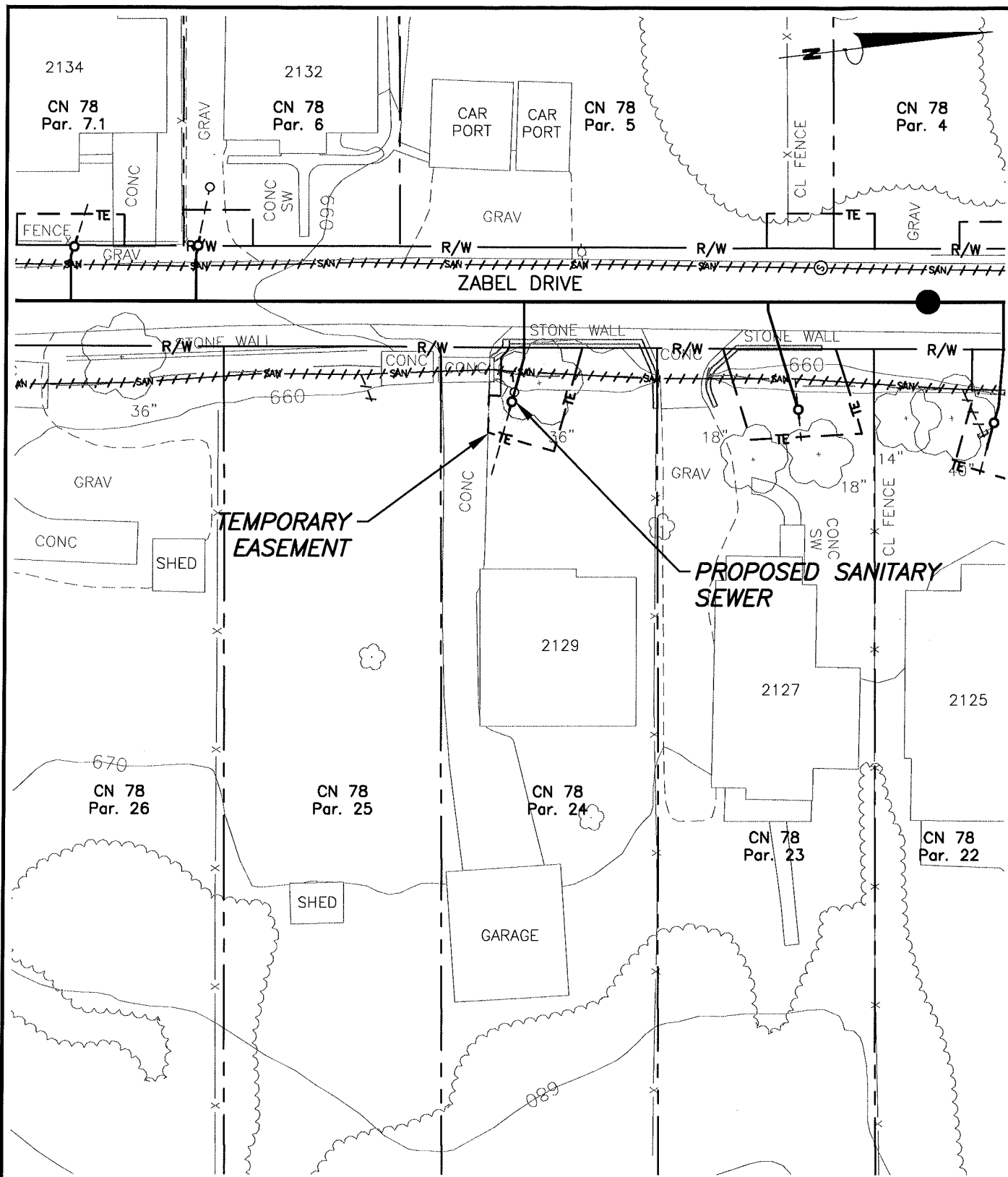
JOB NO. 56233

SCALE: NONE

DATE: 2/21/20

SHEET NO.
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OF
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SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 78
PARCEL 24

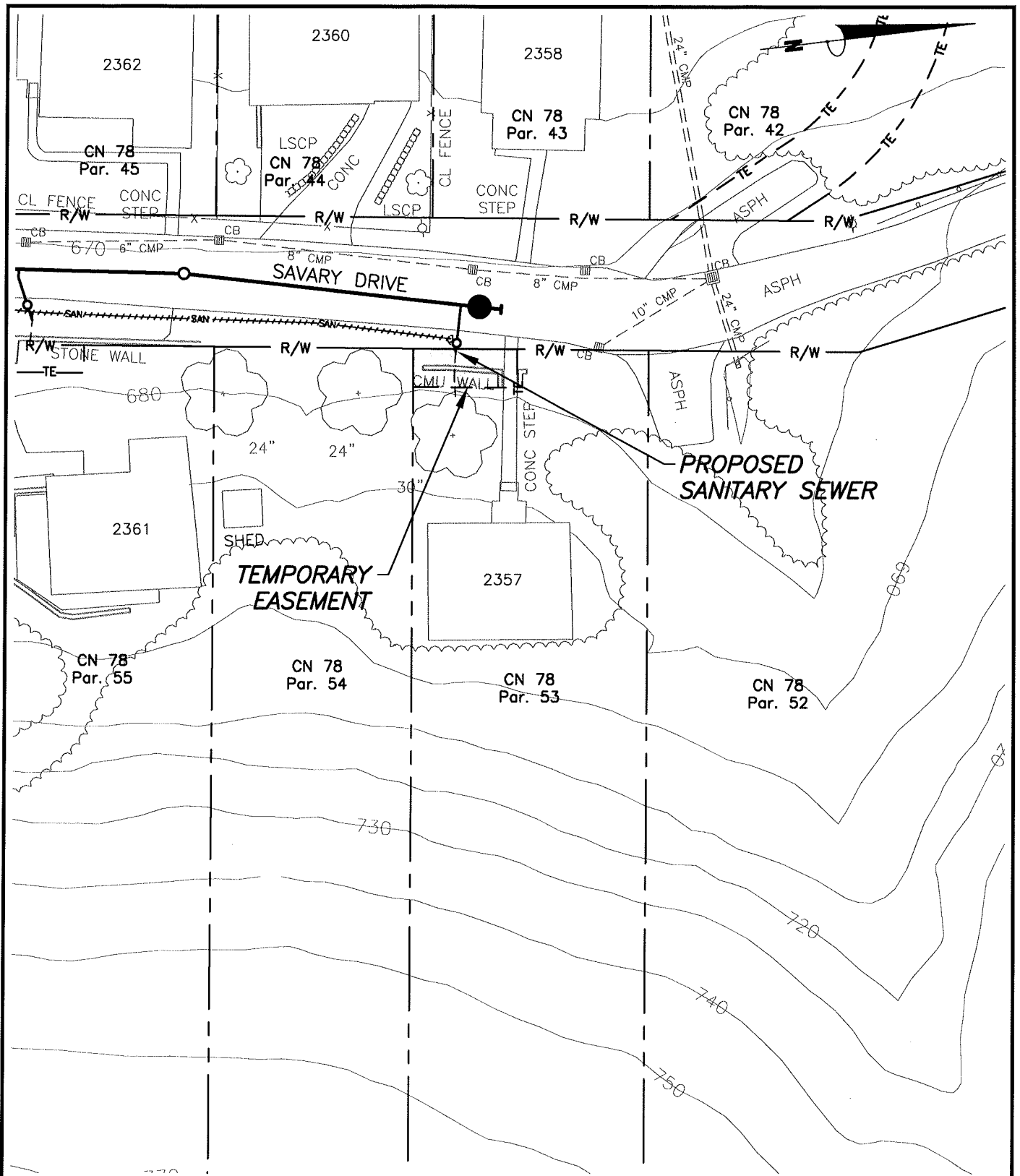
JOB NO. 56233

SCALE: NONE

DATE: 2/21/20

SHEET NO.
1

OF
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SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
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TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

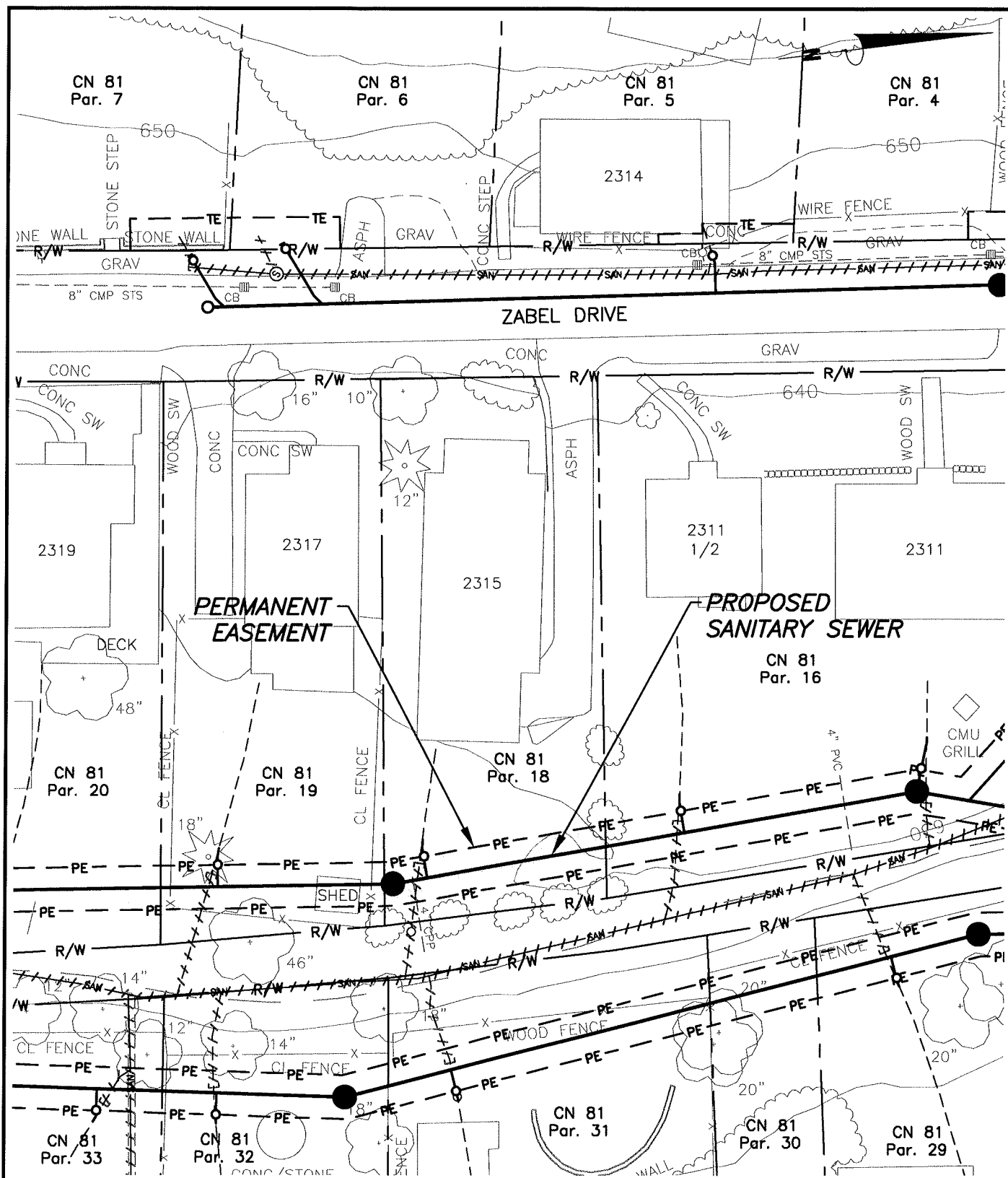
MAP NO. 78
PARCEL 53

JOB NO. 56233

SCALE: NONE

DATE: 4/17/20

SHEET NO.	OF
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SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 81
PARCEL 18

JOB NO. 56233

SCALE: NONE

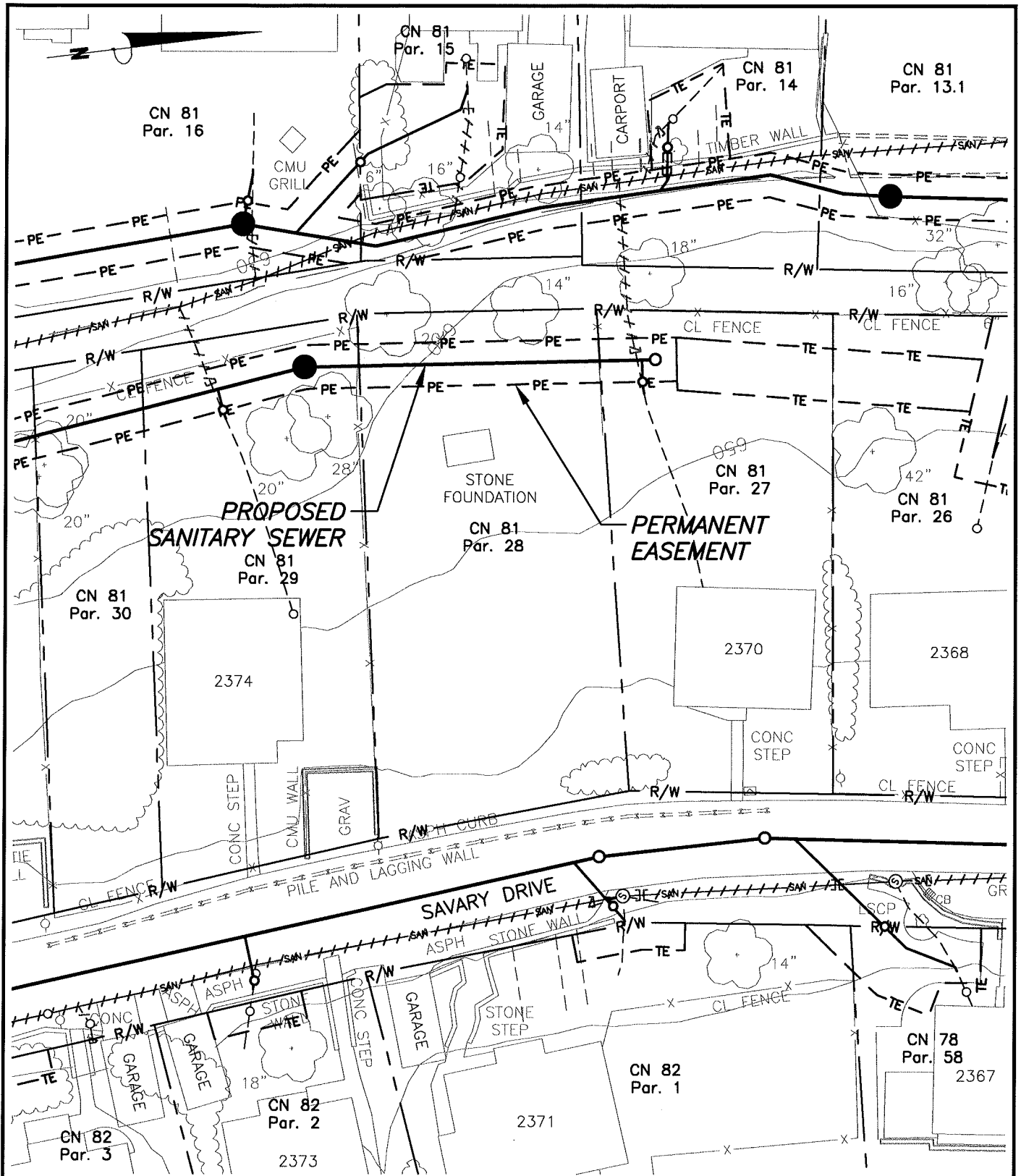
DATE: 1/15/20

SHEET NO.

OF

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1



SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 81
PARCEL 28

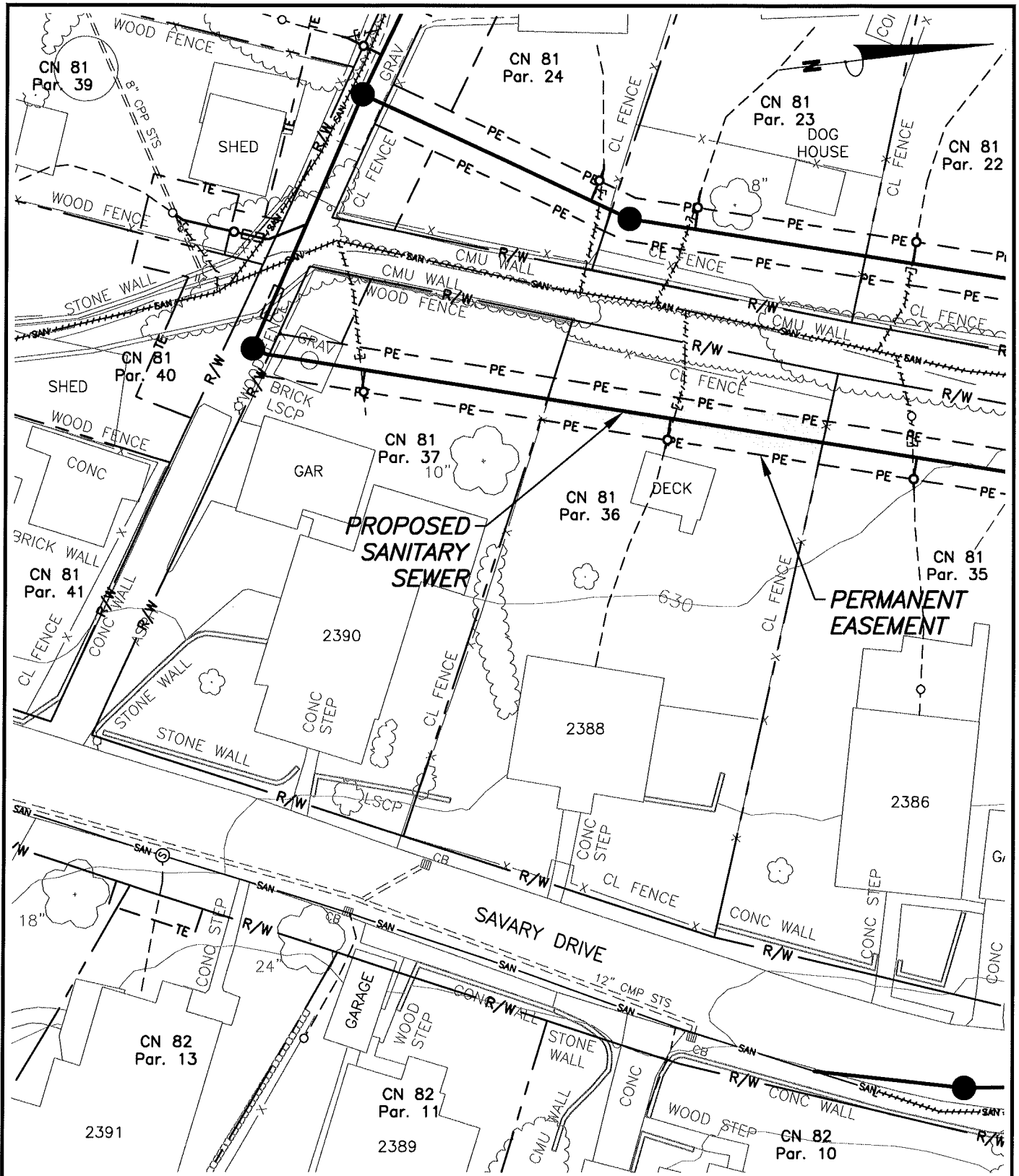
JOB NO. 56233

SCALE: NONE

DATE: 1/15/20

SHEET NO.
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OF
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SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 81
PARCEL 36

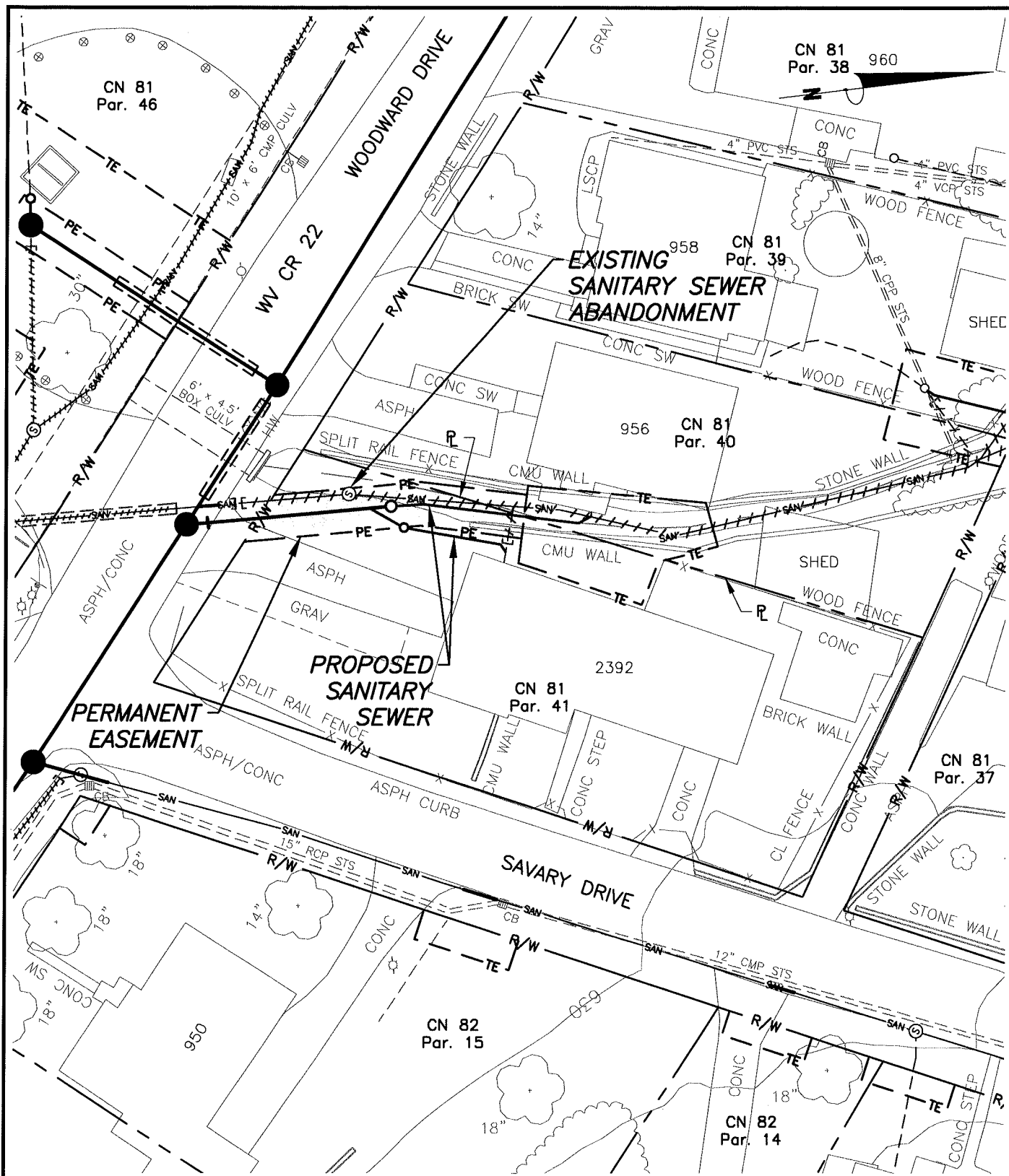
JOB NO. 56233

SCALE: NONE

DATE: 6/12/20

SHEET NO.
1

OF
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SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 81
PARCEL 41

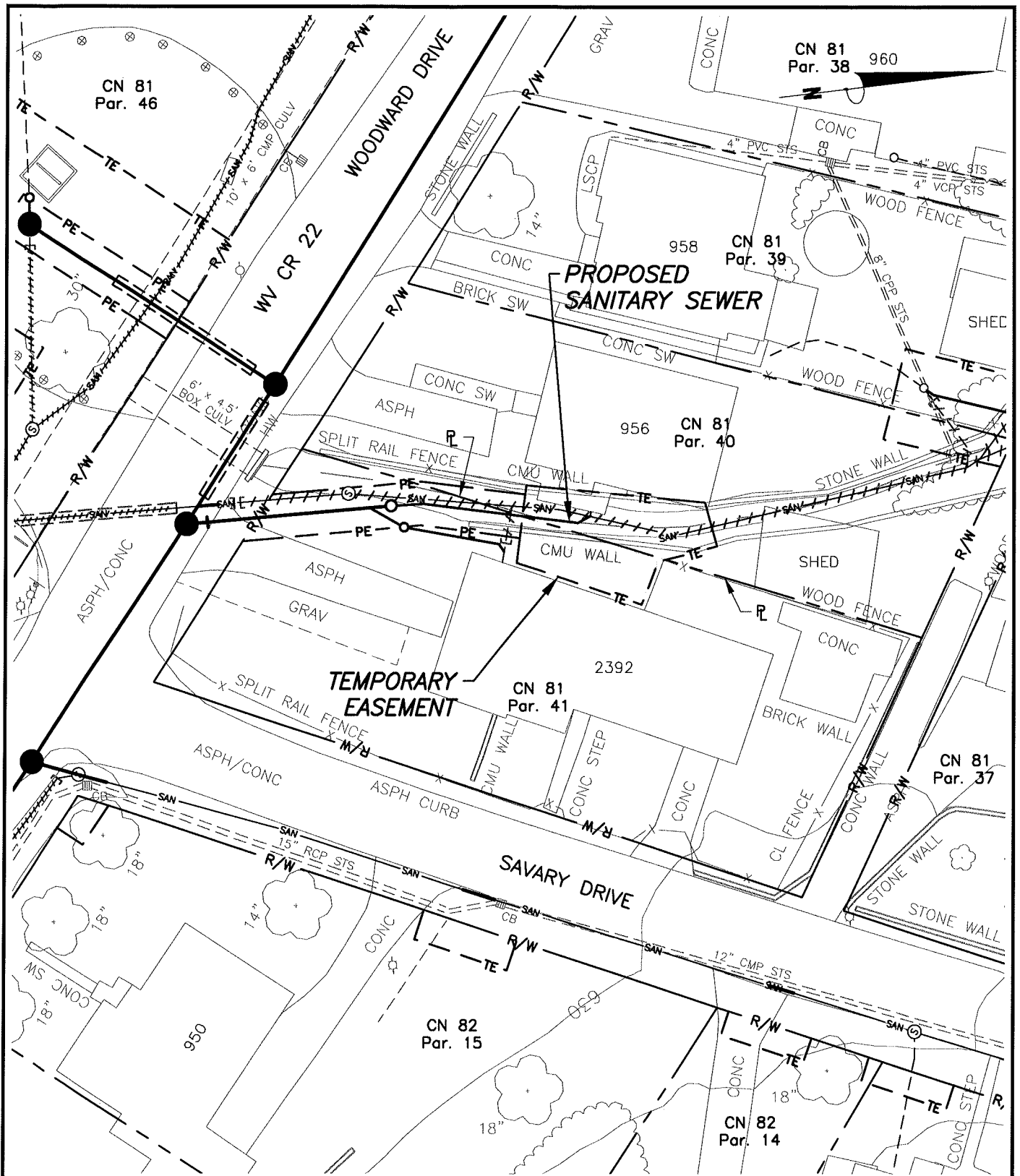
JOB NO. 56233

SCALE: NONE

DATE: 1/15/20

SHEET NO.
1

OF
1



SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 81
PARCEL 41

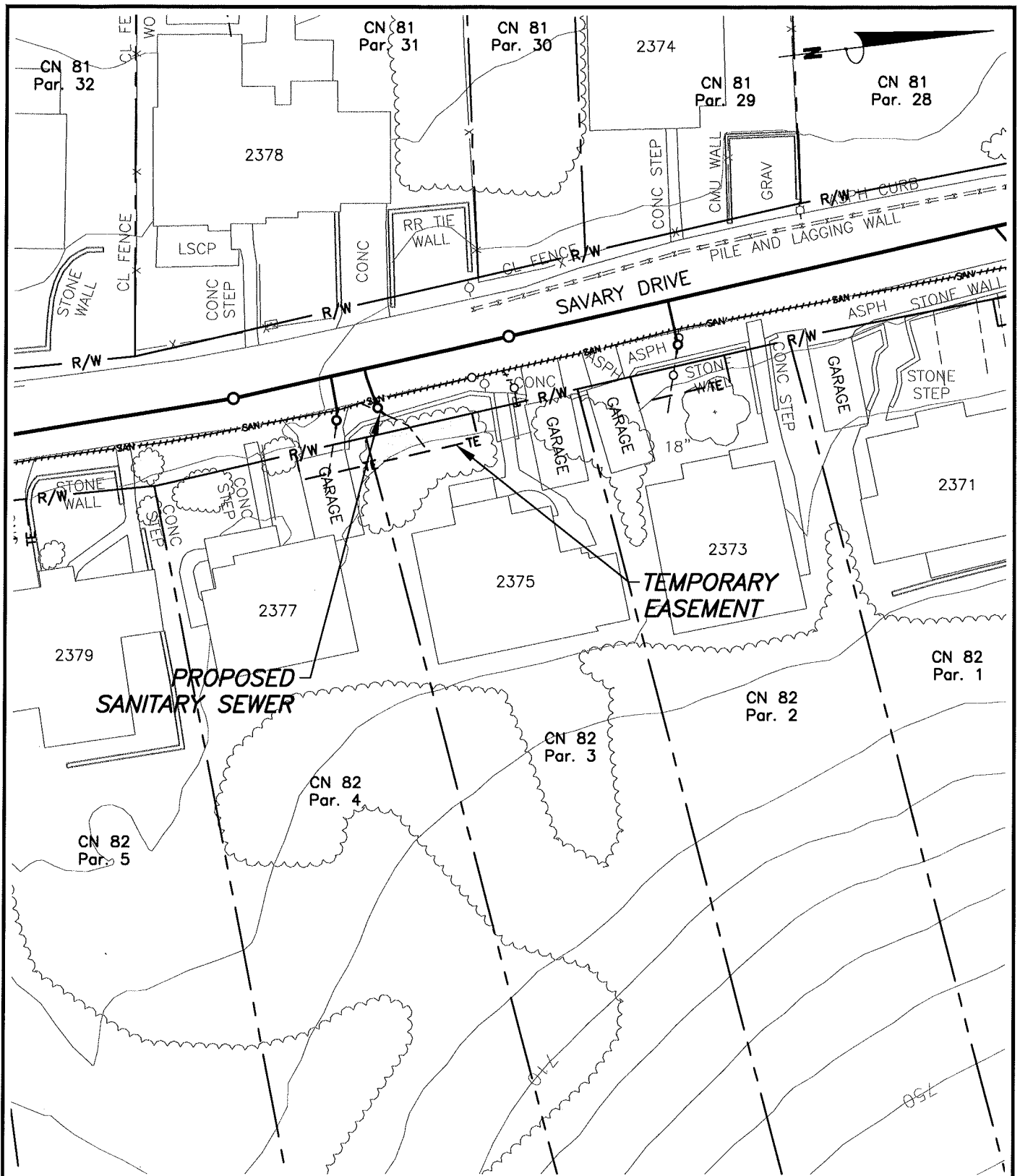
JOB NO. 56233

SCALE: NONE

DATE: 1/15/20

SHEET NO.
1

OF
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SANITARY BOARD
OF THE CITY OF
CHARLESTON,
WEST VIRGINIA, A
MUNICIPAL UTILITY



TITLE: EASEMENT EXHIBIT

CHARLESTON NORTH CORPORATION
DISTRICT 10

MAP NO. 82
PARCEL 3

JOB NO. 56233

SCALE: NONE

DATE: 4/17/20

SHEET NO.
1

OF
1

Resolution No. 454-21

Introduced in Council:

Adopted by Council:

April 5, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 454-21 - Authorizing the Mayor or City Manager to enter into an agreement
2 with The Thrasher Group, Inc. in the amount of \$38,500 for additional scope of work services
3 relating to the Slack Plaza Project, where the additional scope of work includes additional
4 design, architecture, permitting, and bidding services that exceed the scope of work contained
5 in the master consultant agreement between the company and the West Virginia Division of
6 Highways for the same project.

7

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

9

10 That the Mayor or City Manager is authorized to enter into an agreement with The Thrasher
11 Group, Inc. in the amount of \$38,500 for additional scope of work services relating to the Slack
12 Plaza Project, where the additional scope of work includes additional design, architecture,
13 permitting, and bidding services that exceed the scope of work contained in the master
14 consultant agreement between the company and the West Virginia Division of Highways for
15 the same project.

16

March 24, 2021

Jonathan Storage, City Manager
City of Charleston
501 Virginia Street, East
Charleston, WV 25301

RE: Slack Plaza Additional Services

Mr. Storage,

Thank you for the opportunity to present our proposed scope of services for architecture and engineering services related to the re-development of Slack Plaza. The Thrasher Group, Inc (TTG) has assembled a proposal for services that are beyond our current scope of work with WVDOH and are necessary to completely design and bid the project. The following details our proposal for the scope of services, fees and payment.

SCOPE OF SERVICES:

A. Additional Civil Engineering / Landscape Architecture

1. TTG will provide additional land development design services for elements of the proposed re-development that are not covered by our current contract with WVDOH. The items included in this service cover the detailed design of the performance stage, splash pad, and electrical service for the temporary ice rink.

B. Architecture / MEP

1. TTG will provide architectural services for the renovation of the existing police building to be utilized for public restrooms. The architectural design will include the following:
 - a. Floor plan, ceiling plan, exterior and interior elevations, building and wall sections, schedules, and construction details.
2. TTG will provide Mechanical, Electrical, and Plumbing services which will include the following:
 - a. HVAC design, electrical design, plumbing design, lighting design, schedules, and construction details.

C. Permitting

1. TTG will assemble the permit package to obtain a WVDEP NPDES construction stormwater permit for the entire project area of 1.5 acres. This package will include necessary documentation beyond our current scope of work with WVDOH. This service will include the assembly of a stormwater pollution prevention plan, groundwater protection plan, and other applicable maps and forms necessary to submit an administratively complete permit application to WVDEP. Permit fees will be charged as reimbursables.

2. TTG will assemble the permit package for the WV Health Department necessary for construction of the splash pad feature. This will include completing the forms and submitting necessary drawings which detail the splash pad system. Permit fees will be charged as reimbursables.
3. The City of Charleston will be responsible for obtaining a building permit for this project. TTG will supply digital plan drawings to the City of Charleston for use in obtaining this permit.

D. Bidding

1. TTG will assemble a project manual which will include the contract documents and detailed technical specifications.
2. TTG will assist the City of Charleston with the bidding of this project. This includes coordinating with purchasing for the advertisement, attendance and facilitation of the pre-bid conference, issuing any necessary clarifications or addendums, and attendance at the bid opening.

*This proposal does not include permit fees, construction stakeout, engineering during construction, construction inspection, materials testing or any services not specifically stated in A-D.

Fees:

The proposed fee for the Scope of Work identified in the Scope of Services is a "Lump Sum" fee including all expenses. TTG will not work outside of the scope of services, identified herein, without first providing the City of Charleston a written proposal to provide additional services, as well as a written authorization to proceed with additional services.

A – Additional Design Services	\$12,500
B – Architecture / MEP	\$16,000
C – Permitting	\$6,000
D – Bidding	\$4,000
Grand Total	\$38,500

Sincerely,
THE THRASHER GROUP, INC.



Samuel Rich, PLA
Project Manager

ACCEPTANCE

On this _____ day of _____, 2021, **Jonathan Storage (City of Charleston)**, accepts and agrees to this proposal, and the Terms and Conditions attached hereto, from The Thrasher Group, Inc.

(Signed)

(Typed/Printed Name and Title)

CITY OF CHARLESTON
Payroll Variance Analysis
March 2021

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Mayor	409	Regular	22,538	22,538	0	0.00%	214,115	214,008	108	0.05%	293,000	78,992
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	22,538	22,538	0	0.00%	214,115	214,008	108	0.05%	293,000	78,992
Mayor - CARE Office	409-02	Regular	12,315	14,046	(1,731)	-14.05%	96,223	92,284	3,939	4.09%	160,100	67,816
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	12,315	14,046	(1,731)	-14.05%	96,223	92,284	3,939	4.09%	160,100	67,816
City Council	410	Regular	13,000	12,000	1,000	7.69%	123,500	108,000	15,500	12.55%	169,000	61,000
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	13,000	12,000	1,000	7.69%	123,500	108,000	15,500	12.55%	169,000	61,000
City Manager - Admin.	412-00	Regular	37,553	35,677	1,876	5.00%	356,756	322,050	34,707	9.73%	488,193	166,143
		IPT	-	-	-		19,500	19,088	413		19,500	413
		OT	-	-	-		-	-	-		-	-
		Total	37,553	35,677	1,876	5.00%	376,256	341,137	35,119	9.33%	507,693	166,556
City Treasurer	413	Regular	9,785	9,785	0	0.00%	92,962	83,479	9,483	10.20%	127,211	43,732
		IPT	692	650	42	6.11%	6,577	5,760	817	12.42%	9,000	3,240
		OT	-	-	-		-	-	-		-	-
		Total	10,478	10,435	42	0.40%	99,539	89,239	10,300	10.35%	136,211	46,972
City Collector	414	Regular	49,273	47,602	1,671	3.39%	468,096	423,192	44,904	9.59%	640,553	217,361
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	18	(18)		-	(18)
		Total	49,273	47,602	1,671	3.39%	468,096	423,210	44,886	9.59%	640,553	217,343
City Clerk	415	Regular	9,847	9,847	(0)	0.00%	93,549	93,441	108	0.12%	128,014	34,573
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	9,847	9,847	(0)	0.00%	93,549	93,441	108	0.12%	128,014	34,573
Municipal Court	416	Regular	22,375	22,618	(243)	-1.08%	212,561	210,985	1,576	0.74%	290,873	79,888
		IPT	1,385	1,134	251	18.10%	13,154	14,606	(1,452)	-11.04%	18,000	3,394
		OT	1,809	716	1,093	60.41%	17,188	7,556	9,632	56.04%	23,520	15,964
		Total	25,569	24,468	1,101	4.31%	242,903	233,146	9,756	4.02%	332,393	99,247

CITY OF CHARLESTON
Payroll Variance Analysis
March 2021

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
City Attorney	417	Regular	28,769	28,769	0	0.00%	273,308	273,038	270	0.10%	374,000	100,962
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	28,769	28,769	0	0.00%	273,308	273,038	270	0.10%	374,000	100,962
Accounting	418	Regular	22,858	30,165	(7,306)	-31.96%	217,153	224,404	(7,251)	-3.34%	297,157	72,753
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	22,858	30,165	(7,306)	-31.96%	217,153	224,404	(7,251)	-3.34%	297,157	72,753
Engineering - General	420-00	Regular	37,270	35,966	1,304	3.50%	354,061	311,470	42,592	12.03%	484,505	173,035
		IPT	-	-	-	#DIV/0!	-	-	-	#DIV/0!	-	-
		OT	-	-	-		-	-	-		-	-
		Total	37,270	35,966	1,304	3.50%	354,061	311,470	42,592	12.03%	484,505	173,035
Engineering - Stormwater	420-01	Regular	10,250	10,250	0	0.00%	97,378	102,008	(4,630)	-4.75%	133,254	31,246
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	10,250	10,250	0	0.00%	97,378	102,008	(4,630)	-4.75%	133,254	31,246
MOECD	421	Regular	31,406	27,016	4,390	13.98%	298,353	275,796	22,557	7.56%	408,272	132,476
		IPT	-	1,497	(1,497)		-	9,745	(9,745)		-	9,745
		OT	-	-	-		-	-	-		-	-
		Total	31,406	28,513	2,893	9.21%	298,353	285,541	12,811	4.29%	408,272	142,221
Human Resources	422	Regular	30,867	30,043	825	2.67%	293,241	270,529	22,712	7.75%	401,277	130,748
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	30,867	30,043	825	2.67%	293,241	270,529	22,712	7.75%	401,277	130,748
Mail Room	431	Regular	2,626	2,626	0	0.01%	24,946	24,889	56	0.22%	34,136	9,247
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	2,626	2,626	0	0.01%	24,946	24,889	56	0.22%	34,136	9,247
Building Commission	436	Regular	49,960	50,883	(923)	-1.85%	474,621	472,472	2,150	0.45%	649,482	177,010
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	49,960	50,883	(923)	-1.85%	474,621	472,472	2,150	0.45%	649,482	177,010

CITY OF CHARLESTON
Payroll Variance Analysis
March 2021

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Planning	437	Regular	31,090	29,222	1,868	6.01%	295,356	283,166	12,190	4.13%	404,171	121,005
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	31,090	29,222	1,868	6.01%	295,356	283,166	12,190	4.13%	404,171	121,005
Information Systems	439	Regular	44,629	36,930	7,699	17.25%	423,977	380,046	43,931	10.36%	580,179	200,133
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	44,629	36,930	7,699	17.25%	423,977	380,046	43,931	10.36%	580,179	200,133
General Services	440	Regular	32,035	32,296	(261)	-0.82%	304,333	311,559	(7,226)	-2.37%	416,455	104,896
		IPT	3,462	-	3,462	100.00%	32,885	3,443	29,442	89.53%	45,000	41,558
		OT	5,040	1,499	3,541	70.25%	47,880	22,664	25,216	52.66%	65,520	42,856
		Total	40,537	33,796	6,741	16.63%	385,097	337,665	47,432	12.32%	526,975	189,310
Constituent Services	442-01	Regular	9,324	6,510	2,814	30.18%	88,574	60,552	28,023	31.64%	121,207	60,655
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	9,324	6,510	2,814	30.18%	88,574	60,552	28,023	31.64%	121,207	60,655
Morris Square Property	500	Regular	1,986	2,090	(104)	-5.24%	18,864	17,144	1,720	9.12%	25,814	8,670
		IPT	-	-	-		-	-	-		-	-
		OT	775	29	746	96.23%	7,366	187	7,179	97.45%	10,080	9,893
		Total	2,761	2,119	642	23.25%	26,230	17,332	8,899	33.93%	35,894	18,562
Public Works	566	Regular	14,769	14,779	(10)	-0.07%	140,308	140,289	19	0.01%	192,000	51,711
		IPT	-	-	-		-	-	-		-	-
		OT	-	512	(512)		-	2,948	(2,948)		-	(2,948)
		Total	14,769	15,291	(522)	-3.53%	140,308	143,237	(2,929)	-2.09%	192,000	48,763
Public Grounds - Adm.	567-00	Regular	66,276	65,375	901	1.36%	629,621	611,079	18,542	2.94%	861,586	250,507
		IPT	-	-	-		-	-	-		-	-
		OT	1,938	624	1,314	67.79%	18,415	9,716	8,699	47.24%	25,200	15,484
		Total	68,214	65,999	2,215	3.25%	648,036	620,795	27,241	4.20%	886,786	265,991

CITY OF CHARLESTON
Payroll Variance Analysis
March 2021

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Public Grounds - C/T	567-01	Regular	5,036	5,165	(130)	-2.57%	47,839	45,245	2,594	5.42%	65,464	20,219
		IPT	-	-	-		-	-	-		-	-
		OT	323	372	(49)	-15.13%	3,069	1,374	1,695	-100.00%	4,200	2,826
		Total	5,359	5,537	(178)	-3.33%	50,908	46,619	4,289	8.43%	69,664	23,045
Police - Uniform	700-00	Regular	646,687	626,871	19,816	3.06%	6,143,528	5,850,771	292,757	4.77%	8,431,933	2,581,162
		OT	147,309	181,366	(34,057)	-23.12%	1,429,815	1,638,982	(209,167)	-14.63%	1,869,756	230,774
		Reimb.	(1,923)	-	(1,923)	-100.00%	(18,269)	-	(18,269)	-100.00%	(25,000)	(25,000)
		Total	792,073	808,237	(16,165)	-2.04%	7,555,074	7,489,752	65,322	0.86%	10,276,689	2,786,937
Police - Civilian	700-01	Regular	68,230	66,462	1,768	2.59%	648,187	646,483	1,704	0.26%	886,993	240,510
		IPT	3,846	2,180	1,666	43.32%	36,538	9,440	27,098	74.16%	50,000	40,560
		OT	7,237	5,449	1,788	24.71%	68,751	55,374	13,376	19.46%	94,080	38,706
		Total	79,313	74,091	5,222	6.58%	753,476	711,298	42,179	5.60%	1,031,073	319,775
Fire - Uniform	706-00	Regular	699,049	670,145	28,904	4.13%	6,742,653	6,678,803	63,851	0.95%	9,031,847	2,353,044
		OT	109,669	75,129	34,540	31.49%	1,041,851	1,099,715	(57,864)	-5.55%	1,413,691	313,976
		Reimb.	(923)	-	(923)	-100.00%	(8,769)	(453)	(8,316)	-94.83%	(12,000)	(11,547)
		Total	807,795	745,274	62,521	7.74%	7,775,735	7,778,065	(2,329)	-0.03%	10,433,538	2,655,473
Fire - Civilian	706-01	Regular	6,874	7,233	(359)	-5.23%	65,299	68,479	(3,181)	-4.87%	89,356	20,877
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	6,874	7,233	(359)	-5.23%	65,299	68,479	(3,181)	-4.87%	89,356	20,877
Traffic	712	Regular	30,462	31,288	(826)	-2.71%	289,385	304,251	(14,866)	-5.14%	396,001	91,750
		IPT	-	-	-		-	-	-		-	-
		OT	905	894	11	1.16%	8,594	6,145	2,449	28.50%	11,760	5,615
		Total	31,366	32,182	(816)	-2.60%	297,979	310,396	(12,417)	-4.17%	407,761	97,365
Emergency Services	716	Regular	6,438	-	6,438	100.00%	61,157	-	61,157	100.00%	83,689	83,689
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	6,438	-	6,438	100.00%	61,157	-	61,157	100.00%	83,689	83,689
Street	750	Regular	181,190	176,359	4,831	2.67%	1,721,306	1,572,255	149,052	8.66%	2,355,472	783,217
		IPT	-	-	-		-	-	-		-	-
		OT	13,846	38,423	(24,577)	-177.50%	131,538	177,675	(46,136)	-35.07%	252,000	74,325
		Total	195,036	214,783	(19,746)	-10.12%	1,852,845	1,749,929	102,916	5.55%	2,607,472	857,543

CITY OF CHARLESTON
Payroll Variance Analysis
March 2021

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Equipment Maintenance	754	Regular	54,806	53,327	1,479	2.70%	520,656	480,461	40,195	7.72%	712,477	232,016
		IPT	-	-	-		-	-	-		-	-
		OT	4,200	11,810	(7,610)	-181.19%	39,900	42,015	(2,115)	-5.30%	54,600	12,585
		Total	59,006	65,137	(6,131)	-10.39%	560,556	522,476	38,080	6.79%	767,077	244,601
Refuse & Recycling	800	Regular	154,894	149,802	5,092	3.29%	1,471,494	1,452,414	19,081	1.30%	2,013,624	561,210
		IPT	-	-	-		-	-	-		-	-
		OT	18,092	5,441	12,652	69.93%	171,877	61,244	110,632	64.37%	235,200	173,956
		Total	172,986	155,243	17,743	10.26%	1,643,371	1,513,658	129,713	7.89%	2,248,824	735,166
Parks & Recreation	900	Regular	92,979	77,718	15,261	16.41%	883,298	724,368	158,930	17.99%	1,208,723	484,355
		IPT	11,200	-	11,200	100.00%	184,800	-	184,800	100.00%	280,000	280,000
		OT	4,135	21	4,115	99.50%	39,286	2,657	36,629	93.24%	53,760	51,103
		Total	108,314	77,739	30,576	28.23%	1,107,384	727,025	380,359	34.35%	1,542,483	815,458
Public Arts	906	Regular	4,000	4,000	-	0.00%	38,000	37,946	54	0.14%	52,000	14,054
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	4,000	4,000	-	0.00%	38,000	37,946	54	0.14%	52,000	14,054
Municipal Auditorium	910	Regular	7,900	-	7,900	100.00%	75,046	17,276	57,770	76.98%	102,695	85,419
		IPT	-	-	-		-	-	-		-	-
		OT	308	-	308	100.00%	2,923	6	2,917	99.80%	4,000	3,994
		Total	8,207	-	8,207	100.00%	77,969	17,282	60,687	77.83%	106,695	89,413
Spring Hill Cemetery	952	Regular	23,724	23,560	164	0.69%	225,379	215,652	9,727	4.32%	308,413	92,761
		IPT	-	4,165	(4,165)	0.00%	32,938	39,144	(6,206)	-18.84%	62,000	22,856
		OT	775	-	775	100.00%	7,366	6,381	985	13.38%	10,080	3,699
		Total	24,499	27,725	(3,225)	-13.16%	265,682	261,176	4,506	1.70%	380,493	119,317
General Fund		Regular	2,573,071	2,468,964	104,106	4.05%	24,525,084	23,400,282	1,124,802	4.59%	33,419,126	10,018,844
		IPT	20,585	9,626	10,959	53.24%	326,391	101,225	225,166	68.99%	483,500	401,766
		OT	316,362	322,285	(5,923)	-1.87%	3,035,820	3,134,657	(98,837)	-3.26%	4,127,447	992,790
		Reimb.	(2,846)	-	(2,846)	-100.00%	(27,038)	(453)	(26,585)	-98.32%	(37,000)	(36,547)
		Total	2,907,171	2,800,875	106,296	3.66%	27,860,257	26,635,711	1,224,546	4.40%	37,993,073	11,376,852

CITY OF CHARLESTON
Payroll Variance Analysis
March 2021

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Coliseum & Conv. Center	402	Regular	75,476	37,202	38,273	50.71%	717,019	451,429	265,590	37.04%	981,184	529,755
		IPT	21,923	576	21,347	97.37%	208,269	8,378	199,891	95.98%	285,000	276,622
		OT	3,077	2,324	753	24.48%	29,231	8,475	20,756	71.01%	40,000	31,525
		Total	100,476	40,102	60,374	60.09%	954,519	468,282	486,237	50.94%	1,306,184	837,902
Parking System	406	Regular	54,579	47,251	7,328	13.43%	518,496	441,499	76,997	14.85%	709,521	268,022
		IPT	3,923	3,355	568	14.48%	37,269	22,166	15,103	40.52%	51,000	28,834
		OT	1,292	92	1,200	92.86%	12,277	1,605	10,672	86.93%	16,800	15,195
		Total	59,794	50,698	9,096	15.21%	568,042	465,270	102,773	18.09%	777,321	312,051
Total		Regular	2,703,125	2,553,417	149,707	5.54%	25,760,599	24,293,210	1,467,389	5.70%	35,109,831	10,816,621
		IPT	46,431	13,557	32,874	70.80%	571,930	131,769	440,161	76.96%	819,500	687,731
		OT	320,731	324,701	(3,970)	-1.24%	3,077,328	3,144,737	(67,409)	-2.19%	4,184,247	1,039,510
		Reimb.	(2,846)	-	(2,846)	100.00%	(27,038)	(453)	(26,585)	98.32%	(37,000)	(36,547)
		Total	3,067,440	2,891,675	175,765	5.73%	29,382,819	27,569,263	1,813,556	6.17%	40,076,578	12,507,315

Vacancy Report:

CARE Office	1
City Manager	1
City Collector	1
Municipal Court	1
Accounting	1
Planning	1
Information Systems	2
Constituent Services	1
Public Works (all)	8
Police - Uniform	11
Fire - Uniform	15
Homeland Security	1
Parks & Rec	4
Municipal Auditorium	3
Total General Fund	51
CCCC	13
Parking System	1
Total All	65

Bill No. 7900

Introduced in Council:

April 5, 2021

Introduced by:

Joseph Jenkins

Adopted by Council:

Referred to:

Finance Committee

Bill No. 7900: A Bill and Order relating to the laying of levies on real, personal and public utility property within the City of Charleston, West Virginia, including excess levies previously provided for in the Official Municipal Budget Document for the fiscal year beginning the first day of July, two thousand twenty-one.

WHEREAS, each Municipality is required to hold a Statutory meeting of the Council on the third Tuesday in April each year to make and enter a levy order and rate sheet; and

WHEREAS, written approval of the West Virginia State Tax Commissioner has been received and notice of the Levy Estimate has been duly published as required by law; and

WHEREAS, the levy rate attached hereto is included in the City of Charleston Municipal Budget for July 1, 2021 through June 30, 2022, before City Council for approval at a special meeting of Council held on April 20, 2021, now, therefore

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

That the City of Charleston, West Virginia does hereby make and enter the levy order and rate sheet attached hereto, incorporated herein, and made a part hereof.

Bill No. 7898

Introduced in Council

Passed by Council

April 5, 2021

Introduced by

Referred to

Courtney Persinger

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

1 **Bill No. 7898** - Amending the Zoning Ordinance of the City of Charleston, West
2 Virginia, enacted the 1st day of January 2006, as amended, and the map made a
3 part thereof, by rezoning from an R-4 district and an R-6 District to a C-8 district,
4 those certain parcels of land situate at or about 280 Oakwood Road, Charleston,
5 West Virginia.

6

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

8

9 1. The Zoning Ordinance of the City of Charleston, West Virginia,
10 enacted the 1st day of January 2006, as amended, is hereby amended by rezoning
11 from an R-4 district and an R-6 District to a C-8 district, those certain parcels of land
12 situate at or about 280 Oakwood Road, Charleston, West Virginia the whole of the
13 following described parcels of land:

14

15 Parcel Nos. 60 and 62 as shown on Charleston South Annex (District
16 9) Tax Map No. 10, and Parcel No. 1 as shown on Charleston South
17 Annex (District 9) Tax Map No. 20. Subject parcels commonly known
18 as 280 Oakwood Road, Charleston, West Virginia. Said tax maps are
19 of record in the Planning Office.

20

21 2. The Zoning Map, attached to and made a part of said Zoning
22 Ordinance, is hereby amended in accordance with Article 27 of this ordinance.

23

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

Bill No. 7901

Introduced in Council:

April 5, 2021

Introduced by:

Caitlin Cook and Chad Robinson

Adopted by Council:

Referred to:

Parks & Recreation and Finance

Bill No. 7901 - A BILL to amend and reenact Section 82-124 of the Municipal Code of the City of Charleston, relating to providing authorization for the waiver of certain fees for use of public parks and recreation facilities.

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

That Section 82-124 of the Municipal Code of the City of Charleston is hereby amended and reenacted to read as follows:

CHAPTER 82 – PARKS AND RECREATION.

ARTICLE IV – PUBLIC USE OF PARKS AND RECREATIONAL FACILITIES.

Sec. 82-124. - Waiver of swimming pool fees at certain facilities.

Notwithstanding the rental and fee schedule provided by section 82-125, the mayor, city manager, and the director of the department of parks and recreation may jointly, from time to time, and (1) when weather conditions warrant, and under circumstances which would not substantially affect the revenues of a city swimming pool facility, declare a day or some portion of a day to be a free swim day and waive the collection of the fees prescribed by section 82-125; and (2) where the interests of the community are furthered and under circumstances which would not substantially affect the revenues of the parks and recreation department, waive the collection of a fee or fees prescribed by section 82-125 on one or more days at one or more facility.

1 **Bill No. 7902**

2
3 **Introduced in Council:**

4
5 **April 5, 2021**

Adopted by Council:

6
7 **Introduced by:**

8
9 **Bobby Reishman**

Referred to:

Finance

10
11
12 **Bill No. 7902** - A BILL to amend and re-enact Sections 110-53, 110-54, and 110-61, of
13 the Municipal Code of the City of Charleston, all relating to reducing the Business and
14 Occupation tax on products manufactured within the City; reducing the rate of taxation to
15 zero on wholesale sales of products manufactured within the City; and clarifying the
16 calculation of such taxes on the manufacturing classification.

17
18 **WHEREAS**, the City of Charleston is authorized and empowered to impose a
19 Business and Occupation ("B&O") tax pursuant to W. Va. Code § 8-13-5; and

20
21 **WHEREAS**, the City of Charleston is authorized and empowered to impose a sales
22 tax pursuant to W. Va. Code § 8-1-5a, which provided that "a participating municipality
23 may enact a municipal sales tax up to one percent if it reduces or eliminates its municipal
24 business and occupation tax;" and

25
26 **WHEREAS**, on April 19, 2013, the Home Rule Board authorized the City of
27 Charleston's imposition of its municipal sales tax pursuant to the City of Charleston's
28 reduction to its B&O tax within the classification of manufacturing, which was effectively
29 reduced to zero percent (0%) tax rate on January 1, 2014; and

30
31 **WHEREAS**, the City of Charleston has received inquiries into the extent of tax
32 liability under Municipal Code § 110-54, business of selling tangible property, resulting
33 from the sale of manufactured goods which coexist under the existing taxable
34 classification of manufacturing for which is currently at the zero percent (0%) tax rate; and

35
36 **WHEREAS**, the City of Charleston intends to provide additional guidance and
37 further tax reduction within such taxable classification.

38
39 **Now, therefore, be it ordained by the Council of the City of Charleston:**

40
41 That Sections 110-53, 110-54, and 110-61, of the Municipal Code of the City of
42 Charleston, be amended and re-enacted, all to read as follows:

43
44 **CHAPTER 110 – TAXATION**

45 **ARTICLE II – BUSINESS AND OCCUPATION TAX**

Section. 110-53. - Manufacturing, compounding or preparing products.

(a) Upon every person engaging or continuing within the city in the business of manufacturing, compounding or preparing for sale, profit or commercial use, either directly or through the activity of others, in whole or part, any article or articles, substance or substances, commodity or commodities, or newspaper publishing (including all gross income or proceeds of sale from circulation and advertising), except electric power produced by public utilities or others, the amount of the tax shall be equal to the value of the article, substance, commodity or newspaper manufactured, compounded or prepared for sale, as shown by the gross proceeds derived from the sale thereof by the manufacturer or person compounding or preparing the same, except as otherwise provided, multiplied by a rate of thirty one-hundredths of one percent: Provided, that effective January 1, 2014, this rate of tax shall be reduced to zero on the privilege of manufacturing, compounding or preparing exercised on and after said January 1, 2014.

(b) A person exercising any privilege taxable under this section, and engaging in the business of selling his product at wholesale in the city, shall be required to make returns of the gross proceeds of such wholesale sales ~~and pay the tax imposed by this section~~ at the rate set forth in this section 110-53 for the privilege of engaging in the business of selling such manufactured goods in the city, regardless of the place of sale or the fact that deliveries may be made to points outside the city, and such reporting of wholesale sales of manufactured goods must be reported under this section 110-53, exclusively.

~~—— (c) The measure of the tax in this section is the value of the entire product manufactured, compounded or prepared in the city for sale; profit or commercial use, regardless of the place of sale or the fact that deliveries may be made to points outside the city.~~

~~—— (d) It is further provided, however, that in those instances in which the same person partially manufactures, compounds or prepares products within the city and partially manufactures, compounds or prepares such products outside the city, the measure of his tax under this section shall be that proportion of the sales price of the product that the payroll costs of manufacturing within the city bears to the entire payroll costs of manufacturing the product.~~

~~(e) (c)~~ A person exercising any privilege taxable under this section and engaging in the business of selling his product at retail in the city shall be required to make returns of the gross proceeds of such retail sales and pay the tax imposed in section 110-54 for the privilege of engaging in the business of selling such products at retail in the city. All retail sales of manufactured goods must be reported under section 110-54, exclusively.

~~(f) (d)~~ The dressing and processing of food intended for human consumption by a person, or the cooking and serving of food by a restaurant which food is to be sold in the city by such person, shall not be considered manufacturing or compounding or preparing

for sale, but the sale of these products shall be reported under section 110-54 either as wholesale or retail sale, as the case may be.

(g) (e) Persons who manufacture, compound or prepare products outside the city and who make sale of the same within the city shall not pay the tax imposed by this section but shall pay tax imposed by section 110-54 for the privilege of selling such product within the city. If any person shall ship or transport his products or any part thereof out of the state without making sale of such products, the value of the products in the condition or form in which they exist immediately before transportation out of the state shall be the basis for the assessment of the tax imposed. The city collector shall prescribe equitable and uniform rules of ascertaining such value. To determine whether freight charges are deductible, see § 110-26-2b.6 of the Code of State Regulations.

(f) The reduction of this rate of tax does not equate to an elimination of the privilege taxable under this section dealing with the manufacturing, compounding or preparing within the city.

Section 110-54. - Business of selling tangible property; certain sales exempt.

(a) Upon every person engaging or continuing within the city in the business of selling any tangible property whatsoever, real or personal, including the sale of food in hotels, restaurants, cafeterias, confectioneries and other public eating houses and wholesale sales from a rolling stockpile, except sales of any person engaging or continuing in the business of horticulture, agriculture or grazing, or selling stocks, bonds, or other evidence of indebtedness, there is hereby levied, and shall be collected, a tax equal to 5/10 of one percent of the gross income of the business; except, therein the case of selling at wholesale, the tax shall be equal to three-twentieths of one percent of the gross income of the business.

(b) Gross income or gross proceeds of sales derived from sales within West Virginia, which is not taxed or taxable by any other municipality are included in the measure of city business and occupation tax if the sales are either directed from a city location or the taxpayer's principal West Virginia office is located in the city. Without limiting the generality of the foregoing, when the taxpayer has only one office location and this office is located within the municipal limits of the city and its activities elsewhere in West Virginia are neither taxed nor taxable by another municipality, the gross income or gross proceeds from those activities are taxable by the city. "Directed from a city location" shall encompass the location of the customer or destination of the tangible property as a result of the sale.

~~—— (c) A person exercising any privilege taxable under section 110-53, and engaging in the business of selling his manufactured products in the city, shall be required to make returns of the gross proceeds of such wholesale sales and pay the tax imposed by this section at the rate of three-twentieths of one percent for the privilege of engaging in the business of selling such manufactured products in the city.~~

138 (d) (c) All sales of real estate (such as by a speculative builder) are sales at retail
139 and must be reported accordingly. On sales of realty, the status of the purchaser or the
140 intention or use made of the property by the purchaser is of no consequence to the
141 vendor's tax status. To illustrate; where a speculative builder constructs apartment
142 buildings which he later sells to a tax exempt entity, such sales must be reported at retail
143 on the tax return of the speculative builder.

144
145 (e) (d) Casual sales of real estate are not taxable to the vendor.
146

147 (f) (e) Sales of tangible personal property made by vendors to persons engaging
148 in exempt business activities (e.g., non profit hospitals and the activities of agriculture,
149 horticulture, grazing) are not exempt sales and the gross income derived from such sales
150 must be reported by the vendor under the retail classification. This rule results from the
151 fact that the purchaser (non-profit hospital, farmer, etc.) is not engaged in a business
152 subject to the municipal business and occupation tax.
153

154 (g) (f) All sales made through vending machines are sales at retail. The term
155 "vending machines" means and includes only those machines which, through the
156 insertion of a coin of a specified amount, will return to the vendee a predetermined specific
157 article of merchandise. It includes, but is not limited to, machines which vend cigarette,
158 toilet articles, sandwiches, beverages, candies, confections, et cetera.
159

160 (h) (g) Persons domiciled outside the city limits of the city who solicit sales within
161 the city and sell tangible personal property of the city are doing business in the city,
162 irrespective of the domicile of such persons irrespective of whether or not such persons
163 maintain a permanent place of business in the city and irrespective of how a sales order
164 is transmitted or processed. If an order is placed in connection with solicitation by a
165 representative (regardless whether there is an employment or agency relationship or
166 whether acting as an independent contractor) who solicits orders within the city, and the
167 tangible personal property is to be delivered in the city, then the gross proceeds of such
168 sales are included in the measure of the city's business and occupation tax.
169

170 **Section 110-61. - Persons taxable on multiple activities—Credits.**
171

172 (a) A person taxable under section 110-54 with respect to selling products at
173 wholesale in the city shall be allowed a non-refundable credit against those taxes for any:
174

175 ~~——(1) Manufacturing taxes paid by such person with respect to the manufacturing of~~
176 ~~products so sold at wholesale in this city; and/or~~
177

178 ~~(2) Extracting taxes paid by such person with respect to the extracting of products~~
179 ~~so sold at wholesale in this city or ingredients of products so sold at wholesale in this city.~~
180

181 (b) For purposes of this section:
182

183 ~~—— (1) *Manufacturing tax* means a gross receipts tax imposed by a municipality or~~
184 ~~other local government unit on the act or privilege of engaging in the business as a~~
185 ~~manufacturer and includes (i) the tax imposed on section 110-53 and (ii) similar gross~~
186 ~~receipts taxes paid to the municipalities or other local government units (other than state~~
187 ~~governments) within the United States.~~

188
189 ~~(2) (1) *Extracting tax* means a gross receipts tax imposed by a municipality or other~~
190 ~~local government unit on the act or privilege of engaging in the business as a producer of~~
191 ~~natural resource products and includes (i) the tax imposed in section 110-52 and (ii)~~
192 ~~similar gross receipts taxes paid to other municipalities or other local government units~~
193 ~~within the United States (other than state governments) within the United States.~~

194
195 ~~(3) (2) *Gross receipts tax* means a tax which (i) is imposed on or measured by the~~
196 ~~gross volume of business in terms of gross receipts or in other terms and in the~~
197 ~~determination of which deductions allowed would not constitute the tax an income tax or~~
198 ~~value added tax and (ii) which is not, pursuant to law or custom, separately stated from~~
199 ~~the sales price.~~