



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, January 6, 2020

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Amy Shuler Goodwin
Mayor

Miles C. Cary II
City Clerk

CALL TO ORDER

The Council met in the Chambers of the City Building at 7:00 P.M., for the first meeting in the month of January on the 6th day, in the year 2020, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Chaplain Doug Paxton and the Pledge of Allegiance was led by the Charleston Youth Council. 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**

**ROBINSON
STEELE**

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

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

With twenty-five 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.

*Councilmember Knauff arrived at 8:02 p.m.

State of the City

Mayor Goodwin delivered a State of the City address:

One year ago, we stood together with members of Council and pledged to work every day to create a safe, healthy and vibrant city.

Together, we tried new things--a lot of new things. And although we experienced some missteps along the way, we did so always with the goal of elevating our city and her people.

Through budget deficits, crumbling infrastructure, and even two tornados, we approached 2019 with unbounded optimism.

We now believe we have set the city on the right course for growth and prosperity.

Without question, the accomplishments of the past year belong to those in this room and so many others.

It is because of the amazing team assembled at City Hall, the Directors and teams we have positioned throughout the City, and the Council Members led by President Becky Ceperely, that we have--together--created a positive momentum of change.

Most important, we are making progress because of the renewed spirit and passion of our communities.

The very act of giving this address is intended to be reflective of our continued commitment to accountability, transparency and engagement.

One year ago, we made sure that every Council Meeting was available to the public, online and live, as it is right now.

When my kids were little, teaching them manners was a daily struggle.

We would remind them when someone gives you something--you say THANK YOU. And when you ask for something, you say PLEASE.

For a very long time they would get the two confused and would cover all their bases by saying one word--in every situation: "PLEASETHANKYOU."

So to our entire community, Council, and our City of Charleston team, PLEASETHANKYOU for an incredible year.

- Thank you for your leadership.
- Thank you for working nights, weekends and holidays.
- And, thank you for stepping up.

None of us would be here without the trust and confidence that the people of Charleston placed in us.

I know that each of us have worked the last 365 days to continue to earn that trust and confidence.

We have fostered great relationships with our neighbors--folks who also share the same vision and are helping to revitalize our City with us.

We've joined forces with Charleston's university--the University of Charleston.

We saw the inauguration of its new president, Dr. Marty Roth. His new student led initiative, "UC's Labor of Love," benefitted Charleston as hundreds of students joined us to clean and beautify our City.

We continue to work diligently with leadership at BridgeValley Community & Technical College on their plans to renovate the former Stone & Thomas building for its new, expanded downtown campus.

A move like this would bring more than 1,000 students to our downtown and provide new workforce opportunities.

We are thrilled to have West Virginia University expand its College of Law, Extension Service and John C. Chambers College of Business and Economics in the heart of downtown.

We've established a wonderful partnership with Huntington Bank. Chad Prather, the Regional President of Huntington Bank is here with us tonight. Chad, thank you and your team for investing in new outdoor basketball courts at the Martin Luther King Jr. Community Center.

We've fostered great partnerships with the State, including:

- The Division of Highways, which worked with us on paving Oakwood Road and continues to work with us on re-imagining Slack Plaza downtown through the award of grant funding,
- The Department of Environmental Protection, which worked side-by-side with us every single day of our city-wide Team Up to Clean Up,
- And the Purchasing Division, which helped us acquire two new fire trucks at a 10 percent cost savings.

The Kanawha County Commission worked with us on major projects including collaboration on the Atlas Building, supporting efforts to obtain funding to improve Barlow Drive, and providing direct funding for equipment to our first responders.

We work side-by-side everyday with amazing community service agencies like the Kanawha Valley Collective, Covenant House and the United Way.

We hired the first ever homeless outreach coordinator, Kevin Johnson, who works day and night with our police department and social service agencies to assist those who are experiencing homelessness.

Hiring Kevin was a huge first step in formulating a comprehensive plan aimed at helping those in our community who need our support.

Part of that plan will include a work program for those who need and want to get back on their feet.

This is only part of the solution.

We must continue to address those who have come to our community with the intent of causing problems.

To that end--this past year--in conjunction with the Charleston Police Department, we hosted the first meeting of the multi-jurisdictional Homeless Task Force with officers from around the region.

The Charleston Police Department's partnership with the ATF and U.S. Attorney--the only partnership of its kind // in the state--has also provided an opportunity to work collaboratively with other law enforcement agencies.

This partnership provides access to valuable tools and resources including the NIBIN technology that allows us to tap into a comprehensive nationwide ballistics database.

We can't have a robust, thriving city if our citizens don't feel safe. We recognize the challenges facing our community and we are working every day to improve public safety.

This year we've strengthened ordinances to support our first responders and we've invested in personal protective equipment.

We're now offering signing bonuses to attract new certified officers.

We've purchased new ambulances, fire trucks, police cruisers and watercraft rescue units.

We've helped our businesses downtown by providing members of our hybrid police patrol in the evening. These officers have

made--and continue to make--a positive impact.

We corrected a policy change made several years ago that penalized night shift patrol officers who were receiving two hours less in regularly-scheduled overtime than their day shift counterparts. We made it right by paying our officers what they were owed.

We have heard from our police officers and from the community that increasing the number of body cameras, and the equipment necessary to keep them up to date and charged is something they need.

But our first responders can't be in all places at all times and that's why we've invested in:

- cameras in city garages,
- reduced speed limits,
- and placed life saving defibrillators at all recreational facilities.

We also need help from our citizens. We cannot address problems that are not reported and the Charleston Police Department cannot complete investigations without witnesses. Help us help you.

We created a team of professionals who are center focused on developing solutions to tackle addiction crippling our families and our community.

We hired the first Coordinated Addiction Response Effort (CARE) Director.

Emily Hanna will help lead the charge for the city and will work hand in glove with the members of the West Virginia Drug Intervention Institute (WV DII) led by Dr. Susan Bissett and Dr. Ed Welch.

The partnership between CARE and WV DII will help coordinate, enhance and expand efforts to address the impacts of substance use disorder on individuals, families and communities.

We secured more than \$800,000--this year--in grant monies to improve and expand our Quick Response Team's (QRT) efforts.

And in November, we hired the City's first full-time QRT Coordinator, Shikeal Harris.

The outreach conducted by the QRT offers a stern, yet compassionate response to those who have overdosed.

Working in coordination with the Fire Department and the Police Department, our QRT's ability to connect individuals with support plays a vital role in addressing the opioid epidemic.

Our QRT members, like so many of our families, know what it is like to lose someone from addiction.

Let's call upon one another to show compassion and support.

Emily and Shikeal, Dr. Bissett and Dr. Welch will you please stand and allow us to thank you for your commitment and passion for helping.

Growing new businesses and supporting entrepreneurs is a passion of mine.

I've owned my own business and I'm the daughter of a small business owner.

This year we will work collaboratively with Advantage Valley, the Appalachian Regional Commission, the Greater Kanawha Valley Foundation, and the University of Charleston, to make our community even more of a place where people can create and grow a new business.

Tonight, I am delighted to have a young Charleston entrepreneur, Kayla Lewis of Sweet Day Treats with us.

Kayla owns and operates her own business.

She is in the sixth grade at John Adams Middle School and swims with the Little Creek Penguins.

Kayla, would you please stand so we can congratulate you on another successful year in business!

I invite everyone to join us outside of Chambers, after Council concludes, for a sample of Kayla's Sweet Day Treats.

Being a good neighbor is as important as fostering good relationships with neighbors. And the benefits can be far reaching.

Our administration continues to be committed to listening to what the people of Charleston want and need from their government.

You can't do that behind a desk.

That's why we hosted and continue to host our "Here to Serve" events.

We've connected one-on-one with hundreds of constituents to troubleshoot their problems.

But we can't just wait for problems to come to us--we must proactively look for what we might need to do next.

Over the past year I have continued to walk door-to-door--holding in depth conversations with our neighbors.

There is no substitute for face-to-face interaction.

In February we are launching the 2020 Charleston Walks program which will bring our team and City Council Members to your doorstep.

One of the biggest inefficiencies we've found is the City's ability to effectively process constituent concerns.

After months of development, coordination and training, we are launching a new customer service management system that will create a one-stop shop for residents to communicate with the City and track their requests.

Not only will we be more accountable to the public, we will be better equipped to do the job in which we were elected to do, and that's respond efficiently to our constituents.

I know Council Member Jeanine Faegre takes pride in responding quickly to her constituents.

This new system will better help her and fellow Council Members get information to their neighbors.

We believe it's our responsibility to be accountable and accessible to everyone and that includes our Charleston businesses.

Last March, we began walking from business to business asking owners and entrepreneurs how we can best help them thrive. The feedback has been essential.

One constant was the frustration experienced by business owners starting a business: What forms do I use? Who do I call? Where do I find business related information? Do I work with the City, the State or both?

That's why we have developed a business checklist that will help address these questions and provide other important information for folks wanting to open a business in Charleston.

As we continue to improve processes for our local businesses, we also plan to replace our current Revenue Tracking System which is old and limited in function.

A new, modern system will allow for a more accurate accounting of funds and less hassle for the taxpayer.

Working with members of Council we have formed a business incentives select committee determined to help businesses thrive.

I look forward to seeing the results of this group's passion and collaboration.

There's nothing more fulfilling than working side-by-side fellow community members--just as we did during the city-wide clean up.

You asked us to help clean up this city--and we did.

We're not done, though.

We collected--in just four Saturdays--more than 42 tons of trash, completed eight art projects and beautified our Parks & Recreation Centers.

In addition, the City gave away close to 1,000 truckloads of compost to help folks with their own beautification and landscaping projects.

We showed our youth--through actions and not just words--we wanted them to have a seat at the table.

The young people joining the inaugural Youth Council are just a handful of the doers, the thinkers, the dreamers and the believers.

They are engaged in what's happening in our communities.

They have a say. They have a budget. And, they have our full support.

Members of the Charleston Youth Council, please stand to be recognized.

We are also working with state and local leaders to restart the City's summer youth jobs program--leveraging public and private resources.

Summer job opportunities can help our young people develop important teamwork skills, foster a greater sense of community and provide a platform for being recognized and rewarded for their input.

Providing our City's youngsters with safe, nurturing and enriching out of school time positively impacts their well-being and academic success.

We have many after school opportunities throughout our city, but more are needed. I want to applaud the afterschool programs that are being driven by Loren Farmer at the Bob Burdette Center.

Loren has a passion for making sure every child in need has access to the full benefits a strong afterschool program provides.

Loren joined me during a Statewide Leadership Roundtable on Afterschool and Summer Learning I was asked to co-chair in October.

This diverse group of stakeholders will be working, this year, to outline best practices to expand after school programs, find additional resources and help ensure that no child is turned away.

We invested in our Parks and Recreation system by adding more equipment and expanding places for our kids to play.

We created new policies in our centers to help ensure a secure check-in, installed new lighting in the parking areas, introduced a lunch program and expanded free summer programs for our kids.

We revived many of our community parks--like Dixie Street on the East End and Hunter Park in Kanawha City.

We made recycling easier by not requiring plastic bags.

And now because of a grant we wrote and were awarded, we are launching a robust campaign to better educate the public about what can be recycled.

Thank you, Council Member John Bailey, for helping us construct a better and more cost-effective way to increase our city-wide recycling efforts.

We have and will continue to capitalize on the diversity of our talented people by bringing them together to encourage inclusiveness in the development of new policies.

We reminded everyone that Y'all Does Mean All for this administration. We created the first ever LGBTQ Working Group and

we increased our Municipal Equality Index score to the highest it's ever been--jumping 26 points in our first year.

Thank you to Billy Wolfe, chair of our working group. He joins us tonight.

As with any large project, there are decision-points along the way.

Sometimes you discover unexpected problems.

We simply could not fix everything at once, but we made great strides.

We filled a \$3 million dollar deficit:

- without any new taxes,
- without cutting essential services--including police and fire,
- and without using one-time money.

We created new inventory requirements.

We implemented new purchasing policies and a local vendor preference.

We implemented policies to increase competition allowing for lower costs for goods and services.

We revamped the petty cash system--because to us--every dollar matters.

We kept our promise to create a budget that reflects the priorities of our citizens, while living within our means.

I want to thank Finance Chair Joe Jenkins for moving these cost saving policies forward and always having the City's best interest in mind.

We came into office with community-focused goals, strategic initiatives and forward thinking policies we wanted to see come to fruition.

We also came in with the understanding that it was our responsibility to help ensure our City's financial stability--now and into the future.

In order to address the substantial problems we faced upon taking office, some of our dreams and goals for the City had to be postponed.

Many of the things we have done to make our City run more efficiently and effectively never made front-page news--the planning and structural work.

Without question, what our team did--addressing foundational issues --is what I am most proud of this year.

While cost reduction was key in securing financial stability, making sure the City maintained a fair and equitable collection system for everyone was part of our blended approach to financial strength.

Because of work by every single department, and through the leadership of City Manager Jonathan Storage, we have cut expenses resulting in an overall savings which provides us the opportunity to immediately invest in priority projects and save for future projects.

We believe the city should invest wisely with the unassigned fund balance we have worked to create.

This includes allocating monies to the City's savings accounts, especially the Rainy Day Fund.

Simply put, investing in the Rainy Day Fund when the City is able to do so makes incredibly good financial sense.

We always need to save, but we need to put more aside when we're able.

When the tornadoes touched down, we learned that we need to have the financial resources for unanticipated events.

Allocating monies to a contingency account within the General Fund would allow our departments to draw upon these funds in emergencies.

Infrastructure has been a top priority for us and will continue to be a top priority.

If there is one piece of thanks we hear more than any other it is the commitment we've had to infrastructure improvements--especially the amount of paving that has been done this past year.

Yes, we doubled the paving budget--paving nearly 17 miles--but more needs to be done.

Using unassigned fund balance monies--this year--will take us another step forward in improving more of our roads.

We continue to be aggressive in making the City of Charleston ADA compliant through the installation of 145 curb ramps, creation of more handicap parking spaces, and provide better accessibility in all of our city buildings.

The Kanawha Boulevard is one of our City's greatest assets.

Due to lack of upkeep and replacement, those beautiful tall lights that line the river are at risk of falling down.

This is a critical infrastructure project that will need to be done over the next few years--but we need to start now.

We believe an allotment out of the unassigned fund balance will help us tackle the most urgent need.

This year, we established the Charleston Land Reuse Agency (CLRA) and Vacant Structure Registry, a key part of our long-term vision to improve housing and community space in Charleston.

The integrated strategy will begin to address the needs and challenges of the City's distressed neighborhoods and revitalize housing.

We are already seeing some early benefits. Private developers have plans to build or renovate hundreds of housing units in our city.

And, we have seen a significant uptick in the number of building permits to renovate existing homes.

Complementing these efforts, is access to open recreation space.

Just last month we had the great fortune of accepting the largest land gift the City has ever received.

The Herbert and Gloria Jones Woodlands will provide folks another opportunity to enjoy our City's natural beauty.

An additional investment from the unassigned fund balance will allow the CLRA to partner with local nonprofits to renovate property and get it back into productive use.

It will also allow the CLRA to create innovative programs to help jumpstart private renovations of property and take other necessary steps toward rebuilding our communities.

While we are committed to building our City back up, we know not every house or structure can be rehabilitated.

For the past several years the City's Building Department has been woefully underfunded in their efforts to tear down these abandoned properties that have hurt our neighborhoods.

This past year we have demolished close to 100 structures, but more need to be torn down.

Monies from the unassigned fund balance will help--this year--in continuing this part of our neighborhood revitalization initiatives.

Building up our neighborhoods is just as critical as building up the vitality of our business districts.

Downtown Charleston will see an uptick as more than \$50 million in investment projects get underway:

- Expansion of the library,
- Renovation of the B&B Loans and Atlas buildings,
- And demolition and construction on the Sears Department Store property.

As my good friend and business owner Chuck Hamsher says, “There are good things happening in Charleston.”

Nearly six years ago, when the Freedom Industries chemical spill impacted our City’s water, it threatened to shutter numerous businesses, discouraged travelers from visiting, and negatively impacted residents.

As part of the class action settlement, the City received money we believe should be used to address those very harms.

We propose creating a new Business Economic Impact Fund and dedicate substantial funding toward helping businesses with things like facade grants, micro grants, sidewalk repairs, and other project-based needs.

We also need to invest in sports tourism in this City and the purchase of sport courts and basketball hoops which will allow us to market to regional and national sports tournaments.

Hosting these events at the Coliseum and Convention Center will result in a significant return on investment for our City.

We live in a river city--and we should provide access to the river for recreation.

A kayak launch in the city, on the Elk, across from the new Coliseum and Convention Center makes good sense.

With direct access and available parking, it would be an incredible opportunity to get folks out enjoying the river.

And finally, we must invest in the rebranding and marketing of our Capital City and its critical assets.

We have all enjoyed the beautiful new renovations to the Coliseum and Convention Center. It was a major investment by our taxpayers to build.

But we believe, building it--and filling it--should require the same amount of gusto, time and attention.

We now need to invest in making sure every inch of that beautiful building is used--every single day.

Working with our new Charleston Convention and Visitors Bureau Director Tim Brady and directing funds to enhance the quantity but most important the quality of conventions, concerts and special events will significantly help travel and tourism.

We know that planning for our future will also require ongoing collaboration with the State Legislature.

With that in mind, I met earlier today with members of the Charleston delegation and sought their support for some of our legislative initiatives.

More importantly I sought their commitment to listen with a keen ear to all proposals that cross their desks and think about how each will impact Charleston.

This state will not thrive without a successful Charleston.

New laws that help us will also help other municipalities and benefit the state as a whole.

This is why I have asked our legislative leaders to support bills that will:

- level the playing field for local businesses,

- allow cities to better address abandoned and neglected properties,
- and increase our opportunities to improve public safety.

We have pledged our support at the Legislature to help advance these proposals.

There is still much work to be done.

Looking back on our efforts in just 365 days--I'm incredibly proud.

We have all made tremendous progress.

But make no mistake, we still face serious challenges--including issues that will need addressed in the new budget cycle.

A focus on public safety, economic development, pot-hole free roads, parks and youth activities will lead our community into 2020.

And in the year 2020, we will actually enjoy 366 days of hard work.

Thank you for allowing us to serve you, and this city we love so very much.

PUBLIC SPEAKERS

1. Kitty Dooley – spoke in favor of the Martin Luther King Jr. Way honorary street naming.
2. Jennifer Vieweg - spoke in favor of the Martin Luther King Jr. Way honorary street naming.

CLAIMS

1. A claim of Holli Mobley, Charleston, WV;
alleges damage to property.
Refer to City Solicitor.
2. A claim of Virginia L. Singleton, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor.
3. A claim of Russell A. Williams, Charleston, WV;
alleges damage to property.
Refer to City Solicitor.

COMMUNICATIONS

1.

CITY OF CHARLESTON
OFFICE OF THE MAYOR



TO: MILES CARY
CITY CLERK

FROM: AMY SHULER GOODWIN
MAYOR

RE: SPRING HILL CEMETERY PARK COMMISSION

DATE: JANUARY 6, 2020

I recommend Julie Bupp; P.F. Francke, III, M.D.; Bruce Turner; and Todd Morris be appointed to the Spring Hill Cemetery Park Commission. Julie Bupp is filling a vacant seat with her initial term expiring April 6, 2024. P.F. Francke, III, M.D. is replacing Otis O'Connor with his initial term expiring April 6, 2025. Bruce Turner is replacing Henry Battle with his initial term expiring April 6, 2025. Todd Morris is filling a vacant seat with his initial term expiring April 6, 2023.

I respectfully request City Council's approval of this recommendation.

ASG/mls

Councilmember Ceperley moved to approve the appointment. Councilmember Hoover seconded that motion. By unanimous vote, the appointment was confirmed.

2.

CITY OF CHARLESTON
OFFICE OF THE MAYOR



TO: MILES CARY
CITY CLERK

FROM: AMY SHULER GOODWIN 
MAYOR

RE: CHARLESTON BUILDING COMMISSION

DATE: JANUARY 6, 2020

I recommend Steve Rubin, 26 Brittany Woods, Charleston, WV 25314, be appointed to the Charleston Building Commission. Mr. Rubin is filling a vacant seat with his initial term expiring July 20, 2023.

I respectfully request City Council's approval of this recommendation.

ASG/mls

Councilmember Ceperley moved to approve the appointment. Councilmember Hoover seconded that motion. By unanimous vote, the appointment was confirmed.

REPORTS OF COMMITTEES

COMMITTEE ON PLANNING, STREETS AND TRAFFIC

Councilmember Hoover, Chair of the Council Committee on Planning, Streets and Traffic, submitted the following reports:

1. Your Committee on Planning has had under consideration a request to rename Court Street to Martin Luther King Jr. Way and reports the same to Council with the recommendation that the street naming do pass.

The Committee finds the renaming complies with the E-911 Addressing Regulations and that it honors the life and legacy of an important civil leader and reports the same to Council with the recommendation that Court Street remain the official street name and that Martin Luther King Jr. Way be approved as an honorary street and be signed as such.

Councilmember Hoover thanked everyone who worked on this compromise, especially Councilmember Pharr for her work and leadership.

Councilmember Pharr added that during a YWCA Board meeting, she and Kitty Dooley talked about dedicating a street in Charleston to Martin Luther King Jr. The only prominent street not named after a founder was Court Street, which is the epicenter of justice in the City and the site of the former Triangle District. This may be the first MLK Jr. street naming that contains a center of justice. After a dialogue was started, it was discovered that the name of Court Street contained significance to a number of citizens. After a meeting of community leaders, a compromise of an honorary street naming was reached.

Councilmember Pharr moved to approve the Honorary Street Naming. Councilmember Ceperley seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Martin Luther King Jr. honorary street naming passed.

Raiaen
11/12/19.
(AS)

**CITY OF CHARLESTON
 WEST VIRGINIA**



PLANNING DEPARTMENT

915 Quarrier St. Suite 1
 Charleston, WV 25301

(304) 348-8105
 (304) 348-8042 - fax

APPLICATION PACKET FOR A NEW STREET NAME

Your application for a new street name must be accompanied by a map which clearly delineates the street to be named and a petition signed by the property owners abutting the street.

Please choose one person as the spokesperson for your road/street. That person shall be responsible for collecting the required signatures and contact information for each resident on your street. This spokesperson shall be the contact person between the City of Charleston addressing coordinator and the residents of the street. He/she must also complete the Petition Contact Person section of the "Petition to Name a Street."

The proposed street name shall be agreed upon by the majority of all affected residents of the street/road. All residents must sign the "Petition to Name a Street" before submitting this Application for a new street name.

REQUEST TYPE (check all that apply)	Application Date: <u>10/11/19</u>
☐ New Street Name	☒ Public Street <u>Court Street.</u>
☐ Private Street	☐ Public Alley
☐ Private Alley	☐ Other: _____

YOUR STREET NAME RECOMMENDATION	
1. <u>MARTIN LUTHER KING, JR. Way</u>	3. <u>Martin Luther King, Jr. Blvd</u>
2. <u>Martin Luther King, Jr. St</u>	4. <u>Martin Luther King, Jr. Drive</u>
<i>The City of Charleston reserves the right to deny any road names that do not meet the adopted State standards.</i>	



CITY OF CHARLESTON, WEST VIRGINIA

PETITION TO NAME A STREET

Charleston, Kanawha County
West Virginia

Official Use Only	
Date Petition Submitted _____	Valid Petition ☐ Yes ☐ No
File Number: _____	
Community: _____	

Proposed Street Name: MARTIN Luther King, Jr. Way
Please print and include name suffix (Dr., Rd., Ln., etc.)

We, the undersigned property owners, having been informed of the proposal to name our street as noted above, support the filing of this petition. We understand that the primary purpose of this petition is simply to indicate that a significant level of interest in the proposed street name exists from those whose property would be affected by this street naming. We further understand that this petition is non-binding. It does not mandate that the Metro Emergency Operations Center hear the proposed street name request, nor does it guarantee if it is heard that it will be approved.

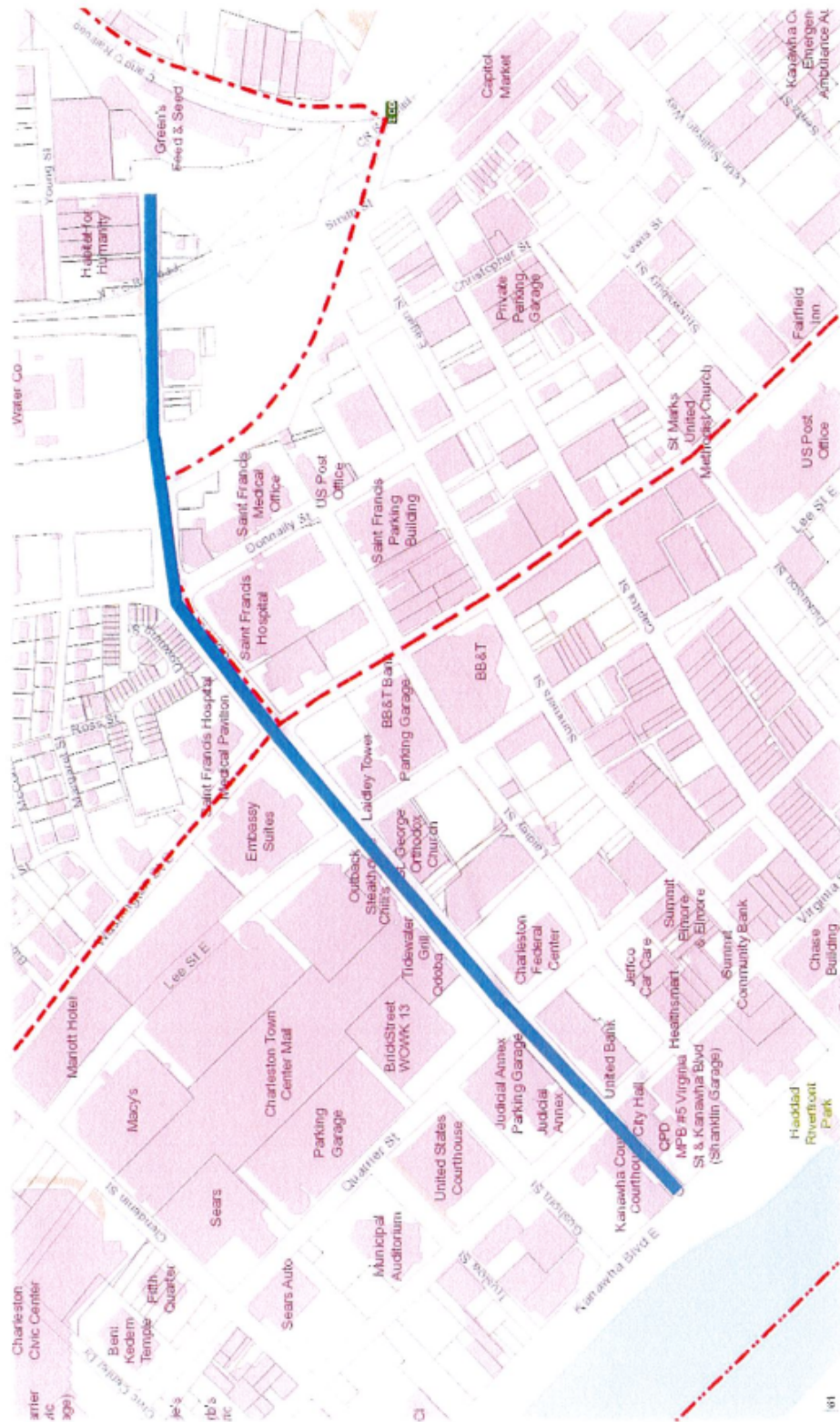
PETITION CONTACT PERSON

<u>KATHERINE L. DOOLEY</u> Name of Property Owner (Print)	<u>[Signature]</u> Signature of Property Owner
<u>204 Ariel Heights</u> Address	<u>Charleston, WV 25311</u> City, State, Zip
<u>304-205-4440</u> Telephone (Home)	<u>304-346-4200</u> Telephone (Work)
<u>304-541-1393</u> Telephone (Mobile)	
<u>LT 11 Revised & LT 11A; Phase 1 Briarwood Est Sub</u> Physical Location of Property (Description)	
<u>Deed Book 2790</u> <u>Deed Page 0980</u> <u>Parcel 8</u>	
<u>10</u> Tax District	<u>57</u> Map
<u>20-10-0057-0003-0000</u> Parcel	

Return this Petition to:

City of Charleston – Planning Department
Addressing Coordinator
915 Quarrier St., Suite 1
Charleston, WV 25301

Court Street proposed renaming to Martin Luther King Jr. Way



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. 276-20 do pass.

Resolution No. 276-20 - Authorizing the release of any claims by the City in the pending litigation styled *U.S. Bank National Association, as Trustee, as successor in interest to Bank of America, National Association, as successor by merger to LaSalle Bank National Association, as trustee for the registered holders of Bear Stearns Commercial Mortgage Securities, Inc., Commercial Mortgage Pass-Through Certificates, Series 2007-TOP28 and Charleston Urban Renewal Authority and City of Charleston v. Charleston Town Center SPE, LLC and Charleston Town Center Company, Limited Partnership, Charleston Town Center Parking Limited Partnership, and The Bank of New York Mellon, as trustee for the Series 1996C Subordinate Capital Appreciation Parking Facility Refunding Bonds*, Kanawha County Circuit Court Civil Action No. 17-C-1527.

Whereas, the City is an Intervenor in the above-referenced pending litigation, but has not raised any claims of its own; and

Whereas, the pending litigation is scheduled for mediation on January 10, 2020; and

Whereas, in order to fully resolve the pending litigation, the parties are likely to request a release of all claims by the City.

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

That the City Council hereby authorizes and approves the release of any claims by the City in the pending litigation styled *U.S. Bank National Association, as Trustee, as successor in interest to Bank of America, National Association, as successor by merger to LaSalle Bank National Association, as trustee for the registered holders of Bear Stearns Commercial Mortgage Securities, Inc., Commercial Mortgage Pass-Through Certificates, Series 2007-TOP28 and Charleston Urban Renewal Authority and City of Charleston v. Charleston Town Center SPE, LLC and Charleston Town Center Company, Limited Partnership, Charleston Town Center Parking Limited Partnership, and The Bank of New York Mellon, as trustee for the Series 1996C Subordinate Capital Appreciation Parking Facility Refunding Bonds*, Kanawha County Circuit Court Civil Action No. 17-C-1527. The City Council authorizes the Mayor, City Manager, and City Solicitor to take all necessary steps to resolve the pending litigation up to and including providing a release of all claims by the City, provided that this resolution does not authorize the payment of any City funds.

Councilmember Jenkins added that there will be a mediation this week, so Council will need to approve a potential release should a resolution be reached. In this instance, the City itself doesn't have a claim, it is to facilitate a potential resolution to get the Town Center Mall to where it can be utilized and revitalized.

Councilmember Snodgrass abstained from voting out of an abundance of caution as she owns bonds in the parking garage.

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, with one (1) abstention, the Mayor declared Resolution 276-20 adopted.

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Bill No. 7856 do pass.

Bill No. 7856 - A Bill granting StayLock Storage Acquisition I, LLC (“StayLock Storage”), an easement in a portion of the fee or right-of-way of the City of Charleston in the 1300 block of Hansford Street for the purpose of operating, maintaining, repairing and replacing an existing skywalk connecting 1352 Hansford Street to 1347 Hansford Street, generally in conformance with the drawing attached as Exhibit A hereto.

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

Subject to the minimum terms and conditions contained herein,

- (1) StayLock Storage, and its lessees, successors or assigns, are hereby granted an easement in a portion of the fee right-of-way for the purpose of operating, maintaining, repairing and replacing an existing skywalk, generally in conformance with the drawings which are attached hereto, incorporated herein, and made a part hereof. The easement is further defined to be 11 feet by 42 feet running between 1352 Hansford Street and 1347 Hansford Street containing approximately 462 square feet more or less; and
- (2) StayLock Storage, its lessees, successors or assigns, shall indemnify, defend and save the City harmless from and against any damages to any person or property by reason of the operation, maintenance, repair or replacement of the skywalk by StayLock Storage, its lessees, successors and assigns; and
- (3) StayLock Storage shall maintain general liability insurance in the minimum amount of \$1,000,000.00 and shall name City as an additional insured for purposes of the easement and the indemnity provisions specified in the easement agreement. All applicable policies shall provide primary coverage, shall reflect that StayLock Storage is responsible for any and all deductibles and shall otherwise be in such form and with such endorsements and riders as City shall reasonably specify; and
- (4) Should there become a compelling public need for the area granted in the easement, the parties agree to cooperate in good faith to reach a resolution regarding removal, modification, or replacement of the skywalk without the necessity of condemnation proceedings; and
- (5) That upon review and approval by legal counsel for the City, and the City Engineer of the City of Charleston, the Mayor or City Manager of the City of Charleston are hereby

authorized to execute an easement agreement and any other documents related hereto for the purpose of granting an easement for the purpose of operating, maintaining, repairing and replacing a skywalk and conditioned upon StayLock Storage, and its lessees, successors or assigns, consistent with paragraphs 1, 2, 3, 4, and 5 of this ordinance, and the payment of the appraised value of Seven Hundred and Forty dollars and no cents (\$740.00).

Councilmember Jenkins added that as a result of a transition and selling of the warehouses to a new owner, it was discovered that there was never an official easement for the skywalk.

Councilmember Jenkins 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, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Persinger

With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Bill No. 7856 passed.

DEED OF EASEMENT

THIS DEED OF EASEMENT is made and entered into this ____ day of _____, 2020, by and between THE CITY OF CHARLESTON, a West Virginia municipal corporation, party of the first part, hereinafter referred to as the “City”, and STAYLOCK STORAGE ACQUISITION I, LLC, party of the second part; hereinafter referred to as “StayLock Storage”;

WHEREAS, Bill No. ____, attached hereto as Exhibit 1 was duly passed by the City Council of the City of Charleston, West Virginia, on ____, 2020, granting an easement for use of the air rights above the City’s right-of-way between the buildings located at 1352 Hansford Street and 1347 Hansford Street in the City of Charleston for the purpose of operating, maintaining, repairing, and replacing an existing skywalk, subject to certain restrictions; and

WHEREAS, the easement for the existing skywalk is granted for the purposes of operating, maintaining, repairing, and replacing a skywalk above the City’s right-of-way between the buildings located at 1352 Hansford Street and 1347 Hansford Street; and

WHEREAS, the existing skywalk is more particularly located above a footprint defined to be 11 feet by 42 feet running between 1352 Hansford Street and 1347 Hansford Street containing approximately 462 square feet more or less; and

WHEREAS, Bill No. ____ authorized the Mayor or the City Manager of the City of Charleston to execute and acknowledge a proper deed granting an easement for the existing skywalk, subject to certain conditions, and including an easement to use so much of the City’s property as reasonably necessary to maintain, repair, and replace the existing skywalk;

NOW THEREFORE, WITNESSETH: That for and in consideration of the sum of SEVEN HUNDRED FORTY DOLLARS (\$740.00), cash in hand paid, the receipt of which is hereby acknowledged, the party of the first part does hereby GRANT and CONVEY unto the party of the second part its successors and assigns, a perpetual easement to use of the air rights above the City’s right-of-way between the buildings located at 1352 Hansford Street and 1347 Hansford Street in the City of Charleston for the purpose of operating, maintaining, repairing and replacing an existing skywalk, which is more particularly located above a footprint defined to be 11 feet by 42 feet running between 1352 Hansford Street and 1347 Hansford Street and containing approximately 462 square feet more or less. The location of the easement is depicted in Exhibit A, which is part of Exhibit 1, attached hereto and incorporated herein.

The easement for the use granted herein is subject to the following conditions: 1) that the skywalk within the easement area will be subject to inspection and approval by the City Engineer or his or her designee; 2) that any repairing or replacement of the skywalk shall conform to all applicable Federal, State and City laws and be performed in a workmanlike manner in accordance with plans, drawings, and specifications subject to review and approval by the City Engineer; 3) that StayLock Storage, its lessees, successors, or assigns shall indemnify, defend, and hold harmless City from and against any claims for damage or injury to any person or property by reason of the operation, use, maintenance, repair or replacement of the skywalk by StayLock Storage, its lessees, successors, or assigns; 4) that, in the event that the skywalk ceases to comply with all applicable Federal, State and City laws and regulations, or the skywalk constructed in the easement area otherwise become unsafe and StayLock Storage or any successor owner fails after a reasonable notice and cure period to make all necessary repairs, the easement shall cease, terminate and be of no further effect, and StayLock Storage or the successor owner, as applicable, shall, upon receiving written notice from the City, immediately and at the expense of StayLock or the successor owner, as applicable, remove the skywalk from the City’s air rights above the City property; and 5) in the event that the City should have a substantial and compelling public need for the City property affected by the easement, the City and StayLock Storage shall cooperate in good faith to reach a resolution regarding removal, modification, or replacement of the skywalk without the necessity of condemnation proceedings. To the extent that the skywalk requires removal pursuant to 5) above, the City, at its expense, may remove the skywalk from the City’s property, and this easement shall terminate.

DECLARATION OF CONSIDERATION OF VALUE: The City of Charleston declares that this conveyance is not subject to the West Virginia State Excise Tax on the privilege of transferring real estate for the reason that this is a conveyance from a political subdivision of the State of West Virginia.

WITNESSETH the following signatures:

THE CITY OF CHARLESTON,

a West Virginia municipal corporation,

ATTEST:

City Clerk

BY _____
Mayor/City Manager

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2020 by _____, the Mayor/City Manager of THE CITY OF CHARLESTON, a West Virginia municipal corporation, for and on behalf of said municipal corporation.

Notary Public

This instrument was prepared by:

Kevin Baker (WV Bar #10815), City Attorney, P.O. Box 2749, Charleston, WV 25330

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Bill No. 7857 do pass.

Bill No. 7857 - A BILL to amend and reenact Section 110-311 of the Municipal Code of the City of Charleston, known as the "Public Utilities Tax," relating to updating and clarifying the ordinance to be consistent with current court precedent and allow for consistent application of the tax.

WHEREAS, prior to 2006 the Public Service Commission required all motor carriers and garbage haulers who engage in interstate disposal of waste to obtain a permit and a certificate of convenience and necessity pursuant to West Virginia Code § 24A-2-5, as required from intrastate motor carriers and garbage haulers; and

WHEREAS, in 2006 the United States District Court for the Southern District of West Virginia held in *Harper v. PSC*, 427 F. Supp. 2d 707, 724, that West Virginia Code § 24A-2-5 is invalid insofar as it requires solid waste haulers engaged in the interstate transportation of solid waste to obtain a certificate of convenience and necessity from the PSC prior to providing those services; and

WHEREAS, the current ordinance has yet to reflect the change in permit and certification requirements for motor carriers and solid waste haulers engaged in interstate transportation; and

WHEREAS, some solid waste haulers and motor carriers continue to engage in the business of providing a public utility within the City of Charleston without PSC permit or certification requirements and may not be taxed in the same manner as those with PSC permit or certification requirements under the ordinance as currently provided.

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

That Section 110-311 of the Municipal Code of the City of Charleston, known as the "Public Utilities Tax" is hereby amended and reenacted to read as follows:

CHAPTER 110 – TAXATION

ARTICLE V – PUBLIC UTILITIES TAX

Sec. 110-311. - Definitions.

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

Public utility service means all services and tangible personal property purchased within the city from a seller, operating under a public utility license or permit from the public service commission of the state or which is classified as a public utility with the public service commission

of the state, including but not limited to telephone service, electric service, gas service, including bottled or liquid gas, motor carriers and garbage haulers, ~~if the seller is classified as a public utility subject to the jurisdiction of the public service commission of the state~~, and water service, if purchased, used or consumed within the corporate limits.

Purchaser means every person who purchases, uses or consumes a public utility service.

Seller means every person, whether a public service corporation, a municipality or a private corporation, classified as a public utility with the public service commission of the state, who sells, furnishes or supplies a public utility service.

User means the owner or tenant of private residential property or the owner or tenant of property used for commercial or industrial purposes, in every combination, of every kind and description.

Councilmember Jenkins added that this is a minor change to the definition of what is considered “pubic utility.” If the West Virginia Public Service Commission considerers them a public utility, then they will be fined as such under the City’s ordinances.

Councilmember Jenkins 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, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Persinger

With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Bill No. 7857 passed.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Bill No. 7858 do pass.

Bill No. 7858 - A Bill authorizing the release of an existing utility easement held by the City on property owned by Pingree 2000 Real Estate Holdings, LLC ("Pingree"), located at 1115 Smith Street in order to clear title of the property from an unused easement that has no public utilities and upon which a structure has already been built in exchange for consideration of five hundred dollars (\$500.00), as stated in the deed attached as Exhibit A hereto.

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

The City Council of the City of Charleston finds as follows:

(6) The City of Charleston conveyed a portion of Jefferson Alley on December 4, 1974, but reserved "the existing utility easement" on the property and the City of Charleston later conveyed additional real property retaining a sewer easement along Jefferson Alley on February 15, 1996; and

(7) The City of Charleston has determined that neither the City nor the Charleston Sanitary Board has any public utility line along the easement and has no plans to utilize the easement in the future; and

(8) Pingree is the current owner of the real property conveyed and has approached the City of Charleston for a release of the reserved easements; and

(9) Following an arm's length negotiation regarding the value of the reserved easement, the City of Charleston and Pingree have agreed upon consideration in the amount of \$500 to the City of Charleston for the release of the reserved easement.

Therefore, the City Council of Charleston hereby authorized the Mayor or City Manager of the City of Charleston to execute the deed attached as Exhibit A hereto and any other documents necessary to release the reserved easement and accept five hundred dollars (\$500.00) consideration in exchange.

Councilmember Jenkins added that there is an old property easement held by the City for public utilities which the City has never utilized. Within the past few decades, a building has been constructed there. The City will essentially sell its easement.

Councilmember Jenkins 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, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Persinger

With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Bill No. 7858 passed.

THIS QUIT CLAIM DEED, dated this the 7th day of November, 2019, by and between THE CITY OF CHARLESTON, a municipal corporation, hereinafter sometimes referred to as GRANTOR, and, PINGREE 2000 REAL ESTATE HOLDINGS, LLC, hereinafter sometimes referred to as GRANTEE,

WHEREAS, by deed dated the 4th day of December, 1974, and recorded in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book No. 1749, Pg. 276, the Grantor herein conveyed real property, briefly described as part of Jefferson Alley, but reserved “the existing utility easement” on said real property being conveyed; and

WHEREAS, by deed dated the 15th day of February, 1996, and recorded in said Clerk’s Office, in Deed Book No. 2392, Pg. 203, the Grantor herein conveyed real property, also briefly described as part of Jefferson Alley, but reserved “a sewer easement for the full length and width of the above described right-of-way [Jefferson Alley] for the purpose of construction, maintenance, repair and removal of storm and sanitary sewer lines”, and, further, restricted any person to “construct improvements, plant trees or other vegetation, or take any other action which would interfere with this easement, nor alter the present surface profile or contour of the subject right-of-way by more than one (1) foot without the written permission of the Sanitary Board of the City of Charleston and the City Engineer of the City of Charleston”; and

WHEREAS, it has been determined that there are no existing utilities or sewers lines under the real property conveyed by said deeds referred to above; and

WHEREAS, the GRANTEE is the current owner of the real property conveyed by said deeds as conveyed unto GRANTEE by R. H. Kyle Furniture Company, by deed dated the 15th day of February, 2019, and recorded in said Clerk’s Office in Deed Book No. 3024, Pg. 757, and is requesting that GRANTOR release said reserved easements, and restriction; and

WHEREAS, the GRANTOR is willing to release said reserved easements, and restriction for the sum of \$500.00;

NOW, THEREFORE, WITNESSETH: That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the Grantor does hereby GRANT, CONVEY, REMISE, RELEASE and FOREVER QUITCLAIM unto said PINGREE 2000 REAL ESTATE HOLDINGS, LLC, the following described interest in real estate, to-wit:

The “existing utility easement” as reserved in deed dated the 4th day of December, 1974, and recorded in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book No 1749, Pg. 276, and, further, the sewer easement for the purpose of construction, maintenance, repair and removal of storm and sanitary sewer lines, as reserved in deed dated the 15th day of February, 1996, and recorded in said Clerk’s Office in Deed Book No. 2392, Pg. 203;

The GRANTOR further releases the restriction contained in said deed, Deed Book No. 2392, Pg. 203, which states that “no person shall construct improvements, plant trees or other vegetation, or take any other action which would interfere with this easement, nor alter the present surface profile or contour of the subject right-of-way by more than one (1) foot without the written permission of the Sanitary Board of the City of Charleston and the City Engineer of the City of Charleston”, in that by this conveyance the restriction would no longer be necessary.

TOGETHER with all the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining;

TO HAVE AND TO HOLD the said premises, as above described, unto the Grantee, and to the successors and assigns of the Grantee.

DECLARATION OF CONSIDERATION OR VALUE: The Grantor hereby declares that the total value of the property conveyed by this document is \$500.00.

IN WITNESS WHEREOF, the Grantor herein has caused this deed to be executed.

THE CITY OF CHARLESTON,
a Municipal Corporation

By: _____

Its: _____

STATE OF WEST VIRGINIA
COUNTY OF CABELL, to-wit:

I, _____, a Notary Public of said State and
County, do hereby certify that _____
_____ who signed the above writing, bearing date the 7th day of November, 2019, for THE
CITY OF CHARLESTON, a Municipal Corporation, has this day in my said County, before me,
acknowledged the said writing to be the act and deed of said corporation.

Given under my hand this _____ day of November, 2019.

My commission expires _____.

Notary Public

THE CITY OF CHARLESTON,
a Municipal Corporation

By: _____

Its: _____

STATE OF WEST VIRGINIA
COUNTY OF CABELL, to-wit:

I, _____, a Notary Public of said State and
County, do hereby certify that _____
_____ who signed the above writing, bearing date the 7th day of November, 2019, for THE
CITY OF CHARLESTON, a Municipal Corporation, has this day in my said County, before me,
acknowledged the said writing to be the act and deed of said corporation.

Given under my hand this _____ day of November, 2019.

My commission expires _____.

Notary Public

This Deed was prepared by Prunty Law Offices, Paul J. Prunty, Attorney, 430 Sixth Avenue,
Huntington, West Virginia 25701.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis;
December 2019.
Received and Filed.

NEW BILLS

Introduced by Councilmember Deanna McKinney on January 6, 2020:

Bill No. 7859 – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, by rezoning from a R-8 High Density Residential District to a C-8 Village Commercial District, a portion of that certain parcel of land located at 303 Ohio Avenue.

Refer to Municipal Planning Commission and Planning, Streets and Traffic Committee

Introduced by Councilmember Deanna McKinney on January 6, 2020:

Bill No. 7860 – A Bill closing, abandoning and discontinuing as a public right of way a portion of the alley that runs between and is perpendicular to Randolph Street and Wyoming Street, in Charleston West Tax District of the City of Charleston, Kanawha County, West Virginia.

Refer to Municipal Planning Commission, Planning, Streets and Traffic Committee and Finance Committee

Introduced by Councilmember Joseph Jenkins on January 6, 2020:

Bill No. 7861 – A Bill with respect to approving the Woodward Branch Sanitary Sewer Replacement and Rehabilitation Project.

Refer to Finance Committee

Introduced by Councilmember Mary Beth Hoover on January 6, 2020:

Bill No. 7862 – A Bill to repeal Ordinance No. 2997, which created a 30 minute parking zone on the south side of Franklin Avenue during the hours from 7:00 AM to 5:00 PM, Monday through Friday and amending the Traffic Control Map and Traffic Control File.

Refer to Planning, Streets and Traffic Committee

MISCELLANEOUS/UNFINISHED BUSINESS

1. Councilmember Pharr asked Reverend English to deliver a prayer to bless the honorary street naming and the new year. There was no objection from Council.

ADJOURNMENT

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, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Persinger

At 8:15 p.m., by a motion from Councilmember Ceperley, Council adjourned until Tuesday, January 21, 2020, at 7:00 p.m., in the Council Chamber in City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk