MINUTES
FINANCE COMMITTEE MEETING
6:15 P.M., APRIL 17, 2023
AV ROOM #308, CITY HALL

Joseph Jenkins, Chairperson, called the meeting of the Charleston City Council Committee on Finance to order at 6:15 p.m., April 17, 2023.

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

Joseph Jenkins, Chair
Brent Burton, Vice Chair
Becky Ceperley
Mary Beth Hoover
Larry Moore (arrived at 6:28 started voting during Res. No. 792-23)
Chad Robinson
Shawn Taylor

Absent:

Other Councilmembers present:
Beth Kerns
Joe Solomon
Frank Annie
Chelsea Steelhammer
Bruce King
Shannon Snodgrass
Emmett Pepper

I. DISCUSSION:

a. Approval of Previous Minutes - Councilmember Burton asked for unanimous consent to dispense with the reading of the minutes for the April 3, 2023 meeting and that they be approved as distributed. There were no objections, and the minutes were approved.

II. RESOLUTIONS:

a. Resolution No. 789-23 – Authorizing the Mayor or City Manager to submit an application to the FEMA Pre-Disaster Mitigation Program in the total amount of $626,000 that includes the required $157,000 cash match and in-kind engineering project management and administer any funds awarded. The City will utilize these funds for the Chesterfield Avenue Stormwater Project.

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

   That the Mayor or City Manager is hereby authorized to submit an application to the FEMA Pre-Disaster Mitigation Program in the total amount of $626,000 that includes the required $157,000 cash match and in-kind engineering project management and administer any funds awarded. The City will utilize these funds for the Chesterfield Avenue Stormwater Project.

City Manager, Ben Mishoe, added that the City is submitting an application for a grant for stormwater mitigation on Chesterfield Avenue with a 25% match requirement.

Councilmember Burton moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 789-23 approved.

b. Resolution No. 790-23 – Authorizing the Mayor or City Manager to enter into an agreement for the RAISE Capital Connector Project with the U.S. Department of Transportation in the amount of $1,975,000 with a $225,000 non-federal share. These funds will be utilized to design east end pedestrian and bicycle accessibility from Magic Island to the 35th Street Bridge.

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

That the Mayor or City Manager is hereby authorized to enter into an agreement for the RAISE Capital Connector Project with the U.S. Department of Transportation in the amount of $1,975,000 with a $225,000 non-federal share. These funds will be utilized to design east end pedestrian and bicycle accessibility from Magic Island to the 35th Street Bridge.

Mishoe added that there was not a matching requirement as part of the agreement, but the cost of the project exceeded the grant by $225,000. The grant will be submitted upon approval of the resolution.

Councilmember Jenkins asked why the proposal was more than allotted. City Engineer, Chris Knox added that the original cost was significantly decreased by the City.

Councilmember Burton moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 790-23 approved.

c. Resolution No. 791-23 – Authorizing the Mayor to sign and submit to the U.S Department of Housing and Urban Development the Annual Action Plan for Program Year 2023 (FY 2023 to 2024), Year 4 of the Consolidated Plan and all required certifications and agreements, including Sub-recipient project contracts relating to the Annual Action Plan.

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

   That the Mayor is hereby authorized and directed to sign and submit to the U. S. Department of Housing and Urban Development the Annual Action Plan for Program Year 2023 (FY 2023 to 2024), Year 4 of the Consolidated Plan and all required certifications and agreements, including Sub-recipient project contracts relating to the Annual Action Plan.

Director of MOECD, Andy Backus, added that the resolution is for the 4th Year under the 5 Year Consolidated Plan. The listed projects support the goals as outlined in the Plan that include safe, affordable and accessible housing. They are addressing homelessness, addiction and supportive services by contributing the maximum allowed to public services. They are promoting community and economic development by investing in infrastructure in the ADA curb program. They are supporting workforce development, education programs, safe supportive childcare and youth programs by supporting neighborhood facilities.

Councilmember Burton moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 791-23 approved.

d. Resolution No. 792-23 – Authorizing the Mayor or City Manager to purchase sixteen SCBA's (Self-Contained Breathing Apparatuses) with related equipment for the Charleston Fire Department from Atlantic Emergency Solutions for a total cost will be $151,374.00, which includes the 10% required match, where the pricing is available through an HGAC contract and the funding comes from the 2021 Assistance to Firefighters Grant award.

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

   That the Mayor or City Manager is hereby authorized to purchase sixteen SCBA's (Self-Contained Breathing Apparatuses) with related equipment for the Charleston Fire Department from Atlantic Emergency Solutions for a total cost will be $151,374.00, which includes the 10% required match, where the pricing is available through an HGAC contract and the funding comes from the 2021 Assistance to Firefighters Grant award.

Mishoe added that funding for the purchases will come from a 2021 grant.

Councilmember Jenkins confirmed with Fire Chief Mathews that they will go in fire trucks.

Councilmember Burton moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 792-23 approved.

e. Resolution No. 793-23 – Authorizing the Mayor or City Manager to execute (1) the Termination of Lease and Settlement Agreement with Roark-Sullivan Lifeway Center, Inc.; (2) the Ground Lease Agreement with Goodwill Industries of Kanawha Valley, Inc.; and (3) the Lease Agreement with Kanawha Valley Collective, Inc., all attached hereto as exhibits and all relating to the operations of the Giltinan Center and the Veterans Transitional Living Center and Service Center, located at 505 and 507 Leon Sullivan Way.

WHEREAS, the City Council for the City of Charleston previously approved that certain Lease Agreement dated August 28, 2007 between the City and Roark-Sullivan Lifeway Center, Inc. ("Roark-Sullivan") related to the operation of the Giltinan Center and the Veterans Transitional Living Center and Service Center on Leon Sullivan Way; and

WHEREAS, the Board of Directors of Roark-Sullivan has decided to dissolve the nonprofit and sell all of its assets to Peak Living Services, Inc., a subsidiary of Goodwill Industries of Kanawha Valley, Inc. ("Goodwill"); and

WHEREAS, the City's burden in providing services for its homeless population and veteran population is greatly reduced by the operation of the Giltinan Center and the Veterans Transitional Living Center and Service Center, along with the general efforts of Kanawha Valley Collective, Inc. ("KVC") in providing services in the community; and

WHEREAS, the City Council hereby finds that it is in the best interest of the City to terminate the existing lease with Roark-Sullivan and enter into a new lease with KVC for the operation of the Giltinan Center and a ground lease with Goodwill that requires the continued operation of the Veterans Transitional Living Center and Service Center.

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

That the Mayor or City Manager is hereby authorized to execute (1) the Termination of Lease and Settlement Agreement with Roark-Sullivan Lifeway Center, Inc.; (2) the Ground Lease Agreement with Goodwill Industries of Kanawha Valley, Inc.; and (3) the Lease Agreement with Kanawha Valley Collective, Inc., all attached hereto as exhibits and all relating to the operations of the Giltinan Center and the Veterans Transitional Living Center and Service Center, located at 505 and 507 Leon Sullivan Way.

City Attorney, Kevin Baker, added that the resolution authorizes three separate agreements. The first is a termination of the current 50-year lease with Roark-Sullivan that relates to the operation of the Giltinan Center and the land underneath the Veterans Transitional Living Center and Service Center. Roark-Sullivan will no longer be able to operate these facilities. The second is a ground lease agreement with Goodwill for the Veterans Transitional Living Center and Service Center and the ground underneath it. The third is a lease agreement with Kanawha

Valley Collective for the operations of the Giltinan Center. For both, the terms are essentially the same as to the Roark-Sullivan agreements. Baker added that one major difference is that instead of a 50-year lease, they will be 10-year leases with renewals of 5 years.

From the audience, Councilmember Snodgrass, who is on the Facilities Committee, asked if those organizations would be responsible for building repairs. Baker replied that the lease agreement is a fairly standard commercial agreement where the landlord is responsible for major construction, such as a roof replacement. However, the City is not responsible for day to day maintenance. Councilmember Snodgrass asked if there was a fee associated with the lease. Baker replied that the consideration of the lease is essentially the reduction of the expenses in the City's budget that it would have to do fund these services. Councilmember Snodgrass asked if it would be more beneficial to give the organization to the facilities. Baker replied that he did not know if there was any interest in anyone else obtaining the property, in part because the City would have to sell it at fair market value.

Councilmember Ceperley spoke in favor of the resolution.

From the audience, Councilmember Pepper asked if there were any potential future issues with the organizations getting grants as they would not be engaged in a 20-year lease (which is sometimes a requirement). Councilmember Ceperley confirmed that the lease could be changed if it suited both parties.

Councilmember Burton moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 793-23 approved.

f. Resolution No. 794-23 – Authorizing the Mayor or City Manager to grant temporary and permanent easements from the City to the Charleston Sanitary Board for the Rolling Hills Sewer Improvements Project as referenced in the attached documents.

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

That the Mayor or City Manager is hereby authorized to grant temporary and permanent easements from the City to the Charleston Sanitary Board for the Rolling Hills Sewer Improvements Project as referenced in the attached documents.

Baker added that the resolution is for easements on 2 properties, one temporary and one permanent, that the City owns off Lucado Road. These are properties that would not ever have houses on them. This will be an improvement for those living in the area to have a better sewer system.

Councilmember Jenkins confirmed with Baker that this is for parcels just off the City right-of-way.

From the audience, Councilmember Annie spoke in favor of the resolution, added that this is in his Ward and is greatly needed. He asked what the timeline for this project would be. A representative of the Sanitary Board, Tim Haapala, replied that they would advertise for bids in May/June, bring their recommendation to their Board in June and issue a notice of award by July 1. Traffic impact should be minimal.

Councilmember Burton moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 794-23 approved.

g. Resolution No. 795-23 – Authorizing the Mayor or City Manager to execute the attached Mediation Memorandum and Proposed Resolution between the City of Charleston and Kanawha County, pursuant to the West Virginia First Memorandum of Understanding.

WHEREAS, the City Council for the City of Charleston and the Kanawha County Commission both previously approved the West Virginia First Memorandum of Understanding related to the statewide resolution of the governmental claims in the opioid litigation before the West Virginia Mass Litigation Panel in Kanawha County Case No. 19-C-9000; and

WHEREAS, pursuant to the process set forth in the West Virginia First Memorandum of Understanding, the Kanawha County Commission challenged the default allocations of Kanawha County and the City of Charleston pursuant to the initial formula provided in the West Virginia First Memorandum of Understanding,

WHEREAS, the West Virginia First Memorandum of Understanding provides for an intra-county challenge to the default allocations with any such challenge to be submitted to non-appealable binding arbitration before the Honorable Judge Christopher Wilkes who has served as Special Master for the West Virginia Mass Litigation Panel in the In Re: Opioid Litigation, Kanawha County Civil Action No. 19-C-9000, unless resolution of such challenge is reached and agreed upon by the parties; and

WHEREAS, the County and City ultimately mediated with respect to the County's challenge of the default allocations before the Honorable Judge Christopher Wilkes; and

WHEREAS, the mediation resulted in a proposed resolution agreement, wherein Kanawha County would withdraw its challenge, the City of Charleston and Kanawha County would agree to work together to develop a proposal for a regional project in an initial joint application to the Opioid Foundation Board, the City of Charleston would agree to accept 58.5% of the combined City/County proceeds of the Local Government share, and Kanawha County would agree to accept 41.5% of the combined City/County proceeds of the Local Government share, all of which is stated in more detail in the attached Mediation Memorandum and Proposed Resolution.

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

That the City Council for the City of Charleston finds that it is in the best interest of the City to approve the proposed resolution as more fully described in the Mediation Memorandum and Proposed Resolution, approves the same, and, therefore, authorizes the Mayor or City Manager to execute and agree to the attached Mediation Memorandum and Proposed Resolution between the City of Charleston and Kanawha County, pursuant to the West Virginia First Memorandum of Understanding.

Baker added that the original MOU had a process by which counties or cities could challenge the share allocation, which Kanawha County has done with the allocation between Kanawha County and Charleston. The parties entered into mediation with Judge Wilkes, and the City agreed to recommend to Council a change in the formula in which the City will receive 58.5/41.5 instead essentially instead of 65/35 of the allotted allocations. Additionally, the City and County are required to work together to develop a proposal for a regional project. Outside Council Jesse Forbes added that Kanawha County challenged the original allocation as the examined categories were skewed and essentially underreported. Judge Wilkes is the final arbitrator to any disputes. Forbes added that he believed the resulting agreement to be in the best interest of the City and its residents.

Councilmember Jenkins asked if any other cities in the county were brought into the dispute. Forbes replied that they raised that issue during mediation, which ultimately led to the County receiving less than they initially requested. The County was originally asking for considerably more than the resulting agreement.

Councilmember Robinson asked how many other counties similarly challenged the allocations. Forbes replied that there have been about four others, with one still not resolved. Councilmember Robinson confirmed with Forbes that a very general estimate of the amount Charleston will receive is $10 million over 13 years. Councilmember Robinson asked if a joint project definition was discussed. Forbes replied that there is not real definition yet until the Foundation to determine how the money can be used is created.

From the audience, Councilmember Snodgrass confirmed that any project that resulted from this settlement would have to come before Council for approval in compliance with the City’s purchasing guidelines.

Councilmember Burton moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 795-23 approved.

h. Resolution No. 796-23 – Authorizing the Mayor or City Manager to execute a Right of Way and Easement Agreement between the City and Charmco Lofts Limited Partnership, as contained in the attached document, relating to an underground Water Utility on City property.

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

   That the Mayor or City Manager is hereby authorized to execute a Right of Way and Easement Agreement between the City and Charmco Lofts Limited Partnership, as contained in the attached document, relating to an underground Water Utility on City property.

Mishoe added that the resolution is for an easement in a parking lot that is owned by the City to allow for water utilities to the project. Baker added that it has been approved by the Engineering Department.

Councilmember Burton moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 796-23 approved.

i. Resolution No. 797-23 – Authorizing the Mayor or City Manager to enter into a contract with InterDev, LLC to provide cyber security and GIS services that will support the City's Information Systems division.

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

   That the Mayor or City Manager is hereby authorized to enter into a contract with InterDev, LLC to provide cyber security and GIS services as referenced in the attached documents.

Mishoe added that the contract is for cyber security and GIS services to support the IS Department.

Councilmember Taylor asked about the monthly fee. Mishoe replied that the monthly charge of $6,612 is for cyber security (tracking, detecting, repairing, etc.) that is based on the number of computers within the City.

Councilmember Annie asked if the City retained ownership of all shapefiles. IS Director, Adam Cottrell replied that the company will be providing more technical aspects of cyber security (server and application based). They will not be generating shapefiles. If the City should ask them to do projects where data would be generated, it would be owned by the City.

Councilmember Jenkins asked how InterDev was chosen. Cottrell replied that the City put out an Expression of Interest, and the responses were reviewed by a selection committee that consisted of himself, City Manager Storage, Finance Director Wood, Network Admin Bumgardner and an IS representative from the Police Department.

Councilmember Burton moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 797-23 approved.

III. <u>Bills:</u>

a. Bill No. 7987 – A Bill and Order relating to the laying of levies on real, personal and public utility property within the City of Charleston, West Virginia, including excess levies previously provided for in the Official Municipal Budget Document for the fiscal year beginning the first day of July, two thousand twenty-three.

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

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

   WHEREAS, the levy rate attached hereto is included in the City of Charleston Municipal Budget for July 1, 2023 through June 30, 2024, before City Council for approval at a special meeting of Council held on April 18, 2023, now, therefore

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

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

Finance Director, Andy Wood added that the bill is for the levy rates for the upcoming year that have been included in the budget.

Councilmember Burton moved to approve the Bill. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Bill No. 7987 approved.

Councilmember Burton motioned to adjourn the meeting.
Meeting adjourned.