



CITY OF CHARLESTON West Virginia



Council Member – 12th WARD

Joseph Jenkins
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Finance Committee, Chair
Parking Committee, Chair
Ordinance and Rules Committee

AGENDA
FINANCE COMMITTEE MEETING
Wednesday, January 3, 2024
6:30 PM

AV ROOM #308, CITY HALL, CHARLESTON, WV

AVAILABLE TO VIEW VIA LIVESTREAM AT <https://charlestonwv.civicclerk.com/web/home.aspx>

I. DISCUSSION:

- a. Approval of Previous Minutes 12-18-2023

II. RESOLUTIONS:

- a. Resolution 919-24 - A resolution authorizing the Mayor or City Manager to enter into a settlement agreement with Fidelity and Deposit Company of Maryland for the full proceeds of a bid bond resulting from the failure of Waterline System Inc. to fulfill its bid for the procurement of a fire boat.

***Meetings may be recorded and broadcast via internet <https://charlestonwv.civicclerk.com>**

MINUTES
FINANCE COMMITTEE MEETING
6:30 P.M., DECEMBER 18, 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., December 4, 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
Shawn Taylor

Absent:
Chad Robinson

Other Councilmembers present:
Chelsea Steelhammer
Emmett Pepper
Frank Annie
Pam Burka

I. DISCUSSION:

a. Approval of Previous Minutes - Councilmember Taylor asked for unanimous consent to dispense with the reading of the minutes for the December 4, 2023 meeting and that they be approved as distributed. There were no objections, and the minutes were approved.

II. RESOLUTIONS:

- a. Resolution No. 913-23 – Authorizing the Mayor or City Manager to purchase 15 mobile data terminals (MDTs) for the Charleston Police Department fleet vehicles from Brooks Network Services in the amount of \$35,910.00 pursuant to a competitively procured Sourcewell contract. This equipment is to replace old and damaged MDTs.

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

That the Mayor or City Manager is authorized to purchase 15 mobile data terminals (MDTs) for the Charleston Police Department fleet vehicles from Brooks Network Services in the amount of \$35,910.00.

City Manager, Ben Mishoe, added that the purchase will replace old and damaged mobile data terminals within the Police Department vehicles.

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. 913-23 approved.

- b. Resolution No. 914-23 – Authorizing the Mayor or City Manager to renew the Agreement with WesBanco Inc. for the City’s commercial banking services to start on the date of execution and acceptance by WesBanco Inc. and continue for another term of three (3) years with no fees, costs or expenses and a Floating Federal Funds Rate interest rate less .15 bps. The City shall have the option to renew this Agreement for additional three-year terms, up to a total of two additional three-year terms.

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

That the Mayor or City Manager is hereby authorized and directed to renew the Agreement with WesBanco INC. for the City’s commercial banking services to start on the date of execution and acceptance by WesBanco INC. and continue for another term of three (3) years with no fees, costs or expenses and a Floating Federal Funds Rate interest rate less .15 bps. The City shall have the option to renew this Agreement for additional three-year terms, up to a total of two additional three-year terms.

Mishoe added that the City currently uses WesBanco for most of the City’s banking. The resolution is for a 3-year renewal of the existing contract. The City is pleased with the service it has received from WesBanco.

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. 914-23 approved.

- c. Resolution No. 915-23 – Authorizing the Mayor or Chief of Police to execute and enter into a Subaward Recipient Agreement with Appalachia High Intensity Drug Trafficking Area (“AHIDTA”) for funds from the United State Office of National Drug Control Policy in the total amount of \$120,000 to be awarded to the Metropolitan Drug Enforcement Network Team (“MDENT”). The 2024 calendar year funds are designated for the purchasing of evidence and information (totaling \$20,000), funding overtime for five full-time officers at \$19,000 each (totaling \$95,000), and funding contracted support staff (totaling \$5,000).

Now Therefore, Be It Resolved By The Council Of The City Of Charleston, West Virginia:

That the Mayor or Chief of Police is authorized to execute and enter into a Subaward Recipient Agreement with Appalachia High Intensity Drug Trafficking Area (“AHIDTA”) for funds from the United State Office of National Drug Control Policy in the total amount of \$120,000 to be awarded to the Metropolitan Drug Enforcement Network Team (“MDENT”). The 2024 calendar year funds are designated for the purchasing of evidence and information (totaling \$20,000), funding overtime for five full-time officers at \$19,000 each (totaling \$95,000), and funding contracted support staff (totaling \$5,000).

Mishoe added that the City has received these funds annually from Appalachia High Intensity Drug Trafficking Area. Most of the funds will be used to pay overtime for 5 MDENT Officers. The remaining funds will be allocated for the purchasing of evidence and information, funding overtime for five full-time officers and funding for contracted support staff.

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. 915-23 approved.

- d. Resolution No. 916-23 – A Resolution authorizing the acquisition and lease of office space for the Metropolitan Drug Enforcement Network Team.

WHEREAS, the purpose of the Metropolitan Drug Enforcement Network Team (“MDENT”) is to develop and enhance cooperation between local and federal agencies and to achieve maximum cooperation in a combined law enforcement effort to address drug and violent crime related offenses primarily in Kanawha County and Charleston, West Virginia;

WHEREAS, the City of Charleston is the fiscal agent for MDENT and in that capacity prepares, submits and oversees the administration of MDENT funds;

WHEREAS, the Charleston Police Department (the “Police Department”) is an agency of the City of Charleston and a participating agency of MDENT;

WHEREAS, MDENT currently owns property in Kanawha County for use as office space to conduct the operations of the task force;

WHEREAS, MDENT has determined and recommended, through consideration and vote of its board, that the current property is no longer in sufficient condition to serve as the operations center for MDENT and it is in the best interest to acquire new property for this purpose;

WHEREAS, based on information and belief, the participating agencies of MDENT have considered the recommendation of MDENT and concur with those recommendations;

WHEREAS, the participating agencies of MDENT desire to acquire a new facility and office space for the purpose of facilitating joint operations of the task force;

WHEREAS, at the request of MDENT by and through its participating member the Kanawha County Sheriff’s Department, the Kanawha County Commission has agreed to purchase a certain premises in Kanawha County, West Virginia (the “Property”) with the intent that the Kanawha County Commission will be provided MDENT funds to cover the purchase price of the Property and will subsequently lease the Property to MDENT;

WHEREAS, upon acquisition of the Property by the Kanawha County Commission, the participating agencies of MDENT desire to execute a Lease Agreement in a form substantially similar to what is attached as Exhibit A hereto, whereby the Kanawha County Commission grants and leases unto MDENT the aforementioned Property as office space, pursuant to the terms and conditions set forth therein;

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

1. That the City of Charleston, in its capacity as the fiscal agent for MDENT, that

prepares, submits and oversees the administration of MDENT funds, approves the expenditure of up to Six Hundred Thousand Dollars (\$600,000.00) of MDENT funds to be used to purchase the Property.

2. That the City of Charleston, in its capacity as the fiscal agent for MDENT, that prepares, submits and oversees the administration of MDENT funds, approves the Lease Agreement between the Kanawha County Commission and MDENT.

3. That the City of Charleston, in its capacity as fiscal agent for MDENT, authorizes disbursement of MDENT funds for the purpose of purchasing the Property and in accordance with the Lease Agreement.

4. That the City of Charleston, by and through its Charleston Police Department, a participating agency of MDENT, approves the Lease Agreement with the Kanawha County Commission and further authorizes the Mayor or Chief of Police to execute the Lease Agreement with the Kanawha County Commission, subject to final review and approval by legal counsel for the City.

Mishoe added that the current location does not best suit their needs. The new location has been approved by all parties. The resolution authorizes the City to use MDENT funds to purchase the building to be owned by the County. It also authorizes a lease from the County to MDENT.

Councilmember Jenkins confirmed that the Dunbar property would be leased for the time being, and would then be sold. Mishoe added that while most of the money for the purchase would come from the MDENT fund, approximately \$200,000 would come from the Charleston Police Chief's fund. It was determined that financing the property was not the best deal.

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. 916-23 approved.

- e. Resolution No. 917-23 – Authorizing the Mayor or City Manager to execute a change order with Specialty Groups, Inc. in the amount of \$11,891.19 for concrete items overruns for the 5-Corners Intersection Construction Project as approved in Res. No. 801-23, where the original purchase 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 to execute a change order with Specialty Groups, Inc. in the amount of \$11,891.19 for concrete items overruns for the 5-Corners Intersection Construction Project as approved in Res. No. 801-23, where the original purchase was determined through a competitive bidding process.

Mishoe added that during the work for the 5-Corners Intersection Construction Project, it was determined that there were utilities in the location where they were going to dig, so the plans had to be adjusted. Also, one of the sidewalks needed backing for support.

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. 917-23 approved.

- f. Resolution No. 918-23 – A Resolution ratifying the emergency expenditure authorization of the City Manager for repairing and replacing gas lines at the Public Grounds Building

WHEREAS, gas service to the Public Grounds building went out in late November, and on or about December 1, 2023, the main gas supply line to the Public Grounds building failed a pressure test thereby necessitating its total replacement;

WHEREAS, the City of Charleston's maintenance foreman, Mike Cochran, has been working diligently since then to facilitate the repairs and secured a quote from Mullen Plumbing, Heating, and Cooling on December 6, 2023 in the amount of \$94,800.00 (attached hereto) to replace the approximately 400' of lines running to the building, and run new pipe throughout the building from the basement to the third floor;

WHEREAS, due to the cost, the City Manager's office advised this would require competitive bidding, and began the process of drafting specifications of solicitation of those bids;

WHEREAS, in the meantime, the building remained without central heat and the department was relying on electric heaters to warm the building;

WHEREAS, The City Manager's office subsequently communicated with Director of Public Works Brent Webster, Traffic Director Matt Hartline, Maintenance Foreman Mike Cochran, all of whom expressed serious concern about water pipes freezing, equipment freezing, and traffic paint that is stored in the facility freezing, and further expressed concern that the amount of time it would take to solicit competitive bids, obtain City Council approval, award the contract and begin work would seriously jeopardize the building and its contents;

WHEREAS, based on these discussions, the City Manager's Office asked Mike Cochran and Director of Purchasing Jamie Bowles to seek additional quotes on the work to determine if the quoted price was fair and reasonable with the anticipation of authorizing an emergency expenditure or seeking direct purchase authority from City Council in order to expedite the repairs without the delay that would come from the competitive bidding process;

WHEREAS, Mr. Cochran and Ms. Bowles sought quotes from 8 different vendors asking for quotes on the project, some of which advised they do not do gas line plumbing, or did not have time and materials to submit a quote, while two others planned to submit a quote by the close of business on Friday, December 15, 2023. However, upon further inquiry, the two firms who planned to submit quotes advised they would not be able to begin work for at least two weeks after the quote submission;

WHEREAS, Mr. Cochran remained in communication with Mullen, who advised on Thursday, December 14, 2023, that they could have two crews begin the work on

Monday, December 18, 2023, but needed commitment by the end of that day or they would need to reassign those crews to other jobs;

WHEREAS, based upon all of this information and the diligent but unsuccessful attempts to seek comparable quotes from vendors who might be able to perform the work in a timely manner, but determining the Mullen was the only vendor who provided a quote that had the time, material, and laborers to do so in a timely manner, and based upon the legitimate concern that further delay could cause substantial loss to the building infrastructure and equipment stored there, the City Manager authorized an emergency expenditure in the amount of \$94,800.00 to contract Mullen to perform the work beginning Monday, December 18, 2023;

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

Based upon the above information, the emergency expenditure authorization of the City Manager for repairing and replacing gas lines at the Public Grounds Building is hereby approved and ratified by City Council of Charleston, West Virginia.

Mishoe added that he had given an emergency authorization to correct a gas line issue at the Public Grounds building. The usual process would have caused the building to have been without heat for too long. The City Manager's Office is confident that the price is fair.

Councilmember Robinson expressed concern that the estimate states "try to install" in its language.

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. 918-23 approved.

Councilmember Taylor motioned to adjourn the meeting.
Meeting adjourned.

Resolution No. 919-24

Introduced in Council:
January 3, 2024

Adopted by Council:

Introduced by:
Joseph Jenkins

Referred to:

Finance

Resolution No. 919-24 – Authorizing the Mayor or City Manager to enter into a settlement agreement with Fidelity and Deposit Company of Maryland, as surety of Waterline Systems, Inc., for the full proceeds of a bid bond, totaling \$27,463.00, resulting from the failure of Waterline System Inc. to fulfill its bid for the procurement of a fire boat.

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

The Mayor or City Manager is authorized to enter into a settlement agreement with Fidelity and Deposit Company of Maryland, as surety of Waterline Systems, Inc., for the full proceeds of a bid bond, totaling \$27,463.00, resulting from the failure of Waterline System Inc. to fulfill its bid for the procurement of a fire boat.



Zurich Surety & Financial Claims
P. O. Box 968038
Schaumburg, IL 60196

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
Claim No. 6380089037
RELEASE AND ASSIGNMENT OF CLAIM

WHEREAS, Waterline Systems, Inc. (“Contractor”) bid for and was awarded a contract (“Contract”) with the Charleston Fire Department for the purchase of a Fire Boat (“Bid”). In relation to the Bid, Fidelity and Deposit Company of Maryland (“Surety”) issued a Bid Bond (“Bond”) to the Charleston Fire Department (“Obligee” or “Owner”) in the amount of five percent (5%) of the total bid amount of \$549,260.00, or \$27,463.00, in the event of the failure of the Principal to enter — such Contract;

AND WHEREAS, Contractor failed to enter into such Contract and to pay the obligee the difference between Contractor’s Bid and the amount of the next bid for the Contract;

AND WHEREAS, in light of Contractor’s failure to enter into the Contract, Owner entered into a contract for the purchase of a Fire Boat with Lake Assault Boats in the amount of \$587,862.63, \$38,602.63, in excess of Contractor’s Bid (“Excess Amount”);

NOW THEREFORE Owner in consideration of Twenty Seven Thousand Four Hundred Sixty Three and 00/100 Dollars (\$27,463.00) paid by the Surety, has sold and by these presents does sell, assign and set over unto Surety, its successors and assigns, the claim payment of Twenty Seven Thousand Four Hundred Sixty Three and 00/100 Dollars (\$27,463.00)(“Assigned Amount”) against the Contractor. And the Owner does hereby constitute and appoint the Surety, its successors and assigns, its true and lawful attorney irrevocable, with power of substitution and revocation, for the use and at the proper costs and charges of the Surety to ask, demand and receive payment, and/or to adjust the Assigned Amount;

In consideration for payment to Owner by Surety, Owner hereby releases the Surety from any and all claims and demands of every kind and character in anywise growing out of or connected with said Bid, Contract, the Lake Assault Boats’ contract, and/or the Bond given for the faithful performance of the same and the payment of the Assigned Amount;

Owner specifically reserves Owner’s claims against Contractor for the difference between the Excess Amount and the Assigned Amount, or \$11,139.63, plus any other damages. Owner acknowledges it has no claim for this amount against Surety as it is in excess of the Bond amount.

Signed, sealed and dated this _____ day of _____, 2024.

ATTEST: Charleston Fire Department

Signature

Name

Title

STATE OF _____

COUNTY OF _____

On the _____ day of _____, 2024, before me personally came _____ to me known, who being duly sworn by me stated that he is the _____ of the said Owner and that he was duly authorized to execute the foregoing assignment and release and attach the corporate seal thereto, which he did for the purposes therein mentioned.

Notary Public

My commission expires _____