MINUTES
FINANCE COMMITTEE MEETING
6:00 P.M., JANUARY 18, 2022
COUNCIL CHAMBERS, CITY HALL

Joseph Jenkins, Chairperson, called the meeting of the Charleston City Council Committee on Finance to order at 6:00 p.m., January 18, 2022.

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

Joseph Jenkins, Chair
Ben Adams
Brent Burton
Becky Ceperley
Mary Beth Hoover
Chad Robinson

Absent:
Bobby Reishman, Vice Chair

Other Councilmembers present:

I. DISCUSSION:

a. Approval of Previous Minutes - Councilmember Ceperley asked for unanimous consent to dispense with the reading of the minutes for the January 3, 2022 meeting and that they be approved as distributed. There were no objections, and the minutes were approved.

II. <u>RESOLUTIONS:</u>

a. Resolution No. 585-22 – Authorizing the Finance Director to amend the 2018, 2019 and 2021 Community Development Block Grant budgets as indicated on the accounts listed below.

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

That the Finance Director is hereby authorized and directed to amend the 2018, 2019 and 2021 Community Development Block Grant budgets as indicated on the accounts listed below:

Account Number	Description	Amount
009-018-00-199-0-999	Contingencies	(4,884.37)
009-019-00-199-0-999	Contingencies	(45,115.63)
009-021-00-002-0-999	YWCA Sojourner's	50,000.00

The city proposes to allocate additional CDBG funds for the installation of a fire alarm system and miscellaneous major renovations at YWCA Sojourner's shelter (City owned building). Written comments regarding the proposed changes may be made to MOECD, 105 McFarland Street, Charleston, WV 25301; fax 348-0704 or e-mail MOECD@cityofcharleston.org until 12:00 p.m., January 18, 2022.

Finance Director, Andy Wood, added that the resolution will transfer unspent money from the 2018/2019 CDBG budget to the 2021 budget to help with renovations at the Sojourner's Shelter.

Councilmember Ceperley moved to approve the Resolution. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Resolution No. 585-22 approved.

b. Resolution No. 586-22 – Authorizing the Mayor or City Manager to enter into a contract with West Virginia Elevator LLC to perform elevator maintenance and inspection services for City facilities at a rate of $140.82 per hour, where the hourly price of service was determined through a competitively sourced contract with the West Virginia Department of Administration, General Services Division.

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

   The Mayor or City Manager to enter into a contract with West Virginia Elevator LLC to perform elevator maintenance and inspection services for City facilities at a rate of $140.82 per hour, where the hourly price of service was determined through a competitively sourced contract with the West Virginia Department of Administration, General Services Division.

Wood added that resolution will allow the City to use the WV State contract to perform testing and inspection services for various City operated elevators.

Councilmember Adams asked if this was always an hourly contract. Wood replied that this contract is for testing and inspection, which is different from the service contract used for repairs.

Councilmember Ceperley moved to approve the Resolution. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Resolution No. 586-22 approved.

c. Resolution No. 587-22 – Authorizing the Mayor or City Manager to enter a contract with ETI Lighting, LLC (DBA SoundOff Signal GSA) in the amount of $120,508.98 for the purchase and installation of various equipment for the newly purchased 2022 Charleston Police Department vehicle fleet, where the price was determined through a competitively sourced United States General Services Administration contract.

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

The Mayor or City Manager is authorized to enter a contract with ETI Lighting, LLC (DBA SoundOff Signal GSA) in the amount of $120,508.98 for the purchase and installation of various equipment for the newly purchased 2022 Charleston Police Department vehicle fleet, where the price was determined through a competitively sourced United States General Services Administration contract.

Wood added that the resolution is to purchase lighting packages for the Police interceptors that were recently approved by Council.

Councilmember Ceperley moved to approve the Resolution. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Resolution No. 587-22 approved.

d. Resolution No. 588-22 – Authorizing the Mayor or City Manager to submit an application to the WV Division of Administrative Services under the Project Safe Neighborhoods (PSN) grant program for the Charleston Police Department in the amount of $134,044 and administer any funds awarded. These funds will be used to purchase cell phone download software, two years of maintenance fees on the National Integrated Ballistic Information Network (NIBIN) machine, training and camera equipment.

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

   The Mayor or City Manager is authorized to submit an application to the WV Division of Administrative Services under the Project Safe Neighborhoods (PSN) grant program for the Charleston Police Department in the amount of $134,044 and administer any funds awarded. These funds will be used to purchase cell phone download software, two years of maintenance fees on the National Integrated Ballistic Information Network (NIBIN) machine, training and camera equipment.

Wood added that there is no match requirement for this grant.

Councilmember Ceperley moved to approve the Resolution. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Resolution No. 588-22 approved.

e. <u>Resolution No. 589-22</u> – Authorizing the Mayor or City Manager to enter into an agreement with Duncan Parking Technologies, Inc., in the amount of $66,500.00, to refurbish the City's existing Civic Smart parking meters hardware to be compatible with modern wireless technology.

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

   The Mayor or City Manager is authorized to enter into an agreement with Duncan Parking Technologies, Inc., in the amount of $66,500.00, to refurbish the City's existing Civic Smart parking meters hardware to be compatible with modern wireless technology.

Wood added that the resolution will allow the Parking System to update the cellular technology within certain parking meters.

Councilmember Jenkins asked when the parking meters were first installed. Parking Director, Terri Allen, replied that they were first purchased in 2018. At the time, there was no anticipation that the technology would be obsolete so quickly, however the company is going to upgrade the hardware as well as upgrade anything else needed to these meters (coin shoots, credit card readers, etc.) with a one-year warranty.

Councilmember Adams confirmed with Allen that these meters are essentially non-functional without these upgrades. The cutoff date for the technology seems to currently be July, but could be as late as December. Originally, each meter cost about $350. The proposed upgrades with be about $150 per meter.

Councilmember Hoover asked if it would be reasonable to assume that these meters will need to be upgraded every few years. Allen replied that this upgrade should last for quite some time as the meters will be able to roam on 4g as well as 5g.

Councilmember Ceperley moved to approve the Resolution. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Resolution No. 589-22 approved.

f. Resolution No. 590-22 – Authorizing the Mayor or City Manager to enter into a contract with Casto Technical Services, Inc., in the amount of $402,000 to renovate the heating, ventilation, and air conditioning ("HVAC") systems at the Martin Luther King, Jr. Community Center and the North Charleston Community Center, where the purchase amount was determined through a competitive bidding process.

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

   The Mayor or City Manager to enter into a contract with Casto Technical Services, Inc., in the amount of $402,000 to renovate the heating, ventilation, and air conditioning ("HVAC") systems at the Martin Luther King, Jr. Community Center and the North Charleston Community Center, where the purchase amount was determined through a competitive bidding process. The project cost will be funded with Community Development Block Grant ("CDBG") funds.

Wood added that it is anticipated that the new HVAC systems will be paid for with CDBG grant funds.

Councilmember Robinson asked if the Kanawha City Rec Center would be included. Wood replied that they could expect a resolution for the design work for upgrades to Kanawha City at possibly the next Council meeting.

Councilmember Ceperley moved to approve the Resolution. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Resolution No. 590-22 approved.

g. Resolution No. 591-22 – Authorizing the Mayor or City Manager to enter into an agreement with Ozark Materials in the amount of $33,599.50 for the City's Traffic Marking Paint, where the purchase amount was determined through a competitive bidding process.

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

The Mayor or City Manager is authorized to enter into an agreement Ozark Materials in the amount of $33,599.50, for the City's Traffic Marking Paint, where the purchase amount was determined through a competitive bidding process.

Wood added that the resolution is for the annual purchase of traffic marking paint that is used around the City for various re-paving and re-striping projects. The prices are approximately 15% over last year's contract due to inflation.

Councilmember Ceperley moved to approve the Resolution. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Resolution No. 591-22 approved.

h. Resolution No. 592-22 – Authorizing the Mayor or City Manager to purchase one (1) vehicle from Matheny Motor Truck Co. (DBA Matheny Ford) in the amount of $25,166.40, where the vehicle will serve as a replacement vehicle to be used by the Metropolitan Drug Enforcement Network Team (MDENT) and titled to the Saint Albans Police Department. The purchase will be made through a competitively sourced state-wide contract.

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

   The Mayor or City Manager is authorized to purchase one (1) vehicle from Matheny Motor Truck Co. (DBA Matheny Ford) in the amount of $25,166.40, where the vehicle will serve as a replacement vehicle to be used by the Metropolitan Drug Enforcement Network Team (MDENT) and titled to the Saint Albans Police Department. The purchase will be made through a competitively sourced state-wide contract. The authorization granted in Resolution No. 576-21 is rescinded.

Wood added that the purchased vehicle will be used for MDENT. The purchase previously approved in Resolution No. 576-21 will be canceled as the previously approved vehicle was no longer available to purchase.

Councilmember Jenkins confirmed with Wood that the new price is slightly lower than the previously approved purchase (approximately $2,000 to $3,000).

Councilmember Ceperley moved to approve the Resolution. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Resolution No. 592-22 approved.

III. <u>BILLS:</u>

a. Bill No. 7941 – A BILL approving the issuance of a cable television franchise with Community Antenna Service, Inc., doing business as CAS ("CAS").

WHEREAS, CAS filed an Application for a Cable Franchise to construct, operate and repair a Cable System in, over, along and under City roads and appropriate Rights-of-Way in the City of Charleston, WV (the "Application"); and

WHEREAS, CAS submitted the Application for the cable television franchise in the form required by West Virginia Code § 24D-1-1, et seq.; and

WHEREAS, the City has reviewed the Application and held public hearings on the Application, following all required procedures to consider and act upon the Application, and has considered the comments of all interested parties at a meeting of the Select Committee on Cable Franchise held on October 25, 2021, at the public hearing held on December 15, 2021, and at a meeting of the Select Committee on Cable Franchise held on January 3, 2022, as well as at meetings of the Finance Committee and City Council regarding this Bill held on January 18, 2022 (collectively, the "Public Hearings"); and

WHEREAS, the Public Hearings did not produce substantial public opposition to granting the Application to CAS; and

WHEREAS, the City believes it is in the interest of the community to approve the terms of a Franchise Agreement between the City of Charleston and CAS.

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

That with respect to and in accordance with the provisions of West Virginia Code § 24D-1-1, et seq., the City hereby approves the granting of a Cable Franchise Agreement with CAS for a period of fifteen (15) years, with said Franchise set to expire on January 18, 2037, upon the terms of the Agreement attached hereto and incorporated herein by reference.

City Attorney, Kevin Baker, added that the bill is the culmination of a long process conducted by the Select Committee on Cable Franchise. CAS is an entity based in Parkersburg, WV that has expanded its reach, and is interested in coming into Kanawha County and Charleston. The proposed franchise agreement is very similar to previous agreements. On page 3, Section 2 grants the company the right to construct, operate and repair their cable system within Charleston. The term of this agreement is for fifteen (15) years. Baker added that the build-out is anticipated to take approximately five (5) years. There are also requirements that the company have a certain amount of insurance, an anti-discrimination provision and construction standards, etc. Section 9 requires that the company have a local office near the service area. The Select Committee suggested that the language be changed to specifically mention Kanawha County. The 5% franchise fee will be paid to the City on a quarterly basis.

Councilmember Adams, Chair of the Select Committee on Cable Franchise, added that the agreements that came out of the Committee are essentially the same agreements that have been in place for many years, with some updates. The Committee took public input by having Public Hearings. One of the main issues that they heard was that there was a lack of competition.

City Treasurer, Vic Grigoraci, requested that the bill be delayed for a short period of time to allow for an independent consultant to study cable, internet and fiber optic to get a full picture of the opportunity that is available to the City.

Councilmember Jenkins added that the cable franchise agreement is not the appropriate mechanism to address those concerns, though he does agree with making Charleston a gigabyte city. He added that any delay with CAS could deter them from coming into the City.

Councilmember Ceperley moved to approve the Bill. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Bill No. 7941 approved.

b. Bill No. 7942 – A BILL approving the renewal of a cable television franchise with Cebridge Acquisitions, LLC, doing business as Suddenlink Communications ("Suddenlink").

WHEREAS, Suddenlink is the present holder of a non-exclusive cable television franchise that was originally granted by the City of Charleston, WV ("City"), as set forth in Bill No. 4370 Committee Substitute, dated November 7, 1988, renewed by Bill No. 6610, as amended and adopted by Council on October 4, 1999, transferred to Cebridge Acquisitions, LLC by Bill No. 7214 as amended and adopted by Council on July 3, 2006, renewed by Bill No. 7229 Committee Substitute adopted by Council on October 2, 2006, renewed by Bill No. 7501 adopted by Council on November 21, 2011, and renewed by Bill No. 7720, adopted by Council on November 21, 2016 (collectively, the "Franchise"); and

WHEREAS, the Franchise expired on December 3, 2021; and

WHEREAS, Suddenlink submitted a request for renewal of the cable television franchise in the form acceptable under state and federal law to seek renewal via the informal process by letter dated January 4, 2019 (the "Application"); and

WHEREAS, the City has reviewed the Application and held public hearings on the proposed renewal of the franchise agreement, following all required procedures to consider and act upon the Application, and has considered the comments of all interested parties at a public hearing of the Select Committee on Cable Franchise held on June 17, 2021, at the public hearing held on December 15, 2021, and at a meeting of the Select Committee on Cable Franchise held on January 3, 2022, as well as at meetings of the Finance Committee and City Council regarding this Bill held on January 18, 2022 (collectively, the "Public Hearings"); and

WHEREAS, the Public Hearings produced opposition to Suddenlink's internet service and customer service, but did not produce substantial public opposition to the cable service provided by Suddenlink; and

WHEREAS, the Public Hearings produced opposition to providing Suddenlink with a lengthy renewal term with public commenters requesting a one year term, but did not produce substantial public opposition to a renewal of the cable franchise agreement; and

WHEREAS, the City believes it is in the interest of the community to approve the renewal of the Franchise, and to approve the terms of a new Franchise Agreement between the City and Suddenlink.

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

That with respect to and in accordance with the provisions of West Virginia Code § 24D-1-1, et seq., and Bill No. 4370 Committee Substitute, dated November 7, 1988, Bill No. 6610, as amended and adopted by Council on October 4, 1999, Bill No. 7214 as amended and adopted by Council on July 3, 2006, Bill No. 7229 Committee Substitute adopted by Council on October 2, 2006, Bill No. 7501 adopted by Council on November 21, 2011, and Bill No. 7720, adopted by Council on November 21, 2016, the City hereby approves the renewal of the Franchise with Suddenlink for a period of five (5) years, with said Franchise set to expire on January 18, 2027, upon the terms of the Agreement attached hereto and incorporated herein by reference.Baker added that the agreements are essentially the same, with the major exception being the length of the agreement. The renewal term for Suddenlink is five (5) years. He added that Suddenlink has consistently argued that the term should be ten (10) years to be more in line with the agreement for CAS. Baker added that he could not find any legal requirement to support that.

Councilmember Adams added that law requires that the agreements be as similar to each other as they are. The Select Committee has recommended that customer complaints are reviewed on an annual basis.

Grigoraci added that fiber optic will be needed to make Charleston a gigabyte city. He added that this is an opportunity to look at that in its totality, and asked that the bill be delayed. He added that Suddenlink has so many issues, they should not proceed until those issues have been resolved.

Councilmember Adams added that the Select Committee has the recommendations from the PSC regarding Suddenlink, which is that they impose monetary penalties on Suddenlink for their conduct. It does not have anything to do with the franchise agreement. The City can be active by holding companies accountable to their existing agreements.

Councilmember Robinson, a member of the Select Committee on Cable Franchise, added that franchise agreements are about providing more options and competition to citizens, not favoring one provider over another.

Councilmember Ceperley moved to approve the Bill. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Jenkins declared Bill No. 7942 approved.

Councilmember Ceperley motioned to adjourn the meeting.
Meeting adjourned.