

MINUTES
FINANCE COMMITTEE MEETING
6:30 P.M., NOVEMBER 6, 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., November 6, 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
Larry Moore
Chad Robinson (arrived 6:32)
Shawn Taylor

Absent:
Mary Beth Hoover

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

I. DISCUSSION:

a. Approval of Previous Minutes - Councilmember Burton asked for unanimous consent to dispense with the reading of the minutes for the October 16, 2023 meeting and that they be approved as distributed. There were no objections, and the minutes were approved.

II. RESOLUTIONS:

- a. Resolution No. 898-23 – Authorizing “Citizen Appreciation Parking” for every Saturday from Thanksgiving to New Year’s Day, specifically November 25, 2023, December 2, 2023, December 9, 2023, December 16, 2023, December 23, 2023, and December 30, 2023. “Citizen Appreciation Parking” shall include the waiving of hourly parking fees at all metered on-street parking spaces. The parking revenue losses will amount to approximately \$2,100.00 per Saturday.

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

That “Citizen Appreciation Parking” is authorized for November 25, 2023, December 2, 2023, December 9, 2023, December 16, 2023, December 23, 2023, and December 30, 2023. “Citizen Appreciation Parking” shall include the waiving of hourly parking fees at all metered on-street parking spaces. The parking revenue losses will amount to approximately \$2,100.00 per Saturday.

And, therefore, that the Mayor or City Manager is hereby authorized to enter into any necessary documents to effectuate the transfer of the 9 parcels to the Charleston Land Reuse Agency in exchange for receipt of 8 parcels from the same.

City Manager, Ben Mishoe, added that “Citizen Appreciation Parking” has been done for many years.

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. 898-23 approved.

*Robinson was absent for the vote.

- b. Resolution No. 899-23 – Authorizing the Mayor or City Manager to submit a Letter of Intent to the Kanawha County Commission Public Safety Grant Program in the amount of \$10,000 and administer any funds awarded. These funds will be used by the Charleston Fire Department to purchase two hard diving helmets.

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

That the Mayor or City Manager is authorized to submit a Letter of Intent to the Kanawha County Commission Public Safety Grant Program in the amount of \$10,000 and administer any funds awarded. These funds will be used by the Charleston Fire Department to purchase two hard diving helmets.

Mishoe added that the Fire Department is seeking the grant to purchase diving helmets. There are no matching funds required.

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. 899-23 approved.

- c. Resolution No. 900-23 – Authorizing the Mayor or City Manager to apply to the Kanawha County Commission under the Kanawha County Public Safety Grant Program in the amount of \$25,000 and administer any funds awarded. These funds will be used by the Charleston Police to purchase safety equipment for the Hybrid Unit officers including first aid kits, polarized sunglasses, repelling gear and safety vests.

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

That the Mayor or City Manager is authorized to apply to the Kanawha County Commission under the Kanawha County Public Safety Grant Program in the amount of \$25,000 and administer any funds awarded. These funds will be used by the Charleston Police to purchase safety equipment for the Hybrid Unit officers including first aid kits, polarized sunglasses, repelling gear and safety vests.

Mishoe added that Police Department is seeking the grant to purchase safety equipment for the Hybrid Unit. There are no matching funds required.

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. 900-23 approved.

- d. Resolution No. 901-23 – Authorizing the Mayor or City Manager to enter into a contract with Advantage Technology to provide and install hardware and software necessary to upgrade the City’s network backbone located in City Hall, and to provide and install fiberoptic OM4 throughout City Hall to replace the existing OM1 cable, all as outlined in the attached Phase 1, Phase 2A, and Phase 2B proposals, for a total cost of \$217,675.42, where Advantage Technology was chosen following an expression of interest interview and selection process.

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 Advantage Technology to provide and install hardware and software necessary to upgrade the City’s network backbone located in City Hall, and to provide and install fiberoptic OM4 throughout City Hall to replace the existing OM1 cable, all as outlined in the attached Phase 1, Phase 2A, and Phase 2B proposals, for a total cost of \$217,675.42.

Mishoe added that this is a major upgrade to the City’s network backbone. This will completely replace and modernize the switches and install fiberoptic cable throughout City Hall.

IS Director, Adam Cottrell, added that the changes in technology over the past ten years (such as video conferencing) has put a strain on the older network. This is also essential to be able to accomplish other projects in the future.

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. 901-23 Committee Substitute approved.

- e. Resolution No. 902-23 – Authorizing the Mayor or City Manager to enter into a Reimbursement Agreement, and any other necessary or related documents, with The West Virginia Department of Health and Human Resources’ Office of the Chief Medical Examiner to allow the City to purchase and facilitate the construction of a concrete pad along with the purchase and installation of four Columbaria at Spring Hill Cemetery, as detailed in the attached exhibit, for the purposes set forth in West Virginia Code § 61-12-15, where the agreement requires the State to reimburse the City for all expenditures made in connection with this project.

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

The Mayor or City Manager is authorized to enter into a Reimbursement Agreement, and any other necessary or related documents, with The West Virginia Department of Health and Human Resources’ Office of the Chief Medical Examiner to allow the City to purchase and facilitate the construction of a concrete pad along with the purchase and installation of four Columbaria at Spring Hill Cemetery, as detailed in the attached exhibit, for the purposes set forth in West Virginia Code § 61-12-15, where the agreement requires the State to reimburse the City for all expenditures made in connection with this project.

Mishoe added that the Reimbursement Agreement states that the City will construct the concrete pad and purchase the Columbaria. He added that only cemeteries are allowed to purchase them. The State will reimburse the City entirely.

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. 902-23 approved.

- f. Resolution No. 903-23 – Authorizing the Mayor or City Manager or Director of Transportation, Parking and Traffic, notwithstanding any other provision in City Code in relation to rates or fees, to enter an agreement with Worley Group, Inc., to provide up to 120 monthly parking spaces in Municipal Parking Building #2 for a duration of 36 months without cost to the employees of Worley Group, Inc., which is not currently operating in the City, provided the entity commits to establishing new operations for a minimum Seven-year lease in a downtown facility, and where any parking above the maximum amount contained herein and beyond the 36-month period will be paid at the standard parking rates for the building.

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

That the Mayor or City Manager or Director of Transportation, Parking and Traffic, notwithstanding any other provision in City Code in relation to rates or fees, is authorized to enter an agreement with Worley Group, Inc., to provide up to 120 monthly parking spaces in Municipal Parking Building #2 for a duration of 36 months without cost to the employees of Worley Group, Inc., which is not currently operating in the City, provided the entity commits to establishing new operations for a minimum Seven-year lease in a downtown facility, and where any parking above the maximum amount contained herein and beyond the 36-month period will be paid at the standard parking rates for the building.

Mishoe added that the Administration has been working on this agreement for over a year. It will authorize up to 120 spaces for 36 months. He added that this is a major economic development for downtown Charleston.

Councilmember Ceperley spoke in favor of the resolution.

Councilmember Jenkins agreed that it was a great development.

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. 903-23 approved.

- g. Resolution No. 904-23 – Authorizing the Mayor or City Manager to enter into a Memorandum of Understanding (“MOU”) with Kanawha Valley Collective, Inc. (“KVC”) for the purpose operating warming and cooling centers in the City of Charleston, with up to \$100,000 in costs being reimbursable by the City, as allocated through the CARE Office’s Contracted Services in the City’s fiscal year 2024 budget, and pursuant to the terms and conditions set forth in the attached MOU.

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 Memorandum of Understanding (“MOU”) with Kanawha Valley Collective, Inc. (“KVC”) for the purpose operating warming and cooling centers in the City of Charleston, with up to \$100,000 in costs being reimbursable by the City, as allocated through the CARE Office’s Contracted Services in the City’s fiscal year 2024 budget, and pursuant to the terms and conditions set forth in the attached MOU.

Mishoe added that the Kanawha Valley Collective has operated these centers for many years. The expense has been accounted for in the budget. The threshold for the warming centers will be 20 degrees or lower, and anytime a heat advisory is issued for the cooling centers.

Councilmember Ceperley spoke in favor of the resolution.

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. 904-23 approved.

- h. Resolution No. 905-23 – Authorizing the Mayor or City Manager to enter into one or more agreements for the purchase of E-10 Gasoline and Diesel Fuel through bids to be received by the Kanawha Valley Regional Transportation Authority (“KRT”) on November 15, 2023. The bid prices for E-10 Gasoline and Diesel Fuel shall remain in effect for a 24-hour period following the bid opening; therefore, the Mayor or City Manager is authorized to exercise discretion in accepting or rejecting such bid proposals as he or she determine to be in the best interest of the City and to report same to the Finance Committee and Council at the next scheduled meeting.

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

That the Mayor or City Manager is authorized to apply to enter into one or more agreements for the purchase of E-10 Gasoline and Diesel Fuel through bids to be received by the Kanawha Valley Regional Transportation Authority (“KRT”) on November 15, 2023. The bid prices for E-10 Gasoline and Diesel Fuel shall remain in effect for a 24-hour period following the bid opening; therefore, the Mayor or City Manager is authorized to exercise discretion in accepting or rejecting such bid proposals as he or she determine to be in the best interest of the City and to report same to the Finance Committee and Council at the next scheduled meeting.

Mishoe added that this has been done in the past. A pre-authorization is necessary because the prices are only good for 24 hours after the bid opening on November 15.

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. 905-23 approved.

- i. Resolution No. 906-23 – Proclaiming that the Council for the City of Charleston acknowledges and accepts the terms and conditions of the Settlement Agreement with Masters Pharmaceutical, LLC f/k/a Masters Pharmaceutical, Inc., d/b/a River City Pharma and River City Pharma, LLC, and affirming the Mayor’s authorization to execute Exhibit C to that agreement acknowledging and agreeing to such terms, which is attached to, and incorporated in, the settlement agreement and titled Masters Pharmaceutical Settlement Participation Agreement.

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

That the Council for the City of Charleston proclaims that it acknowledges and accepts the terms and conditions of the Settlement Agreement with Masters Pharmaceutical, LLC f/k/a Masters Pharmaceutical, Inc., d/b/a River City Pharma and River City Pharma, LLC, relating to opioid claims made on behalf of the City of Charleston, and affirms the Mayor’s authorization to execute the Exhibit C – Masters Pharmaceutical Settlement Participation Agreement, acknowledging and agreeing to such terms, which is attached to, and incorporated in the settlement agreement as an exhibit.

City Attorney, Kevin Baker, added that this is a minor settlement as part of the ongoing opioid litigation.

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. 906-23 approved.

- j. Bill No. 8018 – A BILL to amend the Municipal Code of the City of Charleston, as amended, by adding thereto a new section, designated Sec. 54-107, relating to creating a Charleston Fire Department sick leave pool for uniformed employees; vesting the Human Resources Department with the authority to administer the sick leave pool; setting forth certain eligibility criteria and requirements for utilizing and administering the sick leave pool; creating the CFD Sick Pool Eligibility Committee; and vesting the CFD Sick Pool Eligibility Committee with authority to make final decisions with respect to applicant eligibility for sick pool benefits.

WHEREAS, the Charleston WV Professional Firefighters IAFF Local 317 has operated a sick coverage pool for an unknown period of time wherein members cover shifts for eligible employees, but where such practice has hindered the ability of employees to obtain short-term disability benefits; and

WHEREAS, the Charleston WV Professional Firefighters IAFF Local 317, the Charleston Fire Department leadership, and the City of Charleston Human Resources Department agree that ceasing operation of the sick coverage pool and formalizing within the City of Charleston a sick pool for professional fire fighters is in the best interest of the City and the employees of the Charleston Fire Department; and

WHEREAS, the City Council for the City of Charleston believes that the Uniformed Fire Sick Leave Pool policy should be codified and authority for management of the pool should be vested in the City's Human Resources Department.

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

That the Municipal Code of the City of Charleston, as amended, is hereby amended by adding thereto a new section, designated Sec. 54-107, to read as follows:

CHAPTER 54. – FIRE PREVENTION AND PROTECTION.

ARTICLE II. – FIRE DEPARTMENT.

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

Sec. 54-107. – Uniformed Fire Sick Leave Pool.

(a) The purpose of the Uniformed Fire Sick Leave Pool is to allow a system whereby qualified uniformed members of the Charleston Fire Department may collectively insure against the extended use of any one member's individually accumulated leave by creating a pool of leave that is for the mutual protection of qualified members who suffer from prolonged illness, sickness, or convalescence from injuries and are off duty for a prolonged period of time.

(b) There is hereby created the Uniformed Fire Sick Leave Pool for the purpose described herein. The administration of the Pool is vested with the City of Charleston

Human Resources Department. The Human Resources Department shall supervise and administer the contribution of time to the Pool and the use of time from the Pool. The eligibility determinations are to be made by a committee of five people as set forth in this section and known as the CFD Sick Pool Eligibility Committee. Decisions of the CFD Sick Pool Eligibility Committee are final.

(c) To carry out the purposes of the Uniformed Fire Sick Leave Pool, an initial amount of sick leave hours shall be deposited into the Pool, which shall not be less than 336 total hours and which shall consist of a required contribution of either 12 hours of annual leave time or 12 hours of sick leave time per participating member, whichever is the choice of said member as indicated on a form filed with the Human Resources Department. Said form shall also indicate each member's decision to enter the Uniformed Fire Sick Leave Pool and acceptance of the terms and conditions of participation, including that a waiver of private health information must be given to the CFD Sick Pool Eligibility Committee for the purpose of evaluating applications for Sick Pool benefits. When the number of sick leave hours remaining in the Pool shall be less than 336, each participating member of the Uniformed Fire Sick Leave Pool shall be assessed a total of either 12 hours sick time or 12 hours annual leave time to replenish the pool of hours, whichever is the choice of said member as indicated on a form filed with the Human Resources Department.

(d) Qualifications. To participate in the Uniformed Fire Sick Leave Pool a member must be a member of the Charleston Fire Department who has passed the Civil Service examination, been selected by the Civil Service Commission and appointed by the Mayor of Charleston to the Charleston Fire Department, and served one full year as a member of the Charleston Fire Department. In addition, a member shall have accumulated 96 hours of sick leave in order to be eligible to join the Pool and shall be enrolled in the short-term disability benefits offered by the City. Each qualified member shall receive notice of such qualification from the Human Resources Department and the qualified member may choose whether to join the Uniformed Fire Sick Leave Pool. In order to join the Pool, the member shall make an initial contribution of a total of either 12 hours of annual leave time or 12 hours of sick leave time, whichever is the choice of said member, and any other contribution required by this Section.

(e) The operation and use of the Uniformed Fire Sick Leave Pool as herein provided shall be as follows:

(1) Formal application to benefit from the Uniformed Fire Sick Leave Pool by a qualified member of the Pool shall be made to the CFD Sick Pool Eligibility Committee. The application shall set forth in full the reason for their absence from duty with the Charleston Fire Department and their eligibility to draw from the pool of sick leave hours. The application shall include a waiver of private health information authorizing the CFD Sick Pool Eligibility Committee to obtain and review health care records for the purpose of evaluating applications for Sick Pool benefits. The final determination on eligibility, pursuant to this Section, shall be made by the CFD Sick Pool Eligibility

Committee, which shall notify the Human Resources Director, prior to the member being allowed to draw from the Pool. A uniformed member who seeks to improperly receive the benefits of the Pool shall be subject to discipline consistent with all Civil Service laws of the State.

(2) No member shall be eligible to draw days from the Pool until such member shall have used a minimum of 96 hours of consecutive sick time from their individually accrued sick hours. In the event the member does not have 96 accrued sick leave hours, they may use their accrued sick leave hours and additional annual leave hours to total 96 hours, or all their accrued sick leave hours and all of their annual leave hours, and time unpaid, to total 96 duty hours.

(3) The member's absence from duty must be by reason of illness, sickness, or convalescence from injuries sustained, except such injuries as they may sustain while they are off-duty and a participant in some form of professional sport as is deemed hazardous by recognized uniform regulations of insurance companies. The Pool may not be used to care for a family member.

(4) In event the CFD Sick Pool Eligibility Committee approves the application and finds said applicant is eligible to receive sick hours from the Pool, they shall be limited to 30 days from the day such member began missing work, which would allow for the member to apply for short-term disability benefits. It is estimated that getting a member to this point would require up to 144 hours from the Pool. Once a member has reached this point, they are no longer eligible for use of the Pool and will instead rely on their short-term disability benefits.

(5) While drawing hours from the Pool, a member shall not accrue additional vacation and sick hours and any such earned hours will be deposited to the Pool, not kept by the member.

(f) Requirements and provisions pertaining to subsequent membership in the Pool and resignation and/or termination of membership in the Pool are as follows:

(1) Any uniformed member of the Charleston Fire Department who is eligible to be a member of the Uniformed Fire Sick Leave Pool but did not become a member at the time of their initial eligibility may join the Pool by submitting an application form to the Human Resources Department. Members who join the Pool shall be required to contribute a sufficient number of sick hours, annual leave hours, or both, equal to the number that would have made them a member of the Pool had they chosen to participate at the time of their initial eligibility and had remained eligible by contributing to the replenishing of the pool as thereafter required.

(2) A member of the Pool may discontinue their membership therein by giving proper written notice to the Human Resources Director and the CFD Sick Pool Eligibility Committee. However, any hours they have theretofore contributed to the Pool shall not be refunded or transferred back to their individual accumulated hours.

(3) Any member of the Pool who discontinues their duty with the Charleston Fire Department by reason of retirement, resignation, or permanent dismissal shall—immediately upon such discontinuance of employment—be ineligible to draw hours from the Pool. Any hours they have theretofore contributed to the Pool shall not be

refunded or transferred back to their individual accumulated hours.

(4) Any member of the Pool who discontinues their duty with the Charleston Fire Department by reason of granted leave of absence or temporary suspension from duty resulting in reinstatement shall from the date of such discontinuance of duties be ineligible to draw hours from the sick leave pool, and in the event such member resumes duty with the Charleston Fire Department, they shall be eligible as a member of said pool only upon contributing to the pool such number of hours as shall have been required to replenish the pool during the period of their absence from duty.

(5) Any member of the pool resigning or leaving the Charleston Fire Department by any reason which results in their reinstatement as provided by the Civil Service Laws of the State shall not be eligible to rejoin the pool until they have served one full year from date of their reappointment or resumption of duties.

(g) (1) The CFD Sick Pool Eligibility Committee consists of five individuals, as follows: the Mayor of the City of Charleston or the Mayor's designee, the Fire Chief of the City of Charleston or the Fire Chief's designee, and three members of the Charleston Fire Department elected by the members and certified to the City Clerk. Elected members of the Pool serve for staggered terms of three years where a member is elected to the Pool each year. The result of each election shall be certified to the City Clerk, which the Clerk shall provide to City Council as a report of officers.

(2) The CFD Sick Pool Eligibility Committee is authorized to review all applications for use of the Pool, investigate the facts of the situation as necessary, require examinations of applicants if necessary, and approve or deny applications on a case-by-case basis. The CFD Sick Pool Eligibility Committee shall promptly report all of its decisions to the Human Resources Director.

Mishoe added that the bill would allow members of the Fire Department to be able to donate 12 hours of sick/annual leave to the pool. This would allow participating members to use sick leave beyond what they have. There will be a 5-member Board to approve the requests. Each participant would first have to use 96 of their personal leave hours before they would be eligible to use the pool. This would allow members of the Fire Department to build up the required 30 days of sick leave before they would become eligible for short/long-term disability.

Baker added that there is penalty for leaving the pool other than they would not get their donated hours back. Members could join the pool late, as long as they donated the hours that that would have given when they first became eligible.

Councilmember Ceperley asked if this was typical for other cities. Baker added that the Police Department has a similar program already in place.

Councilmember Jenkins added that the State also does something similar for its employees.

Mishoe added that the pool would maintain a minimum of 336 hours. If/when the pool would

drop below that, the members would automatically donate another 12 hours.

Councilmember Burton moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Bill No. 8018 approved.

- k. Bill No. 8019 – A BILL enacting a special ordinance of the City of Charleston authorizing the City Manager or Mayor to enter into contracts with the West Virginia Department of Transportation, Division of Highways relating to Governor Jim Justice’s and Secretary of Transportation/Commissioner of Highways Jimmy Wriston’s use of Infrastructure and Investment Jobs Act funding on Non State-owned bridges.

WHEREAS, the State of West Virginia through the West Virginia Department of Transportation, Division of Highways (“WVDOH”), has proposed to spend Infrastructure and Investment Jobs Act (“IIJA”) dollars to rehabilitate or replace bridges owned by municipalities and counties throughout the State; and

WHEREAS, the WVDOH has proposed contracts with the City of Charleston for the rehabilitation or replacement of ten bridges with IIJA dollars, namely: the South Side Bridge, the South Side Bridge/CSX Ramp, the Kanawha Boulevard Bridge, the Virginia Street Bridge, the Quarrier Street Bridge, the Spring Street Bridge, the Loudon Heights Bridge at Olson Road, the Scraggs Drive Bridge, the School Street Bridge, and the Farnsworth Drive Bridge (collectively, the “City Bridges”); and

WHEREAS, the WVDOH proposes to cover all costs associated with the design, plans, any necessary property acquisition, any necessary utility relocation, bidding of project, management of the projects, construction costs associated with the projects, and all payments to consultants and contractors that are part of the projects; and

WHEREAS, the City Bridges will remain in the name of the City and the ongoing maintenance, repair, and upkeep of the bridges shall remain the responsibility of the City of Charleston upon completion of the projects; and

WHEREAS, while the contracts do not require any direct monetary match from the City of Charleston, each contract does require that the City of Charleston agree that the Business and Occupation tax will not be levied against WVDOH contractors regarding gross receipts from construction of each project; and

WHEREAS, the City Council for the City of Charleston hereby finds that entering into the contracts with WVDOH for the work on the City Bridges and thereby providing for a one-time waiver of the Business and Occupation tax upon the WVDOH contractors regarding the construction of each project in lieu of a matching funds requirement is in the best interest of the City of Charleston, its residents, businesses, and visitors.

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

Section 1. That the City Manager or Mayor is authorized to enter into contracts with the West Virginia Department of Transportation, Division of Highways relating to Governor Jim Justice’s and Secretary of Transportation/Commissioner of Highways Jimmy Wriston’s use of Infrastructure and Investment Jobs Act funding on the City

Bridges, an example of which is attached hereto as Exhibit A.

Section 2. That the City Council acknowledges that a requirement of these contracts is that the City will not levy Business and Occupation tax against the WVDOH contractors regarding the construction of each project on the City Bridges and the City Council hereby specifically accepts that provision in each contract.

Section 3. That solely for the purpose of these contracts where the WVDOH is paying all costs associated with the design, plans, any necessary property acquisition, any necessary utility relocation, bidding of project, management of the projects, construction costs associated with the projects, and all payments to consultants and contractors that are part of the projects to rehabilitate or replace the City Bridges, in lieu of any matching funds requirement from the City of Charleston, the City Council hereby declares that the provisions of Section 110-56 of the Municipal Code of the City of Charleston shall not apply to the WVDOH contractors and subcontractors regarding gross receipts from the construction of each project on the City Bridges, thereby eliminating the requirement for those WVDOH contractors and subcontractors to pay the two percent Business and Occupation tax on such income from the construction of these projects on the City Bridges. These WVDOH contractors and subcontractors shall still report the gross income from the projects but the income from these specific projects will be taxed at a zero percent rate.

Section 4. This Ordinance is adopted at the specific request of the WVDOH in lieu of a matching contribution from the City of Charleston and it shall have no other impact on the application of the Business and Occupation tax. The provisions of Section 110-56 of the Municipal Code of the City of Charleston shall remain in full force and effect to be applied consistently to all contractors engaged in business within the City except as stated herein.

Mishoe added that the resolution is for federal money that was given through the State to help evaluate, rehab and affordably replace bridges that are not state-owned. 10 of the 12 city-owned bridges will be included in this program. One requirement is that B&O taxes be waived for the contractors that will be performing the work.

Councilmember Ceperley spoke in favor of the resolution.

Councilmember Burton moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Bill No. 8019 approved.

Councilmember Burton motioned to adjourn the meeting.
Meeting adjourned.