MINUTES
FINANCE COMMITTEE MEETING
6:15 P.M., OCTOBER 4, 2021
COUNCIL CHAMBERS, CITY HALL

Joseph Jenkins, Chairperson, called the meeting of the Charleston City Council Committee on Finance to order at 6:15 p.m., October 4, 2021.

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

Joseph Jenkins, Chair
Bobby Reishman, Vice Chair
Ben Adams
Brent Burton (not present for approval of the previous minutes)
Becky Ceperley
Mary Beth Hoover
Chad Robinson

Absent:
None

Other Councilmembers present:
None

I. DISCUSSION:

a. Approval of Previous Minutes - Councilmember Reishman asked for unanimous consent to dispense with the reading of the minutes for the September 20, 2021 meeting and that they be approved as distributed. There were no objections, and the minutes were approved.

II. RESOLUTIONS:

a. Resolution No. 539-21 – Authorizing settlement of pending disputed claims against the City in the matters known as Walter R. Myers, et al. v. City of Charleston, et al., Civil Action No. 2:19-cv-00757 and Certain Underwriters at Lloyds, London Subscribing to Certificate No. PL1007017 v. City of Charleston, et al., Civil Action No. 2:21-cv-00344, both of which are in the United States District Court for the Southern District of West Virginia, as recommended by the City Solicitor.

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

That the City Council hereby authorizes and approves the settlement of pending disputed claims against the City in the matters known as Walter R. Myers, et al. v. City of Charleston, et al., Civil Action No. 2:19-cv-00757 and Certain Underwriters at Lloyds, London Subscribing to Certificate No. PL1007017 v. City of Charleston, et al., Civil Action No. 2:21-cv-00344, both of which are in the United States District Court for the Southern District of West Virginia, for a full and final payment by the City of Charleston in the amount of $300,000, as recommended by the City Solicitor. The City Council authorizes the City Solicitor and City Manager to take all necessary steps to finalize resolution of the claims.

City Attorney, Kevin Baker, added that the underlying incident occurred in September of 2017, and was litigated and mediated by the City in order to reach a resolution. The recommendation is that the City will pay $300,000 to resolve the claims, which is the full amount of the deductible under the City's insurance policy.

Councilmember Jenkins confirmed with Baker that the City will not be reimbursed for its attorney's fees, which was approximately $80,000.

Councilmember Reishman moved to approve the Resolution. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Resolution No. 539-21 approved.

b. Resolution No. 540-21 – Authorizing the Mayor or City Manager to enter into a contract with Benchmark Construction Company Incorporated in the amount of $278,850 to construct a walking trail, bicycle pump track, and disc golf course at Cato Park.

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 Benchmark Construction Company Incorporated in the amount of $278,850 to construct a walking trail, bicycle pump track, and disc golf course at Cato Park.

City Manager, Jonathan Storage, added that the City received three bids for the project.

Councilmember Jenkins asked what a bicycle pump track is. Storage replied that it a BMX-style dirt track.

Councilmember Reishman moved to approve the Resolution. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Resolution No. 540-21 approved.

Cato Trail, Pump- Track, & Disc Golf Project #: P206/21-137
Bid Opening Date 9/27/21

			Benchmark Construction PO Box 1018 Hurricane WV 25526 304-881-1735 tim@bmcwv.com		Steorts Home Design & Construction 97 Chase Drive Hurricane WV 304-760-6018 jsteorts@steortshomes.com		Tempo Construction LLC. PO Box 40028 Charleston WV 25364 304-741-5588 mary.cleland@tempowv.com	
Item	Unit	Qty	Unit Cost	Item Total	Unit Cost	Item Total	Unit Cost	Item total
Item 3.01 – Mobilization (≤5%)	LS	1	$12,500.00	$12,500.00	$12,000.00	$12,000.00	$7,000.00	$7,000.00
Item 3.02 – Erosion & Sediment Control	LS	1	$7,500.00	$7,500.00	$7,000.00	$7,000.00	$18,000.00	$18,000.00
Item 3.03 – Wooden Trail Bridge	LS	1	$9,000.00	$9,000.00	$7,050.00	$7,050.00	$24,000.00	$24,000.00
Item 3.04 – Cut & Fill Excavation	SY	5500	$10.00	$55,000.00	$35.00	$192,500.00	$18.75	$103,125.00
Item 3.05 – Engineering Fabric	SY	4300	$1.50	$6,450.00	$0.90	$3,870.00	$1.70	$7,310.00
Item 3.06 – Base Aggregate	CY	500	$130.00	$65,000.00	$60.00	$30,000.00	$195.00	$97,500.00
Item 3.07 – Top Aggregate	CY	250	$150.00	$37,500.00	$60.00	$15,000.00	$192.00	$48,000.00
Item 3.08 – Pump-Track	LS	1	$20,000.00	$20,000.00	$33,000.00	$33,000.00	$45,000.00	$45,000.00
Item 3.09 – Grass Seed & Straw Mulch	LS	1	$10,000.00	$10,000.00	$9,000.00	$9,000.00	$22,000.00	$22,000.00
Item 3.10 – Allowances	LS	1	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00
Item 3.11 – Disc Golf Tee Pad	EA	36	$550.00	$19,800.00	$1,440.00	$51,840.00	$990.00	$35,640.00
Item 3.12 – Disc Golf Target Sleeve	EA	37	$300.00	$11,100.00	$285.00	$10,545.00	$430.00	$15,910.00
Base Bid Total			$278,850.00		$396,805.00		$448,485.00	
Local Vendor Preference (4%)			($5,000) $273,850.00		($5,000) $391,805.00		($5,000) $443,485.00	

c. Resolution No. 541-21 - Authorizing the Mayor or City Manager to enter into a contract with McClanahan Construction Company to substantially repair a sidewalk along Chesterfield Avenue.

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 McClanahan Construction Company in the amount of $259,950 to substantially repair a sidewalk along Chesterfield Avenue.

Storage added that there is a section of sidewalk on Chesterfield Avenue that is in desperate need of repair. The City received four bids for the project.

Councilmember Reishman moved to approve the Resolution. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Resolution No. 541-21 approved.

CHESTERFIELD AVENUE SIDEWALK PROJECT #:E209/21-140
Bid Opening Date 9/23/21

			McClanahan Construction 744 Poca Road Poca WV 25159 304-766-3355 Bruce@mcclanahanconstruction.com		**Garcie R. Marker & Sons** 1119 Jefferson Road South Charleston WV 25309 304-744-0590 grmarkersons@aol.com		**SQP Construction** 281 Smiley Drive St. Albans WV 25177 304-440-9200 dgatewood@sqpgc.com		**Wolf Creek Contracting** 403 Waterton Road Waterford OH 45786 740-749-3459 mwyscarver@wolfcreekcontractors.com	
Item	Unit	Qty	Unit Cost	Item Total	Unit Cost	Item Total	Unit Cost	Item total	Unit Cost	Item Total
Item 3.01 – Mobilization (≤5%)	LS	1	$11,930.00	$11,930.00	$10,000.00	$10,000.00	$13,195.00	$13,195.00	$8,892.94	$8,892.94
Item 3.02 – Traffic Control	LS	1	$11,500.00	$11,500.00	$19,500.00	$19,500.00	$21,100.00	$21,100.00	$23,336.99	$23,336.99
Item 3.03 – Concrete Ramp and Sidewalk	SF	8,150	$17.00	$152,150.00	$22.00	$196,900.00	$15.71	$140,625.00	$15.55	$139,172.50
Item 3.04 – Concrete Sidewalk Drain	EA	4	$2,850.00	$11,400.00	$1,200.00	$4,800.00	$1,325.00	$5,300.00	$1,662.96	$6,651.84
Item 3.05 – Integral Curb Front	LF	2250	$17.00	$38,250.00	$24.00	$54,000.00	$22.46	$50,525.00	$33.26	$74,835.00
Item 3.06 – Integral Curb Back	LF	950	$17.00	$16,150.00	$48.00	$45,600.00	$23.21	$22,050.00	$33.26	$31,597.00
Item 3.07 – Handrail	LF	70	$80.00	$5,600.00	$150.00	$10,500.00	$61.43	$4,300.00	$80.54	$5,637.80
Item 3.08 – Rip Rap Ditch	TN	85	$122.00	$10,370.00	$90.00	$7,560.00	$76.47	$6,500.00	$70.78	$6,016.30
Item 3.09 – Detectable Warning Surface	EA	13	$200.00	$2,600.00	$250.00	$3,250.00	$326.92	$4,250.00	$155.51	$2,021.63
Base Bid Total			$259,950.00		$352,200.00		$267,845.00		$298,162.00	
Local Vendor Preference (4%)			($5,000) $254,950.00		($5,000) $347,200.00		($5,000) $262,845..00		($5,000) $293,162.00	

d. Resolution No. 542-21 - Authorizing the Mayor or City Manager to enter into a five-year contract with Axon Enterprise, Inc., in the amount of $298,850 for the purchase of 90 conducted electrical weapons ("CEW") and associated equipment and supplies, where the vendor is a sole source provider of the Taser 7 CEW.

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 five-year contract with Axon Enterprise, Inc., in the amount of $298,850 for the purchase of 90 conducted electrical weapons ("CEW") and associated equipment and supplies, where the vendor is a sole source provider of the Taser 7 CEW.

Storage added that Mayor Goodwin submitted a letter to the Charleston Police Department requesting that there be an assessment of less lethal weapons within the Department. It was determined that the number of tasers (conducted electrical weapons) needed to be increased by ninety devices. The vendor is considered a sole-source provider.

Councilmember Jenkins asked if there was a reason it will be a lease purchase. Storage replied that it is largely because of the support of software maintenance that comes with the devices. After the initial purchase, the cost will be $62,100 for the next four years.

Councilmember Adams confirmed with Police Chief Hunt that training for the tasers will be supplied as needed by the vendor. Officers are given the option to be tased to experience the effects of the device.

Councilmember Reishman moved to approve the Resolution. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Resolution No. 542-21 approved.

e. Resolution No. 543-21 - Authorizing approval of Amendment No. 3 of the FY 2021—2022 General Fund Budget as indicated on the attached list of accounts.

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

That Amendment No. 3 of the FY 2021—2022 General Fund Budget as indicated on the attached list of accounts is approved.

Storage added that the budget amendment proposed is to account for the taser purchase, which was not a budgeted expense for the current fiscal year. Additionally, money will be transferred to the Building Commission from the Special Demolition Fund, which accumulates fees from penalties associated with code violations, etc. This will, in part, aid the Building Commission in funding the removal of various tires that have been collected on the Kanawha Boulevard section of Mountaineer Tire. The business has been in non-compliance for some time, and the Building Commission is authorizing their ability to remove those tires.

Councilmember Reishman moved to approve the Resolution. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Resolution No. 543-21 approved.

General Fund FY 2021-2022 Budget Amendment No. 3 - October 4, 2021

Account No.	Department	Account Description	Amount
001 369 00 0000	Revenue	Transfers from Other Funds	(33,000)
001 436 00 000 2 230	Building Commission	Contracted Services	33,000

Transfer of lien redemption proceeds from the Special Demolition Fund to fund additional demolitions.

001 377 00 0001	Capital Lease Revenue - Installment Purchases		(298,850)
001 976 00 700 4 459	Capital Outlay - Public Safety	Capital Outlay - Equipment	298,850
001 699 00 000 5 598	Contingency	Contingency	(50,450)
001 976 00 700 4 461	Capital Outlay - Public Safety	Lease Purchase Payment	50,450

To purchase 90 conducted electrical weapons, including startup costs and training, using a no-interest installment plan offered by the vendor and to pay for the Year 1 installment payment for the purchase of conducted electrical weapons.

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

Councilmember Reishman motioned to adjourn the meeting.
Meeting adjourned.