

CHARLESTON CITY COUNCIL

Regular Meeting

March 4, 2024

at 7:00 PM



THIS MEETING WILL TAKE PLACE IN PERSON AND CAN BE VIEWED LIVE VIA

<https://charlestonwv.civicclerk.com/web/home.aspx>

Council Chambers, Third Floor
City Hall, 501 Virginia St. E.
Charleston, WV

AGENDA

CALL TO ORDER BY THE MAYOR

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC SPEAKERS AND CLAIMS

1. **INTERESTED PUBLIC SPEAKERS MUST REGISTER AT THE CLERK'S HALLWAY TABLE IN PERSON NO EARLIER THAN 15 MINUTES BEFORE THE MEETING STARTS. FIVE (5) SPEAKERS WILL BE PERMITTED (RULE NO. 22 (B)).**
2. 3-4-2024

PROCLAMATIONS

1. 3-4-2024

COMMUNICATIONS

1. 3-4-2024

REPORTS OF STANDING COMMITTEES

PLANNING, STREETS AND TRAFFIC

1. Bill No. 8025 – A Bill amending the Zoning Ordinance by rezoning 403 53rd St SE, Kanawha City to a C-8 district.
2. Bill No. 8026 - A Bill to create a No Parking Anytime zone on part of the westerly side of Westview

Drive and amending the Traffic Control Map and Traffic Control File.

3. Bill No. 8027 - A Bill to create a No Parking Anytime zone on parts of the northerly side of Westview Drive and amending the Traffic Control Map and Traffic Control File.

FINANCE

1. Resolution No. 936-24 - The Charleston Building Commission has authorized the issuance and sale to United Bank of University Facilities Refunding Revenue Bonds for the purpose of financing the costs of refunding and redeeming the 2018 Bonds.
2. Resolution No. 937-24 - Authorizing the Mayor or City Manager to enter into a contract with Brewer and Company of West Virginia to install new fire alarm systems in City Hall and City Service Center.

REPORTS OF OFFICERS

1. 3-4-2024

NEW BILLS

1. 3-4-2024

UNFINISHED BUSINESS AND/OR MISCELLANEOUS BUSINESS

REMARKS BY MEMBERS

ROLL CALL

ADJOURNMENT

THE NEXT REGULAR MEETING OF COUNCIL WILL BE MARCH 18, 2024 AT 7:00 PM.

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

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: Problem Gambling Awareness Month is a grassroots effort to bring attention to problem gambling and the availability of prevention, treatment, and recovery services; and

WHEREAS: Problem gambling is defined as all gambling behavior patterns that compromise, disrupt or damage personal, family, or vocational pursuits; and

WHEREAS: Problem gambling is a public health issue affecting 1 in 50 West Virginians; and

WHEREAS: Problem gambling is treatable, and treatment is effective in minimizing harm to individuals, their families, and society as a whole; and

WHEREAS: Numerous individuals, professionals, and organizations – including the National Council on Problem Gambling and the Problem Gambling Help Network of West Virginia – work to educate the public and healthcare professionals about the warning signs of problem gambling and raise awareness about the help that is available and advocate for people and families affected by problem gambling.

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby recognize March 2024 as

Problem Gambling Awareness Month

In Charleston, West Virginia and urge all citizens to learn about the warning signs of problem gambling and the availability of prevention, treatment, and recovery services.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 4th day of March 2024.



A handwritten signature in blue ink, appearing to read "Amy Shuler Goodwin", is written over a horizontal line.

Amy Shuler Goodwin, Mayor

Bill No. 8025

Introduced in Council:

February 5, 2024

Introduced by:

Bruce King

Adopted by Council:

Referred to:

**Municipal Planning Commission
Planning, Streets and Traffic**

Bill No. 8025 – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from a R-6 district to a C-8 district, the parcel of land identified as 403 53rd St SE, Kanawha City District, Tax Map 12, Parcel 138 in the City of Charleston, Kanawha County, State of West Virginia.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA
THAT:**

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from a R-6 district to a C-8 district the whole of the following described lot or parcel of land:

Parcel No. 138 as shown on Kanawha City Tax Map No. 12. Subject parcel commonly known as "PT LTS 15-16 BK 164 40X50 53RD ST 403" 403 53rd, Charleston, West Virginia. Said tax map is of record on the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this Ordinance.

3. All prior ordinances, or parts of ordinances, inconsistent with this Ordinance, are hereby repealed to the extent of said inconsistency.



PLANNING, STREETS AND TRAFFIC COMMITTEE

Mary Beth Hoover, Chair

COMMITTEE REPORT

To: Miles Carey, City Clerk
From: Council's Committee on Planning, Streets and Traffic
Date: February 26, 2024
Subject: Bill No. 8025

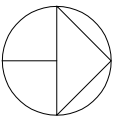
The Committee on Planning, Streets and Traffic has had under consideration bill no. 8025 attached hereto and an made a part thereof:

The Committee finds:

1. The rezoning is consistent with the future land use map which designates the area as a Mixed-Use Corridor. Therefore, the request is consistent with the comprehensive plan; and
2. The rezoning remedies a small spot zoning and will allow for a reasonable use of land.

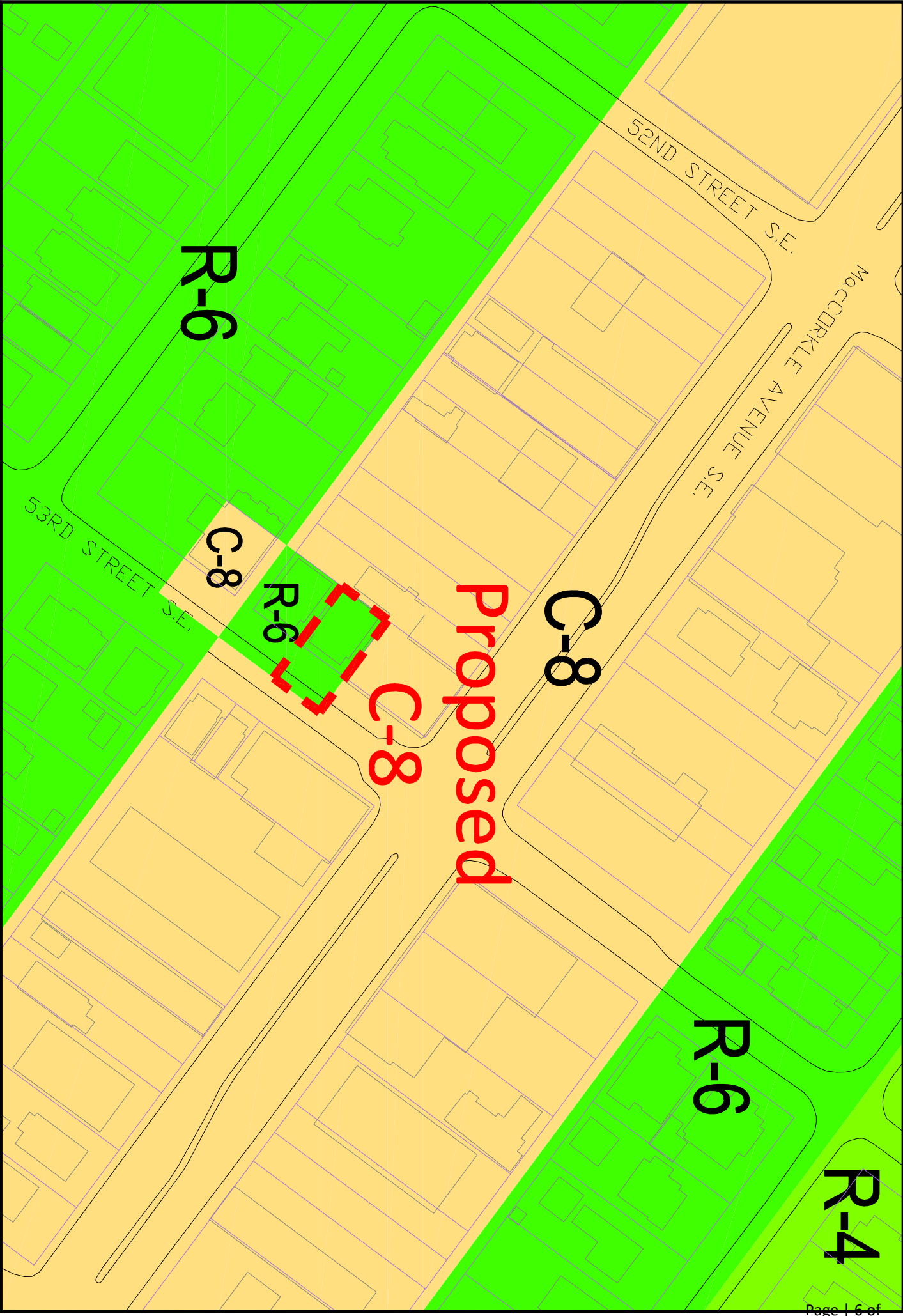
and reports the same to Council with the recommendation that the bill do pass.

Mary Beth Hoover
Chair
Jennifer Phau
Becky Cepulay
K. Perie
Dobby Haas



REZONING FROM R-6 TO C-8

STAFF
EXHIBIT



1 **Bill No. 8026**

2 Passed by Council:

3 Introduced in Council

4 **February 5, 2024**

6 Introduced by:

7 **Shannon Snodgrass**

Referred to

Planning, Streets and Traffic

10 **Bill No. 8026** - A Bill to create a NO PARKING ANYTIME zone on the westerly side of
11 Westview Drive from Thruston Drive to end cul-de-sac at the end of Westview Drive and
12 amending the Traffic Control Map and Traffic Control File, established by the code of
13 the City of Charleston, West Virginia, two thousand and three, as amended, Traffic
14 Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

16 Section 1. A Bill to create a NO PARKING ANYTIME zone on the westerly side of
17 Westview Drive from Thruston Drive to end cul-de-sac at the end of Westview Drive

18 Section 2. The Traffic Control Map and Traffic Control File, established by the code
19 of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic
20 Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are
21 amended, to conform to this Ordinance.

22 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
23 repealed to the extent of said inconsistency.



PLANNING, STREETS AND TRAFFIC COMMITTEE

Mary Beth Hoover, Chair

COMMITTEE REPORT

To: Miles Carey, City Clerk
From: Council's Committee on Planning, Streets and Traffic
Date: February 26, 2024
Subject: Bill No. 8026

The Committee on Planning, Streets and Traffic has had under consideration bill no. 8026 attached hereto and an made a part thereof:

Bill No. 8026 - A Bill to create a NO PARKING ANYTIME zone on the westerly side of Westview Drive from Thruston Drive to end cul-de-sac at the end of Westview Drive and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

and reports the same to Council with the recommendation that the bill do pass.

Mary Beth Hoover
Chair
Jennifer Phair
Bucky Cepulay
K. R. R.
Billy Haas

1 **Bill No. 8027**

2 Passed by Council:

3 Introduced in Council

4 **February 5, 2024**

6 Introduced by:

7 **Shannon Snodgrass**

Referred to:

Planning, Streets and Traffic

9 **Bill No.** - A Bill to create a NO PARKING ANYTIME zone on the northerly side of
10 Westview Drive from Old Greenbrier Street to Thurston Drive and amending the Traffic
11 Control Map and Traffic Control File, established by the code of the City of Charleston,
12 West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division
13 2, Article 4, Chapter 114, to conform therewith.

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

15 Section 1. A Bill to create a NO PARKING ANYTIME zone on the northerly side of
16 Westview Drive from Old Greenbrier Street to Thurston Drive

17 Section 2. The Traffic Control Map and Traffic Control File, established by the code
18 of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic
19 Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are
20 amended, to conform to this Ordinance.

21 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
22 repealed to the extent of said inconsistency.



PLANNING, STREETS AND TRAFFIC COMMITTEE

Mary Beth Hoover, Chair

COMMITTEE REPORT

To: Miles Carey, City Clerk
From: Council's Committee on Planning, Streets and Traffic
Date: February 26, 2024
Subject: Bill No. 8027

The Committee on Planning, Streets and Traffic has had under consideration bill no. 8027 attached hereto and an made a part thereof:

Bill No. 8027 - A Bill to create a NO PARKING ANYTIME zone on the northerly side of Westview Drive from Old Greenbrier Street to Thurston Drive and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

and reports the same to Council with the recommendation that the bill do pass.

Mary Beth Hoover
Chair
Jennifer Phau
Betsy Apuley
[Signature]
[Signature]

Resolution No. 936-24

Introduced in Council:

Adopted by Council:

March 4, 2024

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

Resolution No. 936-24 - WHEREAS, pursuant to the authority granted by Chapter 8, Article 33, of the Code of West Virginia, 1931, as amended (together with specified provisions of Chapter 8, Article 16 of the Code of West Virginia, 1931, as amended, the “Act”), the Charleston Building Commission (the “Commission”) has authorized the issuance and sale to United Bank of not to exceed \$18,000,000 in principal amount of Charleston Building Commission University Facilities Refunding Revenue Bonds (The University of Charleston, Inc.), Series 2024 (the “2024 Bonds”), for the purpose of financing the costs of refunding and redeeming the Commission’s University Facilities Refunding Revenue Bonds (The University of Charleston, Inc.), Series 2018 (the “2018 Bonds”) and costs relating thereto, including but not limited to the costs of issuance of the 2024 Bonds;

WHEREAS, the proceeds of the 2018 Bonds were used to refund the Commission’s University Facilities Revenue Bonds (The University of Charleston, Inc.), Series 2009 (the “2009 Bonds”) issued to finance the costs of (i) designing, acquiring, constructing and equipping an approximately 150-bed student housing facility upon the University of Charleston campus; (ii) designing, acquiring and constructing an approximately 525-space motor vehicle parking facility upon the University of Charleston campus; and (iii) paying the costs of issuance of the 2009 Bonds and related costs;

WHEREAS, as required by the Act and Subsection 147(f) of the Internal Revenue Code of 1986, as amended, the Commission published notice of a public hearing with respect to the 2024 Bonds as a Class II legal advertisement in the Charleston Gazette-Mail on January 16 and January 23, 2024, and an affidavit of such publication is attached as Exhibit A hereto;

WHEREAS, the Commission has advised this Council that no person submitted written comments or appeared at the public hearing on January 29, 2024;

WHEREAS, pursuant to Subsection 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), in order for the interest on the 2024 Bonds to be excludable from gross income for federal income tax purposes, the 2024 Bonds must be approved by the Mayor of the City;

WHEREAS, there has been presented to the Mayor an Approval of the Issuance of Bonds By Applicable Elected Official, a copy of which is attached as Exhibit B hereto (the “Approval”);

WHEREAS, although not required by Subsection 147(f) of the Code, it has been determined as appropriate and in the interest of transparency and disclosure that the Council authorize the Mayor's actions in connection with the approval;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON AS FOLLOWS:

1. The Mayor's execution and forwarding to the Commission of the Approval are hereby authorized and approved.
2. This Resolution shall take effect immediately upon adoption.

ADOPTED this 4th day of March 2024.

**COUNCIL OF THE CITY OF
CHARLESTON, WEST VIRGINIA**

By: _____

Its: _____

EXHIBIT A
AFFIDAVIT OF PUBLICATION

(Attached)

Ad Number 166882

Affidavit of Legal Publication and Posting

STATE OF WEST VIRGINIA

COUNTY OF Kanawha, TO-WIT

I Janice Alston, Classified Advertising

Representative of the The Charleston Gazette-Mail, a newspaper

published in the county of Kanawha, West Virginia, hereby

certify that the annexed publication was inserted in said

newspaper The Charleston Gazette-Mail.

The cost of publishing said annexed advertisement

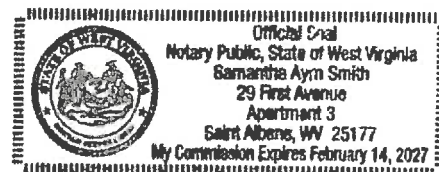
as aforesaid was \$ 332.82

Commencing On: 01/16/2024

Ending On: 01/23/2024

Given under my hand this day 01/23/2024

Sworn to and subscribed before me 01/23/2024
at Charleston, Kanawha County, West Virginia



Samantha A. Smith
Notary Public of, in and for Kanawha County, West Virginia

MY COMMISSION EXPIRES: 2/14/2027

[Signature]

**CHARLESTON
BUILDING
COMMISSION**

**NOTICE OF PUBLIC
HEARING ON**

**UNIVERSITY
FACILITIES
REFUNDING REVENUE
BONDS**

**(THE UNIVERSITY OF
CHARLESTON, INC.),
SERIES 2024
AND
RELATED MATTERS**

Pursuant to Section 8-16-7 of the Code of West Virginia of 1931, as amended, and Section 147(f) of the Internal Revenue Code of 1986, as amended, a public hearing will be held by the Charleston Building Commission (the "Issuer") on the following entitled Ordinance and on the question of whether there should be approved the issuance of one or more series of Bonds by the Issuer in an amount not to exceed \$18,000,000 for the purpose of financing the refunding and redemption of the Issuer's \$18,025,000 University Facilities Refunding Revenue Bonds (The University of Charleston, Inc.), Series 2018 (the "2018 Bonds"), which 2018 Bonds financed the costs of (i) refunding and redeeming the Issuer's University Facilities Revenue Bonds (The University of Charleston, Inc.), Series 2009 (the "2009 Bonds"); and (ii) paying the costs of issuance of the 2018 Bonds and related costs. The 2009 Bonds financed the costs of (i) designing, acquiring, constructing and equipping an approximately 150-bed student housing facility upon the University of Charleston campus; (ii) designing, acquiring and constructing an approximately 525-space motor vehicle parking facility upon the University of Charleston campus (together with the student housing facility, the "Project"); and (iii) paying the costs of issuance of the 2009 Bonds and related costs. The proceeds of the Bonds may also be used to pay the costs of issuance of the Bonds and related costs.

The Bonds will benefit, and the Project is owned and operated by, The University of Charleston, Inc., a West Virginia nonprofit corporation, described in Section 501(c)(3) of the Code and exempt from federal income taxation under Section 501(a) of

Virginia nonprofit corporation, described in Section 501(c)(3) of the Code and exempt from federal income taxation under Section 501(a) of the Code (the "University"). The Project is part of the University campus, located at 2300 MacCorkle Avenue, S.E., Charleston, West Virginia 25304. Certain real property of the University, including the site of the Project and of a student housing facility also located on the University campus and commonly referred to as Riggleman Hall, together with the improvements thereon, will be leased by the University to the Issuer, which will then lease the property back to the University for use of the property, all pursuant to either leases replacing the leases entered in connection with the 2018 Bonds or amendments to the such leases entered in connection with the 2018 Bonds. The rentals to be paid by the University under the lease from the Issuer to the University will be sufficient to pay the principal of and interest due on the Bonds. The Bonds are payable from revenues and rentals to be derived from the leasing of the property by the University. No taxes may at any time be levied by the City or the Issuer for the payment of the Bonds or the interest thereon.

The public hearing will be held at a special meeting of the Board of the Charleston Building Commission to be held at 11:30 a.m., on January 29, 2024, in its office at 815 Quarrier Street, Suite 244, Charleston, West Virginia 25301, and, at such hearing, all parties and interested persons may attend and appear before the Charleston Building Commission and be heard (orally or in writing) as to whether the Ordinance shall be put into effect and to express their views on the proposed issuance of the Bonds, the refunding and redemption of the 2018 Bonds and the Project. At such hearing all objections and suggestions shall be heard, and the Issuer shall then take such action as it shall deem proper in the premises upon an Ordinance entitled:

ORDINANCE AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF CHARLESTON BUILDING COMMISSION UNIVERSITY FACILITIES RE-FUNDING REVENUE BONDS (THE UNIVER-

ONE OR MORE SERIES OF CHARLESTON BUILDING COMMISSION UNIVERSITY FACILITIES REFUNDING REVENUE BONDS (THE UNIVERSITY OF CHARLESTON, INC.), SERIES 2023, ON A TAX-EXEMPT OR TAXABLE BASIS, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$18,000,000, TO PROVIDE FUNDS TO FINANCE THE REFUNDING AND REDEMPTION OF THE CHARLESTON BUILDING COMMISSION UNIVERSITY FACILITIES REFUNDING REVENUE BONDS (THE UNIVERSITY OF CHARLESTON, INC.), SERIES 2018, AND COSTS RELATING THERETO, INCLUDING THE COSTS OF ISSUANCE OF SUCH REFUNDING REVENUE BONDS; AUTHORIZING IF REQUESTED THE DESIGNATION OF AN INTEREST RATE AGREEMENT IN CONNECTION WITH SUCH REFUNDING REVENUE BONDS; AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST OR AN INDENTURE OF MORTGAGE, SECURITY AGREEMENT, ASSIGNMENT OF RENTS AND LEASES AND CREDIT LINE DEED OF TRUST, AN INITIAL LEASE, AN AGREEMENT AND LEASE, A BOND PURCHASE AGREEMENT, IF NECESSARY, AND SUCH REFUNDING REVENUE BONDS; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT, IF NECESSARY, AND AUTHORIZING THE EXECUTION, DELIVERY AND DISTRIBUTION OF AN OFFICIAL STATEMENT, IF NECESSARY; SETTING A PUBLIC HEARING ON THIS ORDINANCE; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS, INSTRUMENTS, AGREEMENTS AND CERTIFICATES AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY OR APPROPRIATE IN CONNECTION WITH SUCH OUTSTANDING REVENUE BONDS ISSUED AND SUCH REFUNDING REVENUE BONDS PROPOSED TO BE ISSUED BY THE CHARLESTON BUILDING COMMISSION FOR THE BENEFIT OF THE UNIVERSITY OF CHARLESTON, INC.

The above-entitled Ordinance was passed by the Issuer on September 21, 2023, and such title describes generally the contents thereof and the purposes of the bond issue contemplated thereby.

A certified copy of the above-entitled Ordinance is on file at the office of

issue contemplated
thereby.

A certified copy of the
above-entitled Ordinance
is on file at the office of
the Charleston Building
Commission, 815 Quar-
rier Street, Suite 244,
Charleston, West Virgin-
ia, for review by interes-
ted persons during regu-
lar office hours.

Dated January 10, 2024

CHARLESTON
BUILDING
COMMISSION

By: Ronald J. Butlin
Secretary

LC-166882
01-16,23;2024

EXHIBIT B
APPROVAL OF THE ISSUANCE OF BONDS
BY APPLICABLE ELECTED REPRESENTATIVE

(Attached)

APPROVAL OF THE ISSUANCE OF BONDS
BY APPLICABLE ELECTED REPRESENTATIVE

WHEREAS, the Charleston Building Commission (the “Commission”) proposes the issuance of University Facilities Refunding Revenue Bonds (The University of Charleston, Inc.), Series 2024 (the “Bonds”), for the purpose of providing funds to finance the costs of refunding and redeeming the Commission’s University Facilities Revenue Bonds (The University of Charleston, Inc.), Series 2018 (the “Prior Bonds”) and costs relating thereto, including but not limited to the costs of issuance of the Bonds;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended, requires the Mayor of the City of Charleston, as the duly elected representative of the City of Charleston, the next highest governmental unit from which the authority of the Commission is derived, to approve the issuance of the Bonds after a public hearing following reasonable notice, because the Commission has no applicable elected representative;

WHEREAS, on January 29, 2024, prior to this approval and the issuance of the Bonds, a public hearing was held following duly published notice thereof, a copy of which is attached hereto, and all persons desiring to be heard have been heard; and

WHEREAS, it is in the public interest and for the public benefit that the Mayor of the City of Charleston approve the issuance of the Bonds;

NOW, THEREFORE, it is hereby DETERMINED that the issuance of the Bonds in an aggregate principal amount of not to exceed \$18,000,000 is hereby approved for the purpose of providing funds to finance the costs of refunding and redeeming the Prior Bonds and costs relating thereto, including but not limited to the costs of issuance of the Bonds.

Dated: March 4, 2024

CITY OF CHARLESTON

By the Mayor:

Attachment

Notice of Public Hearing

(Attached)

APPROVAL OF THE ISSUANCE OF BONDS
BY APPLICABLE ELECTED REPRESENTATIVE

WHEREAS, the Charleston Building Commission (the “Commission”) proposes the issuance of University Facilities Refunding Revenue Bonds (The University of Charleston, Inc.), Series 2024 (the “Bonds”), for the purpose of providing funds to finance the costs of refunding and redeeming the Commission’s University Facilities Revenue Bonds (The University of Charleston, Inc.), Series 2018 (the “Prior Bonds”) and costs relating thereto, including but not limited to the costs of issuance of the Bonds;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended, requires the Mayor of the City of Charleston, as the duly elected representative of the City of Charleston, the next highest governmental unit from which the authority of the Commission is derived, to approve the issuance of the Bonds after a public hearing following reasonable notice, because the Commission has no applicable elected representative;

WHEREAS, on January 29, 2024, prior to this approval and the issuance of the Bonds, a public hearing was held following duly published notice thereof, a copy of which is attached hereto, and all persons desiring to be heard have been heard; and

WHEREAS, it is in the public interest and for the public benefit that the Mayor of the City of Charleston approve the issuance of the Bonds;

NOW, THEREFORE, it is hereby DETERMINED that the issuance of the Bonds in an aggregate principal amount of not to exceed \$18,000,000 is hereby approved for the purpose of providing funds to finance the costs of refunding and redeeming the Prior Bonds and costs relating thereto, including but not limited to the costs of issuance of the Bonds.

Dated: March 4, 2024

CITY OF CHARLESTON

By the Mayor:

Attachment

Notice of Public Hearing

(Attached)

Ad Number 166882

Affidavit of Legal Publication and Posting

STATE OF WEST VIRGINIA

COUNTY OF Kanawha, TO-WIT

I Janice Alston, Classified Advertising

Representative of the The Charleston Gazette-Mail, a newspaper

published in the county of Kanawha, West Virginia, hereby

certify that the annexed publication was inserted in said

newspaper **The Charleston Gazette-Mail.**

The cost of publishing said annexed advertisement

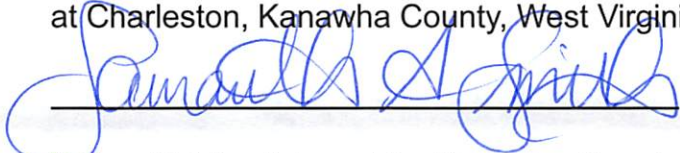
as aforesaid was \$ 332.82

Commencing On: 01/16/2024

Ending On: 01/23/2024

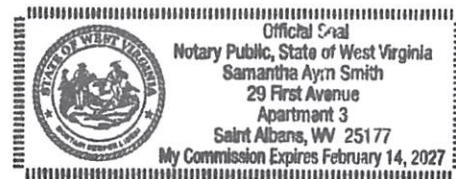
Given under my hand this day 01/23/2024

Sworn to and subscribed before me 01/23/2024
at Charleston, Kanawha County, West Virginia



Notary Public of, in and for Kanawha County, West Virginia

MY COMMISSION EXPIRES: 2/14/2027





**CHARLESTON
BUILDING
COMMISSION**

**NOTICE OF PUBLIC
HEARING ON**

**UNIVERSITY
FACILITIES
REFUNDING REVENUE
BONDS**

**(THE UNIVERSITY OF
CHARLESTON, INC.),
SERIES 2024
AND
RELATED MATTERS**

Pursuant to Section 8-16-7 of the Code of West Virginia of 1931, as amended, and Section 147(f) of the Internal Revenue Code of 1986, as amended, a public hearing will be held by the Charleston Building Commission (the "Issuer") on the following entitled Ordinance and on the question of whether there should be approved the issuance of one or more series of Bonds by the Issuer in an amount not to exceed \$18,000,000 for the purpose of financing the refunding and redemption of the Issuer's \$18,025,000 University Facilities Refunding Revenue Bonds (The University of Charleston, Inc.), Series 2018 (the "2018 Bonds"), which 2018 Bonds financed the costs of (i) refunding and redeeming the Issuer's University Facilities Revenue Bonds (The University of Charleston, Inc.), Series 2009 (the "2009 Bonds"); and (ii) paying the costs of issuance of the 2018 Bonds and related costs. The 2009 Bonds financed the costs of (i) designing, acquiring, constructing and equipping an approximately 150-bed student housing facility upon the University of Charleston campus; (ii) designing, acquiring and constructing an approximately 525-space motor vehicle parking facility upon the University of Charleston campus (together with the student housing facility, the "Project"); and (iii) paying the costs of issuance of the 2009 Bonds and related costs. The proceeds of the Bonds may also be used to pay the costs of issuance of the Bonds and related costs.

The Bonds will benefit, and the Project is owned and operated by, The University of Charleston, Inc., a West Virginia nonprofit corporation, described in Section 501(c)(3) of the Code and exempt from federal income taxation under Section 501(a) of

Virginia nonprofit corporation, described in Section 501(c)(3) of the Code and exempt from federal income taxation under Section 501(a) of the Code (the "University"). The Project is part of the University campus, located at 2300 MacCorkle Avenue, S.E., Charleston, West Virginia 25304. Certain real property of the University, including the site of the Project and of a student housing facility also located on the University campus and commonly referred to as Riggleman Hall, together with the improvements thereon, will be leased by the University to the Issuer, which will then lease the property back to the University for use of the property, all pursuant to either leases replacing the leases entered in connection with the 2018 Bonds or amendments to the such leases entered in connection with the 2018 Bonds. The rentals to be paid by the University under the lease from the Issuer to the University will be sufficient to pay the principal of and interest due on the Bonds. The Bonds are payable from revenues and rentals to be derived from the leasing of the property by the University. No taxes may at any time be levied by the City or the Issuer for the payment of the Bonds or the interest thereon.

The public hearing will be held at a special meeting of the Board of the Charleston Building Commission to be held at 11:30 a.m., on January 29, 2024, in its office at 815 Quarrier Street, Suite 244, Charleston, West Virginia 25301, and, at such hearing, all parties and interested persons may attend and appear before the Charleston Building Commission and be heard (orally or in writing) as to whether the Ordinance shall be put into effect and to express their views on the proposed issuance of the Bonds, the refunding and redemption of the 2018 Bonds and the Project. At such hearing all objections and suggestions shall be heard, and the Issuer shall then take such action as it shall deem proper in the premises upon an Ordinance entitled:

ORDINANCE AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF CHARLESTON BUILDING COMMISSION UNIVERSITY FACILITIES REFUNDING REVENUE BONDS (THE UNIVERSITY)

ONE OR MORE SERIES OF CHARLESTON BUILDING COMMISSION UNIVERSITY FACILITIES REFUNDING REVENUE BONDS (THE UNIVERSITY OF CHARLESTON, INC.), SERIES 2023, ON A TAX-EXEMPT OR TAXABLE BASIS, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$18,000,000, TO PROVIDE FUNDS TO FINANCE THE REFUNDING AND REDEMPTION OF THE CHARLESTON BUILDING COMMISSION UNIVERSITY FACILITIES REFUNDING REVENUE BONDS (THE UNIVERSITY OF CHARLESTON, INC.), SERIES 2018, AND COSTS RELATING THERETO, INCLUDING THE COSTS OF ISSUANCE OF SUCH REFUNDING REVENUE BONDS; AUTHORIZING IF REQUESTED THE DESIGNATION OF AN INTEREST RATE AGREEMENT IN CONNECTION WITH SUCH REFUNDING REVENUE BONDS; AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST OR AN INDENTURE OF MORTGAGE, SECURITY AGREEMENT, ASSIGNMENT OF RENTS AND LEASES AND CREDIT LINE DEED OF TRUST, AN INITIAL LEASE, AN AGREEMENT AND LEASE, A BOND PURCHASE AGREEMENT, IF NECESSARY, AND SUCH REFUNDING REVENUE BONDS; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT, IF NECESSARY, AND AUTHORIZING THE EXECUTION, DELIVERY AND DISTRIBUTION OF AN OFFICIAL STATEMENT, IF NECESSARY; SETTING A PUBLIC HEARING ON THIS ORDINANCE; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS, INSTRUMENTS, AGREEMENTS AND CERTIFICATES AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY OR APPROPRIATE IN CONNECTION WITH SUCH OUTSTANDING REVENUE BONDS ISSUED AND SUCH REFUNDING REVENUE BONDS PROPOSED TO BE ISSUED BY THE CHARLESTON BUILDING COMMISSION FOR THE BENEFIT OF THE UNIVERSITY OF CHARLESTON, INC.

The aboveentitled Ordinance was passed by the Issuer on September 21, 2023, and such title describes generally the contents thereof and the purposes of the bond issue contemplated thereby.

A certified copy of the aboveentitled Ordinance is on file at the office of the Charleston Building

issue contemplated
thereby.

A certified copy of the
above-entitled Ordinance
is on file at the office of
the Charleston Building
Commission, 815 Quar-
rier Street, Suite 244,
Charleston, West Virgin-
ia, for review by interes-
ted persons during regu-
lar office hours.

Dated January 10, 2024

CHARLESTON
BUILDING
COMMISSION

By: Ronald J. Butlin
Secretary

LC-166882
01-16,23;2024

CHARLESTON CITY COUNCIL
RESOLUTION

WHEREAS, pursuant to the authority granted by Chapter 8, Article 33, of the Code of West Virginia, 1931, as amended (together with specified provisions of Chapter 8, Article 16 of the Code of West Virginia, 1931, as amended, the “Act”), the Charleston Building Commission (the “Commission”) has authorized the issuance and sale to Branch Banking and Trust Company of not to exceed \$19,000,000 in principal amount of Charleston Building Commission University Facilities Refunding Revenue Bonds (The University of Charleston, Inc.), Series 2018 (the “Bonds”), for the purpose of financing the costs of refunding and redeeming the Commission’s University Facilities Revenue Bonds (The University of Charleston, Inc.), Series 2009 (the “Prior Bonds”) and costs relating thereto, including but not limited to the costs of issuance of the Bonds;

WHEREAS, the proceeds of the Prior Bonds were used to finance the costs of (i) designing, acquiring, constructing and equipping an approximately 150-bed student housing facility upon the University of Charleston campus; (ii) designing, acquiring and constructing an approximately 525-space motor vehicle parking facility upon the University of Charleston campus; and (iii) paying the costs of issuance of the Prior Bonds and related costs;

WHEREAS, as required by the Act and Subsection 147(f) of the Internal Revenue Code of 1986, as amended, the Commission published notice of a public hearing with respect to the Bonds as a Class II legal advertisement in the Charleston Gazette-Mail on September 18 and September 25, 2018, and an affidavit of such publication is attached as Exhibit A hereto;

WHEREAS, the Commission has advised this Council that no person submitted written comments or appeared at the public hearing on October 3, 2018;

WHEREAS, pursuant to Subsection 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), in order for the interest on the Bonds to be excludable from gross income for federal income tax purposes, the Bonds must be approved by the Mayor of the City; and

WHEREAS, there has previously been presented to the Mayor an Approval which was executed, and forwarded to the Commission, on October 15, 2018, a copy of which is attached as Exhibit B hereto (the “Approval”);

WHEREAS, although not required by Subsection 147(f) of the Code, it has been determined as appropriate and in the interest of transparency and disclosure that the Council ratify the Mayor’s actions in connection with the approval;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON AS FOLLOWS:

1. The Mayor's execution and forwarding to the Commission of the Approval are hereby ratified and approved.

2. This Resolution shall take effect immediately upon adoption.

ADOPTED this 5th day of November 2018.

**COUNCIL OF THE CITY OF
CHARLESTON, WEST VIRGINIA**

By: _____

Its: _____

EXHIBIT A
AFFIDAVIT OF PUBLICATION

(Attached)

EXHIBIT B
APPROVAL OF ISSUANCE OF BONDS
BY APPLICABLE ELECTED REPRESENTATIVE

(Attached)

APPROVAL OF THE ISSUANCE OF BONDS
BY APPLICABLE ELECTED REPRESENTATIVE

WHEREAS, the Charleston Building Commission (the "Commission") proposes the issuance of University Facilities Refunding Revenue Bonds (The University of Charleston, Inc.), Series 2018 (the "Bonds"), for the purpose of providing funds to finance the costs of refunding and redeeming the Commission's University Facilities Revenue Bonds (The University of Charleston, Inc.), Series 2009 (the "Prior Bonds") and costs relating thereto, including but not limited to the costs of issuance of the Bonds;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended, requires the Mayor of the City of Charleston, as the duly elected representative of the City of Charleston, the next highest governmental unit from which the authority of the Commission is derived, to approve the issuance of the Bonds after a public hearing following reasonable notice, because the Commission has no applicable elected representative;

WHEREAS, on October 3, 2018, prior to this approval and the issuance of the Bonds, a public hearing was held following duly published notice thereof, a copy of which is attached hereto, and all persons desiring to be heard have been heard; and

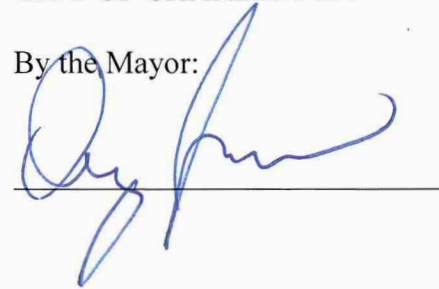
WHEREAS, it is in the public interest and for the public benefit that the Mayor of the City of Charleston approve the issuance of the Bonds;

NOW, THEREFORE, it is hereby DETERMINED that the issuance of the Bonds in an aggregate principal amount of not to exceed \$19,000,000 is hereby approved for the purpose of providing funds to finance the costs of refunding and redeeming the Prior Bonds and costs relating thereto, including but not limited to the costs of issuance of the Bonds.

Dated: October 19, 2018

CITY OF CHARLESTON

By the Mayor:



Resolution No. 937-24

Introduced in Council:

March 4, 2024

Introduced by:

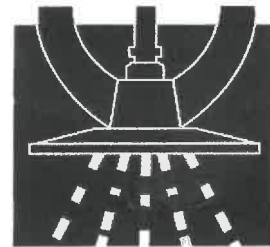
Joseph Jenkins

Adopted by Council:

Referred to:

Finance

- 1 Resolution No. 937-24 – Authorizing the Mayor or City Manager to enter into a contract with
- 2 Brewer and Company of West Virginia to install new fire alarm systems in City Hall and City
- 3 Service Center in the amount of \$272,400.00 pursuant to a competitive bid process.
- 4
- 5 Be it Resolved by the Council of the City of Charleston, West Virginia:
- 6
- 7 That the Mayor or City Manager to enter into a contract with Brewer and Company of West
- 8 Virginia to install new fire alarm systems in City Hall and City Service Center in the amount of
- 9 \$272,400.00 pursuant to a competitive bid process.



Wednesday, February 14, 2024

Re: Charleston City Building and Service Center Fire Alarm

Brewer & Company is pleased to provide a **price of \$272,400.00** for the Charleston City Building and Service Center Fire Alarm Installation Projects. Pricing is based on 1st Shift Wage Labor Rates. All Taxes / Permits / Fees are Included. **This Quote is Good for 30 Days.**

Following is our scope:

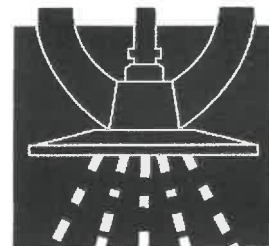
Brewer & Company to Install and Project Manage the Installation of the New Fire Alarm Systems in the Charleston City Building and the Service Center. Technician Support / Project Management / Customer Support is included in the contract price and will be performed by Brewer & Company.

Fire Alarm System Installation / Commissioning Support provided, Scope of Work to include:

1. 2 Siemens FC 924 Fire Alarm Control Panels and Annunciators with all Associated Field devices and Notification Appliances for Both Buildings
2. The Existing FACP used for elevator recall at the Maintenance/Parking Building will be Removed and the existing devices will be incorporated into the New System.
3. Installation Materials / Cabling / Cabling Structure Material
4. Drawing/Submittal Package for Customer and CFD Approval
5. *System Programming / System Checkout / System Commissioning*
6. *Technician Support for Fire Marshal Inspection with City / WV Fire Marshal*
7. NFPA Testing / Inspection, NFPA Certification Paperwork – Letter of Completion for Fire Marshal Inspection.
8. Technician Supported Customer - End User Training
9. 2 Year Total Parts / 1 Year Labor Warranty is included
10. Housekeeping as Needed for Project

Exclusions:

1. Painting / Patchwork
2. Overtime / Weekend Work
3. Items not listed above



Approved By:

Contact Name	Title	Dated

Print

Thank you,

Greg Grim
Brewer & Company
304-651-4028 Cell
Greg.Grim@brewerfire.com



Diana's list

A decision will be made by City within five (5) business days of the hearing. Upon a decision having been made, both the vendor and Selected Vendor will be notified in writing of City's decision. In the event City's selection is reversed, City will review all proposals which were originally and timely submitted in accordance with state and city laws and regulations. During the reconsideration, issues addressed during the protest, reconsideration may be considered.

Once a written protest is filed, no work will be performed by selected Vendor until such time as City has rendered a final decision on the protest. It is the policy of the City that, if a protest is filed, the time period for completion of the goods or completion of the services to be performed by the Vendor shall be extended until such time as the protest is resolved.

By submitting a proposal, each vendor agrees that the procedure outlined herein is the exclusive remedy available to challenge/protest the award of a contract to a successful bidder. The decision of the city manager is final and is not appealable. Each vendor further agrees that in the event any qualified vendor fails to submit a written protest and a certified check or bond within the time period specified, that vendor thereby forever waives its right to any further claim, action, or remedy, including, but not limited to, the right to bring an action before any administrative agency or any court of competent jurisdiction.

Vendor Signature:

Date:

Required Document List

Description

Operator Terms

Edit View

✓ Stockholders

Provide and a copy of the contract.

Stockholders or any List

✓ Duncy Free

Provide and a signed contract.

✓ City Purch Aff

Provide and a signed contract.

Rid Bond

Provide and a signed contract.

COT emailed 2-7-24

■ BID AND PROPOSAL FORM (3 OF 3)

Edit More

✓ Local Vendor Preference: - - By checking this box and signing below, I hereby certify and attest I have read the Local Vendor Preference statement found on the "Information for Bidders" document attached to this solicitation. **

✓ Business & Occupation Tax: - - By checking this box and signing below, I hereby certify and attest I have read the Business & Occupation Tax statement found on the "Information for Bidders" document attached to this solicitation. **

✓ Equal Employment Opportunities: - - I acknowledge and agree that, in the performance of any City contract, the vendor will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, sexual orientation, gender identity, disability, or national origin. **

Authorized Bidder's Signature:



Title:

PM/Sales

Printed/Typed Bidder's Name:

Gregory Grim

Date:

2/8/2024

Company Name: Brewer & Company of WV, Inc

Address: 3601 7th Avenue, Charleston WV 25387

Telephone Number: (304) 651-4028 Fax Number:

Email Address:

greg.grim@brewerfire.com

■ MANDATORY PRE-BID MEETING

Edit More

✓ A mandatory pre-bid conference for the purpose of discussing and clarifying the project specifications while performing a walk-through will be held at both 501 Virginia Street & 915 Quarrier Street, Charleston WV 25301, beginning at 501 Virginia Street at 10:00 a.m., Thursday February 1, 2024. We will meet in the City Hall Lobby. (Bidder acknowledges the pre-bid meeting requirement.) *

A decision will be made by City within five (5) business days of the hearing. Upon a decision having been made, both Protestor and Selected Vendor will be notified in writing of City's decision. In the event City's selection is reversed, City will reevaluate all proposals which were originally and timely submitted, in accordance with state and city laws and regulations. During the reevaluation, issues addressed during the protest proceedings may be considered.

Once a written protest is filed, no work will be performed by Selected Vendor until such time as City has rendered a final decision on the protest; provided that, if City, in its sole discretion, determines time is of the essence regarding receipt of the goods or completion of the services to be performed, City may permit Selected Vendor to proceed pursuant to its proposal and any Agreement with City, until/unless the protest is successful.

By submitting a proposal, each vendor agrees that the procedure outlined herein is the exclusive remedy available to challenge/protest the award of a contract to a successful bidder. The decision of the city manager is final and is not appealable. Each vendor further agrees that, in the event any qualified vendor fails to submit a written protest and certified check or bond within the time period specified, that vendor thereby waives its right to any further claim, action, or remedy, including, but not limited to, the right to bring an action before any administrative agency or any court of competent jurisdiction.

Vendor Signature: 

Date: 

Required Document List

Name	Description	Omission Terms	Edit	More
List of Stockholders	Please upload a copy of Bidder's List of Stockh...	I have no Stockholders or have provided my Lis...		
Drug-Free Workplace Conformance Affidavit	Please upload a signed and notarized copy of B...			
City Purchasing Affidavit	Please upload a signed and notarized copy of B...			
Bid Bond (5% of bid price)	Please upload a copy of a fully executed 5% bi...			
Additional Upload Space	(Optional)	(Optional)		
Certificate of Insurance	\$1,000,000 per occurrence/claim			
6 Required Documents				

▢ ADDENDUM ACKNOWLEDGMENT

Edit More

Click "+" to add addenda. If no addendum, type "N/A."

Addendum Number:"

Date of Acknowledgment:"

▢ EXCEPTIONS AND DEVIATIONS

Edit More

 Optional. Vendor is not required to complete

Bidder shall fully describe every variance, exception and/or deviation. Please include with your bid form. Additional sheets may be used if required

Enter exceptions and deviations below:"

▢ BID AND PROPOSAL FORM (1 OF 3)

Edit More

I agree to supply the materials and perform the services as detailed in this solicitation, including accepting the terms and conditions associated with it
required

✓ I acknowledge that I have read the solicitation carefully and agree to its terms *

• BID BOND

✓ Bidder acknowledges that a 5% bid bond is required for submission. *

Edit More

• LIST OF STOCKHOLDERS

Provide a list of all stockholders by name and address owning 5% or more of the bidder's current stock must be submitted with the bid. In the case of partnerships or sole proprietorships, those receiving a 5% or more share of the company's net profit must be listed

If attaching PDF copy of List of Stockholders, type "Attached" in the fields below.

Click "+" to add Stockholders. If none, type "N/A."

Stockholder Name:*

EMPLOYEE OWNED

Stockholder Address:*

Edit More



CITY OF CHARLESTON, WEST VIRGINIA

LOCAL VENDOR AFFIDAVIT

Pursuant to § 2-480 of the Charleston City Code, a Local Vendor may qualify for a competitive advantage applied to its bid when certain conditions are met. One condition requires the vendor to submit this affidavit confirming that (1) the vendor has paid all applicable business taxes to the City or has a non-delinquent payment plan with the City, and (2) the vendor must state that it has had an active and current business & occupation tax account with the City Collector during the entire one-year period prior to the bid opening.

AFFIRMATION: By signing this form, the vendor's authorized signer affirms and acknowledges under the penalty of law for false swearing (W. Va. Code § 61-5-3) that (1) the vendor has paid all applicable business taxes to the City or has a non-delinquent payment plan with the City, and (2) the vendor has had an active and current business & occupation tax account with the City Collector during the entire one-year period prior to the scheduled bid opening for the procurement listed below.

WITNESS THE FOLLOWING SIGNATURE:

Vendor's Corporate Name: Brewer & Company of WV, Inc

Authorized Signature:  Date: 2.7.24

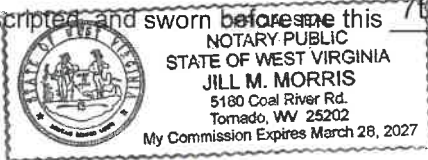
Douglas P Meeks
(Printed Name and Title)

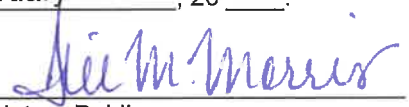
State of West Virginia

County of Kanawha, to wit:

Taken, subscribed, and sworn before me this 7th day of February, 20 24.

[SEAL]




Notary Public

My Commission expires March 28, 20 27.

Name of Procurement: _____ Bid Opening Date: _____



State of West Virginia
DRUG FREE WORKPLACE CONFORMANCE AFFIDAVIT
West Virginia Code §21-1D-5

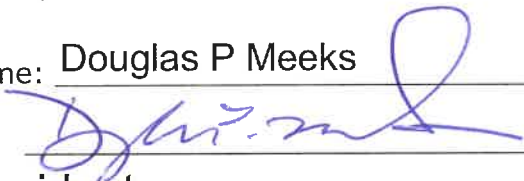
I, Douglas P Meeks, after being first duly sworn, depose and state as follows:

1. I am an employee of Brewer & Company of WV, Inc; and,
(Company Name)
2. I do hereby attest that Brewer & Company of WV, Inc
(Company Name)

maintains a written plan for a drug-free workplace policy and that such plan and policy are in compliance with **West Virginia Code §21-1D**.

The above statements are sworn to under the penalty of perjury.

Printed Name: Douglas P Meeks

Signature: 

Title: President

Company Name: Brewer & Company of WV, Inc

Date: 2.7.24

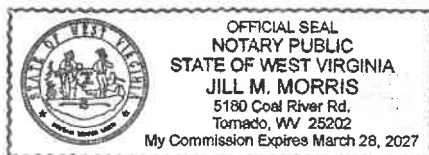
STATE OF WEST VIRGINIA,

COUNTY OF Kanawha, TO-WIT:

Taken, subscribed and sworn to before me this 7th day of February, 2024.

By Commission expires March 28, 2027

(Seal)





(Notary Public)

CITY OF CHARLESTON PURCHASING AFFIDAVIT

VENDOR OWING A DEBT TO THE STATE OR POLITICAL SUBDIVISION:

West Virginia Code § 5A-3-10a provides that: No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owed is an amount greater than one thousand dollars (\$1,000) in the aggregate.

PUBLIC IMPROVEMENT CONTRACTS & DRUG-FREE WORKPLACE ACT:

If this is a solicitation for a public improvement construction contract, the vendor, by its signature below, affirms that it has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the **West Virginia Code**. The vendor **must** make said affirmation with its bid submission. Further, public improvement construction contracts may not be awarded to a vendor who does not have a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the **West Virginia Code** and who has not submitted that plan to the appropriate contracting authority in a timely fashion. For a vendor who is a subcontractor, compliance with Section 5, Article 1D, Chapter 21 of the **West Virginia Code** may take place before their work on the public improvement is begun.

ANTITRUST:

In submitting a bid to any agency for the State of West Virginia, the bidder offers and agrees that if the bid is accepted, the bidder will convey, sell, assign or transfer to the state of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the State of West Virginia for a price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the state of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement or connection with any corporation, firm, limited liability company, partnership or person or entity submitting a bid for the same materials, supplies, equipment or services and is in all respects fair and without collusion or fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

LICENSING:

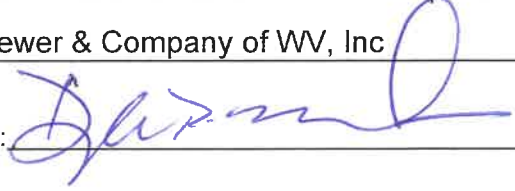
Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, the West Virginia Insurance Commission or any other state agencies or political subdivision. Furthermore, the vendor must provide all necessary releases to obtain information to enable the Director or spending unit to verify that the vendor is licensed and in good standing with the above entities.

CONFIDENTIALITY:

The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures and rules. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.

Under penalty of law for false swearing (**West Virginia Code § 61-5-3**), it is hereby certified that the vendor affirms and acknowledges the information in this affidavit and is in compliance with the requirements as stated.

Vendor's Name: Brewer & Company of WV, Inc

Authorized Signature: 

Date: 2.7.24



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/08/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Garlow Insurance Agency, Inc. P O Box 5052 Charleston WV 25361	CONTACT NAME: Lora Fields PHONE (A/C, No, Ext): (304)347-8972 E-MAIL ADDRESS: lfields@garlowinsurance.com FAX (A/C, No): (304)347-8973																					
INSURED Brewer & Company Of WV Inc. PO Box 3108 Charleston WV 25331	<table><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A :</td><td>THE PHOENIX INSURANCE COMPANY</td><td>25623</td></tr><tr><td>INSURER B :</td><td>Travelers Prop Cas Co Of America</td><td>25674</td></tr><tr><td>INSURER C :</td><td>Travelers Prop Cas Co Of America</td><td>25674</td></tr><tr><td>INSURER D :</td><td>CHARTER OAK FIRE INS CO</td><td>25615</td></tr><tr><td>INSURER E :</td><td>Lloyd's of London</td><td>15792</td></tr><tr><td>INSURER F :</td><td></td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A :	THE PHOENIX INSURANCE COMPANY	25623	INSURER B :	Travelers Prop Cas Co Of America	25674	INSURER C :	Travelers Prop Cas Co Of America	25674	INSURER D :	CHARTER OAK FIRE INS CO	25615	INSURER E :	Lloyd's of London	15792	INSURER F :		
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INSURER E :	Lloyd's of London	15792																				
INSURER F :																						

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Contractual Liability GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC OTHER:	Y	CO-OJ025826	12/31/2023	12/31/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY ☒ phys damage ☒ hired PD		810-1L612492	12/31/2023	12/31/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Comp / Collision Ded \$ 500 / 1000
C	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☒ DED ☒ RETENTION \$ 10,000	Y	CUP-OJ044226	12/31/2023	12/31/2024	EACH OCCURRENCE \$ 6,000,000 AGGREGATE \$ 6,000,000 \$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N N	UB-9H577802	12/31/2023	12/31/2024	☒ PER STATUTE ☒ OTHER Incl WV Broad Form E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
E	Professional Liability including Pollution		PLC-02232-01	12/31/2023	12/31/2024	Per Claim/Aggregate \$2,000,000 Deductible \$15,000/\$45,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Leased/Rented Equipment Coverage - \$100,000 per item. Workers Compensation covered states-KY, MD, NC, PA, VA, WV/WV Deliberate Intent included.
Project: Fire Safety System for Charleston City Hall & City Service Center.
Certificate Holder is additional insured when required by written contract.

CERTIFICATE HOLDER**CANCELLATION**

City Of Charleston 501 Virginia Street East Charleston WV 25301	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	---

Fax:
ACORD 25 (2016/03)

Email:

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Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Brewer & Company of West Virginia, Inc. Ohio Farmers Insurance Company
P O Box 3108 P.O. Box 5001
Charleston, WV 25331 Westfield Center, OH 44251-5001

OWNER:

(Name, legal status and address)

City of Charleston
501 Virginia Street East
Charleston, WV 25301

BOND AMOUNT: \$ 5%

Five Percent of Amount Bid

PROJECT:

(Name, location or address, and Project number, if any)

Fire Safety System for Charleston City Hall & City Service Center, Charleston, WV

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

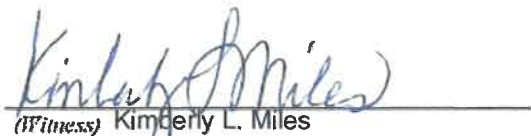
The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 16th day of February, 2024


(Witness)


(Witness) Kimberly L. Miles

Brewer & Company of West Virginia, Inc.
(Principal) (Seal)

By: 
(Title)

Ohio Farmers Insurance Company
(Surety) (Seal)

By: 
(Title) WV Resident Agent Attorney-in-Fact

General
Power
of Attorney

Westfield Insurance Co.
Westfield National Insurance Co.
Ohio Farmers Insurance Co.
Westfield Center, Ohio

CERTIFIED COPY

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint
ANDREW K. TEETER, KIMBERLY L. MILES, DOUGLAS P. TAYLOR, GARY R. FREEMAN, KIMBERLY S. BURDETTE, JAIME L. CARPENTER, TAMMY S. SELBE, JOINTLY OR SEVERALLY

of **CHARLESTON** and State of **WV** its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver **any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship** -

LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

"Be It Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact, may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"Be it Further Resolved, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their **National Surety Leader** and **Senior Executive** and their corporate seals to be hereto affixed this **27th** day of **JANUARY** A.D., **2022**.

Corporate
Seals
Affixed



WESTFIELD INSURANCE COMPANY
WESTFIELD NATIONAL INSURANCE COMPANY
OHIO FARMERS INSURANCE COMPANY

By:

Gary W. Stumper, National Surety Leader and
Senior Executive

State of Ohio
County of Medina ss.:

On this **27th** day of **JANUARY** A.D., **2022**, before me personally came **Gary W. Stumper** to me known, who, being by me duly sworn, did depose and say, that he resides in **Hartford, CT**; that he is **National Surety Leader and Senior Executive** of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial
Seal
Affixed



David A. Kotnik, Attorney at Law, Notary Public
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio
County of Medina ss.:

I, **Frank A. Carrino**, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this **16th** day of **February** A.D., **2024**.



Frank A. Carrino, Secretary