

CHARLESTON CITY COUNCIL

Regular Meeting

June 3, 2019

at 7:00 PM



Council Chambers, Third Floor
City Hall, 501 Virginia St. E.
Charleston, WV

AGENDA

CALL TO ORDER BY THE MAYOR

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC SPEAKERS AND CLAIMS

1. Claims June 3, 2019

PROCLAMATIONS

1. Proclamations

COMMUNICATIONS

1. Communications

REPORTS OF STANDING COMMITTEES

PLANNING, STREETS AND TRAFFIC

1. Bill No. 7813 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, by permitting beekeeping as an accessory use in all zoning districts and providing supplemental regulations to ensure public safety and compatibility with neighboring properties.

2. Bill No. 7817 - A Bill to establish a 15 minute parking zone on Hunters Ridge Road from a point 120 feet north of Saddlehorn Road to a point 220 feet north of Saddlehorn Road and amending the Traffic Control Map and Traffic Control File.

PUBLIC SAFETY

1. Resolution No. 202-19 - Authorizing the Mayor to enter into a MOU with MDENT that assists the Charleston area offices to achieve maximum cooperation in combined law enforcement efforts to address drug and related violent crime offenses in Charleston and surrounding communities.

ORDINANCE AND RULES

1. Bill No. 7819 - A BILL to amend the Code of the City of Charleston, by adding thereto a new section within Chapter 78, relating to access to health care facilities and picketing activities at health care facilities; preserving a right to protest; protecting patients from obstructions to their entry or exit from a health care facility; creating misdemeanor offenses for certain violations; and preserving a private right of action in addition to the criminal penalties.

FINANCE

1. Resolution No. 198-19 - Authorizing approval of the FY 2019- 2020 Civic Center Budget as indicated on the attached list of accounts.
2. Resolution No. 199-19 - Authorizing approval of Amendment No. 10 in the FY 2018- 2019 General Fund Budget as indicated on the attached list of accounts.
3. Resolution No. 200-19 - Granting Appalachian Power Company a supplemental easement and right of way across City property adjacent to the Spring Hill Cemetery and authorizing the City Manager to execute the supplemental easement and right of way.
4. Resolution No. 201-19 – Authorizing the City Manager to enter into a Renewal of Excess Worker’s Compensation Insurance with Safety National
5. Resolution No. 203-19 - Authorizing the Mayor or City Manager to submit an application to the State Development Office to add Barlow Drive to the Industrial Access Road Program.
6. Resolution No. 204-19 - Authorizing the Mayor or City Manager to submit an application in the amount of \$200,000 to the WV Department of Health and Human Resources Quick Response Team (QRT) grant program and to administer any funds awarded.
7. Resolution No. 205-19 - Authorizing the Mayor or City Manager to submit an application in the amount of \$600,000 to the Department of Justice, Office of Justice Programs for the Quick Response Team (QRT) and to administer any funds awarded.

REPORTS OF OFFICERS

1. Reports of Officers

NEW BILLS

1. New Bills

UNFINISHED BUSINESS AND/OR MISCELLANEOUS BUSINESS

ROLL CALL

ADJOURNMENT

THE NEXT REGULAR MEETING OF COUNCIL WILL BE HELD JUNE 17, 2019 AT 7:00 P.M.

***Meetings may be recorded and broadcast via internet <https://charlestonwv.civicclerk>**



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,
MARGARET ANN BALL, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 3615 4TH AVENUE, HUNTINGTON, WV 25702

Telephone Number: (304) (864) 396-0315 - 864-396-0315

and that on the 5TH day of OCTOBER, 2018/2019, at approximately 12:00 am/pm
in the City of Charleston, West Virginia, he/she sustained

INJURIES AS A DIRECT AND PROXIMATE RESULT OF AN UNMARKED HAZARD AT THE CHARLESTON COLISEUM AND CONVENTION CENTER.
Nature Of Injury And/Or Damage

As A Result Of:

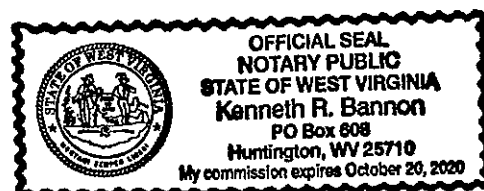
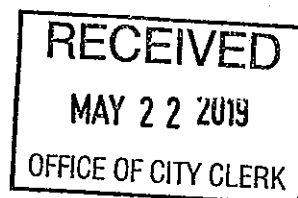
AS A RESULT OF AN UNMARKED CHANGE IN GRADE, MR. BALL SUSTAINED INJURIES TO HER HAND AND WRIST REQUIRING BOTH EMERGENCY AND PETHOPEDIC CARE. MAXIMUM MEDICAL RECOVERY HAS BEEN REACHED BUT PERMANENT DAMAGE EXISTS.

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

Margaret Ann Ball
Signature of Claimant

Taken, subscribed and sworn to before me this 18TH day of MAY, 2019.
My commission expires 10/20/2020.

[Signature]
Notary Public



Charleston Sanitary Board

208 26th Street

Charleston, WV 25312

(30) 348-1084

Today's date 5-18-19

Owner's Name BOBBY BROWN

Owner's phone number

304 421-4090 wife
304-421-4091

Owner's Address 315 71st SE.

Tenant's Name _____ Tenant's phone number _____

Tenant's Address _____

CSB Employees on site

Jim Wade
Mark Justice
Matt Eggleston
Ryan Keen
Curtis Brogan & Josh Vance

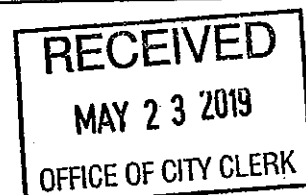
Serve-Pro Employees on site

Will Cayfield
John Shaffer

Comments:

*Carpet Sample: Yes ☐ No ☐ if no, please explain why.

* Carpet Padding: Yes ☐ No ☐ if no, please explain why.





PLANNING, STREETS AND TRAFFIC COMMITTEE

Mary Beth Hoover, Chair

COMMITTEE REPORT

To: Miles Carey, City Clerk

From: Council's Committee on Planning, Streets and Traffic

Date: May 20, 2019

Subject: Bill No. 7813

The Committee on Planning, Streets and Traffic has had under consideration Bill No. 7813 and attached hereto and made a part thereof.

The Committee finds:

"The amendment is consistent with the comprehensive plan's goals of creating policies that promote urban agriculture, farm to table, and are environmentally friendly "

and reports the same to Council with the recommendation that the Bill do pass.

J. Z. P. W.
Rheera C. Cepelley

Mary Beth Hoover
Chair
Nami Bays
Glenn
Chris
Mike Harris

Bill No. 7813

Introduced in Council:

Passed by Council:

May 6, 2019

Introduced by:

Referred to:

Mary Beth Hoover

Planning Committee
Municipal Planning Commission

Bill No. 7813 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by permitting beekeeping as an accessory use in all zoning districts and providing supplemental regulations to ensure public safety and compatibility with neighboring properties.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA

The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended as follows: by permitting beekeeping as an accessory use in all zoning districts and providing supplemental regulations to ensure public safety and compatibility with neighboring properties.

Sec. 2-020 Definitions of Terms shall be amended by as follows:

Agriculture, Urban (Urban Agriculture). An umbrella term that describes a range of food growing practices that may include the keeping of chickens ~~and/or bees~~, but does not include other livestock.

~~**Apiary (Bee Keeping).** The keeping or propagation of honeybee colonies for collection of honey or other bee products.~~

Beekeeping. The establishment and maintenance of one or more colonies of the common domestic honeybee. Colony shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood. A hive shall mean a structure intended for the housing of a honeybee colony.

Sec. 3-050 Permitted Land Uses shall be amended by adding the following:

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	PMC	I-2	I-4	PUD	SUPP
<u>Beekeeping</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>13</u>

Sec. 3-060 Supplemental Regulations Pertaining to Land Use Table shall be amended by adding the following:

13. ~~Reserved.~~ **Beekeeping** shall be regulated as follows:

- On lots measuring up to 10,000 square feet in area, a maximum of 2 colonies are permitted. On lots measuring 10,001-20,000 square feet in area, a maximum of 4 colonies are permitted. On lots measuring 20,001-40,000 square feet in area, a maximum of 6 colonies are permitted. On lots larger than 40,000 square feet, a maximum of 12 colonies are permitted.
- Beekeeping shall occur only in rear yards of single-family residential properties. On commercial properties, beekeeping may occur in rear yards and on rooftops. Beekeeping is prohibited on multi-family properties.
- Hives must be located at least 5 feet from any property line.

- 31 d. Where a hive is closer than 25 ft to a shared property line, the owner shall establish and maintain a flyway barrier
32 parallel to the property line at least 6 ft in height and extending 10 ft beyond the colony in each direction. The
33 flyway barrier may consist of a solid wall, fence, dense vegetation, or a combination thereof. If the yard is
34 bordered by a 6 ft privacy fence, no additional flyway barrier is required. This flyway barrier requirement shall not
35 apply if hives are located 25 ft or more from the closest property line or on the roof of a commercial property.
- 36 e. No commercial use or retail sales of bees, honey, honey comb, or other bee products or beekeeping products shall
37 be permitted from any residential property.
- 38 f. The use shall not constitute a nuisance due to aggressive behavior, excessive noise or odor.
39

40 **Sec. 3-060 Supplemental Regulations Pertaining to Land Use Table** shall be further amended by striking the following:

41 51. **Urban Agriculture** in any district shall be regulated as follows:

- 42 g. ~~Honeybees may be kept on residential properties only. Ownership, care and control of the honeybees~~
43 ~~shall be the responsibility of a resident of the dwelling on the lot. A maximum of three (3) colonies may~~
44 ~~be kept on lots smaller than one acre (although health regulations may further limit the number and/or~~
45 ~~manner of keeping of bees on lots). Structures for honeybees are subject to accessory structure setback~~
46 ~~requirements. Honeybees and beekeeping materials are not permitted in front yards.~~

47 The section shall then be renumbered as appropriate.
48



PLANNING, STREETS AND TRAFFIC COMMITTEE

Mary Beth Hoover, Chair

COMMITTEE REPORT

To: Miles Carey, City Clerk

From: Council's Committee on Planning, Streets and Traffic

Date: May 20, 2019

Subject: Bill No. 7817

The Committee on Planning, Streets and Traffic has had under consideration:

Bill No. 7817 - A Bill to establish a 15 minute parking zone on Hunters Ridge Road from a point 120 feet north of Saddlehorn Road to a point 220 feet north of Saddlehorn Road and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

and reports to Council with the recommendation that the Bill do pass.

J. L. P.
Rebecca C. Ciferley

Mary Beth Hoover
Chair
Mona Bays
Dee R. Smith
Will R. Smith
Chris Smith

1 **Bill No.7817**

2 Passed by Council:

3 Introduced in Council:

4 **May 6, 2019**

5 Referred to:

6 Introduced by:

Planning, Streets and Traffic Committee

7 **Brady Campbell**

8
9
10
11 **Bill No. 7817** - A Bill to establish a 15 minute parking zone on Hunters Ridge Road from
12 a point 120 feet north of Saddlehorn Road to a point 220 feet north of Saddlehorn Road
13 and amending the Traffic Control Map and Traffic Control File, established by the code
14 of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic
15 Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

17 Section 1. 15 minute parking zone on Hunters Ridge Road from a point 120 feet north of
18 Saddlehorn Road to a point 220 feet north of Saddlehorn Road

19 Section 2. The Traffic Control Map and Traffic Control File, established by the code
20 of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic
21 Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are
22 amended, to conform to this Ordinance.

23
24 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
25 repealed to the extent of said inconsistency.

Resolution No. 202-19

Introduced in Council:

June 3, 2019

Introduced by:

Keeley Steele

Adopted by Council:

Referred to:

Public Safety

Resolution No. 202-19: “Authorizing the Mayor 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, 2019, and ending June 30, 2020.”

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

That the Mayor is hereby authorized and directed to enter into a Memorandum of Understanding, consistent with Attachment A hereto, with other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT) 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, 2019, and ending June 30, 2020.

MEMORANDUM OF UNDERSTANDING

The following agencies hereby enter into this Memorandum of Understanding (MOU) as of the date this MOU is signed by the agency's representative. The effective date of this MOU is July 1, 2019.

City of Charleston
City of St. Albans
City of Dunbar
City of Nitro
City of South Charleston
City of Hurricane
Putnam County Sheriff's Department
Kanawha County Sheriff's Department
West Virginia State Police
Federal Bureau of Alcohol, Tobacco, and Firearms
U. S. Attorney's Office for the Southern District of WV

PURPOSE: the purpose of this MOU is to memorialize the operating terms under which this task force, named the Metropolitan Drug Enforcement Network Team (MDENT), develop and enhance cooperation and information exchange between the parties to this MOU and to achieve maximum effective and efficient law enforcement efforts to address drug and violent crime related offenses in the Kanawha County, Putnam County, and Charleston, West Virginia, area.

DEFINITIONS: When used in this MOU, the following words shall be defined as:

1. AHIDTA—Appalachian High Intensity Drug Trafficking Act Program
2. Control Board – The oversight board for MDENT.
3. DCJS – The West Virginia Division of Criminal Justice Services
4. Employing agency – The law enforcement agency that hired, employs, and pays the applicable salary and benefits of the law enforcement officer assigned to MDENT.
5. Federal Agencies – The Federal Bureau of Investigations, the Drug Enforcement Agency and the Bureau of Alcohol, Tobacco and Firearms.
6. Grantee – The agency that prepares, submits, and oversees administration of funding applications on behalf of MDENT. For the purposes of this MOU the grantee is the City of Charleston.
7. Local Agencies – The City of Charleston, the City of Dunbar, the City of Nitro, the City of South Charleston, the City of St. Albans, the City of Hurricane, the Kanawha County Sheriff's Department, and the Putnam County Sheriff's Department.
8. MDENT – Metropolitan Drug Enforcement Network Team
9. MOU – Memorandum of Understanding
10. Operating Account – Monies maintained in an interest-bearing account by the grantee to be used to pay expenses incurred by MDENT in pursuit of its stated purpose. These monies come from funds lawfully secured as a result of

forfeiture of money and property from drug related seizures and monies contributed to MDENT by other entities.

11. Participating agencies – All of the federal and local agencies that are parties to this MOU.
12. PCNEU – Putnam County Narcotics Enforcement Unit.
13. PCSD – Putnam County Sheriff's Department.
14. Policy Board – West Virginia Drug Policy and Violent Crime Control Policy Board.

The participating agencies agree to the following terms:

1. **FEDERAL JURISDICTION:** The authority and participation in any investigation under the terms of this MOU by the Federal Agencies shall be pursuant to, and limited by, the jurisdictional laws of each respective federal agency. Because of statutory and policy considerations, the assigned federal personnel will not investigate crimes outside of the jurisdiction of their respective agency. The Federal Agencies shall follow the appropriate policies and guidelines of their respective agencies. Federally initiated cases will follow appropriate guidelines of the lead federal agency concerning case management.

2. **LOCAL AGENCY REPRESENTATION:** The representative authorized to sign this MOU for each of the participating agencies will appoint one individual to serve as a member on the Control Board, which will be the agencies' chief law enforcement officer or his/her designee. That individual will act on behalf of and represent the designating agency's interests concerning the operation of MDENT. The Mayor of the grantee, or his or her designee, shall serve as the Chairperson of the Control Board. The Chairperson shall appoint the MDENT Commander.

3. **CONTROL BOARD:** The Control Board shall meet on a regular basis as set by the grantee in accordance with DCJS requirements. Five members present shall constitute a quorum of the Control Board. Each member of the Control Board, or his or her alternate, shall have one vote and, subject to the terms herein, general issues shall require a majority vote of members present. However, actions by MDENT on the following matters shall be decided by unanimous vote of voting members of the Control Board:

- a. Approval/disapproval of cases to be investigated by MDENT officers;
- b. Amount of and use of funds to be authorized for specific case investigations and operation of the unit;
- c. Key decisions critical to the management of case investigations;
- d. Acquisition of real or personal property, including equipment;
- e. Addition of law enforcement agencies as members of MDENT; and

- f. Approval of officers to be assigned to MDENT from participating agencies.

Federal agencies, in compliance with all applicable ethical and regulatory DOJ/Treasury guidelines, will abstain from voting on funding issues that conflict with their department's guidelines.

4. **ADMINISTRATION OF GRANT FUNDS; AGENCY RESOURCES:** Each of the participating agencies shall cooperate with the grantee concerning the administration of grant funds awarded from DCJS or other entities and in the overall operation of MDENT. Additionally, each participating agency will provide whatever resources are available to that agency, in the reasonable opinion of its Chief Law Enforcement Officer or designee, to specific cases as appropriate and as approved by the Control Board to facilitate efficient and effective investigations.

5. **AGENCY WITHDRAWAL FROM OR APPLICATION TO MOU:** Participation in the multi-agency investigative efforts of MDENT is voluntary. If a participating agency desires to withdraw from this MOU, written notification of such withdrawal will be provided to each participating agency thirty days prior to withdrawal. Such withdrawal does not absolve the participating agency of any financial responsibilities incurred prior to the withdrawal. Additional agencies wishing to become members of MDENT may do so upon written application to and approval by the Control Board. Such new agencies must execute an addendum agreeing to the terms of the MOU in effect at the time of approval by the Control Board.

6. **COMPLIANCE WITH FEDERAL GUIDELINES:** Participating agencies agree to follow procedures relating to case management, reporting requirements, fiscal guidelines, and other appropriate policies as adopted by the Control Board and that are consistent with the Anti-Drug Abuse Act of 1986, subtitle K – State and Local Law Enforcement Assistance Act of 1986 and/or the Policy Board and DCJS.

7. **OWNERSHIP AND USE OF MDENT EQUIPMENT:** Equipment and other personal property purchased with Operating Account funds and utilized for fulfilling the purpose of MDENT will be retained by grantee after the requirements of all applicable DCJS grants have been satisfied or have expired. Grantee's retention of any such equipment or property will be made in accord with established policies and practices set by the Policy Board and the DCJS. It is further agreed that participating agencies may request use of this equipment and property, consistent with each agency's guidelines, at any future time so long as such request or use does not inconvenience or otherwise negatively impact grantee.

8. **REAL PROPERTY PURCHASED, OWNED, OR LEASED FOR THE USE AND BENEFIT OF MDENT:**

- a. If any real property is purchased by one of the participating agencies on behalf of MDENT to be used as office space or any other MDENT purpose, such purchase will be paid for with Operating Account funds.

- b. Any real property so purchased, donated, or leased for the use and benefit of MDENT as office space or other MDENT use, will be maintained with Operating Account funds. The Control Board shall have the oversight and responsibility of making the timely loan, lease, or other payments on the property, paying for all repairs and improvements, utilities, taxes, fees, insurance, and all other costs associated with the real property including any improvements thereto and/or appurtenances thereof. If at any time there are insufficient funds in the Operating Account for these expenses when due, such expenses will be shared by the participating local agencies in MDENT at the time such expenses are incurred. Each local agency will be responsible and liable for an amount equal to the amount of the shortfall divided by the number of local agency officers assigned to MDENT multiplied by the number of officers each local agency has assigned at the time of the shortfall.
- c. If any real property owned for the use and benefit of MDENT is sold, the proceeds shall either be used to secure other office space for MDENT or placed in the Operating Account.
- d. If at any time MDENT is dissolved, any real property owned for the use and benefit of MDENT shall be sold. The proceeds will be placed in the Operating Account and the funds will be handled as set forth in paragraph number nine (9) of this MOU.

9. MDENT DISSOLUTION: In the event that MDENT is dissolved, the Control Board will ensure that all applicable financial responsibilities of MDENT are paid from the Operating Account. Any remaining balance in the Operating Account after all financial responsibilities are met, excluding any federal funds, shall be distributed to the local agencies participating in MDENT at the time of its dissolution. If there are insufficient funds in the Operating Account to satisfy all financial responsibilities or liabilities, any remaining financial responsibilities and liabilities will be divided among these same local agencies. The formula for the distribution of assets or liabilities shall be the total applicable amount divided by the number of local agency officers assigned to MDENT multiplied by the number of officers each local agency has assigned at the time of dissolution.

10. SALARY, BENEFIT, AND OVERTIME REIMBURSEMENT:

- a. Reimbursement to local agencies for officers assigned to MDENT will be made for base salary and benefits as set by the Policy Board, but such reimbursement shall not exceed \$28,000. Unless specifically authorized by grant award, reimbursement will not be made for overtime earned by officers assigned to MDENT.
- b. Federal Agencies will not receive reimbursements, including any reimbursement for salary, benefits, or overtime.

- c. For overtime reimbursement for officers authorized by a grant award, each local agency will be limited to the overtime hours or amounts authorized by the award.
- d. Monies awarded for overtime reimbursement will be distributed upon submission of applicable documentation to the grantee in an amount not to exceed the limit set by the Policy Board.
- e. Any AHIDTA overtime funds awarded for compensation shall be reimbursed in accordance with the policies and guidelines of that program.

11. **FORFEITURES:** Forfeitures will be administratively processed pursuant to the following terms:

- a. Forfeitures may be utilized as approved by the Control Board to meet MDENT's stated purpose.
- b. The participating Federal Agencies do not receive any share of assets secured by direct forfeiture or by an "open bid" sale in most state and local cases. In any case where a Federal Agency elects to receive a share of the forfeiture, the Federal Agency will process the forfeiture pursuant to federal guidelines. It shall be the responsibility of each participating local agency that desires to seek a portion of the federally forfeited property to complete a United States Department of Justice DAG-71 Application for Transfer of Federally Forfeited Property. If a Federal Agency processes the forfeiture, then the provisions of subparagraph (f.) of this paragraph eleven (11) do not apply.
- c. Forfeitures conveyed to local agencies through equitable sharing or pursuant to a completed DAG-71 are to be utilized for law enforcement purposes only, consistent with federal and Policy Board forfeiture guidelines.
- d. Real or personal property forfeited to MDENT that cannot be directly used to meet the stated purpose of MDENT will either be sold by an "open bid" process or disposed of in a manner approved by the Control Board in accordance with established federal and Policy Board guidelines for such forfeitures. Any monies secured by the sale of such property that are not processed federally will be deposited in the Operating Account, as required by subparagraph (e.) of this paragraph eleven (11).
- e. Cash, either directly forfeited or secured by the sale of real or personal property, that are not processed federally will be maintained in the Operating Account until spent for MDENT purposes or distributed to the local agencies consistent with this paragraph. The Policy Board sets a required minimum percentage of forfeited funds, less administrative costs, that must be used to cover the day-to-day operations of a drug task force during each grant award

period. For the term of this MOU the Policy Board has MDENT's minimum percentage at forty (40) percent. The Policy Board also permits each drug task force to establish a percentage greater than the set minimum. As of January 1, 2003, the Control Board established a minimum of fifty (50) percent of all monies secured as a result of forfeitures, after administrative costs have been removed, be held in the Operating Account to be used for day-to-day operations, with the remaining fifty (50) percent to be distributed among the local agencies as consistent with subparagraph (f.) of this paragraph eleven (11).

- f. Forfeited funds that are not processed by a Federal Agency shall be distributed as follows:
 1. 50% of all such non-federal forfeited funds, after payment of any administrative costs, shall be deposited in the Operating Fund. The remaining amount will be distributed to each local agency participating at the time of the seizure by dividing the total applicable amount by the number of local agency officers assigned to MDENT at the time of the seizure multiplied by the number of officers each local agency has assigned at the time of the seizure, not including any officers assigned to the Interdiction Team.
 2. For seizures made by the Interdiction Team, 50% of all such non-federal forfeited funds, after payment of any administrative costs, shall be deposited in the MDENT Operating Fund. The remaining amount will be distributed to each local agency which have officers assigned to the Interdiction Team at the time of the seizure by dividing the total applicable amount by the number of officers assigned to the Interdiction Team at the time of the seizure multiplied by the number of officers each local agency has assigned to the Interdiction Team at the time of the seizure.

12. PROTOCOL FOR INTERACTION WITH THE NEWS MEDIA:

- a. The Control Board shall set policy and procedures for media releases and/or press conferences.
- b. All media releases shall be made in the name of MDENT. Each release shall name all of the participating agencies.
- c. Unless special circumstances exist, individual MDENT officers will not be identified or photographed.
- d. No information about MDENT operations or individual investigations will be released to the media until approved by the official with applicable prosecutorial authority.

1. If jurisdiction involves a federal prosecution, the United States Attorney of the Southern District of West Virginia must approve any release of information to the media.
2. If jurisdiction involves a state prosecution, the Prosecuting Attorney in the county where the case will be prosecuted must approve any release of information to the media.

13. REPLACEMENT/REMOVAL OF OFFICERS ASSIGNED TO MDENT:

- a. All employing agencies will allow officers assigned to MDENT to complete all material assignments prior to the officer's removal from, or replacement on, MDENT, unless conditions involving willful misconduct or other extenuating circumstances exist which would adversely affect MDENT operations and/or reputation if such removal is delayed.
- b. If any MDENT officer engages in misconduct, conduct unbecoming an officer, or any activity which requires an administrative investigation to determine the propriety of disciplinary action, the employing agency shall be solely responsible for any and all disciplinary action. The Task Force Commander shall immediately notify the Control Board members and the employing agency of any such behavior of which he or she becomes aware. Notwithstanding, the Control Board may remove any officer from MDENT upon reasonable belief that the officer engaged in misconduct, conduct unbecoming, or any other improper behavior or of activities. The employing agency shall be notified of any decision by the Control Board to remove an assigned officer and the employing agency may submit the name of a replacement officer for the Control Board's consideration and approval.

14. LIABILITY AND INSURANCE OBLIGATIONS:

- a. Each employing agency shall be solely responsible for the negligent acts, omissions, and/or wrongdoing of its officers, whether alleged or established, and for any and all claims of liability related thereto. As between the parties to this MOU, unless otherwise agreed in writing, each employing agency shall be solely responsible for defending against any claim against its officer, and for payment of any and all resulting fees, costs, or damages related thereto.
- b. Unless otherwise agreed in writing, no employing agency shall be responsible for defending against or paying for any civil liability arising out of negligent acts, omissions, and/or wrongdoing of officers or other personnel assigned to MDENT from another employing agency. For the purpose of this MOU, civil liability includes, but is not limited to, damages of any kind, attorney fees, and any and all costs and/or expenses incident to any civil lawsuit or administrative claim filed by any person, business, corporation, partnership organization, or government entity, or otherwise related to any administrative

or judicial proceeding, finding, judgment, or settlement in compromise of any claim.

- c. The employing agencies to this MOU agree that each officer assigned to MDENT is solely an employee of his or her employing agency. The parties to this MOU further agree that each employing agency shall be solely responsible for providing workers compensation coverage and unemployment coverage to each and every officer assigned to MDENT by that employing agency.
- d. Each employing agency shall maintain liability insurance coverage in an amount of at least \$1,000,000 to satisfy the liability obligations herein related to claims arising from the alleged negligent acts, omissions, and/or wrongdoing of its officers/employees assigned to MDENT, and such insurance policy shall include coverage for damage to the assigned officer/employee's vehicle and claims resulting from the assigned officer/employee's operation thereof, regardless of which agency actually owns the vehicle. In other words, and by example only, each agency shall be responsible for insuring, defending against and paying every claim or civil liability arising out of the conduct of its officer/employee, regardless of where the incident giving rise to the claim or civil liability arose and regardless of who owned any vehicle or equipment involved. Provided: That the parties recognize that the Federal Tort Claims Act shall be applicable to all liability issues relating to the actions of the officers assigned to MDENT from federal agencies.
- e. As between the parties to this Agreement, the agency employing any officer/employee assigned to MDENT will be solely responsible for any damage to property caused by the intentional or other conduct by the employing agency's officer/employee which results in any denial of insurance coverage.

15. PARTICIPATING AGENCIES: Effective July 1, 2019, the Task Force is composed of 23 officers as follows:

7 from Charleston Police Department

2 from St. Albans Police Department

1 from Nitro Police Department

1 from Dunbar Police Department

2 from South Charleston Police Department

1 from Hurricane Police Department

3 from Kanawha County Sheriff's Department

3 from Putnam County Sheriff's Department

1 from West Virginia State Police

1 from the US Drug Enforcement Agency

1 from Homeland Security

These officers will work directly with the agents from the Charleston area offices of the participating Federal Agencies.

16. FUNDING TERM. For the purpose of funding obtained through the DCJS, the term of this agreement shall be for the fiscal year covering the period of July 1, 2019, through June 30, 2020. Subsequent contract renewal with the DCJS for similar continued funding will serve to extend this agreement.

17. SUPERSEDING AGREEMENT. This MOU supersedes any and all prior MOU's implemented and agreed to by the participating agencies.

This MOU is hereby entered into by the participating agencies on pages 9 and 10 of this MOU, which may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

BY: _____ DATE: _____
Amy Goodwin
Mayor (City of Charleston)

BY: _____ DATE: _____
Scott James
Mayor (City of St. Albans)

BY: _____ DATE: _____
Dave Casebolt
Mayor (City of Nitro)

BY: _____ DATE: _____
William Cunningham
Mayor (City of Dunbar)

BY: _____ DATE: _____
Frank Mullens
Mayor (City of South Charleston)

BY: _____ DATE: _____
Scott Edwards
Mayor (City of Hurricane)

BY: _____ DATE: _____
Michael Y. Rutherford
Sheriff of Kanawha County

BY: _____ DATE: _____
Steve DeWeese
Sheriff of Putnam County

BY: _____ DATE: _____
Colonel J.L. Cahill
Superintendent WV State Police

BY: _____ DATE: _____
Mike Stewart U. S. Attorney
U.S. Attorney, Southern District of WV

BY: _____ DATE: _____
Alcohol, Tobacco, and Firearms

BY: _____ DATE: _____
Federal Bureau of Investigation

COMMITTEE REPORT

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

FROM: The Committee on ORDINANCE AND RULES

Your Committee on Ordinance and Rules

has had under consideration:

Bill No. 7819 Committee Substitute, A BILL to amend the Code of the City of Charleston, by adding thereto a new section within Chapter 78, Article IV, designated 78-235, relating to access to health care facilities and picketing activities at health care facilities; preserving a right to protest; protecting patients from obstructions to their entry or exit from a health care facility; creating misdemeanor offenses for certain violations; and preserving a private right of action in addition to the criminal penalties.

and reports the same to Council with the recommendation that the
committee report be adopted

C. D. May

James A. Hughes
CHAIRMAN

Bobby Haas

Charles F. Quintard
Jeff M. Klean

Committee Substitute for Bill No. 7819

Introduced in Council:

Adopted by Council:

May 20, 2019

Introduced by:

Referred to:

Caitlin Cook, Mary Beth Hoover, Keeley Steele,
Naomi Bays & John Kennedy Bailey

Ordinances & Rules

Committee Substitute for Bill No. 7819 - A BILL to amend the Code of the City of Charleston, by adding thereto a new section within Chapter 78, Article IV, designated 78-235, relating to access to health care facilities and picketing activities at health care facilities; preserving a right to protest; protecting patients from obstructions to their entry or exit from a health care facility; creating misdemeanor offenses for certain violations; and preserving a private right of action in addition to the criminal penalties.

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

That the Code of the City of Charleston be amended by adding thereto a new section within Chapter 78, Article IV, designated 78-235, to read as follows:

CHAPTER 78. – OFFENSES AND MISCELLANEOUS PROVISIONS.

ARTICLE IV. – OFFENSES INVOLVING PUBLIC PEACE AND ORDER.

DIVISION 3. – PICKETING.

Sec. 78-235. Protecting passage to and from health care facilities; preserving rights of picketers; offense and penalties.

(a) The City Council of Charleston recognizes that access to health care facilities for the purpose of obtaining medical counseling and treatment is imperative; that the exercise of a person's First Amendment rights must be protected by the City subject to content-neutral time, place, and manner regulation; that the exercise of a person's right to protest or counsel for or against certain medical procedures must be balanced against another person's right to obtain medical counseling and treatment in an unobstructed manner; that the City, through the Charleston Police Department, has an interest in protecting the safety of individuals seeking wide-ranging health care services and individuals exercising their right to protest; that the City has an interest in protecting access to health care services and the privacy of those obtaining health care services; that the Charleston Police Department has an interest in clear guidelines unrelated to the content of the any person's speech; and that preventing the willful obstruction of a person's access to medical counseling and treatment at a health care facility is a matter of public concern. The City

Council therefore declares that it is appropriate to enact an ordinance that prohibits a person from knowingly obstructing another person's entry to or exit from a health care facility.

(b) A person who knowingly obstructs, detains, hinders, impedes, or blocks another person's entry to or exit from a health care facility or a health care facility's dedicated parking facility is guilty of a misdemeanor offense and, upon conviction, may be confined for up to 30 days or fined up to \$500, or both confined and fined.

(c) No person shall knowingly approach another person within eight feet of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education, or counseling with such other person in the public right-of-way or sidewalk area within a radius of 100 feet from any entrance door to a health care facility. Any person who violates this subsection (c) is guilty of a misdemeanor offense and, upon conviction, may be confined for up to 30 days or fined up to \$500, or both confined and fined.

(d) For the purposes of this section, "health care facility" means any entity operating within the City that is licensed, certified, or otherwise authorized or permitted by law to administer health care services, medical treatment, or behavioral or mental health services as a health care provider in West Virginia.

(e) In addition to, and not in lieu of, the penalties set forth in this section, a person is entitled to recover civil damages and obtain injunctive relief from any person who violates the provisions of this section or incites others to violate the provisions of this section. A criminal conviction under this section is not a condition precedent to maintaining a civil action pursuant to this subsection.

(f) Any provision of the Code of the City of Charleston that is in conflict with this section is hereby repealed and the provisions of this section shall apply with respect to any such conflict.

Resolution No. 198-19

Introduced in Council

Passed by Council

June 3, 2019

Introduced by
Joseph Jenkins

Referred from
Finance Committee

- 1 Resolution No. 198-19 - Authorizing approval of the FY 2019- 2020 Civic Center Budget
2 as indicated on the attached list of accounts.
3
4 Be it Resolved by the Council of the City of Charleston, West Virginia:
5
6 That the FY 2019- 2020 Civic Center Budget as indicated on the attached list of accounts
7 is hereby approved.

CITY OF CHARLESTON

Municipal Budget **Fiscal Year Ending June 30, 2020**

Section 8

Coliseum & Convention Center Budget

CITY OF CHARLESTON
Coliseum & Convention Center Budget
Fiscal Year Ending June 30, 2020

Schedule of Revenues

Account	Revenue Category	2017-18 Actual Received	2018-19 Council Approved	2018-19 Revisions (thru Mar.)	2018-19 Revised Budget	2018-19 Received (thru Mar.)	2019-20 Admin Proposed
358-00-0302	Rent	899,089	1,150,000	-	1,150,000	872,111	1,290,000
358-00-0304	Commissions	132,818	150,000	-	150,000	50,438	265,000
358-00-0307	Parking - Buildings & Lots	99,956	100,000	-	100,000	82,977	113,000
358-00-0311	Distinctive Gourmet	174,086	300,000	-	300,000	96,425	659,000
358-00-0312	Patron Services	169,212	185,000	-	185,000	110,012	170,000
358-00-0313	Security	62,985	50,000	-	50,000	48,041	69,000
358-00-0314	Advertising	246,775	333,000	-	333,000	286,875	375,000
358-00-0315	Spotlight Rental	6,265	6,000	-	6,000	5,640	8,000
358-00-0316	Power Usage	59,458	55,000	-	55,000	40,449	58,000
358-00-0317	Table Covers/Drapes	27,808	20,000	-	20,000	13,539	36,000
358-00-0318	Rent - PA System	8,385	8,000	-	8,000	8,615	15,000
358-00-0319	Staging	10,295	9,000	-	9,000	15,467	23,000
358-00-0320	Booth Rental	59,461	60,000	-	60,000	42,304	72,000
358-00-0321	Interest	4,083	1,500	-	1,500	6,851	5,000
358-00-0322	Piano Rental	3,040	1,500	-	1,500	750	1,500
358-00-0323	Table Rental	26,351	26,000	-	26,000	18,542	30,000
358-00-0324	Miscellaneous	17,252	19,000	-	19,000	12,933	19,000
358-00-0325	Building Damages	-	2,000	-	2,000	3,474	2,000
358-00-0326	Telephone Rental	11,747	12,000	-	12,000	6,368	7,000
358-00-0327	Audio/Visual Equipment	167,799	130,000	-	130,000	147,431	224,000
358-00-0328	Teletix	2,942	1,000	-	1,000	-	1,500
358-00-0329	Carpet Rental	11,847	15,000	-	15,000	8,051	22,000
358-00-0330	Drayage	1,502	2,000	-	2,000	1,200	2,000
Total Operating Revenue		2,203,156	2,636,000	-	2,636,000	1,878,493	3,467,000
358-00-0331	CC Capital Improvement Fee	84,738	-	-	-	31,603	-
358-00-0341	Trf In/Gen. Fund - Debt Svc	542,602	576,683	-	576,683	470,478	615,000
358-01-0341	Trf In/Gen. Fund - Health Care	322,915	269,906	-	269,906	101,193	212,000
358-02-0341	Trf In/Gen. Fund - Other	978,534	835,564	(42,183)	793,381	560,000	973,000
358-00-0342	Transfers In/Coal Severance	139,226	135,025	42,183	177,208	122,438	135,025
358-00-0343	Transfers In/Cap. Imp. Fund	22,713	-	-	-	-	-
358-00-0344	Transfers In/Cap. Cont.	1,518	-	-	-	-	-
358-00-0368	Transfers from Other Entities	-	-	-	-	-	-
358-00-0379	Gain/Loss from Sale of Assets	-	-	-	-	5,393	-
365-00-0000	Federal Grant Revenues	-	-	-	-	-	-
366-00-0000	State Grant Revenues	-	-	-	-	-	-
381-11-0000	Energy Rebates	18,265	100,000	-	100,000	129,463	123,000
Total Non-Operating Revenue		2,110,510	1,917,178	-	1,917,178	1,420,567	2,058,025
Total Civic Center Revenue		\$ 4,313,666	\$ 4,553,178	\$ -	\$ 4,553,178	\$ 3,299,060	\$ 5,525,025

CITY OF CHARLESTON
Coliseum & Convention Center Budget
Fiscal Year Ending June 30, 2020

Schedule of Expenses

402	Civic Center						
910	Administrative						
01							
		2017-18	2018-19	2018-19	2018-19	2018-19	2019-20
		Expended	Council	Revisions	Revised	Expended	Admin
			Approved	(thru Mar.)	Budget	(thru Mar.)	Proposed
	Operating Expenses						
000-1	Personal Services						
000-1-103	Salaries & Wages	1,268,894	1,564,953	12,763	1,577,716	1,022,597	1,588,226
000-1-104	FICA	92,178	119,719	976	120,695	74,473	121,499
000-1-105	Medical & Life Insurance	283,269	266,304	6,341	272,645	82,344	392,644
000-1-106	Retirement	113,156	121,995	1,276	123,271	81,112	124,323
000-1-111	Dental/Optical Insurance	7,479	14,072	335	14,407	6,285	13,517
000-1-112	Insurance - Payroll Deduction	(51,097)	(59,688)	(1,421)	(61,109)	(39,041)	(58,360)
001-1-113	OPEB - Current	20,000	20,000	-	20,000	-	20,000
	Total Personal Services	1,733,879	2,047,355	20,270	2,067,625	1,227,771	2,201,849
000-2	Contractual Services						
000-2-211	Telephone	39,291	42,240	-	42,240	42,468	50,185
000-2-212	Printing	9,254	8,000	-	8,000	10,129	10,000
000-2-213	Utilities	733,336	800,000	(10,966)	789,034	466,595	770,000
000-2-214	Travel	8,186	9,000	-	9,000	3,848	8,150
000-2-215	Maint. & Repair - Bldg/Ground	12,932	34,000	-	34,000	32,297	40,000
000-2-216	Maint. & Repair - Equipment	57,779	35,000	-	35,000	34,393	40,000
000-2-218	Postage	120	700	-	700	189	700
000-2-219	Bldg. & Equipment Rents	153,848	100,000	-	100,000	135,680	180,000
000-2-220	Advertising/Legal Publications	6,874	45,000	-	45,000	2,219	45,000
000-2-221	Training	54	4,000	-	4,000	125	3,000
000-2-222	Dues & Subscriptions	4,730	2,400	-	2,400	955	1,825
000-2-226	Insurance - WC and UC	14,308	29,217	696	29,913	10,137	28,087
000-2-227	Insurance	66,258	64,165	-	64,165	89,604	130,000
000-2-230	Contracted Services	556,440	494,000	-	494,000	486,921	761,595
	Total Contractual Services	1,663,409	1,667,722	(10,270)	1,657,452	1,315,561	2,068,542
000-3	Commodities						
000-3-341	Material & Supplies	169,245	150,000	(10,000)	140,000	109,865	140,000
000-3-343	Gas, Oil & Tires	1,882	2,000	-	2,000	1,696	2,000
000-3-345	Uniforms	2,664	4,500	-	4,500	2,763	5,000
	Total Commodities	173,792	156,500	(10,000)	146,500	114,325	147,000
000-4	Capital Outlay						
000-4-458	Capital Outlay - Major Imp.	22,713	-	-	-	-	-
000-4-459	Capital Outlay - Equipment	-	-	-	-	-	-
000-4-461	Capital Outlay - Lease Purchase	-	-	-	-	-	-
	Total Capital Outlay	22,713	-	-	-	-	-
000-5	Transfers & Contributions						
000-5-566	Transfers to Other Funds	87,738	-	-	-	12,364	-
	Total Contributions	87,738	-	-	-	12,364	-
	Total Operating Expenses	\$ 3,681,530	\$ 3,871,577	\$ -	\$ 3,871,577	\$ 2,670,021	\$ 4,417,391

CITY OF CHARLESTON
Coliseum & Convention Center Budget
Fiscal Year Ending June 30, 2020

Schedule of Expenses

402	Civic Center						
910	Administrative						
01							
		2017-18	2018-19	2018-19	2018-19	2018-19	2019-20
		Actual	Council	Revisions	Revised	Expended	Admin
		Expended	Approved	(thru Mar.)	Budget	(thru Mar.)	Proposed
000-6	Non-Operating Expenses						
000-6-670	Other Interest	-	-	-	-	-	-
000-6-671	Principal Maturities - Bonds	490,000	510,000	-	510,000	510,000	530,000
000-6-672	Interest on Bonds	179,837	166,800	-	166,800	107,076	143,780
001-6-672	Interest Bond Discount Amort.	30,108	30,108	-	30,108	20,072	30,108
000-6-674	Bond Service Charge	2,754	4,800	-	4,800	2,633	4,800
	Total Non-Operating Expenses	702,698	711,708	-	711,708	639,781	708,688
	Total Expenses	\$ 4,384,228	\$ 4,583,285	\$ -	\$ 4,583,285	\$ 3,309,801	\$ 5,126,079

CITY OF CHARLESTON
Coliseum & Convention Center Budget
Fiscal Year Ending June 30, 2020

Schedule of Cash

	Cash Basis
Total Operating Revenues	3,467,000
Total Non-Operating Revenues	2,058,025
Total System Revenues	5,525,025
Total Operating Expenses	4,417,391
Total Non-Operating Expenses	708,688
Total System Expenses	5,126,079
Excess Revenues over Cash Expenses	398,946

Schedule of Non-Cash Expenses

	2019-20 Estimate
Depreciation	4,411,135
OPEB Long Term	400,000
Total Non-Cash Expenses	4,811,135

CITY OF CHARLESTON
Coliseum & Convention Center Budget

Fiscal Year Ending June 30, 2020

Coliseum & Convention Center Schedule of Authorized Positions

CURRENT			PROPOSED		
Position	Grade/ Class	FY 19 # Emp	Position	Pay Grade	FY 20 # Emp
Executive Director	132	1	Executive Director	132	1
Assistant Director of Civic Center	124	1	Assistant Director of Civic Center	124	1
Sales and Marketing Manager	121	1	Sales and Marketing Manager	121	1
Facility Superintendent	116	1	Facility Superintendent	116	1
Business Manager Civic Center	115	1	Business Manager Civic Center	115	1
Senior Event Coordinator	114	1	Senior Event Coordinator	114	1
Safety & Security Coordinator	112	1	Safety & Security Coordinator	112	1
Events Coordinator	112	1	Events Coordinator	112	1
Technology Services Coordinator	113	1	Technology Services Coordinator	113	1
Box Office Manager	111	1	Box Office Manager	111	1
Engineering Assistant	111	1	Engineering Assistant	111	1
Maintenance Technician	109	7	Maintenance Technician	109	7
Administrative Assistant I	109	1	Administrative Assistant I	109	1
Office Support Specialist	107	1	Office Support Specialist	107	1
Accounting Clerk	106	1	Accounting Clerk	106	1
Facility Support Technician	106	7	Facility Support Technician	106	7
Box Office Assistant	105	1	Box Office Assistant	105	1
Total		29			29

CITY OF CHARLESTON
Coliseum & Convention Center Budget
Fiscal Year Ending June 30, 2020

Civic Center Schedule of Wages & Salaries

CURRENT

PROPOSED

Department/Wage Type	Amount	Department/Wage Type	Amount
<u>Civic Center (402)</u>		<u>Coliseum & Convention Center (402)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	1,180,716	Regular Wages & Salaries	1,191,226
Irregular Part Time (IPT)	345,000	Irregular Part Time (IPT)	345,000
Overtime	52,000	Overtime	52,000
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>1,577,716</u>		<u>1,588,226</u>

Resolution No. 199-19

Introduced in Council

Passed by Council

June 3, 2019

Introduced by
Joseph Jenkins

Referred from
Finance Committee

- 1 Resolution No. 199-19 - Authorizing approval of Amendment No. 10 in the FY 2018-
2 2019 General Fund Budget as indicated on the attached list of accounts.
3
4 Be it Resolved by the Council of the City of Charleston, West Virginia:
5
6 That the approval of Amendment No. 10 in the FY 2018- 2019 General Fund Budget as
7 indicated on the attached list of accounts.

General Fund FY 2018-2019 Budget Amendment No. 10 - June 3, 2019

Account No.	Department	Account Description	Amount
001 412 50 000 1 105	City Manager - Construction	Medical Claims	(8,000)
001 706 00 000 1 105	Fire - Uniform	Medical Claims	(340,000)
001 706 93 000 1 105	Fire - Uniform - Retiree Health Benefits	Medical Claims	(1,813,000)
001 712 00 000 1 105	Traffic	Medical Claims	(83,000)
001 750 00 000 1 105	Street	Medical Claims	(130,000)
001 409 00 000 1 105	Mayor's Office	Medical Claims	30,000
001 410 00 000 1 105	City Council	Medical Claims	175,000
001 412 00 000 1 105	City Manager - Administrative	Medical Claims	87,000
001 413 00 000 1 105	City Treasurer	Medical Claims	27,000
001 414 00 000 1 105	City Collector	Medical Claims	120,000
001 415 00 000 1 105	City Clerk	Medical Claims	25,000
001 416 00 000 1 105	Municipal Court	Medical Claims	70,000
001 417 00 000 1 105	Legal	Medical Claims	42,000
001 418 00 000 1 105	Accounting	Medical Claims	42,000
001 420 00 000 1 105	Engineering	Medical Claims	60,000
001 420 01 000 1 105	Engineering - Stormwater Management	Medical Claims	33,000
001 421 00 000 1 105	MOECD	Medical Claims	60,000
001 422 00 000 1 105	Human Resources	Medical Claims	70,000
001 431 00 000 1 105	Mail Room	Medical Claims	17,000
001 436 00 000 1 105	Building Commission	Medical Claims	120,000
001 437 00 000 1 105	Planning	Medical Claims	60,000
001 439 00 000 1 105	Information Systems	Medical Claims	33,000
001 440 00 000 1 105	City Hall	Medical Claims	60,000
001 440 93 000 1 105	Regular Retiree Health Benefits	Medical Claims	400,000
001 442 00 000 1 105	Strategy Management	Medical Claims	20,000
001 566 00 000 1 105	Public Works	Medical Claims	25,000
001 567 00 000 1 105	Public Grounds	Medical Claims	17,000
001 567 01 000 1 105	Public Grounds - Carriage Trail	Medical Claims	17,000
001 700 00 000 1 105	Police - Uniform	Medical Claims	130,000
001 700 01 000 1 105	Police - Civilian	Medical Claims	225,000
001 700 93 000 1 105	Police - Uniform - Retiree Health Benefits	Medical Claims	140,000
001 706 01 000 1 105	Fire - Civilian	Medical Claims	17,000
001 716 00 000 1 105	Homeland Security - Emergency Services	Medical Claims	17,000
001 800 00 000 1 105	Refuse & Recycling	Medical Claims	68,000
001 900 00 000 1 105	Parks & Recreation	Medical Claims	93,000
001 906 01 000 1 105	Public Arts	Medical Claims	8,000
001 910 00 000 1 105	Municipal Auditorium	Medical Claims	26,000
001 952 00 000 1 105	Spring Hill Cemetery	Medical Claims	40,000

To adjust and reallocate various departmental expense accounts due to overruns on medical costs.

Reportable: To Maintain compliance with the budgetary guidelines of the State of West Virginia

Resolution No. 200-19

Introduced in Council:

Adopted by Council:

June 3, 2019

Introduced by:

Referred to:

Joseph Jenkins

Finance

1 Resolution No. 200-19 - A Resolution granting Appalachian Power Company, a unit of American
2 Electric Power a supplemental easement and right of way across City property adjacent to the
3 Spring Hill Cemetery in connection with the permanent easement authorized by Resolution No.
4 026-18, adopted by Council on April 2, 2018, and authorizing the City Manager to execute the
5 supplemental easement and right of way, attached hereto as Exhibit A.

6
7 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

8
9 That Appalachian Power Company, a unit of American Electric Power ("AEP") was granted a
10 permanent transmission easement across City property adjacent to Spring Hill Cemetery by
11 Resolution No. 026-18, adopted by Council on April 2, 2018, for a payment of \$1,640.00 for the
12 value of the easement.

13
14 That following recordation of the easement in Book 2997, Page 209 in the Recorder's Office of
15 Kanawha County, West Virginia, AEP and the City determined that there was an existing
16 building belonging to the City within the limits of the right of way and easement.

17
18 That the City may continue to use the existing building, but if it is removed or destroyed then
19 the City will not construct, reconstruct, or relocate the building within the limits of the right of
20 way and easement.

21
22 That these terms are more fully described in the supplemental easement and right of way,
23 attached hereto as Exhibit A, and the City Manager is authorized to execute the supplemental
24 easement and right of way on behalf of the City.

Line Name: Bullitt Street – Chesterfield

Line No.: TLN150:1195 **Easement No.:** 22

SUPPLEMENTAL EASEMENT AND RIGHT OF WAY

THIS SUPPLEMENTAL EASEMENT AND RIGHT OF WAY made by and between The City of Charleston, whose address is PO Box 2749, Charleston, West Virginia 25330 (“Grantor”), whether one or more persons, and Appalachian Power Company, a Virginia corporation, being a unit of American Electric Power, whose principal business address is 1 Riverside Plaza, Columbus, Ohio 43215 (“AEP”).

WHEREAS, AEP is the owner of a right of way and easement under the terms of the following agreements recorded in the Recorder’s Office of Kanawha County, West Virginia by and between the Grantor and Appalachian Electric Power Company, a predecessor in title to AEP, dated April 3, 2018 and recorded in Book 2997, Page 209 (the “Original Easement”); and

WHEREAS, Grantor is the successor in interest to all or part of the lands affected by the Original Easement; and

WHEREAS, Grantor does however reserve the right to use the existing building as now located within the limits of the above described right of way and easement as shown on Exhibit “A” attachment, but if aforementioned building is removed or destroyed by any means, Grantor shall not be permitted to construct, reconstruct or relocate any portion of the building within the limits of the right of way and easement.

NOW, THEREFORE, in consideration of the sum of Ten and NO/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which Grantor hereby acknowledges, the Grantor hereby grants and conveys and warrants to AEP this Supplemental Easement and Right of Way ("Easement") for electric transmission, distribution, and communication lines and appurtenant equipment and fixtures to modify the Original Easement

[insofar as it encumbers property of the Grantor situated in a tract of land known as being in Kanawha County, State of West Virginia, adjoining, on the northeast boundary, Spring Hill Cemetery of said City of Charleston, numbered 6, 7, 8 and 9 as more described in Document dated September 1, 1926 in Volume 305, Page 528. (Parcel No. 10 48006100000000)], as follows:

The Easement Area shall be more fully described and depicted on Exhibit “A”, a copy of which is attached hereto and made a part hereof (“Easement Area”).

Except as supplemented and amended herein, the Original Easement shall remain in full force and effect. The Original Easement, as supplemented and amended herein, contains the complete agreement, express and implied between the parties herein and shall inure to the benefit of and be binding on their respective successors, assigns, heirs, executors, administrators, lessees, tenants, and licensees.

This Easement may be executed in counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same instrument.

Any remaining space on this page left intentionally blank. See next page for signatures.

Executed this ____ day of _____ 2019.

GRANTOR

The City of Charleston

By: _____
Its: Authorized Signer

STATE OF _____)

COUNTY OF _____) SS:

This Instrument was acknowledged before me on the _____ day of _____, 2019, by _____, authorized signer of The City of Charleston, on behalf of the said company.

Notary Public

Notary Public (Print/Type Name)

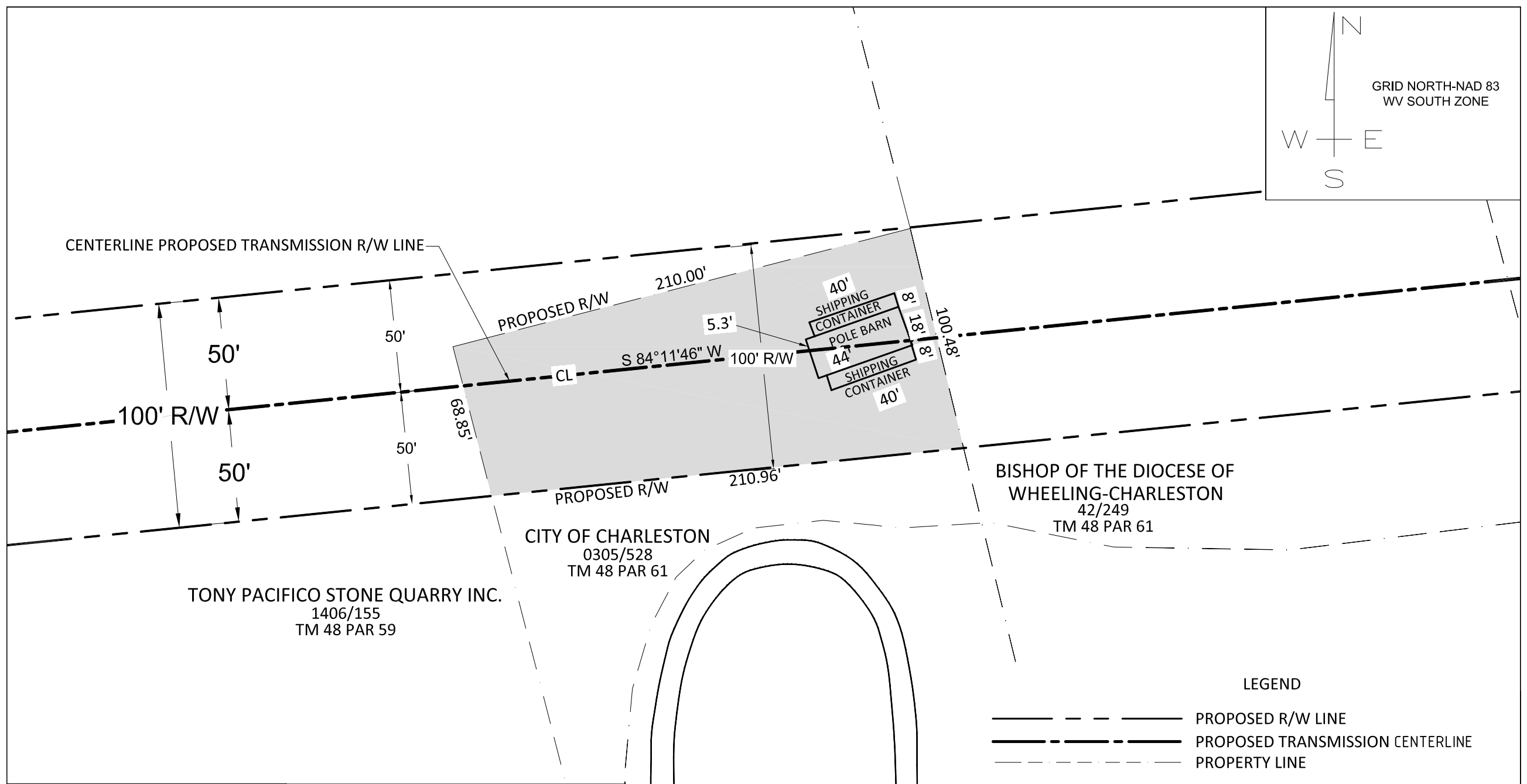
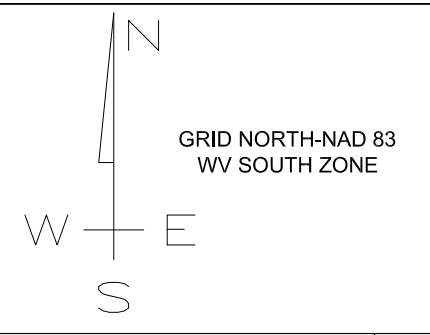
My Commission Expires: _____

DECLARATION OF CONSIDERATION OF VALUE

Under the penalties of fine and imprisonment as provided by the law the undersigned (Appalachian Power Company hereby declares the total consideration for the property transferred by this document is (\$_____). Given under my hand this _____ day of _____, 2019.

THIS INSTRUMENT WAS PREPARED BY Appalachian Power Company.

When Recorded Return to: American Electric Power Company, Transmission Right of Way, 555 29th Street West, Charleston, WV 25387-1703.



LEGEND

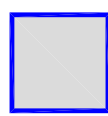
— — — — — PROPOSED R/W LINE

— — — — — PROPOSED TRANSMISSION CENTERLINE

- - - - - PROPERTY LINE

THRASHER

300 ASSOCIATION DRIVE, CHARLESTON, WV, 25311

 = Affected Area (0.41 Acres)
17699.5 Sq. Ft.

DATE: MARCH 2018 REV. 12-2018
SCALE: 1"=50'
DRAWN BY: CW
APPROVED BY: KDS

KANAWHA COUNTY WEST VIRGINIA

EXHIBIT A

BULLITT STREET - CHESTERFIELD AVENUE
ACROSS THE PROPERTY OF
CITY OF CHARLESTON

APCO T.L.P.E. - R/W ROANOKE, VA
EAS. NO.:
DWG. NO.: TM48-PAR61

Resolution No. 201-19

Introduced in Council

Passed by Council

June 3, 2019

Introduced by
Joseph Jenkins

Referred from
Finance Committee

1 Resolution No. 201-19: Authorizing the Mayor or City Manager to enter into a renewal
2 agreement with Safety National Insurance Company/Commercial Insurance Service, at
3 the rate of 0.6292% of wages, equating to a deposit premium of \$232,663.65 based on
4 wages of \$36,775,377, for the City Excess Workers' Compensation Insurance for the
5 period July 1, 2019 to June 30, 2020.

6

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

8

9 That the Mayor or City Manager is hereby authorized and directed to enter into a
10 renewal agreement with Safety National Insurance Company/Commercial Insurance
11 Service, at the rate of 0.6292% of wages, equating to a deposit premium of \$232,663.65
12 based on wages of \$36,775,377, for the City Excess Workers' Compensation Insurance
13 for the period July 1, 2019 to June 30, 2020.

Excess Workers' Compensation Insurance Quotation

City of Charleston

7-1-2019/2020 Renewal

CONTRACT TERMS	EXPIRING 2017-2018	EXPIRING 2018-2019	RENEWAL QUOTE 2019-2020
Based on Annual Payroll of:	\$35,275,708	\$36,937,643	\$36,775,377
Employer's Liability Limit	\$1,000,000 Per Occurrence and Aggregate	\$1,000,000 Per Occurrence and Aggregate	\$1,000,000 Per Occurrence and Aggregate
Aggregate Excess Limit	\$1,000,000	\$1,000,000	\$1,000,000
Specific Excess Limit	Statutory	Statutory	Statutory
Self-Insured Retention	\$600,000 All Other \$1,000,000 USLH	\$600,000 All Other \$1,000,000 USLH	\$600,000 All Other \$1,000,000 USLH
Estimated Aggregate Retention	\$2,362,545	2 Year Est = \$4,402,926 (can't show as 2 one year retentions)	
Premium Rate (per \$100 Payroll)	0.6292	0.6292	0.6292
Deposit Premium	\$221,955	\$232,412	\$231,391
0.55% WV Surcharge	\$1,220.75	\$1,278.27	\$1,272.65
Total Annual Premium (Incl. Tax)	\$223,175.75	\$233,690.27	\$232,663.65

COMMITTEE REPORT

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

FROM: The Committee on Finance

Your Committee on Finance has had under consideration:

Resolution No. 203-19 - Authorizing the Mayor or City Manager to submit an application to the State Development Office to add Barlow Drive to the Industrial Access Road Program, where, upon approval of the application, Barlow Drive will become a part of the State Road System and will be improved to better accommodate commercial activity.

and reports the same to Council with the recommendation that the
committee report be adopted.

CHAIRMAN

Resolution No. 204-19

Introduced in Council:

Adopted by Council:

June 3, 2019

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 204-19 - Authorizing the Mayor or City Manager to submit an application in the
2 amount of \$200,000 to the WV Department of Health and Human Resources Quick Response
3 Team (QRT) grant program and to administer any funds awarded. These funds will provide
4 salary reimbursement for the project manager, recovery coaches and police and fire personnel
5 overtime costs. There are no matching funds needed for this award.

6

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

8

9 That the Mayor or City Manager is hereby authorized to submit an application in the amount of
10 \$200,000 for the QRT to provide funds necessary for the program and to administer any funds
11 awarded.

Resolution No. 205-19

Introduced in Council:

June 3, 2019

Adopted by Council:

Introduced by:

Joseph Jenkins

Referred to:

Finance Committee

1 Resolution No. 205-19 - Authorizing the Mayor or City Manager to submit an application in the
2 amount of \$600,000 to the Department of Justice, Office of Justice Programs for the Quick
3 Response Team (QRT) and to administer any funds awarded. These funds will provide salary
4 reimbursement for the project manager, research partner and recovery coaches and overtime
5 costs for police and fire personnel, along with travel/training funds. There are no matching
6 funds needed for this award.

7

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

9

10 That the Mayor or City Manager is hereby authorized to submit an application in the amount of
11 \$600,000 to provide necessary funds for the QRT and to administer any funds awarded.

CITY OF CHARLESTON
Office of Finance Director
Payroll Variance Analysis
May, 2019

Department		Type Wages	Current Month				Year-to-Date				Annual	
Name	Code		Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Mayor	409	Regular	38,501	35,331	3,171	8.24%	294,549	334,435	(39,887)	-13.54%	320,216	(14,219)
		IPT	-	-	-		-	-	-		-	-
Budget	4	Overtime	-	-	-		-	-	-		-	-
Actual	3	Total	38,501	35,331	3,171	8.24%	294,549	334,435	(39,887)	-13.54%	320,216	(14,219)
City Council	410	Regular	20,150	22,000	(1,850)	-9.18%	139,967	124,900	15,067	10.76%	153,400	28,500
		IPT	-	-	-		-	-	-		-	-
Budget	26	Overtime	-	-	-		-	-	-		-	-
Actual	26	Total	20,150	22,000	(1,850)	-9.18%	139,967	124,900	15,067	10.76%	153,400	28,500
City Manager - Admin.	412-00	Regular	70,609	54,700	15,909	22.53%	564,870	504,144	60,726	10.75%	611,943	107,799
		IPT	2,365	-	2,365	100.00%	6,404	8,340	(1,936)	-30.23%	20,500	12,160
Budget	8	Overtime	-	-	-		-	-	-		-	-
Actual	7	Total	72,974	54,700	18,274	25.04%	571,274	512,484	58,790	10.29%	632,443	119,959
City Manager - Const.	412-50	Regular	63,817	45,396	18,421	28.87%	510,537	481,034	29,503	5.78%	553,082	72,048
		IPT	5,192	2,107	3,085	59.42%	41,538	18,915	22,623	54.46%	45,000	26,085
Budget	14	Overtime	6,923	1,969	4,954	71.56%	55,385	44,895	10,490	18.94%	60,000	15,105
Actual	10	Total	75,933	49,472	26,461	34.85%	607,460	544,844	62,616	10.31%	658,082	113,238
City Treasurer	413	Regular	14,217	14,217	(0)	0.00%	113,733	113,733	(0)	0.00%	123,211	9,478
		IPT	1,038	-	1,038	100.00%	8,308	637	7,671	92.34%	9,000	8,364
Budget	3	Overtime	-	-	-		-	-	-		-	-
Actual	3	Total	15,255	14,217	1,038	6.81%	122,041	114,370	7,671	6.29%	132,211	17,841
City Collector	414	Regular	79,010	77,705	1,304	1.65%	632,077	628,038	4,039	0.64%	684,750	56,712
		IPT	-	-	-		-	-	-		-	-
Budget	15	Overtime	-	-	-	-100.00%	-	26	(26)	-100.00%	-	(26)
Actual	15	Total	79,010	77,705	1,304	1.65%	632,077	628,064	4,013	0.63%	684,750	56,686
City Clerk	415	Regular	14,309	14,309	(0)	0.00%	114,472	113,935	537	0.47%	124,011	10,076
		IPT	-	-	-		-	-	-		-	-
Budget	3	Overtime	-	-	-		-	-	-		-	-
Actual	3	Total	14,309	14,309	(0)	0.00%	114,472	113,935	537	0.47%	124,011	10,076
Municipal Court	416	Regular	33,034	27,663	5,371	16.26%	261,577	254,899	6,679	2.55%	283,600	312,044
		IPT	2,077	1,766	311	14.99%	16,615	15,617	998	6.01%	18,000	2,383
Budget	8	Overtime	3,231	3,031	200	6.20%	25,846	28,280	(2,434)	-9.42%	28,000	(280)
Actual	8	Total	38,341	32,459	5,883	15.34%	304,039	298,796	5,243	1.72%	329,600	314,147

Issued: June 3, 2019

Current Month includes 3 pay periods covering the work period of April 14, 2019 through May 25, 2019.

Page 1 of 6

Year-to-Date includes 24 of 26 pay periods covering the work period of June 24, 2018 through May 25, 2019

CITY OF CHARLESTON
Office of Finance Director
Payroll Variance Analysis
May, 2019

Department		Type Wages	Current Month				Year-to-Date				Annual	
Name	Code		Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
City Attorney	417	Regular	44,185	36,359	7,826	17.71%	353,479	346,184	7,295	2.06%	382,936	36,752
		IPT	-	-	-		-	-	-		-	-
		Overtime	-	-	-		-	-	-		-	-
		Total	44,185	36,359	7,826	17.71%	353,479	346,184	7,295	2.06%	382,936	36,752
		Budget	5									
		Actual	5									
Accounting	418	Regular	33,134	33,133	0	0.00%	265,068	265,068	0	0.00%	287,157	22,089
		IPT	-	-	-		-	-	-		-	-
		Overtime	-	-	-		-	-	-		-	-
		Total	33,134	33,133	0	0.00%	265,068	265,068	0	0.00%	287,157	22,089
		Budget	5									
		Actual	5									
Engineering - General	420-00	Regular	53,289	53,174	115	0.22%	426,315	425,270	1,045	0.25%	461,841	36,571
		IPT	-	-	-		-	-	-		-	-
		Overtime	-	-	-		-	-	-		-	-
		Total	53,289	53,174	115	0.22%	426,315	425,270	1,045	0.25%	461,841	36,571
		Budget	7									
		Actual	7									
Engineering - Stormwater	420-01	Regular	25,036	25,036	0	0.00%	200,286	200,286	0	0.00%	216,976	16,690
		IPT	-	-	-		-	-	-		-	-
		Overtime	-	-	-		-	-	-		-	-
		Total	25,036	25,036	0	0.00%	200,286	200,286	0	0.00%	216,976	16,690
		Budget	4									
		Actual	4									
MOECD	421	Regular	45,493	44,976	516	1.14%	363,943	365,449	(1,506)	-0.41%	394,272	28,823
		IPT	-	-	-		-	-	-		-	-
		Overtime	-	-	-		-	-	-		-	-
		Total	45,493	44,976	516	1.14%	363,943	365,449	(1,506)	-0.41%	394,272	28,823
		Budget	7									
		Actual	7									
Human Resources	422	Regular	53,584	54,143	(558)	-1.04%	428,674	439,131	(10,457)	-2.44%	464,397	25,266
		IPT	-	-	-		-	-	-		-	-
		Overtime	-	-	-		-	-	-		-	-
		Total	53,584	54,143	(558)	-1.04%	428,674	439,131	(10,457)	-2.44%	464,397	25,266
		Budget	8									
		Actual	7									
Mail Room	431	Regular	7,416	3,708	3,708	50.00%	59,328	41,823	17,505	29.51%	64,272	22,449
		IPT	-	-	-		-	-	-		-	-
		Overtime	-	-	-		-	-	-		-	-
		Total	7,416	3,708	3,708	50.00%	59,328	41,823	17,505	29.51%	64,272	22,449
		Budget	2									
		Actual	1									
Building Commission	436	Regular	73,013	71,890	1,123	1.54%	584,106	575,734	8,372	1.43%	632,782	57,048
		IPT	-	-	-		-	-	-		-	-
		Overtime	-	-	-		-	20	(20)		-	-
		Total	73,013	71,890	1,123	1.54%	584,106	575,754	8,353	1.43%	632,782	57,048
		Budget	13									
		Actual	13									

Issued: June 3, 2019

Current Month includes 3 pay periods covering the work period of April 14, 2019 through May 25, 2019.

Year-to-Date includes 24 of 26 pay periods covering the work period of June 24, 2018 through May 25, 2019

Page 2 of 6

CITY OF CHARLESTON
Office of Finance Director
Payroll Variance Analysis
May, 2019

Department		Type Wages	Current Month				Year-to-Date				Annual	
Name	Code		Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Planning	437	Regular	45,529	42,279	3,251	7.14%	364,234	353,614	10,621	2.92%	394,587	40,973
		IPT	-	-	-		-	-	-		-	-
Budget	7	Overtime	-	-	-		-	-	-		-	-
Actual	7	Total	45,529	42,279	3,251	7.14%	364,234	353,614	10,621	2.92%	394,587	40,973
Information Systems	439	Regular	91,251	72,504	18,747	20.54%	730,004	649,811	80,193	10.99%	790,838	141,027
		IPT	-	-	-		-	-	-		-	-
Budget	12	Overtime	-	-	-		-	-	-		-	-
Actual	10	Total	91,251	72,504	18,747	20.54%	730,004	649,811	80,193	10.99%	790,838	141,027
Building Maintenance	440	Regular	26,738	20,886	5,851	21.88%	213,900	207,487	6,413	3.00%	231,725	24,238
		IPT	-	-	-		-	400	(400)		-	(400)
Budget	7	Overtime	2,077	565	1,512	72.81%	16,615	21,618	(5,002)	-30.11%	18,000	(3,618)
Actual	6	Total	28,814	21,451	7,363	25.55%	230,515	229,505	1,011	0.44%	249,725	20,220
Strategy Management	442	Regular	17,182	13,755	3,427	19.95%	137,454	158,733	(21,279)	-15.48%	148,908	(9,825)
		IPT	-	-	-		-	-	-		-	-
Budget	2	Overtime	-	-	-		-	-	-		-	-
Actual	2	Total	17,182	13,755	3,427	19.95%	137,454	158,733	(21,279)	-15.48%	148,908	(9,825)
Morris Square Property	500	Regular	6,941	7,013	(73)	-1.05%	55,525	55,796	(271)	-0.49%	60,152	4,356
		IPT	-	-	-		-	-	-		-	-
Budget	2	Overtime	1,385	223	1,162	83.91%	11,077	9,894	1,183	10.68%	12,000	2,106
Actual	2	Total	8,325	7,236	1,089	13.08%	66,602	65,690	912	1.37%	72,152	6,462
Public Works	566	Regular	12,000	12,000	-	0.00%	96,000	96,000	-	0.00%	104,000	8,000
		IPT	-	-	-		-	-	-		-	-
Budget	1	Overtime	-	-	-		-	-	-		-	-
Actual	1	Total	12,000	12,000	-	0.00%	96,000	96,000	-	0.00%	104,000	8,000
Public Grounds - Adm.	567-00	Regular	102,236	95,427	6,809	6.66%	817,890	786,087	31,804	3.89%	886,048	99,961
		IPT	-	-	-		-	-	-		-	-
Budget	27	Overtime	3,462	3,650	(188)	-5.43%	27,692	13,920	13,772	49.73%	30,000	16,080
Actual	25	Total	105,698	99,077	6,621	6.26%	845,583	800,007	45,576	5.39%	916,048	116,041
Public Grounds - C/T	567-01	Regular	7,092	7,092	-	0.00%	56,736	56,976	(240)	-0.42%	61,464	4,488
		IPT	-	-	-		-	-	-		-	-
Budget	2	Overtime	577	-	577	100.00%	4,615	273	4,343	94.09%	5,000	4,727
Actual	2	Total	7,669	7,092	577	7.52%	61,351	57,248	4,103	6.69%	66,464	9,216

Issued: June 3, 2019

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Year-to-Date includes 24 of 26 pay periods covering the work period of June 24, 2018 through May 25, 2019

Page 3 of 6

CITY OF CHARLESTON
Office of Finance Director
Payroll Variance Analysis
May, 2019

Department		Type Wages	Current Month				Year-to-Date				Annual	
Name	Code		Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Police - Uniform	700-00	Regular	923,490	868,581	54,909	5.95%	7,387,918	7,294,476	93,442	1.26%	8,003,578	709,102
		Overtime	188,224	231,114	(42,889)	-22.79%	1,742,952	1,945,678	(202,726)	-11.63%	1,911,554	(34,124)
Budget	173	Reimb.	(2,885)	(288)	(2,597)	-90.02%	(23,077)	(26,768)	3,691	15.99%	(25,000)	(25,000)
Actual	162	Total	1,108,829	1,099,407	9,423	0.85%	9,107,793	9,213,386	(105,593)	-1.16%	9,890,132	649,978
Police - Civilian	700-01	Regular	94,026	85,018	9,008	9.58%	752,209	755,721	(3,512)	-0.47%	814,893	59,172
		IPT	5,769	3,300	2,469	42.80%	46,154	36,187	9,967	21.59%	50,000	13,813
Budget	24	Overtime	12,923	10,888	2,035	15.75%	103,385	77,792	25,593	24.75%	112,000	34,208
Actual	22	Total	112,718	99,206	13,512	11.99%	901,747	869,700	32,047	3.55%	976,893	107,193
Fire - Uniform	706-00	Regular	909,124	923,445	(14,321)	-1.58%	7,644,507	7,577,997	66,510	0.87%	8,318,138	740,141
		Overtime	112,766	95,771	16,995	15.07%	902,124	732,368	169,756	18.82%	977,302	244,934
Budget	169	Reimb.	(1,385)	-	(1,385)	-100.00%	(11,077)	(26,871)	15,794	142.59%	(12,000)	14,871
Actual	163	Total	1,020,505	1,019,216	1,289	0.13%	8,535,554	8,283,494	252,061	2.95%	9,283,440	999,946
Fire - Civilian	706-01	Regular	9,849	9,849	0	0.00%	78,790	78,790	0	0.00%	85,356	6,566
		IPT	-	-	-		-	-	-		-	-
Budget	2	Overtime	-	-	-		-	-	-		-	-
Actual	2	Total	9,849	9,849	0	0.00%	78,790	78,790	0	0.00%	85,356	6,566
TPT	712	Regular	57,740	50,226	7,515	13.01%	461,922	433,645	28,278	6.12%	500,416	66,771
		IPT	-	-	-		-	-	-		-	-
Budget	12	Overtime	1,615	1,402	213	13.21%	12,923	12,583	340	2.63%	14,000	1,417
Actual	11	Total	59,356	51,628	7,728	13.02%	474,846	446,228	28,618	6.03%	514,416	68,188
Emergency Services	716	Regular	18,297	6,000	12,297	67.21%	146,379	134,054	12,324	8.42%	158,577	24,523
		IPT	-	-	-		-	-	-		-	-
Budget	2	Overtime	-	-	-		-	-	-		-	-
Actual	1	Total	18,297	6,000	12,297	67.21%	146,379	134,054	12,324	8.42%	158,577	24,523
Street	750	Regular	277,602	257,176	20,425	7.36%	2,220,814	2,099,362	121,452	5.47%	2,405,882	306,520
		IPT	-	-	-		-	-	-		-	-
Budget	73	Overtime	26,308	17,452	8,856	33.66%	282,462	266,356	16,106	5.70%	300,000	33,644
Actual	70	Total	303,909	274,628	29,282	9.63%	2,503,276	2,365,718	137,558	5.50%	2,705,882	340,164
Equipment Maintenance	754	Regular	96,531	91,147	5,385	5.58%	772,249	767,204	5,045	0.65%	836,603	69,399
		IPT	-	-	-		-	-	-		-	-
Budget	22	Overtime	7,500	2,243	5,257	70.09%	60,000	55,604	4,396	7.33%	65,000	9,396
Actual	19	Total	104,031	93,390	10,641	10.23%	832,249	822,808	9,441	1.13%	901,603	78,795

CITY OF CHARLESTON
Office of Finance Director
Payroll Variance Analysis
May, 2019

Department		Type	Current Month				Year-to-Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Refuse & Recycling	800	Regular	238,166	214,587	23,579	9.90%	1,905,330	1,724,008	181,322	9.52%	2,064,107	340,099
		IPT	-	779	(779)		-	779	(779)	-100.00%	-	(779)
	Budget 67	Overtime	32,308	19,302	13,006	40.26%	258,462	231,398	27,063	10.47%	280,000	48,602
	Actual 64	Total	270,474	234,668	35,806	13.24%	2,163,791	1,956,186	207,606	9.59%	2,344,107	387,921
Parks & Recreation	900	Regular	144,208	139,286	4,922	3.41%	1,153,665	1,087,667	65,998	5.72%	1,249,804	162,137
		IPT	16,800	13,859	2,941	17.51%	212,800	204,303	8,497	3.99%	280,000	75,697
	Budget 33	Overtime	7,385	4,166	3,219	43.59%	59,077	39,432	19,645	33.25%	64,000	24,568
	Actual 28	Total	168,393	157,310	11,082	6.58%	1,425,542	1,331,403	94,139	6.60%	1,593,804	262,401
Public Arts	906	Regular	6,231	5,769	462	7.41%	49,846	46,154	3,692	7.41%	54,000	7,846
		IPT	-	-	-		-	-	-		-	-
	Budget 1	Overtime	-	-	-		-	-	-		-	-
	Actual 1	Total	6,231	5,769	462	7.41%	49,846	46,154	3,692	7.41%	54,000	7,846
Municipal Auditorium	910	Regular	11,157	11,165	(8)	-0.07%	89,257	89,557	(300)	-0.34%	96,695	7,138
		IPT	-	-	-		-	-	-		-	-
	Budget 3	Overtime	577	69	508	88.06%	4,615	4,044	571	12.38%	5,000	956
	Actual 3	Total	11,734	11,234	500	4.26%	93,872	93,601	271	0.29%	101,695	8,094
Spring Hill Cemetery	952	Regular	38,018	27,013	11,005	28.95%	304,146	287,346	16,800	5.52%	329,492	42,146
		IPT	11,625	6,552	5,073	0.00%	50,375	32,551	17,824	35.38%	62,000	29,449
	Budget 8	Overtime	1,385	3,597	(2,212)	-159.76%	11,077	6,925	4,152	37.48%	12,000	5,075
	Actual 7	Total	51,028	37,162	13,866	27.17%	365,598	326,822	38,776	10.61%	403,492	76,670
General Fund		Regular	3,802,204	3,573,956	228,248	6.00%	30,751,758	29,954,547	797,211	2.59%	33,354,109	3,399,562
		IPT	44,867	28,362	16,505	36.79%	382,194	317,729	64,465	16.87%	484,500	166,771
		Overtime	408,644	395,439	13,205	3.23%	3,578,306	3,491,105	87,202	2.44%	3,893,856	402,751
	Budget 781	Reimb.	(4,269)	(288)	(3,981)	-93.25%	(34,154)	(53,639)	19,485	57.05%	(37,000)	16,639
	Actual 732	Total	4,251,446	3,997,470	253,976	5.97%	34,678,105	33,709,742	968,363	2.79%	37,695,465	3,985,723

CITY OF CHARLESTON
Office of Finance Director
Payroll Variance Analysis
May, 2019

Department		Type Wages	Current Month				Year-to-Date				Annual	
Name	Code		Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Civic Center		Regular	136,236	129,822	6,414	4.71%	1,126,468	976,194	150,274	13.34%	1,180,716	204,522
		IPT	39,808	22,297	17,511	43.99%	331,731	260,294	71,437	21.53%	345,000	84,706
	Budget 28	Overtime	6,000	1,256	4,744	79.07%	50,000	58,313	(8,313)	-16.63%	52,000	(6,313)
	Actual 28	Total	182,044	153,376	28,669	15.75%	1,508,199	1,294,801	213,398	14.15%	1,577,716	282,915
Parking System		Regular	67,712	67,577	135	0.20%	564,263	519,409	44,853	7.95%	586,833	67,424
		IPT	5,885	3,813	2,071	35.20%	49,038	34,855	14,184	28.92%	51,000	16,145
	Budget 18	Overtime	1,846	1,583	263	14.24%	15,385	14,814	570	3.71%	16,000	1,186
	Actual 18	Total	75,442	72,973	2,469	3.27%	628,686	569,078	59,607	9.48%	653,833	84,755
Total		Regular	4,006,152	3,771,356	234,796	5.86%	32,442,489	31,450,150	992,339	3.06%	35,121,658	3,671,508
		IPT	90,560	54,473	36,087	39.85%	762,963	612,878	150,085	19.67%	880,500	267,622
		Overtime	416,490	398,278	18,211	4.37%	3,643,691	3,564,232	79,459	2.18%	3,961,856	397,624
	Budget 827	Reimb.	(4,269)	(288)	(3,981)	93.25%	(34,154)	(53,639)	19,485	-57.05%	(37,000)	16,639
	Actual 778	Total	4,508,932	4,223,819	285,113	6.32%	36,814,989	35,573,621	1,241,369	3.37%	39,927,014	4,353,394

Issued: June 3, 2019

Current Month includes 3 pay periods covering the work period of April 14, 2019 through May 25, 2019.

Page 6 of 6

Year-to-Date includes 24 of 26 pay periods covering the work period of June 24, 2018 through May 25, 2019

Vacancy Report:

Mayor	1
City Manager	1
CM - Construction	4
Human Resources	1
Mailroom	1
Information Systems	2
Building Maintenance	1
Public Grounds	2
Police - Uniform	11
Police - Civilian	2
Fire - Uniform	6
TPT	1
Emergency Management	1
Streets	3
Equipment Maintenance	3
Refuse	3
Parks & Rec	5
Spring Hill Cemetery	1
Total All	49

As of May 31, 2019

1 **Bill No. 7820**

2

Passed by Council:

3 Introduced in Council:

4 **June 3, 2019**

5 Introduced by:

Referred to:

6 **Tiffany Wesley-Plear**

Planning, Streets and Traffic

7

8

9 **Bill No. 7820** - A Bill to establish a Handicapped parking zone on south side of Central
10 Avenue from a point 48 feet east of Hunt Avenue to a point 121 feet east of Hunt
11 Avenue and amending the Traffic Control Map and Traffic Control File, established by
12 the code of the City of Charleston, West Virginia, two thousand and three, as amended,
13 Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

15 Section 1. Handicapped parking zone on south side of Central Avenue from a point 48
16 feet east of Hunt Avenue to a point 121 feet east of Hunt Avenue

17 Section 2. The Traffic Control Map and Traffic Control File, established by the code
18 of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic
19 Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and
20 hereby are amended, to conform to this Ordinance.

21

22 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
23 repealed to the extent of said inconsistency.

Bill No. 7818

Introduced in Council:

Passed by Council

June 3, 2019

Introduced by:

Referred to:

**Mary Beth Hoover,
Naomi Bays,
Becky Ceperley,
Will Laird,
Jennifer Pharr,
Chad Robinson
Adam Knauff**

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

Bill No. 7818 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by adding and modifying definitions and creating land use categories relating to the growing, processing, and distribution of medical cannabis.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA

The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended, by adding and modifying definitions and creating land use categories relating to the growing, processing, and distribution of medical cannabis. The new provisions shall read as follows:

1) In Article 2 Definitions

Section 2-020 Definitions of Terms

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them within this section. If not defined in this section, or within other sections of this ordinance, terms used in this ordinance shall have the meanings provided in any standard dictionary or American Planning Association publication as determined by the Planning Director.

Community Garden. A neighborhood-based development with the primary purpose of providing space for members of the community to grow plants for beautification, education, recreation, community distribution, or personal use. Sites managed by public or civic entities, nonprofit organizations or other community-based organizations are responsible for maintenance and operations. Processing and storage of plants or plant products are prohibited on site. Gardening tools and supplies may be stored within an

accessory building that is in compliance with Article 3-080(A) of this ordinance. Community Garden shall not include or be construed to be a Medical Cannabis Growing Facility.

Drug Store. An establishment engaged in the retail sale of prescription drugs and patient medicines and which may carry a number of related product lines, such as cosmetics, toiletries, tobacco and novelty merchandise, and which may also operate a soda fountain or lunch counter. Drug Store shall not include or be construed to be a Medical Cannabis Dispensary.

Greenhouse, Commercial. A building used for the growing of plants, all or part of which are sold at retail or wholesale. Commercial Greenhouse shall not include or be construed to be a Medical Cannabis Growing Facility

Hypermarket. A large-scale (minimum of 100,000 square feet) self-service retail store selling food, drugs, household merchandise, clothing, and a variety of other retail goods. The store may, in some cases, include limited, ancillary commercial tenants within the main building, such as medical offices, postage stores, snack counters, coffee shops, shoe repair shops, eye care centers, hair salons, etc. Hypermarket shall not include or be construed to be a Medical Cannabis Dispensary.

Medical Cannabis. Cannabis for certified medical use, as provided for in the Code of the State of West Virginia, Chapter 16A, as amended.

Medical Cannabis Dispensary. A place where processed medical cannabis products are permitted to be dispensed to qualifying consumers, as provided for in the Code of the State of West Virginia, Chapter 16A, as amended.

Medical Cannabis Growing Facility. A place where medical cannabis is permitted to be grown, as provided for in the Code of the State of West Virginia, Chapter 16A, as amended.

Medical Cannabis Processing Facility. A place where medical cannabis is permitted to be processed, refined, or otherwise converted into a legally permitted state, as provided for in the Code of the State of West Virginia, Chapter 16A, as amended.

Retail Sales Establishment. A business having as its primary function the supply of merchandise or wares to the end consumer. Such sales constitute the “primary function” of the business when such sales equal at least eighty (80) percent of the gross sales of the business. Retail Sales Establishment shall not include or be construed to be a Medical Cannabis Dispensary.

Urban Farm. Growing, washing, packaging and storage of fruits, vegetables and other plant products for wholesale or retail sales. Urban Farm shall not include or be construed to be a Medical Cannabis Growing Facility.

2) In Article 3 Establishment of Zoning Districts and Map

Section 3-050 Permitted Land Uses

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CB-D	UC-D	DV-D	CV-D	PM-C	I-2	I-4	PU-D	SUP-P.
<u>Medical Cannabis Dispensary</u>							P	P	P	P	P	P	P	P	P				
<u>Medical Cannabis Growing Facility</u>									P	P	P	P	P	P	P	P	P		
<u>Medical Cannabis Processing Facility</u>									P	P	P	P	P	P	P	P	P		

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