



**JOURNAL of the PROCEEDINGS  
of the  
CITY COUNCIL**

CITY OF CHARLESTON, WEST VIRGINIA

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Regular Meeting – Monday, October 21, 2019

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

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**OFFICIAL RECORD**

**Amy Shuler Goodwin**  
Mayor

**Miles C. Cary II**  
City Clerk

***CALL TO ORDER***

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The Council met in the Chambers of the City Building at 7:00 P.M., for the second meeting in the month of October on the 21<sup>st</sup> day, in the year 2019, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Campbell and the Pledge of Allegiance was led by Webelos Den Pack 168. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

**ADAMS  
BURTON  
COOK  
HOOVER  
KING  
MCKINNEY  
PERSINGER  
ROBINSON  
STEELE**

**BAILEY  
CAMPBELL  
FAEGRE  
JENKINS  
KNAUFF  
MINARDI  
PHARR  
SHEETS  
WESLEY-PLEAR**

**BAYS  
CEPERLEY  
HAAS  
JONES  
LAIRD  
OVERSTREET  
REISHMAN  
SNODGRASS  
MAYOR GOODWIN**

With twenty-seven members being present, the Mayor declared a quorum present.

Pending the reading of the Journal of the previous meeting, the reading thereof was dispensed with and the same duly approved.

***PUBLIC SPEAKERS***

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1. Ashley Hill – Producer from C-SPAN – announced that C-SPAN Cities Tour will be covering Charleston that will air November 16<sup>th</sup> and 17<sup>th</sup>.
2. Martec Washington – Encouraged the City to reach out to Amazon to place warehouse/offices inside City limits. Expressed concerns over police brutality and encourage extra training. Streets that are not handicap-friendly: Roane, Virginia, Tennessee, Randolph, West Washington and Beech. Encouraged more recycling cans to be placed in the City.

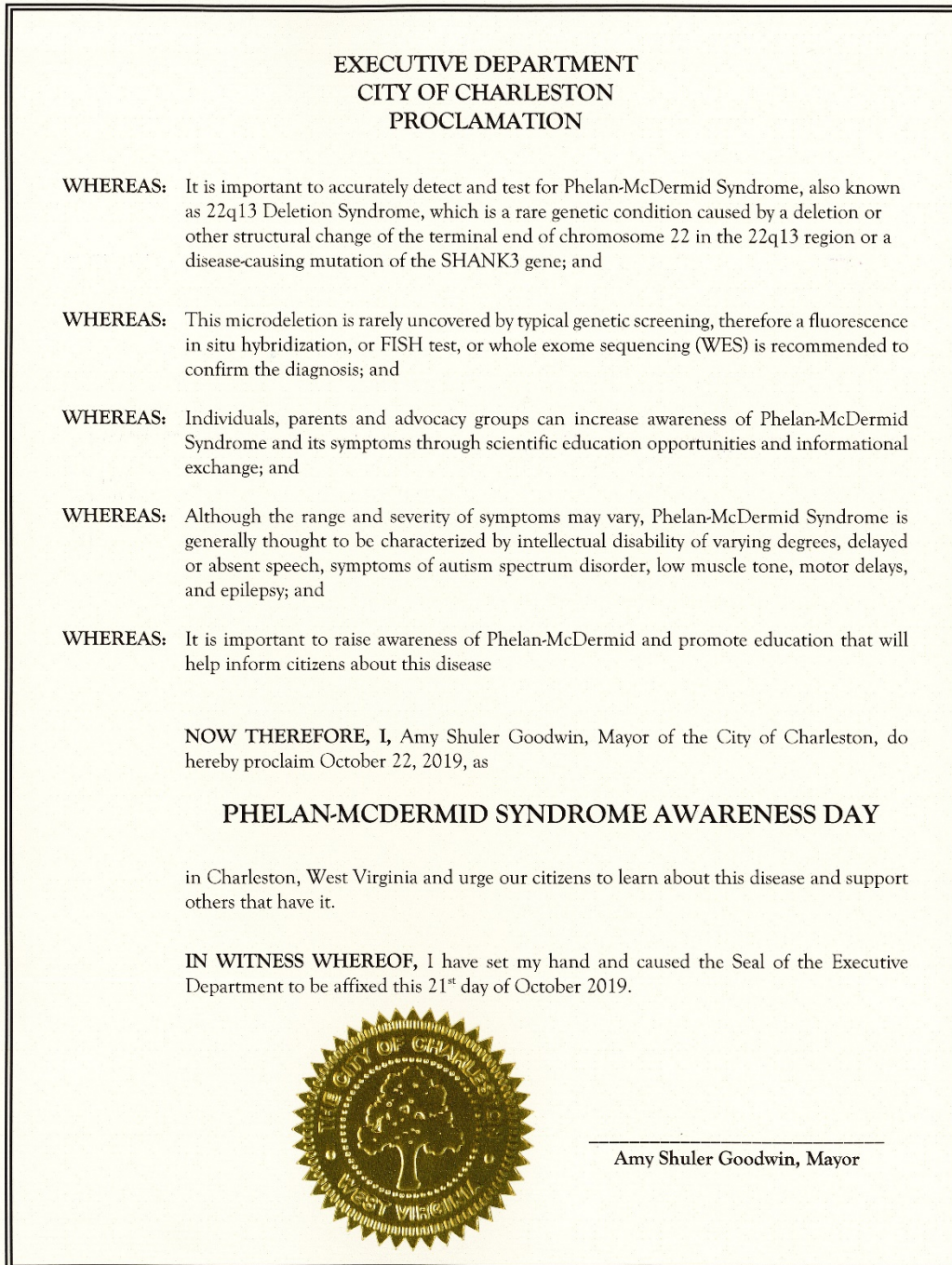
***CLAIMS***

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1. A claim of Jordan Cantrell, Charleston, WV;  
alleges damage to property.  
Refer to City Solicitor
2. A claim of Perry Wayne Lewis, Cross Lanes, WV;  
alleges loss of property.  
Refer to City Solicitor
3. A claim of Victoria McCabe, Charleston, WV;  
alleges lost property.  
Refer to City Solicitor

**PROCLAMATIONS**

1.



The proclamation was presented to Blaire Malkin and her family.

2.

**EXECUTIVE DEPARTMENT  
CITY OF CHARLESTON  
PROCLAMATION**

**WHEREAS:** On October 29, 2019 the Baha'is of West Virginia and their families, friends, neighbors, and colleagues are celebrating the 200<sup>th</sup> anniversary of the birth of the herald of the Baha'i Faith; and

**WHEREAS:** In the 19<sup>th</sup> Century, the Baha'i Faith brought a message of peace, love and unity for all humanity; and

**WHEREAS:** In 1916, the first Baha'i to visit Charleston was Louis Gregory, America's first "Race Amity Worker"; and for over 100 years the Baha'is of West Virginia have built communities welcoming all races, nationalities and religions; and

**WHEREAS:** We recognize the contributions of the Baha'i community to sow love and grow peace with Peace Rose plantings around Charleston; and congratulate our Baha'is on their celebration of this important milestone.

**NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby proclaim October 29, 2019, as**

**BAHA'IS OF WEST VIRGINIA DAY**

in the City of Charleston and encourage all citizens to recognize the importance of cultivating a welcoming and inclusive environment for all residents and visitors.

**IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 21<sup>st</sup> day of October 2019.**



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

Amy Shuler Goodwin, Mayor

3.

**EXECUTIVE DEPARTMENT  
CITY OF CHARLESTON  
PROCLAMATION**

**WHEREAS:** Charleston, West Virginia is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism and service; and

**WHEREAS:** Charleston is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment and conviction to their individual ambitions, family, friends and community; and

**WHEREAS:** Charleston chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

**WHEREAS:** The Capital City acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2019.

**NOW THEREFORE, I,** Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby proclaim November 1, 2019 as

**EXTRA MILE DAY**

in the City of Charleston and urge individuals in the community to take time on this day to not only “go the extra mile,” but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country and world a better place.

**IN WITNESS WHEREOF,** I have set my hand and caused the Seal of the Executive Department to be affixed this 21<sup>st</sup> day of October 2019.

A handwritten signature in blue ink, reading "Amy Shuler Goodwin".  
\_\_\_\_\_  
Amy Shuler Goodwin, Mayor

## **REPORTS OF COMMITTEES**

### **COMMITTEE ON ORDINANCE AND RULES**

Councilmember Faegre, Chair of the Council Committee on Ordinance and Rules, submitted the following reports:

1. Your committee on Ordinance and Rules has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7843 do pass.

Bill No. 7843 - A BILL to amend and reenact Section 46-1 of the Municipal Code of the City of Charleston, as amended, relating to updating requirements for alarm systems; removing the requirement that alarm systems be registered; and updating when false alarms become a violation that subjects the owner to a fine; and increasing the fine amount.

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

That Section 46-1 of the Municipal Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

#### **Chapter 46 - EMERGENCY SERVICES**

##### **Sec. 46-1. – Alarm systems.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Alarm system* means equipment designed to signal an illegal entry or other activity to which the police department is requested to respond by silent or audible alarm, but does not include an automobile alarm.

*Alarm user* means any person whose business premises are protected by an alarm system within the city.

*False alarm* means an alarm not resulting from an unauthorized entry, robbery or where no other crime was committed or attempted at the premises. An alarm caused by power failure shall be deemed a false alarm if the power outage lasts longer than the alarm system's battery backup. A false alarm does not include an alarm that activates during violent weather.

*Reporting period* means each 12-month period following a false alarm for an alarm user. described in the first sentence of subsection (c) of this section.

(b) ~~*Alarm system registration.*~~

~~(1) An alarm user shall register its alarm system with the city by completing a registration application prepared by the police department for such purpose in accordance with this section, and filing such application with the police department. Registration shall be free and must be renewed annually on or by July 1. An alarm user who fails to register an alarm system after receipt of three written notices from the police department of the obligation to do so shall thereafter be subject to a fine of \$100.00 on each occasion on which such alarm system records a false alarm and remains unregistered.~~

~~(2) The registration application shall provide the police department with a record of the company or firm that installed the alarm system, the names and telephone numbers of contact people (key holders) to call when an alarm is activated, and information concerning the maintenance and inspection of the alarm system. The registration application shall also confirm whether the alarm system includes an audible alarm (siren, etc.) and, if so, whether such alarm system has an automatic 15-minute shutoff switch. No registration pertaining to an alarm system having an audible alarm shall be deemed completed unless it confirms that such system also has an automatic shutoff switch as set forth in this section. The alarm user shall notify the police department of any changes in any information set forth in an application within 30 days of each such change. Failure to notify the police department of such changes shall result in a \$100.00 fine.~~

~~(c) False alarms; penalties.~~

~~(1) The police department shall maintain records regarding false alarms. for each alarm system for consecutive 12 month periods initially beginning on the date the alarm system is registered. If an alarm user has a false alarm, the police department shall notify the alarm user that continued false alarms during the reporting period will result in a fine consistent with this section. The notice may be made orally or in writing and failure to provide the notice is not a defense to a violation of this section.~~

~~(2) After an alarm system is registered, the An alarm user owning such an alarm system, upon conviction following the filing of a complaint in municipal court, shall be fined \$100.00 \$500.00 upon the occurrence of the sixth false alarm recorded by such alarm system three or more false alarms in any three month period during any reporting period, and for each false alarm occurring thereafter during the same reporting period.~~

Councilmember Faegre added that the Charleston Police Department has recommended that the City's current requirement that business owners register their alarms with the City is unnecessary. It also requires that there can be no more than 2 false alarms in a 3-month period before the owner is subjected to a fine.

Councilmember Faegre moved to approve the bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT:

With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Bill No. 7843 passed.

2. Your committee on Ordinance and Rules has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7844 Committee Substitute do pass.

Bill No. 7844 Committee Substitute - A BILL to amend and reenact Chapter 2, Article VII, Sections 2-553, 2-554, 2-555, and 2-556 of the Code of the City of Charleston, as amended, relating to providing authority for the mayor to appoint a general manager of the Charleston Coliseum and Convention Center and Auditorium; authorizing the general manager to employ necessary employees within the budget approved by Council; clarifying financial and purchasing requirements; requiring an annual report and detailing its contents; and requiring rates to be posted on the Charleston Coliseum and Convention Center website.

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

That Chapter 2, Article VII, Sections 2-553, 2-554, 2-555, and 2-556 of the Code of the City of Charleston be amended and reenacted to read as follows:

Sec. 2-553. – Powers and duties.

(a) The Charleston Coliseum and Convention Center/Municipal Auditorium Board shall have power, authority, and duty to supervise, administer, operate, and maintain the municipal civic, cultural, and educational center of the city, located on Civic Center Drive, commonly called the “Charleston Coliseum and Convention Center,” and the Municipal Auditorium, located on Virginia and Truslow streets, commonly called the “Auditorium,” to prepare, make, adopt, prescribe, and promulgate instructions, procedures, rules, and regulations appropriate for the management of the Charleston Coliseum and Convention Center and the Auditorium; to provide for the safeguarding of and accountability for all funds derived from and in connection with the operation of the Charleston Coliseum and Convention Center and Auditorium; and to determine, prescribe and collect all charges, fees, and revenue of any kind due to the city for the use of the Charleston Coliseum and Convention Center and Auditorium. However, any schedule of fees, rates, or charges shall be first approved by the city council before being put into effect.

(b) The board shall not allow the property under its control to be used for or in connection with any program or purpose that is prohibited by law or resolution of council.

(c) If a vacancy occurs in the position of general manager, the board may appoint an interim general manager until the mayor makes an appointment pursuant to this subsection. Upon the request of the mayor, the board shall initiate a nationwide search for a new general manager and, upon conclusion of the search and pursuant to the timeline set by the mayor, provide no less than three and no more than seven recommendations to the mayor to fill the general manager position. The mayor shall appoint a general manager, by and with the advice and consent of the council, who shall work with the board to execute a vision for the Charleston

Coliseum and Convention Center and Auditorium. The mayor shall fix the compensation of the general manager, subject to council approval, and have the full and complete power of removal of the general manager, subject to any employment contract approved by the board and authorized by resolution of council. The board general manager shall have the authority to employ a manager and such other employees as are necessary properly to effectively operate the Charleston Coliseum and Convention Center and Auditorium and, subject to approval of the council, to fix the compensation of such employees consistent with the budget approved by council.

Sec. 2-554. - Finances.

All revenue derived from the use and operation of the Charleston Coliseum and Convention Center and the Auditorium shall be paid into the city treasury, general fund in a special fund dedicated to the Charleston Coliseum and Convention Center and the Auditorium. and all All connected expenditures from the special fund shall be requisitioned and accounted for in the same manner as other general fund expenditures, and pursuant to all of the purchasing requirements of Article IV of this chapter.

Sec. 2-555. – Annual and Quarterly reports to city council.

The Charleston Coliseum and Convention Center/Municipal Auditorium Board shall make a written annual report to the city council detailed the economic impact attributable to the Coliseum and Convention Center and the Auditorium. The annual report shall include, at a minimum, the following information: (1) the number of events, unique attendees, total hotel room nights, and a summary of the direct economic impact figures for the preceding fiscal year, (2) an operations breakdown summarizing food and beverage, community impact, and sustainability efforts, and (3) financial summaries for the previous five fiscal years. The Charleston Coliseum and Convention Center/Municipal Auditorium Board shall make a quarterly written report to the city council of its operating expenses and finances, quarterly due within 30 days of the end of each fiscal quarter.

Sec. 2-556. – Schedule of rates, rentals and other charges for use of services and facilities.

(a) A true copy of the schedule of fees, rates and charges for the use of the Charleston Coliseum and Convention Center and the Auditorium, as approved by the city council pursuant to the provisions of section 2-553, shall be maintained on file in the office of the Charleston Coliseum and Convention Center/Municipal Auditorium Board or the general manager of the Charleston Coliseum and Convention Center and Auditorium and on the Charleston Coliseum and Convention Center's website.

(b) All fees, rates and charges for the use of the Charleston Coliseum and Convention Center

and the Auditorium established or approved by the city council and in effect immediately prior to the effective date of this Code are continued in full force and effect until such time as new fees, rates and charges are determined, prescribed and approved pursuant to the provisions of section 2-553, as set forth in Chapter 82, Article 1, Section 82-4, Schedule of Rates and Rentals.

Councilmember Pharr added that the bill increases requirements for the convention center board to report to council and to publish information on its website. It also allows the mayor, with the advice and consent of council, to appoint a new general manager where previously that responsibility rested with the board. The proposed committee substitute adds that the removal authority is subject to any employment contract approved by the Board and authorized by a resolution of Council. Additionally, it clarifies that the Board has the authority to appoint an interim General Manager when there is vacancy until the Mayor makes the appointment.

Councilmember Faegre moved to approve the bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT:

With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Bill No. 7844 Committee Substitute passed.

3. Your committee on Ordinance and Rules has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7845 do pass.

Bill No. 7845 - A BILL to amend and reenact Section 114-90 of the Municipal Code of the City of Charleston, as amended, relating to formalizing a dispute process for parking citations with the Director of Parking; and detailing the appeal process from the decision of the Director of Parking.

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

That Section 114-90 of the Municipal Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

Sec. 114-90. - Parking citation as prima facie evidence of offense; process to pay or contest parking citations.

(a) Issuance of a parking citation to an alleged violator of the provisions of this chapter shall be deemed to be prima facie evidence of the parking violation indicated on the face of the parking citation. As such, any person who is issued a parking citation must pay the fine indicated for the violation, as set forth in City Code subsection 114-3(c), in full to the cashier for the parking system within ten days of issuance; provided, however, that any person who feels he or she was improperly issued such parking citation may, within the ten days from issuance, file a motion to contest the parking citation along with the required bond with the municipal court clerk file a dispute with the Director of Parking. The Director of Parking shall review the dispute and make an independent determination regarding the citation. The Parking System shall communicate the decision of the Director of Parking to the alleged violator and notify the alleged violator that they may appeal the decision to the municipal court within ten days in accordance with the following:

(1) Prior to filing any motion to contest appeal of the decision of the Director of Parking, the alleged violator must shall pay the required amount of the fine in full to the cashier for the parking system, which amount will be held by the parking system City Collector or on the City's online payment website as bond pending evidentiary hearing before and resolution of the case by the municipal court. the cashier The City Collector must issue a receipt to the alleged violator showing the amount of the bond paid. Thereafter, in order to properly and timely contest appeal the decision of the Director of Parking regarding his or her citation, the alleged violator must file a copy of the bond receipt along with his or her motion to contest appeal of the decision of the Director of Parking with the municipal court clerk within ten days of issuance of the decision of the Director of Parking citation as set forth above. If any motion to contest appeal filed in accordance with this section is not timely filed or is not accompanied with the

required receipt showing payment of the required bond, the alleged violator shall be deemed to have waived his or her right to contest the citation, and such motion appeal shall be summarily denied as untimely filed; provided, however, that nothing set forth hereinabove shall prevent the municipal court judge from finding upon proper showing that an alleged violator suffers from financial hardship, and, as a result, waiving the requirement that the bond be posted as a prerequisite to filing a motion to contest an appeal.

(2) Any motion to contest appeal filed with the municipal court clerk must be in writing, on the form to be provided by the municipal court clerk, and must be signed by the alleged violator affirming that the contents of the motion appeal are true and accurate to the best of the alleged violator's knowledge at that time. Such motion to contest appeal must state the facts and reasons in support of the motion alleged violator's position. Upon filing any such motion to contest appeal with the municipal court clerk, the alleged violator must serve a copy of the motion appeal and receipt showing proof of bond upon the city attorney.

(b) Upon filing of a motion to contest an appeal of the Director of Parking's decision with the municipal court clerk, the clerk or his or her designee shall place the case on the municipal court docket, set the case for evidentiary hearing, and provide a notice of hearing to the alleged violator, city attorney, and Director of Parking. and The municipal court clerk shall forward a copy of the motion appeal to the parking system director city attorney and the Director of Parking. Upon receipt of the motion, the parking system director appeal, the Director of Parking shall cause a copy of the parking citation at issue to be forwarded to the municipal court clerk who shall file it as the original complaint alleging the violation indicated therein and forward a copy to the city attorney. Further, if the alleged violator alleges as his or her reason for contesting that he or she is reporting a defective parking meter, then the parking system director Director of Parking shall cause an inspection of the meter to be made and a report to be generated setting forth the findings of the inspection, a copy of which will be forwarded to the municipal court clerk to be placed in the court file along with the motion to contest and to the city attorney; if the meter is found defective, the appeal will be granted and the parking citation shall be dismissed.

(c) The municipal court shall treat the parking citation itself as the original complaint before the court, and shall treat it as prima facie evidence of the parking violation alleged therein. As such, the alleged violator will bear the burden of overcoming the prima facie case at the evidentiary hearing. At the close of all of the evidence, should the municipal judge find against the alleged violator, the bond posted by the alleged violator will be applied as payment for the fine indicated for the violation, and the court may assess against the alleged violator appropriate court costs in an amount equal to the court costs generally assessed for any other violation of this chapter; however, should the court find in favor of the alleged violator, the bond shall be refunded to the alleged violator. by the municipal court clerk, and no court costs will be assessed.

(d) In any instance in which a an alleged violator does not timely pay, within ten days of the issuance of a parking citation upon him or her or ten days after the decision of the Director of Parking (if applicable), the full amount of the fine set by City Code subsection 114-3(c) at the increased amount for the alleged offense described in the parking citation becomes due. or If the alleged violator properly and timely file a motion to contest files an appeal along with the required bond, then the amount of the fine shall automatically remain at the original amount until ten days after the decision by the municipal court, at which point the amount due will increase to the amount set forth in subsection 114-3(c) as a penalty for late payment.

Councilmember Faegre added that the bill codifies the current practice that the Parking Director has been doing above and beyond what the code requires to review parking tickets. Anyone who has a dispute over a parking ticket can go to the Director of Parking without having to go through the Municipal Court first.

Councilmember Faegre moved to approve the bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT:

With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Bill No. 7845.

## **COMMITTEE ON PUBLIC SAFETY**

Councilmember Steele, Chair of the Council Committee on Public Safety, submitted the following reports:

1. Your committee on Public Safety has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 251-19 do pass.

Resolution No. 251-19 - Authorizing the Chief of Police to enter into a Memorandum of Understanding with the United States Marshall Service to create a Violent Offender Task Force, pursuant to 28 U.S.C. § 566, to investigate and arrest persons who have active state and federal warrants for their arrest, thereby improving public safety and reducing violent crime.

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

That the Chief of Police is hereby authorized to enter into a Memorandum of Understanding with the United States Marshall Service to create a Violent Offender Task Force, pursuant to 28 U.S.C. § 566, to investigate and arrest persons who have active state and federal warrants for their arrest, thereby improving public safety and reducing violent crime.

Councilmember Steele added that this will be a working relationship between the United States Marshall Service and the Charleston Police Department that will improve communication and reduce violent crime.

Councilmember Steele moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 251-19 adopted.

2. Your committee on Public Safety has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7835 Committee Substitute do pass.

Bill No. 7835 Committee Substitute - A BILL to amend and reenact Sections 50-34 ~~and 50-36~~ of the Code of the City of Charleston, as amended, ~~all~~ relating to clarifying the process by which the Charleston Police Department may address houses where illegal activity is ongoing; updating notice requirements; and defining terms; ~~and clarifying certain warrant requirements related to inspections.~~

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

That Sections 50-34 ~~and 50-36~~ of the Code of the City of Charleston, as amended, are hereby amended and reenacted to read as follows:

Sec. 50-34. - Additional nuisances; penalties.

(a) No owner or operator of any property shall knowingly allow on the property or permit the use of the property for any illegal activity. Conduct prohibited by this shall constitute a nuisance. Each day such activity exists conduct prohibited by this section continues shall constitute a separate offense.

(b) Any owner or operator who shall violate the provisions of subsection (a) shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500.00 \$1,000.00 or by confinement in jail not more than 30 days for each offense. ~~An owner or operator of a property who receives notice by certified mail from the Charleston Police Department of illegal activity on the property shall take action to terminate the illegal activity within thirty (30) days after receiving notice by certified mail by the Charleston Police Department. If the owner or operator fails to terminate the illegal activity within thirty (30) days after the notice then he or she shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 for each offense.~~

(c) ~~An owner or operator of a property who receives notice by certified mail from the Charleston Police Department of illegal activity on the property shall take action to terminate the illegal activity within thirty (30) days after receiving notice by certified mail by the Charleston Police Department. If the owner or operator fails to terminate the illegal activity within thirty (30) days after the notice then he or she shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 for each offense.~~ Any owner who is not the operator of the property upon which illegal activity is taking place or which is being used for illegal activity who fails to take action to terminate the illegal activity for a period of 30 days after notice by the chief of police or his designated representative shall be subject to a civil fine of

\$500.00 for each day the illegal activity takes place after expiration of such 30-day period, The conduct prohibited by this subsection (b) of this section is subject to the following:

(1) The chief of police or his designated representative Charleston Police Department shall first provide a notice by certified mail to the tenant in owner and/or operator of the property that illegal activity is being conducted and that the tenant will be subject to eviction if any such activity is not corrected within a period of 15 days, a copy of which notice shall be provided to the owner of the property and payer of rent owner and/or operator of the property are subject to the provisions of this article if not corrected, and the property could potentially be subject to forfeiture if applicable by state and federal laws.

(2) Any notice to the owner of the property under this section shall also be served on the tenant by regular mail.

(3) A letter to the owner of the property shall describe in specific detail the facts forming the basis for the allegation of the illegal activity and the specific illegal activity occurring. The letter to the owner shall inform the owner that the illegal activity constitutes a nuisance and that the owner has a duty to take all action reasonably expected to abate the nuisance.

(4) If the owner properly notifies the Charleston Police Department, then the chief of police or his a designated representative shall appear at any hearing on eviction action or other legal action taken by the owner of the property pursuant to this section and produce witnesses and other evidence detailing the illegal activity of the tenant.

(5) It shall be an absolute defense for the owner of property for charges under this section if such owner initiates legal activity to evict the tenant pursuant to this section, regardless of the ultimate ruling or outcome of the case in court.

(6) An owner of property shall have the absolute right to evict any tenant of property upon receipt of the 30-day notice letter from the chief of police or his designated representative.

(d) For purposes of this section the following definitions shall apply:

(1) "Operator" means any person, whether an owner, tenant, possessor or any agent, partner, officer or employee, in possession and control of property.

(2) "Property" means any business, establishment, building, vehicle, home, structure or other property, together with the land surrounding property.

(3) "Illegal Activity" means an act harmful not only to an individual but also to a community, society or state, which is forbidden and punishable by law.

~~Sec. 50-36.— Inspections, investigations and complaints.~~

~~It shall be the duty of the building and housing commissioner, chief of police, chief of the bureau of fire prevention in the fire department, city engineer, city manager, health commissioner and such other city officers as may be subject to the orders of the city manager and designated by him for such purpose to make inspections and investigations, or to cause inspections and investigations to be made, from time to time to determine whether any condition exists or any activity is being engaged in which constitutes a nuisance; and any such officer shall make or cause to be made an inspection and investigation upon complaint being made by any responsible person. Any inspection or investigation that encroaches upon the curtilage of the real property not owned or maintained by the City, absent exigent circumstances, must be made pursuant to a valid warrant or consent. For the purpose of this section, "curtilage" means an area of land attached to a house and forming one enclosure with it.~~

Councilmember Steele added that the bill will hold landlords accountable for ongoing illegal activity.

Councilmember Steele moved to approve the bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT:

With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Bill No. 7835 Committee Substitute.

## COMMITTEE ON FINANCE

Councilmember Jenkins, Chair of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 244-19 do pass.

Resolution No. 244-19 - A Resolution authorizing the Mayor or City Manager to accept two loans from the West Virginia Housing Development Fund (the “Lender”) in the original principal amount of up to \$10,000 for the Organization Technical Assistance Program and up to \$20,000 for the Predevelopment Program (the “Loans”) to be used to develop a comprehensive blight mapping project and housing infill architectural design templates to assist with blight removal and redevelopment across the entire City of Charleston; and

WHEREAS, in connection with the Loans, the City Of Charleston intends to execute and deliver a promissory note pursuant to which the Lender will extend the Loans to the City of Charleston, and certain other agreements, documents, instruments and certificates in connection with the foregoing, including a credit line deed of trust granting the Lender a lien on and security interest (all of the foregoing, including the promissory note and credit line deed of trust, are collectively referred to as the "Loan Documents").

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

That the Mayor or City Manager be, and hereby is, authorized to negotiate the terms of, and execute, on behalf of the City, the Loan Documents, any amendments, supplements, modifications, extensions and renewals to the Loan Documents and any and all other documents contemplated by the terms of the Loan Documents which the Lender may request or require in connection with the consummation of the Loan.

FURTHER RESOLVED, that any and all actions taken by the Mayor or City Manager and any other properly authorized officers of the City in connection with the negotiation, preparation and execution of the Loan Documents prior to the date hereof are hereby ratified, affirmed and approved in all respects.

FURTHER RESOLVED, that the signature of the Mayor or City Manager to any of the Loan Documents shall be conclusive evidence of the authority of the Mayor or City Manager to execute and deliver such Loan Document on behalf of the City of Charleston.

Councilmember Jenkins added that the are actually forgivable loans. The first loan is to bolster and supplement previously purchased software that mapped and tracked abandoned houses. The new software will allow the information to be more mobile for inspectors and other City officials. The second loan is to be used for architectural designs for houses to fit on smaller, 25-foot lots. The City will allow the use of these designs for free to developers to streamline the process with readymade, approved plans.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 244-19 adopted.

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 252-19 do pass.

Resolution No. 252-19 - A Resolution authorizing the Mayor or City Manager to enter into an agreement with Municipal Leasing Consultants, in the amount of approximately \$615,000.00 for a three-year lease purchase period at a rate of 2.027% and approximately \$ 1,843,500 for a five-year lease purchase period at a rate of 2.027%, for the purchase of various vehicles and equipment for City departments subject to review and final approval by legal counsel for the City. The vendor was selected through a competitive bidding process.

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

That the Mayor or City Manager is authorized to enter into an agreement with Municipal Leasing Consultants, in the amount of approximately \$615,000.00 for a three-year lease purchase period at a rate of 2.027% and approximately \$ 1,843,500 for a five-year lease purchase period at a rate of 2.027%, for the purchase of various vehicles and equipment for City departments subject to review and final approval by legal counsel for the City.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 252-19 adopted.

**Lease Purchase Agreement**  
 Bid Opening: October 7, 2019 @ 11:00am

|                                                                                                                                           |                    | Three (3) Year Loan | Five (5) Year Loan |
|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------|--------------------|
| <b>Country Roads Leasing, LLC</b><br>PO Box 217<br>Bridgeport, WV 26330<br>P: (304) 842-2288                                              | Non-Bank Qualified | 4.27%               | 4.34%              |
|                                                                                                                                           | Bank Qualified     | 3.27%               | 3.34%              |
| <b>Pinnacle Public Finance, Inc. a Bank United Company</b><br>8377 E Hartford Dr., Suite 115<br>Scottsdale, AZ 85255<br>P: (480) 419-3634 | Non-Bank Qualified | 2.35%               | 2.38%              |
|                                                                                                                                           | Bank Qualified     | 2.35%               | 2.38%              |
| <b>Municipal Leasing Consultants</b><br>7 Old Town Lane<br>Grand Isle, VT 05458<br>P: (802) 372-8435                                      | Non-Bank Qualified | 2.027%              | 2.027%             |
|                                                                                                                                           | Bank Qualified     | 2.027%              | 2.027%             |
| <b>PNC Equipment Finance, LLC</b><br>155 E. Broad Street, 5th Floor<br>Columbus, OH 43215<br>P: (614) 463-6575                            | Non-Bank Qualified | 2.10%               | 2.14%              |
|                                                                                                                                           | Bank Qualified     | 2.06%               | 2.06%              |

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 253-19 do pass.

Resolution No. 253-19 - Authorizing the Mayor or City Manager to enter into a construction contract with Triton Construction, Inc. in the amount of \$2,430,500.00 for repair work to the South Side Bridge. The contractor was selected through a competitive bidding process.

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

That the Mayor or City Manager is hereby authorized to enter into a construction contract with Triton Construction, Inc. in the amount of \$2,430,500.00 for repair work to the South Side Bridge. The contractor was selected through a competitive bidding process.

Councilmember Jenkins added that approximately \$1.8 million will be reimbursed to the City from the Department of Highways. This is to make needed repairs to the South Side Bridge. The majority of lane closures will be overnight for five weekends; lane closures will not occur until work on the Danner Bridge is completed.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 253-19 adopted.

City of Charleston, WV  
South Side Bridge Repair Project  
Bid Opening: Friday, October 11, 2019 @ 10:00am

|                                         | <b>Triton Construction, Inc</b><br>PO Box 1360<br>St. Albans, WV 25177<br>P: (304)759-2100 | <b>Advantage Steel and Construction LLC</b><br>2300 South Noah Drive<br>Saxonburg, PA 16056<br>P: (724) 352-4842 | <b>Orders Construction Company</b><br>PO Box 1448<br>St. Albans, WV 25177<br>P: (304) 722-4237 |
|-----------------------------------------|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| <b>South Side Bridge Repair Project</b> | \$2,430,500.00                                                                             | \$3,129,120.00                                                                                                   | \$4,305,430.00                                                                                 |
| <b>Total Bid</b>                        | \$2,430,500.00                                                                             | \$3,129,120.00                                                                                                   | \$4,305,430.00                                                                                 |

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 254-19 do pass.

Resolution No. 254-19 - Authorizing the Mayor or City Manager to enter into a construction contract with Blue Creek Masonry, Inc. in the amount of \$53,500.00 for the construction of a new Charleston Wayfinding Welcome Sign to be placed near the intersection of Airport Road and Greenbrier Street.

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 construction contract with Blue Creek Masonry, Inc. in the amount of \$53,500.00 for the construction of a new Charleston Wayfinding Welcome Sign to be placed near the intersection of Airport Road and Greenbrier Street.

Councilmember Jenkins added that the near budget neutral funding will be provided by the Wayfinding Commission and the Greater Kanawha Valley Foundation> the sign will be similar in design to the one eastbound on I-64.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 254-19 adopted.

| City of Charleston, WV<br>Wayfinding Welcome Sign<br>Bid Opening: October 15, 2019 @ 10:00am |                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                              | <b>Blue Creek Masonry, Inc</b><br>1505 Rutledge Rd<br>Charleston, WV 25311<br>(304) 400-4520<br><a href="mailto:meansstone@hotmail.com">meansstone@hotmail.com</a> |
| Charleston Wayfinding Welcome Sign                                                           | \$53,500.00                                                                                                                                                        |
| <b>Total Bid</b>                                                                             | <b>\$53,500.00</b>                                                                                                                                                 |

***REPORTS OF OFFICERS***

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1. Report of the City of Charleston Payroll Variance Analysis; September 2019.  
Received and Filed.
2. Municipal Court Report to City Council Month Ending  
September 2019.  
Received and Filed.
3. City Treasurer's Report to City Council Month Ending  
September 2019.  
Received and Filed.

### ***NEW BILLS***

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Introduced by Councilmembers Joseph Jenkins and Will Laird  
on October 21, 2019:

Bill No. 7847 – A BILL to amend the Municipal Code of the City of Charleston by adding thereto two new sections, all relating to modernizing and clarifying the City of Charleston purchasing policies.

Refer to Finance Committee

Introduced by Councilmember Brent Burton  
on October 21, 2019:

Bill No. 7848 – A Bill to establish a Stop intersection on Mullins Road at Oakhurst Drive by placing a stop sign on the corner of Mullins Road and amending the Traffic Control Map and Traffic Control File.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmembers Mary Beth Hoover, Adam Knauff,  
Becky Ceperley, Jennifer Pharr, Will Laird, Chad Robinson, Pat Jones and Naomi Bays  
on October 21, 2019:

Bill No. 7849 – A Bill to establish a 15 MPH Speed Limit on Venable Avenue from 35th Street SE, easterly to 37th Street SE and amending the Traffic Control Map and Traffic Control File.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmembers Mary Beth Hoover, Adam Knauff,  
Becky Ceperley, Jennifer Pharr, Will Laird, Chad Robinson, Pat Jones and Naomi Bays  
on October 21, 2019:

Bill No. 7850 – A Bill to establish a 15 MPH Speed Limit on Ruffner Avenue from Jackson Street, northerly to Lewis Street and amending the Traffic Control Map and Traffic Control File.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmembers Mary Beth Hoover, Adam Knauff,  
Becky Ceperley, Jennifer Pharr, Will Laird, Chad Robinson, Pat Jones and Naomi Bays  
on October 21, 2019:

Bill No. 7851 – A Bill to establish a 15 MPH Speed Limit on Donnally Street from Court Street westerly to Clendenin Street and amending the Traffic Control Map and Traffic Control File.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmembers Mary Beth Hoover, Adam Knauff, Becky Ceperley, Jennifer Pharr, Will Laird, Chad Robinson, Pat Jones and Naomi Bays on October 21, 2019:

Bill No. 7852 – A Bill to establish a 15 MPH Speed Limit on 6th Avenue West from 21st Street West, easterly to end of 6th Avenue West, continuing easterly to end of City property and amending the Traffic Control Map and Traffic Control File.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmembers Mary Beth Hoover, Naomi Bays, Becky Ceperley, Will Laird, Adam Knauff, Jennifer Pharr and Chad Robinson on October 21, 2019:

Bill No. 7853 – A BILL to amend and reenact the Code of the City of Charleston relating to lowering the default speed limit for roads in Charleston that do not have posted speed limit signs and authorizing the director of traffic, upon the approval of the planning/streets and traffic committee, to designate maximum speeds for certain streets.

Refer to Planning, Streets and Traffic Committee

***MISCELLANEOUS/UNFINISHED BUSINESS***

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1. Councilmember Snodgrass honored the passing of Charlie Jones.
2. Councilmember Pharr recognized Robert Hairston, of the Coliseum and Convention Center, who was able to give a tour of the facilities during a holiday, and was instrumental in bringing the Big Shots Basketball Tournament to Charleston over the next three years. She also thanked Charleston Catholic for the use of their facilities.
3. Councilmember Ceperley thanked the Mayor for her suggestion to lower the speed limits around the Community Centers.
4. Councilmember Hoover stated that the next meeting of the Planning, Streets and Traffic Committee will be Monday October 28, 2019.
5. Mayor Goodwin added that there will be a meeting after Council to choose members of the Youth Council.
6. Councilmember Steele announced that the East End Pub Crawl will be October 26, 2019.
7. Councilmember Faegre suggested implementation of an Employee Recognition Program.
8. Councilmember McKinney expressed concern over the frequency of shootings on the City, hoping that Council will help to find a way to address the issues. There will be a Halloween Event at City Park October 30, 2019.
9. Councilmember Sheets added that it is the responsibility of citizens to report guns shots, et. to the police as well as their Councilmembers.

***ADJOURNMENT***

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*The Clerk, Miles C. Cary II, called the closing roll call:*

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT:

At 7:58 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, November 4, 2019, at 7:00 p.m., in the Council Chamber in City Hall.

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Amy Shuler Goodwin, Honorable Mayor

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Miles C. Cary, City Clerk