

MINUTES
FINANCE COMMITTEE MEETING
6:30 P.M., MAY 15, 2023
AV ROOM #308, CITY HALL

Joseph Jenkins, Chairperson, called the meeting of the Charleston City Council Committee on Finance to order at 6:30 p.m., May 15, 2023.

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

Joseph Jenkins, Chair
Becky Ceperley
Mary Beth Hoover
Larry Moore
Chad Robinson
Shawn Taylor

Absent:
Brent Burton, Vice Chair

Other Councilmembers present:
Beth Kerns
Joe Solomon
Frank Annie
Chelsea Steelhammer
Emmett Pepper

I. DISCUSSION:

a. Approval of Previous Minutes - Councilmember Taylor asked for unanimous consent to dispense with the reading of the minutes for the May 1, 2023 meeting and that they be approved as distributed. There were no objections, and the minutes were approved.

II. RESOLUTIONS:

- a. Resolution No. 802-23 – Authorizing the Mayor or City Manager to purchase field force protection equipment from Galls in the amount of \$90,000 for use by the Charleston Police Department. The prices are provided under the Galls West Virginia Department of Corrections State Contract and the entire funding comes from a Homeland Security Grant application previously authorized by this Council.

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

That the Mayor or City Manager is authorized to purchase field force protection equipment from Galls in the amount of \$90,000 for use by the Charleston Police Department.

City Manager, Ben Mishoe, added that Council had approved the application for the grant earlier in the year, and the resolution is for the purchase of the equipment.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 802-23 approved.

- b. Resolution No. 803-23 – Authorizing the Mayor or City Manager to enter into an easement and right-of-way agreement with Mountaineer Gas Company for the purpose of installing a pipeline as referenced in the attached documents.

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 easement and right-of-way agreement with Mountaineer Gas Company for the purpose of installing a pipeline as referenced in the attached documents.

Mishoe added that the pipeline will run from the entrance to Cato Park to the vicinity of Edgewood Summit.

Councilmember Ceperley asked if it would cause any lack of use of the park. City Engineer, Chris Knox, replied that he didn't think it would as it would mostly be in the woods.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 803-23 approved.

- c. Resolution No. 804-23 – Authorizing the Mayor or City Manager to enter into any necessary documents to effectuate trade of City property adjacent to Beech Avenue where the house commonly referred to as 1615 Beech Avenue is encroaching on the public right of way in exchange for property of an equivalent size adjacent to said public right of way for the purpose of providing a parcel necessary for the transfer of good title to the house without any detrimental impact on the City and by receiving fair and adequate consideration.

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

That the City Council hereby finds as follows:

That the Supplementary Map of Bellevue Addition to Charleston created a public right of way on what is now known as Beech Avenue near its intersection with what is now known as Garfield Street and Amity Drive that is wider than the area on which the roads were constructed and which imagined a connection between what is now Beech Avenue and a paper street listed as North Street, which is effectively a continuation of what is now known as Weyland Drive.

That the house commonly referred to as 1615 Beech Avenue was constructed partially within the right of way in this general area, in a specific area that is of no known or expected use or benefit to the City, but which—if transferred with the parcel containing the remainder of 1615 Beech Avenue—would be of significant necessary benefit to the property owner and the public in general.

That the fair market value of the approximately 0.082 acre portion of the public right of way that the City is trading in exchange for approximately 0.083 acres of an adjacent parcel is less than \$1,000.00.

And, therefore, that the Mayor or City Manager is hereby authorized to enter into any necessary documents to effectuate the transfer of approximately 0.082 acres of public right of way adjacent to Beech Avenue in exchange for approximately 0.083 acres of property adjacent to the public right of way and another parcel owned by the City of Charleston.

Mishoe added that a house on the end of Beech is built on an unused City right-of-way has been there for at least several decades. The current owner cannot sell their house because of this. As the City doesn't anticipate ever using it, the proposal is that the City give the owner the right-of-way in exchange for the adjacent unused lot. They are approximately the same size.

Councilmember Taylor clarified that the adjacent lot is currently owned by the property owner, so they have the right to exchange it with the City.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 804-23 approved.

- d. Resolution No. 805-23 – Authorizing the Mayor or City Manager to enter into the attached Shared Vehicle Operating Agreement between the City of Charleston and Bird Global, Inc.

WHEREAS, the City Council for the City of Charleston adopted Bill No. 7956 on August 15, 2022, authorizing the use of motorized scooters in Charleston, West Virginia and requiring that any person seeking to operate a motorized scooter rental business within the City enter into an agreement with the City, which shall be approved by City Council prior to beginning operations, and

WHEREAS, Bird Global, Inc., has expressed an interest in operating a motorized scooter rental business within the City and has worked with the City's administration to present the attached Shared Vehicle Operating Agreement to address the rental of Bird's Stand-up Electric Scooters, which fits within the City Council's definition of a motorized scooter, as it is an electric drive motor capable of a maximum speed of up to 15 miles per hour.

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 the attached Shared Vehicle Operating Agreement between the City of Charleston and Bird Global, Inc., to authorize the motorized scooter rental business.

Mishoe added that agreement will allow Bird Global to operate a scooter rental business within City limits. The City will receive \$.20 per ride. The initial term is for 12 months, and is automatically renewed unless either party decides otherwise.

Councilmember Taylor asked if the company would be waiving any claims against the City. City Attorney, Kevin Baker, replied that they are required to have their own insurance, and indemnify the City from claims as listed in the agreement.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 805-23 approved.

- e. Resolution No. 806-23 – Authorizing the Mayor or City Manager to purchase four (4) trailer-mounted vacuum leaf loaders from West Virginia Tractor Company for the total amount of \$283,851.80, where the purchase price was determined through a competitive bidding process.

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

That the Mayor or City Manager is authorized to purchase four (4) trailer-mounted vacuum leaf loaders from West Virginia Tractor Company for the total amount of \$283,851.80.

Mishoe added that the resolution is for the purchase of 4 leaf loaders. The winning bid was lower than the State Sourcewell contract.

Councilmember Hoover confirmed that these are for replacements rather than additions.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 806-23 approved.

- f. Resolution No. 807-23 – Approving the proposed Fiscal Year 2023-2024 Coliseum & Convention Center and Municipal Auditorium budget as indicated within the attached document.

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

That the proposed Fiscal Year 2023-2024 Coliseum & Convention Center and Municipal Auditorium budget as indicated within the attached document is approved.

Mishoe added that the budget has been approved by the Convention Center Board.

Councilmember Ceperley confirmed that the City's subsidy to the budget is \$900,000, as needed. Mishoe added that the Convention Center has not yet used all of the 2022/2023 subsidy. Patrick Leahy added that they are likely to give back more of the subsidy this year than last.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 807-23 approved.

- g. Resolution No. 808-23 – Authorizing the Mayor or City Manager to enter into a contract with Tim Hogan’s Flooring in the amount of \$55,492 for the purchase and installation of new carpeting in several offices at City Hall and the City Services Center, where the contract price was determined through a competitive bidding process.

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 Tim Hogan’s Flooring in the amount of \$55,492 for the purchase and installation of new carpeting.

Mishoe added that the offices to receive new carpeting are in the Engineering Department, MOECD office, City Attorney’s Office and City Manager’s Office.

Councilmember Robinson confirmed that the vendor received the local vendor preference.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 808-23 approved.

- h. Resolution No. 809-23 – Authorizing the Mayor or City Manager to enter into a contract with Mr. Asphalt, Inc., in the total amount of \$3,628,750 to perform asphalt street paving construction services, where the contract price was determined through a competitive bidding process.

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 Mr. Asphalt, Inc., in the total amount of \$3,628.750 to perform asphalt street paving construction services, where the contract price was determined through a competitive bidding process.

Mishoe added that two bids were received.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 809-23 approved.

- i. Resolution No. 810-23 – Authorizing the Mayor or City Manager to purchase a three-year warranty plan, including software and hardware repair and replacement, from ULTRA Forensic Technology Inc. for the Police Department’s National Integrated Ballistic Information Network (NIBIN) machine, totaling \$55,951.00, where the funds are provided by Project Safe Neighborhoods grants (\$52,500) and the General Fund (\$3,451).

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

That the Mayor or City Manager is authorized to purchase a three-year warranty plan, including software and hardware repair and replacement, from ULTRA Forensic Technology Inc. for the Police Department’s National Integrated Ballistic Information Network (NIBIN) machine, totaling \$55,951.00, where the funds are provided by Project Safe Neighborhoods grants (\$52,500) and the General Fund (\$3,451).

Mishoe added that the machine is essentially for fingerprinting with the federal database. The purchase will be paid largely from grant money.

Councilmember Jenkins added that it is a useful tool for local law enforcement agencies to be able to access.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 810-23 approved.

- j. Bill No. 7992 – A BILL to amend and reenact Sections 2-377, 54-51, 54-103, and 66-37, of the Municipal Code of the City of Charleston, all relating to updating provisions to reflect the policy changes made by City Council with respect to ending the self-insured workers compensation program and adjusting certain sick leave accruals beginning with the fiscal year 2024 budget.

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

That Sections 2-377, 54-51, 54-103, and 66-37, of the Municipal Code of the City of Charleston are hereby amended and reenacted, all to read as follows:

CHAPTER 2. – ADMINISTRATION.

ARTICLE VI. – FINANCE.

DIVISION 1. – GENERALLY.

Sec. 2-377. - Self-insured status for Workers' compensation.

(a) The city council, as long as the city has elected to pay compensation and expenses directly under the provisions of W. Va. Code § 23-2-9, shall appropriate each year sufficient funds in an amount to pay into the state workers' compensation fund the city's proper proportion of the expenses of the workers' compensation commissioner, in administering the fund, the required amounts into the surplus fund for the coverage of catastrophe and second injury liability, and to pay all workers' compensation benefits anticipated to be payable that year. In addition to the appropriation of such moneys, the city council shall authorize all other necessary procedures to ensure that all workers' compensation payments shall be paid promptly to its employees or fatally injured employees' dependents and shall direct the purchase of excess insurance for the purpose of indemnifying the city against losses per accident in excess of a specific retention level to be determined by the mayor and, for the purpose of indemnifying the city against annual losses in the aggregate, in excess of a retention level to be determined by the mayor.

(b) If at any time the city determines that it is no longer in the best interest of the city, its employees or its citizens to continue to pay compensation and expenses directly under the provisions of W. Va. Code § 23-2-9, the city shall immediately advise the state workers' compensation commissioner that it has elected to discontinue paying such compensation and expenses directly as to future claims and shall immediately begin paying into the workers' compensation fund the premiums required to comply with the provisions of W. Va. Code §§ 23-2-1 and 23-2-5. If the city shall elect to discontinue paying such compensation and expenses directly, it shall, nevertheless, remain liable to and shall pay such compensation and expenses directly in claims arising prior to the election to resume payment of such premiums into the workers' compensation fund.

(c) The city council, having determined that it is no longer in the best interest of

the city, its employees or its citizens to continue to be in a self-insured status for workers' compensation, certifies that the city has complied with subsection (b) of this section. The city council shall annually approve a workers' compensation policy maintained in conformity with W. Va. Code § 23-2-1, et seq. to provide workers' compensation coverage to its employees. If the city council fails to approve an annual workers' compensation policy, the city manager is hereby vested with the authority to procure a workers' compensation policy that the city manager deems to be in the best interest of the city, its employees, and its citizens.

CHAPTER 54. – FIRE PREVENTION AND PROTECTION

ARTICLE II. – FIRE DEPARTMENT.

DIVISION 1. – GENERALLY.

Sec. 54-51. - Workers' compensation; pay of firefighters/EMS injured in performance of duty.

(a) The city shall subscribe to the workers' compensation fund of the compensation commission of the state a workers' compensation policy maintained in conformity with W. Va. Code § 23-2-1, et seq. to provide workers' compensation coverage for the protection of members of the city fire department and any member of the fire department injured while acting in the performance of his official duty as a member of the fire department shall be entitled to receive temporary compensation from the state compensation fund workers' compensation benefits, as provided in the policy, as a result of such injury. All workers' compensation benefits and any necessary disability pension benefits shall be provided in accordance with the City's workers' compensation policy and West Virginia law. A member may not receive workers' compensation benefits at the same time as they are receiving sick leave benefits.

(b) In addition to the workers' compensation benefits such member is receiving, such member shall receive such supplemental pay from the city, for a period not to exceed one year, that will bring the amount paid to such member by the workers' compensation fund and/or any pension fund benefits such member is receiving to an amount equaling 100 percent of the net compensation which is paid to such member while working in his position with the city.

(c) Benefits paid under this section, including supplemental pay, shall not be received under this section if such member is receiving benefits under the sick leave provisions of this article.

DIVISION 3. – VACATION, OTHER LEAVE, DUTY HOURS, AND CALCULATION OF OVERTIME PAY.

Sec. 54-103. Sick leave.

(a) Beginning January 1, 2015, each uniformed member shall be entitled to and granted sick leave with full pay. Such leave shall accrue at the rate of eight hours

credited on the last day of each month during which the member has worked or has had leave credited for one or more tours of duty: Provided, That beginning July 1, 2023, such leave shall accrue at the rate of twelve hours credited on the last day of each month during which the member has worked or has had leave credited for one or more tours of duty.

(b) When a member hired before July 1, 2020, retires, the member will have the privilege of converting up to 144 hours of sick leave accrued under subsection 54-103(a) on or after January 1, 2012, or any remaining unused sick leave accrued prior to January 1, 2012, whichever is greater, to insurance benefits based on the formula of 24 hours for one month single coverage insurance premium or 36 hours for one month family coverage insurance premium. Any sick leave accrued by a member under subsection 54-103(a) on or after January 1, 2012, that is not converted to insurance benefits to the extent permitted by this section shall be forfeited effective as of the date of the member's retirement or separation from employment.

(c) Sick leave shall be granted for the following reasons:

(1) Illness on the part of or injury to the member, incapacitating him or her for duty.

(2) Illness in the immediate family, i.e. spouse, child, father, mother, sister, brother, father-in-law and mother-in-law, of such a critical nature as to require the presence of the member. This provision shall not be construed to cover absences for the purpose of nursing or caring for members of the immediate family not declared by the attending physician to be critically ill.

(3) Exposure to contagious diseases and subsequent determination by competent medical authority that such member's presence on duty might jeopardize the health of others.

(d) After the equivalent of half of the annual sick leave has been used by the member, the member shall provide the fire chief with a certificate from the attending physician setting forth the nature and duration of any of the conditions which would entitle him to sick leave as provided in subsection (c) of this section. Failure to provide such certificate satisfactory to the fire chief shall result in the member's not being granted sick leave with pay, and may subject the member to discipline for an unexcused absence.

(e) The city manager may, in his or her discretion and at the request of the fire chief, advance additional leave necessary to avoid substantial hardship to any member, provided that all other accrued vacation, sick and personal contingency leave shall have first been exhausted.

(f) The fire chief shall also have the right to investigate or cause to be investigated the alleged illness of any member and, for good cause shown, not only to deny sick leave but also to take proper disciplinary action against any feigner or abuser.

(g) In the event of an emergency, as declared by the mayor, an attending physician's excuse may be required for any days missed; and during the emergency, the mayor may suspend, in whole or in part, any sick leave or personal contingency leave as permitted by subsections (a) and (c) of this section.

(h) For purposes of this section, a medical provider shall include a licensed physician, surgeon, chiropractor, psychologist, or dentist.

CHAPTER 66. – LAW ENFORCEMENT.

ARTICLE II. – POLICE DEPARTMENT.

DIVISION 1. – GENERALLY.

Sec. 66-37. - Workers' compensation; pay of police officers injured in performance of duty.

(a) The city shall subscribe to the workers' compensation fund of the compensation commission of the state a workers' compensation policy maintained in conformity with W. Va. Code § 23-2-1, et seq. to provide workers' compensation coverage for the protection of members of the city police department, and any member of the police department injured while acting in the performance of his official duty as a member of the police department shall be entitled to receive temporary compensation from the state compensation fund workers' compensation benefits, as provided in the policy, as a result of such injury. All workers' compensation benefits and any necessary disability pension benefits shall be provided in accordance with the City's workers' compensation policy and West Virginia law. A member may not receive workers' compensation benefits at the same time as they are receiving sick leave benefits.

(b) In addition to the workers' compensation benefits, such member is receiving, such member shall receive such supplemental pay from the city, for a period not to exceed one year, that will bring the amount paid to such member by the workers' compensation fund and/or any pension fund benefits such member is receiving to an amount equaling 100 percent of the net compensation which is paid to such member while working in his position with the city. Benefits paid under this section, including supplemental pay, shall not be received under this section if such member is receiving benefits under the sick leave provisions of this article.

Baker added that the bill makes policy changes in City Code that reflect changes that Council recently made when they changed from self-insured. Additionally, changes were made for sick leave accrual for firefighters from 8 to 12 hours a month.

Councilmember Taylor moved to approve the Bill. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Bill No. 7992 approved.

Councilmember Taylor motioned to adjourn the meeting.
Meeting adjourned.