JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, May 17, 2021

at 7:00 P.M.

* – Charleston Coliseum and Convention Center, West Hall 1 –
Charleston, West Virginia

OFFICIAL RECORD

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

*CALL TO ORDER**

The Council met at 7:00 P.M., for the second meeting in the month of May on the 17th day, in the year 2021, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Adams and the Pledge of Allegiance was led by Councilmember Steele. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

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

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

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

*The meeting of Council was conducted in person, adhering to all medical guidelines. The meeting was made available to the public in person and as a live stream via Zoom (per the agenda).

PUBLIC SPEAKERS

1. Marian Keyes – Spoke about Drug Enforcement Officers
2. Joe Solomon – Spoke about mental health.
3. Johanna Miesner – Spoke about CARE Office, mental health and crisis response teams
4. Chad Cordell – Spoke about mental health response teams
5. Takenya Smith – Spoke about mental health response teams
6. James Cochran – Spoke about crisis intervention
7. Hunter Starks – Spoke about crisis intervention
8. Angi Kerns – Spoke about crisis intervention
9. Martec Washington – spoke about the state of Charleston

CLAIMS

1. A claim of Susan Walker Matthews, Charleston, WV;
   alleges damage to vehicle.
   Refer to City Solicitor, Please.

2. A claim of Doris Mitchell, Charleston, WV;
   alleges damage to property.
   Refer to City Solicitor, Please.

3. A claim of Marilyn L. Taylor, Charleston, WV;
   alleges personal injury.
   Refer to City Solicitor, Please.

PROCLAMATIONS

None

COMMUNICATIONS

None

PUBLIC HEARINGS

1. After duly being published as required, the Mayor declared the floor open for a Public Hearing on Bill No. 7903 – AN ORDINANCE AUTHORIZING THE ISSUANCE OF SALES TAX REFUNDING REVENUE BONDS (COLISEUM AND CONVENTION CENTER PROJECT), SERIES 2021. No person from the public spoke in reference to the Public Hearing. The Mayor declared the Public Hearing CLOSED.

2. After duly being published as required, the Mayor declared the floor open for a Public Hearing on Resolution No. 476 – Authorizing the Mayor or City Manager to enter into a Stadium License, Lease and Service Agreement with Charleston Professional Baseball Company, LLC. No person from the public spoke in reference to the Public Hearing. The Mayor declared the Public Hearing CLOSED.

REPORTS OF COMMITTEES

COMMITTEE ON FINANCE

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

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 467-21 be adopted.

Resolution No. 467-21 - Approving, pursuant to Municipal Code § 22-35, a revised schedule of prices relating to the costs of internment and other services at the Spring Hill Cemetery Park, as recommended by the Spring Hill Cemetery Park Commission and reflected in Exhibit A attached hereto.

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

That, pursuant to Municipal Code § 22-35, the revised schedule of prices relating to the costs of internment and other services at the Spring Hill Cemetery Park, as recommended by the Spring Hill Cemetery Park Commission and reflected in Exhibit A attached hereto, is approved.

Councilmember Jenkins added that the schedule of prices and rates will now be approved via resolution as recommended by the Charleston Spring Hill Cemetery Commission.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 467-21 adopted.

Spring Hill Cemetery Park	Pricing	Tax	Total	2nd Right	Tax	Total
Capito -Woods lots A-K	$ 1,050.00			$ 525.00		
(Flat Markers Only)						
Capito -Woods lots L- T	$ 1,350.00			$ 675.00		
Upright markers allowed						
Willow Lawn J	$ 1,200.00			$ 600.00		
(Flat markers only)						
Woods Section 3 monuments Allowed	$ 1,350.00			$ 675.00		
Cremation lots Lynn sec 1 flat markers	$ 525.00					
(Cremation) Ground burial required **vault**	$ 300.00	$ 14.00	**$ 314.00**			
Open and Closing infants under 2 yrs Free		**This does not include extra**				
				Week -end		
Full Burial						
Open and closing	$ 1,500.00			$ 1,800.00		
Vault setting Fee	$ 150.00	$ 10.50		$ 150.00	$ 10.50	
Tent and chairs	$ 225.00	$ 15.75		$ 225.00	$ 15.75	
Total	$ 1,875.00	$ 26.25	**$ 1,901.25**	**$ 2,175.00**	$ 26.25	**$ 2,201.25**
				Week -end		
Cremations						
Open and Closing	$ 600.00			$ 750.00		
Cremation Vault	$ 300.00	$ 21.00		$ 300.00	$ 21.00	
Tent and Chairs	$ 225.00	$ 15.75		$ 225.00	$ 15.75	
Total	$ 1,125.00	$ 36.75	**$ 1,161.75**	**$ 1,275.00**	$ 36.75	**$ 1,311.75**
				Week -end		
Second Right of Interment						
1/2 of Cost of the lot		**PLUS 1/2 OF LOT PRICE**			**PLUS 1/2 OF LOT PRICE**	
Open and Closing	$ 600.00			$ 750.00		
Cremation Vault	$ 300.00	$ 21.00		$ 300.00	$ 21.00	
Tent and chairs	$ 225.00	$ 15.75		$ 225.00	$ 15.75	
Total	$ 1,125.00	$ 36.75	**$ 1,161.75**	$ 1,275.00	$ 36.75	**$ 1,311.75**

Spring Hill Cemetery Park	Pricing	Tax	Total	Week-end & Holidays	
Columbarium	$ 1,500.00		$ 1,500.00	$ 1,500.00	
Nitch (Hold 2 Cremations)					
Plaque with Name, dOB, DOD (required	$ 112.50	$ 7.88		$ 112.50	
*****vault not needed					
Open and Closing	$ 600.00			$ 750.00	
Total	**$ 1,612.50**	**$ 7.88**	**$ 1,620.38**	**$ 2,362.50**	

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 471-21 do pass.

Resolution No. 471-21 - Authorizing the Mayor or City Manager to submit a grant application to the Division of Administrative Services Justice and Community Services Division in the amount of $84,000 and administer any funds awarded. These funds will provide partial salary reimbursement for the three Charleston Police Department Prevention Resource Officers (PRO) assigned to George Washington High School, West Side Middle School and Capital High School. There is a 25% required match that will be met by the un-reimbursed officer salary portion absorbed by the police department's salary and wage budget.

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

That the Mayor or City Manager is authorized to submit a grant application to the Division of Administrative Services Justice and Community Services Division in the amount of $84,000 and administer any funds awarded. These funds will provide partial salary reimbursement for the three Charleston Police Department Prevention Resource Officers (PRO) assigned to George Washington High School, West Side Middle School and Capital High School. There is a 25% required match that will be met by the un-reimbursed officer salary portion absorbed by the police department's salary and wage budget.

Councilmember Jenkins added that, as with prior years, the resolution is to seek grant funds for reimbursement for three (3) Charleston Police Department Prevention Resource Officers.

Councilmember Laird added that everyone wants to make sure that schools are as safe as possible. However, he has never really felt all that comfortable with the program as he feels it has a disproportionate affect on minority communities. Councilmember Laird questioned whether or not those resources could be put to better use through counseling services.

Councilmember Wesley-Plear agreed with Councilmember Laird's concerns, and asked if someone could explain the duties of the PROs, and what the difference their duties are to other officers besides forming relationships with students. Mayor Goodwin replied that those officers did not happen to be present, but she was aware that they at least worked on drug intervention programs, community policing and establishing relationships with the students.

Councilmember Steele confirmed with Councilmember Jenkins that 471-21 is for approval to submit a grant application for the program, 472-21 is for approval for an MOU with Kanawha County for placement of the officers in the schools and 473-21 concerns MDENT (not related to PRO). The resolutions were only referred to the Finance Committee. Mayor Goodwin added that she was advised that the deadline to submit the grant application will have expired by the time of the next Council meeting, but the MOU was not on the same deadline.

Councilmember Wesley-Plear asked if the MOU stated what the officers can and cannot do. City Manager, Jonathan Storage, replied that the grant does not list activities for the officers. Mayor Goodwin added that there might be an opportunity to work with the County to outline that in the MOU. The deadline to apply for the grant is the first week of June. Councilmember Wesley-Plear asked if a special meeting could be called.

Councilmember McKinney agreed with the concerns of Councilmembers Laird and Wesley-Plear, adding that they did not know what was in the grant.

Councilmember Wesley-Plear motioned to postpone/lay over Resolution No. 471-21. Councilmember McKinney seconded.

Councilmember Minardi confirmed that the City did not have to accept the money if it they did apply for and receive the grant. He spoke against the postponement/layover.

Councilmember Campbell spoke against the postponement/lay over.

Councilmember Knauff spoke against the postponement/lay over.

Councilmember Snodgrass spoke against the postponement/lay over.

Councilmember Bailey asked if it were possible to vote to apply for the grant, and vote separately on the spending of those funds if received. Storage replied that would be possible, adding that those institutions do not typically like to see funds returned after they have been awarded. In fact, it may hurt the City's chances at receiving that grant in the future. Storage added that the same grant had been unanimously approved the past two (2) years, and the program has not changed in any way.

Councilmember McKinney spoke in favor of the postponement/lay over.

Councilmember McKinney spoke in favor of the postponement/lay over.

Councilmember Pharr asked if the grant was matching, or if it covered the full salaries of the officers. Storage replied that there is a required match of 25%. Councilmember Pharr spoke in favor of the postponement/lay over.

Councilmember Robinson spoke against the postponement/lay over for the application.

Councilmember Faegre spoke against the postponement/lay over for the application.

Councilmember King motioned for the Previous Question. Mayor Goodwin asked, “Shall the Previous Question now be put?” Having no less than two (2) other members (Reishman and Burton) demand the Previous Question, a voice vote was taken. With the majority of members present recorded thereon as voting in the affirmative, the Mayor declared the Previous Question be put.

The question being on the adoption of the postponement/layover of Resolution No. 471-21, a roll call was taken:

YEAS: Haas, McKinney, Wesley-Plear
NAYS: Adams, Bailey, Bays, Burton, Campbell, Faegre, Hoover, Jenkins, Jones, King, Knauff, Laird, Minardi, Overstreet, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Mayor Goodwin
ABSENT: Ceperley, Cook, Persinger

So, with the majority of members present having voted in the negative with 3 Yeas and 21 Nays, the Mayor the postponement/layover of Resolution No. 471-21 not passed.

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

YEAS: Adams, Bailey, Bays, Burton, Campbell, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Mayor Goodwin
NAYS: Wesley-Plear
ABSENT: Ceperley, Cook, Persinger

With members present recorded thereon as voting in the majority in the affirmative, the Mayor declared Resolution No. 471-21 adopted.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 472-21 do pass.

Resolution No. 472-21 - Authorizing the Mayor or City Manager to enter into a Memorandum of Understanding with the Kanawha County Board of Education for continued placement of three Prevention Resource Officers at schools in Charleston – West Side Middle School, Capital High School and George Washington High School.

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

That the Mayor or City Manager is authorized to enter into a Memorandum of Understanding with the Kanawha County Board of Education for continued placement of three Prevention Resource Officers at schools in Charleston – West Side Middle School, Capital High School and George Washington High School.

Councilmember Jenkins added that the resolution is to approve the Memorandum of Understanding with the Kanawha County Board of Education, which is similar to the ones that have been approved over the past few years. He added that one of the PROs was named Officer of the Year.

Councilmember Jenkins moved to refer the resolution to the Public Safety Committee.

Councilmember Pharr requested that a date and time be set for the next meeting of the Public Safety Committee.

Councilmember Snodgrass spoke against the referral.

Councilmember Knauff confirmed that this would be for the next school year.

Councilmember Wesley-Plear spoke in favor of the referral.

Councilmember McKinney spoke in favor of the referral.

The question being on the approval of the referral with members present recorded thereon as voting in the majority in the affirmative, the Mayor declared Resolution No. 472-21 referred to the Public Safety Committee.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 473-21 do pass.

Resolution No. 473-21 - Authorizing the Mayor or City Manager to submit a grant application to the Division of Administrative Services Justice and Community Services Division in the amount of $112,000 and administer any funds awarded. These funds will provide partial salary reimbursement for four members of the Metropolitan Drug Enforcement Network Team (MDENT) from Charleston, Nitro, St. Albans and South Charleston Police Departments. There is a 25% required match that will be met by the un-reimbursed officer salary portion absorbed into each of those city's police salary and wage budgets.

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

That the Mayor or City Manager is authorized to submit a grant application to the Division of Administrative Services Justice and Community Services Division in the amount of $112,000 and administer any funds awarded. These funds will provide partial salary reimbursement for four members of the Metropolitan Drug Enforcement Network Team (MDENT) from Charleston, Nitro, St. Albans and South Charleston Police Departments. There is a 25% required match that will be met by the un-reimbursed officer salary portion absorbed into each of those city's police salary and wage budgets.

Councilmember Jenkins added that the resolution is to submit an application for a grant funding for partial reimbursement for four (4) members of the CPD that are assigned to MDENT.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 473-21 adopted.

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 474-21 do pass.

Resolution No. 474-21 - Confirming the enactment of Bill No. 7903, confirming publication of Notice of Public Hearing and confirming public hearing regarding the issuance of sales tax refunding revenue bonds (Coliseum and Convention Center Project), Series 2021, in one or more series, and declaring that Bill No. 7903 is in effect.

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

That the enactment of Bill No. 7903 is confirmed, the publication of Notice of Public Hearing is confirmed and the public hearing regarding the issuance of sales tax refunding revenue bonds (Coliseum and Convention Center Project), Series 2021, in one or more series is confirmed, and that Bill No. 7903 is in effect.

Councilmember Jenkins added that this is the final resolution on the matter of refunding some of the Coliseum and Convention Center bonds, saving the City money on interest.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 474-21 adopted.

6. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 475-21 do pass.

Resolution No. 475-21 - Authorizing the Mayor or City Manager to enter into the Stadium License, Lease and Service Termination Agreement with West Virginia Baseball LLC that includes the waiver of the net outstanding balance owed to the City of $354,135.95. This balance represents the License Fee, as amended, accumulated during the period of the COVID-19 public health emergency, less the maintenance contribution to the team accumulated during the same period. The City Auditor is directed to consider this waiver in the financial statements for fiscal year 2021, including the amount of the waiver attributable to a prior fiscal year carried forward as an account receivable.

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

That the Mayor or City Manager is authorized to enter into the Stadium License, Lease and Service Termination Agreement with West Virginia Baseball LLC that includes the waiver of the net outstanding balance owed to the City of $354,135.95. This balance represents the License Fee, as amended, accumulated during the period of the COVID-19 public health emergency, less the maintenance contribution to the team accumulated during the same period. The City Auditor is directed to consider this waiver in the financial statements for fiscal year 2021, including the amount of the waiver attributable to a prior fiscal year carried forward as an account receivable.

Councilmember Jenkins added that the resolution will terminate the agreement with the prior baseball team owner. Since the season was shut down last year, there is a waiver of payment included.

Councilmember Jenkins confirmed with Councilmember Jenkins that the $354,000 listed as waived are payments under the lease that were not made because of the cancellation of the season.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 475-21 adopted.

7. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 476-21 do pass.

Resolution No. 476-21 - Authorizing the Mayor or City Manager to enter into a Stadium License, Lease and Service Agreement with Charleston Professional Baseball Company, LLC, for the use of the professional baseball stadium facilities commonly known as Appalachian Power Park for a period of five years according to the terms of the agreement attached hereto as Exhibit A.

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

That the Mayor or City Manager is authorized to enter into a Stadium License, Lease and Service Agreement with Charleston Professional Baseball Company, LLC, for the use of the professional baseball stadium facilities commonly known as Appalachian Power Park for a period of five years according to the terms of the agreement attached hereto as Exhibit A.

Councilmember Jenkins added that the resolution contains the lease, license and service agreement for the new owners of the baseball team. Some of the terms include $240,000/year lease payment, a max cap on utilities and a limitation on the naming rights.

Councilmember Laird added that it is a big deal, and thanked everyone involved in this.

Councilmember Minardi confirmed that the naming rights were for the 5-year term of the lease. Councilmember Jenkins added that the new owners are interested in keeping the name Appalachian Power Park. They would receive any revenue from sponsorship that would derive from naming rights.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 476-21 adopted.

8. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 477-21 do pass.

Resolution No. 477-21 - Authorizing the Mayor or City Manager to enter into a contract with Mead & Hunt, Inc., in the amount of $109,934 for the provision of contract administration and quality assurance/quality control services for the Slack Plaza / City Center construction project, where the company was selected through a committee shortlist and interview process detailed in Municipal Code § 3-15.

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

That the Mayor or City Manager is authorized to enter into a contract with Mead & Hunt, Inc., in the amount of $109,934 for the provision of contract administration and quality assurance/quality control services for the Slack Plaza / City Center construction project, where the company was selected through a committee shortlist and interview process detailed in Municipal Code § 3-15.

Councilmember Jenkins added that the resolution is for approval of a project manager for the Slack Plaza / City Center construction project, which was conducted through an interview process.

Councilmember Robinson asked what a short-list interview process was. Storage replied that it is required by law. A request for proposals is sent for qualifying firms to submit applications. A committee then selects anywhere between three and five of the most suitable applicants, interview them and score them. Price negoations occur once the firm is selected.

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

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

With members present recorded thereon as voting in the majority in the affirmative, the Mayor declared Resolution No. 477-21 adopted.

9. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 478-21 do pass.

Resolution No. 478-21 - Authorizing the Mayor or City Manager to enter into a Memorandum of Understanding (MOU) with other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT), consistent with Attachment A hereto, that assists the Charleston area offices of the Drug Enforcement Administration, the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives to achieve maximum cooperation in combined law enforcement efforts to address drug and related violent crime offenses in Charleston and surrounding communities. The MOU is in effect for a one-year period starting July 1, 2021, and ending June 30, 2022.

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

That the Mayor or City Manager is authorized to enter into a Memorandum of Understanding (MOU) with other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT), consistent with Attachment A hereto, that assists the Charleston area offices of the Drug Enforcement Administration, the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives to achieve maximum cooperation in combined law enforcement efforts to address drug and related violent crime offenses in Charleston and surrounding communities. The MOU is in effect for a one-year period starting July 1, 2021, and ending June 30, 2022.

Councilmember Jenkins added that, similar to prior years, the resolution is for approval of the agreement between the organizations that comprise MDENT.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 478-21 adopted.

10. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Resolution No. 479-21 do pass.

Resolution No. 479-21 - Authorizing the Mayor or City Manager to renew a software license and maintenance agreement with Aztecs Systems, LLC, for a period of three years—at a cost not to exceed $25,000 per year—in order to continue the use of the Cityworks asset management system, which is used daily by the Public Works Department, Traffic Engineering Department, and Engineering Department. The Software License & Maintenance Agreement is attached as Exhibit A.

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

That the Mayor or City Manager is authorized to renew a software license and maintenance agreement with Aztecs Systems, LLC, for a period of three years—at a cost not to exceed $25,000 per year—in order to continue the use of the Cityworks asset management system, which is used daily by the Public Works Department, Traffic Engineering Department, and Engineering Department. The Software License & Maintenance Agreement is attached as Exhibit A.

Councilmember Jenkins added that the system is to track the maintenance and repair of equipment and vehicles, and allows those Departments to keep good records.

*Councilmember King was temporarily absent for the vote.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 479-21 adopted.

11. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Resolution No. 480-21 do pass.

Resolution No. 480-21 - Appointing an Audit Committee in accordance with the West Virginia State Auditor's Office Chief Inspector Division Procedures Manual for Procuring and Conducting Audits and Reviews of Local Governments for the purposes of procuring audit services and overseeing any correction associated with any audit findings or concerns. The committee shall be made up by those serving in the positions of Council Finance Committee Chairman, City Auditor, Assistant City Auditor, City Manager, and Finance Director. The appointments are effective for a period ending June 30, 2023. The City Auditor shall serve as the primary contact for the audit procurement process.

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

That there is hereby appointed an Audit Committee for the purposes of procuring audit services and overseeing any correction associated with any audit findings or concerns. The committee shall be made up by those serving in the positions of Council Finance Committee Chairman, City Auditor, Assistant City Auditor, City Manager, and Finance Director. The appointments are effective for a period ending June 30, 2023. The City Auditor shall serve as the primary contact for the audit procurement process.

Councilmember Jenkins added that this is required by State law to procure a new auditor on a three-year rotation.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 480-21 adopted.

12. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Resolution No. 481-21 do pass.

<u>Resolution No. 481-21</u> - Authorizing the Mayor or City Manager to enter into a contract with McClanahan Construction in the amount of $559,750.00 for concrete street repair work, where the cost was determined through a competitive bidding process and the low bidder qualified for local vendor preference.

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

That the Mayor or City Manager is authorized to enter into a contract with McClanahan Construction in the amount of $559,750.00 for concrete street repair work, where the cost was determined through a competitive bidding process and the low bidder qualified for local vendor preference.

Councilmember Jenkins added that there are three (3) roads that are anticipated to be repaired this year.

Councilmember Bailey suggested to consider for next year, providing funding was available, for is Works Department to repair some of those types of roads themselves. It would also provide an opportunity to potentially use recycled glass.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 481-21 adopted.

Concrete Street Repair
Bid Opening Date 5/12/21

			McClanahan Construction 744 Poca Road Poca WV 25159 304-766-3355 Bruce@mcclanahanconstruction.com		Gracie Marker & Sons 1119 Jefferson Road South Charleston WV 25309 304-7440590 grmarkersons@aol.com		Jim Construction PO Box 3926 Charleston WV 25339 304-3437448 russkerkes@suddenlinkmail.com	
Item	Unit	Qty	Unit Cost	Item Total	Unit Cost	Item Total	Unit Cost	Item Total
Item 3.01 Mobilization	LS	1	$25,730.00	$25,730.00	$5,000.00	$5,000.00	$47,000.00	$47,000.00
Item 3.02 Aggregate Base	TON	550	$135.00	$74,250.00	$75.00	$41,250.00	$175.00	$96,250.00
Item 3.03 Class K Portland Cement Concrete Pavement	CY	650	$608.00	$395,200.00	$845.00	$549,250.00	$1,308.00	$850,200.00
Item 3.04 Integral Rolled Concrete Curb	LF	1200	$8.00	$9,600.00	$35.00	$42,000.00	$24.00	$28,800.00
Item 3.05 Concrete Curb and Gutter	LF	200	$55.00	$11,000.00	$75.00	$15,000.00	$147.00	$29,400.00
Item 3.06 Diamond Grinding	SY	1000	$44.00	$44,000.00	$20.00	$20,000.00	$32.00	$32,000.00
Base Bid Total			$559,780.00		$672,500.00		$1,083,650.00	
Local Vendor Preference (4%)			($5,000) $554,780.00		($5,000) $667,500.00		($5,000) $1,078,650.00	

13. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Resolution No. 482-21 do pass.

Resolution No. 482-21 - Authorizing the Mayor to sign and submit to the West Virginia Development Office a CDBG-DR application, in the amount of $5,000,000., including all understandings and assurances contained therein, and directing and authorizing the MOECD Director as the official representative of the applicant to act in connection with the application and provide such additional information as may be required.

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

That the Mayor is hereby authorized and directed to sign and submit to the West Virginia Development Office a CDBG-DR application, in the amount of $5,000,000., including all understandings and assurances contained therein, and directing and authorizing the MOECD Director as the official representative of the applicant to act in connection with the application and provide such additional information as may be required.

Councilmember Jenkins added that the resolution is to seek federal grant funding made available as part of the 2016 flood. The City is applying for the maximum award.

Councilmember Steele added that the money is slated to go to low-moderate income areas, but there was a discussion about starting with the core Downtown district to use these funds. The East End and West Side are neighborhoods and Downtown is a business district.

Councilmember Knauff asked that the proposed areas would cover Garrison Avenue or Bigley Avenue. Director of MOECD, Andy Backus, replied that he would need to check on that. He added that at least 51% of the funds had to be spent in low-moderate income areas.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 482-21 adopted.

14. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7909 do pass.

Bill No. 7909 - A BILL to amend and reenact Sections 2-554 and 2-556 of the Municipal Code of the City of Charleston, as amended; and to repeal Section 82-4 of said code, all relating to providing that the schedule of rates and fees for the Charleston Coliseum and Convention Center shall be approved by City Council by resolution; removing the listing of rates from the parks and recreation chapter of code; clarifying that capital improvement fees shall continue; and removing the requirement that the rates be posted on the convention center website.

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

That Sections 2-554 and 2-556 of the Municipal Code of the City of Charleston, as amended, shall be amended and reenacted; and that Section 82-4 of said code shall be repealed, all to read as follows:

CHAPTER 2 – ADMINISTRATION.
ARTICLE VII – BOARDS, COMMITTEES AND COMMISSIONS.
DIVISION 3. – CHARLESTON COLISEUM AND CONVENTION CENTER/MUNICIPAL AUDITORIUM BOARD.
Sec. 2-554. – Finances; capital improvement fees.

(a) All revenue derived from the use and operation of the Charleston Coliseum and Convention Center and the Auditorium shall be paid into the city treasury, in a special fund dedicated to the Charleston Coliseum and Convention Center and the Auditorium. All expenditures from the special fund shall be requisitioned and accounted for in the same manner as general fund expenditures, and pursuant to all of the purchasing requirements of article IV of this chapter.

(b) In addition to the revenue from the rates for rentals, there shall also be assessed capital improvement fees for the Charleston Coliseum and Convention Center and the Auditorium. Revenue from these capital improvement fees shall be deposited in a separate special fund for the facility where the fee was generated and is to be used to fund building improvements and renovation, repair or replacement of equipment or mechanical systems at each respective facility that are not normally provided for in current fiscal year operating budgets. Items costing less than $15,000.00 will be funded from the operating budgets unless they are unexpected. The capital improvement funds are not intended to be used to fund ordinary maintenance and repairs. The capital improvement funds are not considered to be in lieu of ordinary maintenance and capital improvement items historically included in the Coliseum and Convention Center or Auditorium budgets.

Sec. 2-556. - Schedule of rates, rentals and other charges for use of services and facilities.

(a) A true copy of the schedule of fees, rates and charges for the use of the Charleston Coliseum and Convention Center and the Auditorium, as approved by the city council pursuant to the provisions of section 2-553, shall be maintained on file in the office of the Charleston Coliseum and Convention Center/Municipal Auditorium Board or the general manager of the Charleston Coliseum and Convention Center and Auditorium ~~and on the Charleston Coliseum and Convention Center's website~~.

(b) All fees, rates and charges for the use of the Charleston Coliseum and Convention Center and the Auditorium established or approved by the city council and in effect immediately prior to the effective date of this Code are continued in full force and effect until such time as new fees, rates and charges are determined, prescribed and approved <u>by resolution of City Council </u>pursuant to the provisions of section 2-553~~, as set forth in chapter 82, article 1, section 82-4, Schedule of rates and rentals~~.

CHAPTER 82 – PARKS AND RECREATION.
ARTICLE 1 – IN GENERAL.
~~Sec. 82-4. - Schedule of rates and rentals.~~
~~(a) The following schedule of rates and rentals shall apply for the use of the services and facilities of the Municipal Auditorium and the Charleston Coliseum and Convention Center, owned and operated by the city, including any additions, extensions or improvements:~~

~~(1) Municipal Auditorium (3,483 permanent seats):~~
~~a. Regular rate, per day or evening—or 10 percent of gross admissions, after taxes, whichever is greater .....$1,500.00~~
~~b. Regular rehearsal .....$800.00~~
~~c. Cultural rate .....$1,200.00~~
~~d. Cultural rehearsal .....$700.00~~
~~e. Preceding rates for the Municipal Auditorium include only space, air conditioning and janitorial services.~~
~~f. Qualified technicians, approved by the center, are required for handling all lighting, sound and stage at the lessees cost.~~
~~g. In addition to the rates set forth in this subsection (1), a capital improvement fee will be imposed upon the event ticket price as follows:~~
~~$0.00—$9.99 .....$0.00~~
~~$10.00—$19.99 .....$1.00~~
~~$20.00—$39.99 .....$1.50~~
~~$40.00 and up .....$2.00~~
~~A fee of $50.00 will be imposed for all full day rentals not qualifying under ticket fees.~~
~~h. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Municipal Auditorium. Such special fund to be established and maintained by the city.~~

~~(2) Coliseum (seats up to 13,500 concerts, 12,500 basketball):~~
~~a. Regular rental rate (all usuage except those qualifying under b., c., per day or evening—or 12 percent of gross admissions, after taxes, whichever is greater .....$5,000.00~~
~~b. Local charitable and cultural events as approved by the Charleston Coliseum and Convention Center/Municipal Auditorium Board, per day or evening .....$3000.00~~
~~c. Exhibit shows (using floor space) .....$3,950.00~~
~~d. The preceding rates for Coliseum are for space rentals and include heat, air conditioning, lights and janitorial services.~~
~~e. In addition to the rates set forth in this subsection (2), a capital improvement fee will be imposed upon the event ticket price as follows:~~
~~$0.00—$9.99 .....$0.00~~

~~$10.00—$19.99 .....$1.00~~
~~$20.00—$39.99 .....$1.50~~
~~$40.00 and up .....$2.00~~
~~For rentals not qualifying under ticket fees .....$50.00~~
~~f. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Charleston Coliseum and Convention Center. Such special fund to be established and maintained by the city.~~

~~(3) a. Meeting rooms Coliseum:~~
~~Parlor A (1,469 sq. ft.) .....$325.00~~
~~Parlor B (1,320 sq. ft.) .....$325.00~~
~~Parlor C (1,320 sq. ft.) .....$325.00~~
~~Parlor D (2,700 sq. ft.) .....$375.00~~
~~Parlors A—D Combined .....$1,250.00~~
~~b. Preceding rates for meeting rooms include heat, air conditioning, lights and janitorial services.~~
~~c. In addition to the rates set forth in this subsection (3), a capital improvement fee of $5.00 will be imposed upon the rental rate. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Charleston Coliseum and Convention Center. Such special fund to be established and maintained by the city.~~

~~(4) Exhibition Hall:~~
~~a. Grand Hall (50,086 sq. ft.), daily rate)—or 12 percent of gross ticket sales after taxes whichever is greater .....$4,000.00~~
~~b. North or South Hall (19,285 sq ft.)—or 12 percent of gross ticket sales after taxes whichever is greater .....$1,600.00~~
~~c. West Hall I or II (5,767 sq. ft.)—or 12 percent of gross ticket sales after taxes whichever is greater .....$475.00~~
~~d. Conference rooms: .....~~
~~Room 202 (971 sq. ft.) .....$325.00~~
~~Room 203 (971 sq. ft.) .....$325.00~~
~~Room 204 (971 sq. ft.) .....$325.00~~
~~Room 205 (971 sq. ft.) .....$325.00~~
~~Rooms 202—205 combined (3,884 sq. ft.) .....$1,100.00~~
~~Room 206 .....$225.00~~
~~Room 210 (1,190 sq. ft.) .....$400.00~~
~~Room 211 (860 sq. ft.) .....$300.00~~
~~Room 212 (1,130 sq. ft.) .....$400.00~~
~~Room 213 (1,115 sq. ft.) .....$400.00~~
~~Room 214 (1,140 sq. ft.) .....$400.00~~
~~Room 215 (1,390 sq. ft.) .....$400.00~~
~~Room 216 (1,310 sq. ft.) .....$400.00~~
~~Room 217 (1,225 sq. ft.) .....$475.00~~
~~Rooms 212—214 combined (3,385 sq. ft.) .....$1,000.00~~
~~Rooms 215—217 combined (3,925 sq. ft.) .....$1,100.00~~
~~e. Ballroom: .....~~

~~1.Friday and Saturday rates: .....~~
~~Ballroom (25,000 sq. ft.) .....$15,000.00~~
~~Ballroom A (3,666 sq. ft.) .....$2,500.00~~
~~Ballroom B (3,666 sq. ft.) .....$2,500.00~~
~~Ballroom C (7,333 sq. ft.) .....$5,000.00~~
~~Ballroom D (3,666 sq. ft.) .....$2,500.00~~
~~Ballroom E (3,666 sq. ft.) .....$2,500.00~~
~~Ballroom A and B Combined (7,332 sq. ft.) .....$5,000.00~~
~~Ballroom D and E Combined (7,332 sq. ft.) .....$5,000.00~~
~~2.Sunday through Thursday rates: .....~~
~~Ballroom (25,000 sq. ft.) .....$12,000.00~~
~~Ballroom A (3,666 sq. ft.) .....$2,000.00~~
~~Ballroom B (3,666 sq. ft.) .....$2,000.00~~
~~Ballroom C (7,333 sq. ft.) .....$4,000.00~~
~~Ballroom D (3,666 sq. ft.) .....$2,000.00~~
~~Ballroom E (3,666 sq. ft.) .....$2,000.00~~
~~Ballroom A and B Combined (7,332 sq. ft.) .....$4,000.00~~
~~Ballroom D and E Combined (7,332 sq. ft.) .....$4,000.00~~
~~f. The preceding rates for exhibition halls, conference rooms, and ballrooms are for space rentals and include heat, air conditioning, lights and janitorial services.~~
~~g. In addition to the rates set forth in this subsection (3), a capital improvement fee in accordance with the following schedule will be imposed upon the rental rate:~~
~~Grand Hall .....$50.00~~
~~North or South Hall .....$25.00~~
~~West Halls I or II, each .....$25.00~~
~~Ballroom A—E, combined .....$100.00~~
~~Ballroom A—E, each .....$25.00~~
~~Conference Rooms, each .....$5.00~~
~~h. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Charleston Coliseum and Convention Center. Such special fund to be established and maintained by the city.~~

~~(5) Civic theater (738 permanent seats):~~
~~a. Regular rate, per day or evening—or ten percent of gross admissions, after taxes, whichever is greater. .....$750.00~~
~~b. Regular rehearsal .....$400.00~~
~~c. Cultural rate .....$500.00~~
~~d. Cultural rehearsal .....$200.00~~
~~e. Meeting rate (less than four consecutive hours, no access to stage) .....$500.00~~
~~f. The preceding rates for the Civic Theater include only space, heating, air conditioning and janitorial services.~~
~~g. Qualified technicians, approved by the center, are required for handling all lighting, sound and staging at the lessee's cost.~~
~~h. In addition to the rates set forth in this subsection (5), a capital improvement fee of $25.00 will be imposed upon the rental rate for the full rental or cultural performances only. All receipts from this capital~~

~~improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Charleston Coliseum and Convention Center. Such special fund to be established and maintained by the city.~~

~~(b) The fees used to establish the capital improvement funds for the Charleston Coliseum and Convention Center (CCCC) and the Municipal Auditorium (MA) are to be used to fund CCCC and MA building improvements and renovation, repair or replacement of equipment or mechanical systems that are not normally provided in standard operating budgets. Items costing less than $15,000.00 will be funded from standard operating budgets unless they are unexpected. The capital improvement funds are not intended to be used to fund ordinary maintenance and repairs. The capital improvement funds are not considered to be in lieu of ordinary maintenance and capital improvement items historically included in the CCCC and MA budgets.~~

~~(c) Special arrangements and exceptional conditions, which call for a different fee or rate to be charged than what is specified in this ordinance, may be negotiated by the manager subject to board approval.~~

~~(d) All other rates, fees, rentals and other charges incidental to the operation of the CCCC and MA facilities shall be set and approved by the Charleston Coliseum and Convention Center Auditorium Board, pursuant to the provisions of section 2-553 of the Code of the City of Charleston.~~

Councilmember Jenkins added that the bill will provide OVG, the management company over the Coliseum and Convention Center, more flexibility by creating a rates schedule that has ranges. The rates will still be approved by Council at a later date, but will no longer be in the City Code. Councilmember Jenkins added that this is the industry standard.

Councilmember Jenkins moved to approve the bill. Councilmember Hoover seconded the motion. The question being on the adoption of the resolution, a roll call was taken:

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

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7909 passed.

REPORTS OF OFFICERS

1. Municipal Court Report to City Council Month Ending April 2021.
   Received and Filed, Thank You.

2. Report of the City of Charleston Payroll Variance Analysis; April 2021.
   Received and Filed, Thank You.

3. City Treasurer's Report to City Council Month Ending April 2021.
   Received and Filed, Thank You.

4. Presentation from the CARE Team.

NEW BILLS

Introduced by Councilmember Bobby Haas
May 17, 2021:
Bill No. 7911 – A Bill to establish a no parking anytime in turnaround at the intersection of Iris Drive and Fields Street.
Refer to Planning, Streets and Traffic Committee, Please

Introduced by Councilmember Bobby Haas
May 17, 2021:
Bill No. 7912 – A Bill to establish a no parking anytime in the dead end of Daisy Drive located 495 feet in an easterly direction of the intersection of Cosmos Drive and Daisy Drive.
Refer to Planning, Streets and Traffic Committee, Please

MISCELLANEOUS/UNFINISHED BUSINESS

NONE

REMARKS BY MEMBERS

1. Councilmember Jones thanked the Mayor for attending the Hot Diggity Dogs Cruise-In event last Friday.

2. Councilmember Pharr stated that she had heard from several neighbors in Kanawha City requesting that they be able to speak at various Committee meetings.

ADJOURNMENT

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

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

At 9:38 p.m., by a motion from Councilmember Hoover, Council adjourned until Monday, June 7, 2021, at 7:00 p.m., in Council Chamber at City Hall.

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Amy Shuler Goodwin, Honorable Mayor

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Miles C. Cary II, City Clerk