



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, April 21, 2020

at 7:00 P.M.

* – City Hall – Charleston, West Virginia

OFFICIAL RECORD

**Amy Shuler Goodwin
Mayor**

**Miles C. Cary II
City Clerk**

CALL TO ORDER*

The Council met at 7:00 P.M., for the second meeting in the month of April on the 20th day, in the year 2020, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Reishman and the Pledge of Allegiance was led by Layla and Eden Burton. 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

OVERSTREET
REISHMAN
SNODGRASS
MAYOR GOODWIN**

With twenty-six 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.

*In response to the COVID-19 pandemic, the meeting of Council was conducted electronically. The City Clerk and Mayor Goodwin were physically present, while the remaining members of Council attended via conference call. The meeting was made available to the public as a live stream via Zoom and CivicClerk (per the agenda).

PUBLIC SPEAKERS

NONE

CLAIMS

1. A claim of Joshua J. Dearien, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor.

COMMUNICATIONS

NONE

PROCLAMATIONS

1.



The proclamation was virtually presented to Tom Burger.

2.

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: Beta Sigma Phi International was founded during the Great Depression to bring women together for social, cultural and educational opportunities; and

WHEREAS: Since then, membership has grown to more than 165,000 members in 30 countries—providing opportunities to contribute within communities, develop lifelong friendships, and foster strong leadership skills; and

WHEREAS: Beta Sigma Phi, also known as “The Friendship Organization,” continues to redefine itself through the diversity of its members who embody all ages and educational backgrounds; and

WHEREAS: Members of Capital City chapters have offered their time and talents to various projects within our City for more than 60 years, including the 2019-2020 Backpack Blessings service project which will help ensure local children do not go hungry; and

WHEREAS: The yellow rose, the Beta Sigma Phi flower, represents a legacy of life, learning and friendship which dates back to the founding of the organization on April 30, 1931; and

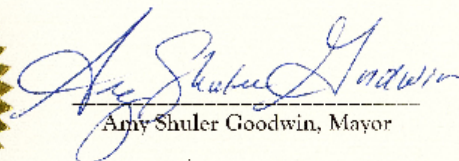
NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby proclaim April 30, 2020, as

YELLOW ROSE DAY

in Charleston, West Virginia in celebration of Beta Sigma Phi International’s Founders Day and the service work the organization does within our community.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 20th day of April 2020.




Amy Shuler Goodwin, Mayor

The proclamation was virtually presented to Brenda Ashworth.

REPORTS OF COMMITTEES

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. 325-20 do pass.

Resolution No. 325-20 - A Resolution supplementing Ordinance No. 7866, passed by the Council of The City of Charleston, West Virginia, on February 18, 2020; which supplemented Ordinance No. 4423 passed by the Council of The City of Charleston, West Virginia, on March 6, 1989, as supplemented by Ordinance No. 4506 passed by the Council on November 6, 1989, by Ordinance No. 4954 passed by the Council on May 3, 1993, by Ordinance No. 6276 passed by the Council on September 3, 1996, by Ordinance No. 6349 passed by the Council on June 2, 1997, by Ordinance No. 6532 passed by the Council on November 16, 1998, by Ordinance No. 6544 passed by the Council on February 1, 1999, by Ordinance No. 6670 passed by the Council on February 5, 2001, by Ordinance No. 6777 passed by the Council on March 19, 2001, by Ordinance No. 6948 passed by the Council on November 4, 2002, by Ordinance No. 6977 passed by the Council on May 19, 2003, by Ordinance No. 7132 passed by the Council on March 7, 2005, by Ordinance No. 7490 passed by the Council on September 6, 2011, by Ordinance No. 7560 passed by the Council on February 19, 2013; and by Ordinance No. 7680 passed by the Council on February 16, 2016, authorizing the design, acquisition and construction of certain extensions, additions, betterments and improvements to the existing sewerage system of The City of Charleston; authorizing the issuance of not more than \$16,000,000 in aggregate principal amount of Sewerage System Revenue Bonds, in one or more series as designated in a supplemental resolution, of The City of Charleston, the proceeds of which, shall be used, along with other funds and moneys of, or available to, The City of Charleston which may be lawfully expended for such purposes, to permanently finance the cost of such design, acquisition and construction, to fund reserve accounts for such bonds and to pay other costs in connection therewith; providing for the rights and remedies of and security for the registered owners of such bonds; and adopting other provisions related thereto.

WHEREAS, the Council (the “Council”) of The City of Charleston, West Virginia (the “City”), on February 18, 2020, adopted Ordinance No. 7866, (the “Ordinance”), authorizing the issuance of The City of Charleston Sewerage System Revenue Bonds, in an aggregate principal amount not to exceed \$16,000,000, in one or more series, to permanently finance the cost of design, acquisition and construction of certain extensions, additions, betterments and improvements

to the sewerage system of the City (the “Project”);

WHEREAS, capitalized terms used herein and not otherwise defined herein shall have the same meaning set forth in the Ordinance when used herein;

WHEREAS, the Ordinance provided for the issuance by the City of its Sewerage System Revenue Bonds, Series 2020 A, in the aggregate principal amount of not more than \$16,000,000 (the “Series 2020 A Bonds”), for the purposes of paying a portion of the costs of acquisition and construction of additions, betterments and improvements to the System, capitalizing interest on the Series 2020 A Bonds, if any, funding a reserve account for the Series 2020 A Bonds and paying costs of issuance thereof, all in accordance with Chapter 16, Article 13 of the Code of West Virginia, 1931, as amended (the “Act”);

WHEREAS, the Ordinance provides for the issuance of the Series 2020 A Bonds, all in accordance with the Act, and further provides that the exact principal amount, series designation, date, maturity date, redemption provision, interest rate, interest and principal payment dates, sale price and other terms of and matters relating to, the Series 2020 A Bonds should be established by a supplemental resolution;

WHEREAS, the Ordinance, pursuant to Section 6 of the Act, directed the City Clerk to publish an abstract of the Ordinance (the “Abstract”), together with a notice that the Ordinance has been adopted, that the City contemplates the issuance of the Series 2020 A Bonds as described in the Ordinance and that any person interested may appear before the Council upon a certain day and present protests (the “Notice”);

WHEREAS, the Ordinance required that the Abstract and Notice be published as a Class II legal advertisement in the Charleston Gazette-Mail, a newspaper published and of general circulation in the City, and the first publication of such Abstract and Notice was to be not less than ten (10) days before the date set by the Ordinance and the Notice at which interested persons may appear before the Council and present protests, and the last publication of such Abstract and Notice was to be prior to said date set by the Ordinance and the Notice;

WHEREAS, the Ordinance and the Notice provided for a public hearing to be held at 7:00 p.m., prevailing time, on March 2, 2020, in Council Chambers in City Hall;

WHEREAS, the Bonds are proposed to be purchased by the West Virginia Water Development Authority (the “Authority”), on behalf of the West Virginia Department of Environmental Protection (the “DEP”) pursuant to the West Virginia Clean Water SRF Program pursuant to the terms and conditions set forth under a Loan Agreement by and among the City, the Authority and the DEP (collectively, the “Loan Agreement”); and

WHEREAS, the Council wishes to delegate to the Mayor the authority to approve, within the parameters set forth herein and in the Ordinance, the final terms of the Series 2020 A Bonds and all provisions of all documents relating to the Series 2020 A Bonds (the “Bond Documents”), without the requirement of further official action by this Council; and

WHEREAS, the Council deems it essential and desirable that this resolution (the “Supplemental Resolution”) be adopted, that the Ordinance shall be placed into effect, that the Loan Agreement be entered into by the City, that parameters be established for the exact principal amount, series designation, date, maturity date, redemption provision, interest rate, interest

and principal payment dates, sale price and other terms of the Bonds in the manner stated herein, and that other matters relating to the Bonds be herein provided for.

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

Section 1. It is hereby found and determined that:

- (A) The Abstract and Notice were duly published in the Charleston Gazette-Mail, a newspaper published and of general circulation in the City, with the first publication thereof being not less than ten (10) days before the day set by the Ordinance and the Notice for the public hearing, at which interested persons may appear before the Council and present protests and suggestions and with the last publication thereof being prior to said date set by the Ordinance and the Notice for the public hearing, and the Affidavit of Publication reflecting such publications is incorporated herein by reference;
- (B) In accordance with the Ordinance and the Notice, the City Clerk has maintained in his office a certified copy of the Ordinance for review by interested persons during the regular office hours of such office;
- (C) In Council Chambers, City Hall, Charleston, West Virginia, on March 2, 2020, at 7:00 p.m. prevailing time, in accordance with the Ordinance and the Notice, the Council met for the purpose of hearing protests and suggestions regarding whether the Ordinance should be put into effect and heard all protests and suggestions with regard thereto;
- (D) At the public hearing, no significant reasons were presented that would require modification or amendment of the Ordinance and no written protest with regard thereto was filed by 30 percent or more of the freeholders of the City; and
- (E) The Ordinance shall be put into effect as of the date hereof and the Series 2020 A Bonds contemplated thereby shall be issued, all as provided in the Ordinance and this Supplemental Resolution.

Section 2. Pursuant to the Ordinance and the Act, this Supplemental Resolution is adopted and there are hereby authorized and ordered to be issued the:

There is hereby authorized The City of Charleston Sewerage System Revenue Bonds, Series 2020 A (West Virginia CWSRF Program) (the “Bonds”) in the aggregate principal amount of \$12,859,975 which will be initially represented by a single bond, numbered AR-1. The Bonds shall be dated the date of delivery, shall finally mature on March 1, 2040, and shall bear interest at a rate of 2.75% per annum. The principal of and interest on the Bonds shall be payable quarterly on March 1, June 1, September 1, and December 1 of each year, commencing June 1, 2022, in the amounts as set forth in the Schedule Y attached to the Loan Agreement and incorporated in and made a part of the Bonds. The City hereby approves and shall pay the SRF Administrative Fee equal to 0.25% annually of the principal amount of the Bonds set forth in the Schedule Y attached to the Loan Agreement. The SRF Administrative Fee shall be considered Operating Expenses of the City (Sanitary Board). The Bonds shall be subject to redemption upon the written consent of the Authority and the DEP, and upon payment of the redemption premium, if any, and otherwise in compliance with the Loan Agreement, so long as the Authority shall be the Registered Owner of the Bonds.

Section 3. All other provisions relating to the Bonds shall be as provided in the Ordinance.

The text of the Bonds shall be in substantially the form provided in the Ordinance. The execution of the Bonds by the Mayor shall be conclusive evidence of any approval required by this Section.

Section 4. The Loan Agreement for the Bonds by and among the Authority, the City, and the DEP, substantially in the form to be attached hereto as Exhibit A, and the execution and delivery (in multiple counterparts) by the Mayor shall be and the same are hereby authorized, approved, ratified and directed. The Mayor is authorized to execute and deliver the Loan Agreement with such changes, insertions and omissions as may be approved by the Mayor. The execution of the Loan Agreement by the Mayor shall be conclusive evidence of any approval required by this Section, and authorization of any action required by the Loan Agreement relating to the issuance and sale of the Bonds. The City hereby affirms all covenants and representations made in the Loan Agreement and in the application to the DEP and the Authority. The price of the Bonds shall be 100% of par value, there being no interest accrued thereon.

Section 5. The City hereby appoints and designates the West Virginia Municipal Bond Commission, Charleston, West Virginia (the “Commission”), as the Paying Agent for the Bonds.

Section 6. The City hereby appoints United Bank, Charleston, West Virginia (the “Registrar”), as the Registrar for the Bonds. The City hereby appoints JPMorgan Chase Bank, N.A. Charleston, West Virginia (the “Depository Bank”) as the Depository Bank for the Revenue Fund and the Bonds Construction Fund. The City approves and accepts the Registrar’s Agreement to be dated the date of delivery of the Bonds, by and between the City and the Registrar, and the execution and delivery of the Registrar’s Agreement by the Mayor, and the performance of the obligations contained therein on behalf of the City, are hereby authorized, directed and approved. The City hereby approves the payment of the Registrar fee.

Section 7. The Bonds shall be issued on a parity with the First Lien Bonds with respect to liens, pledge and source of and security for payment and in all respects. The Bonds shall be secured by a first lien on the Net Revenues derived from the System on a parity with the First Lien Bonds but senior and superior to the Second Lien Bonds.

Section 8. Bonds proceeds in the amount of \$-0- shall be deposited in the Series 2020 A Bonds Sinking Fund as capitalized interest.

Section 9. Bonds proceeds in the amount of \$908,201 shall be deposited in the Series 2020 A Bonds Reserve Account.

Section 10. The Council hereby approves as the first draw on the Bonds, \$1,859,648, for deposit into the Series 2020 A Bonds Reserve Account and to pay the costs set forth in the SRF Payment Requisition Form, attached hereto as Exhibit B and incorporated herein by reference, and further finds and determines (A) that none of the items for which payment is proposed to be made has formed the basis for any disbursement theretofore made; (B) that each item for which the payment is proposed to be made is or was necessary in connection with the Project and constitutes a Cost of the Project; (C) that each of such costs has been otherwise properly incurred; and (D) that payment for each of the items proposed is now due and owing. The Council hereby authorizes and directs the Sanitary Board to review and approve future invoices

for the Project and direct the payment from Bonds proceeds.

Section 11. The Mayor and City Clerk are hereby authorized and directed to execute and deliver such other documents, agreements and certificates required or desirable in connection with the Bonds. The City hereby approves and accepts all contracts or agreements relating to the financing, design, acquisition and construction of the Project and hereby authorizes the Sanitary Board to enter into all contracts or agreements relating to the design, acquisition and construction of the Project. The Manager of the Sanitary Board and any other authorized representatives are hereby authorized to execute all pay requests with respect to the Bonds.

Section 12. The design, acquisition and construction of the Project and the financing thereof with proceeds of the Bonds are in the public interest, serve a public purpose of the City and will promote the health, welfare and safety of the residents of the City.

Section 13. The City hereby determines to invest all moneys in the funds and accounts established by the Ordinance held by the Depository Bank until expended, in Money Market accounts secured by a pledge of Government Obligations, and therefore, the City hereby directs the Depository Bank to invest all moneys in such Money Market accounts until further directed in writing by the Sanitary Board. Moneys in the Series 2020 A Bonds Sinking Fund and the Series 2020 A Bonds Reserve Account shall be invested by the Commission in the West Virginia Consolidated Fund.

Section 14. The City hereby approves the cost of issuance and authorizes the payment of the same.

Section 15. This Supplemental Resolution shall take effect immediately upon adoption hereof.

Councilmember Jenkins added that this is implementing the bill previously approved by Council regarding the Woodward Project with the Charleston Sanitary Board. These are bonds that will be issued to pay for the project. The bonds will be paid off through sewer fees. The bonds will actually be for \$12,859,975.

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 No. 325-20 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. 326-20 do pass.

Resolution No. 326-20 - Authorizing the Mayor or City Manager to enter into an Agreement with WesBanco, Inc. to extend the maturity date of Standby Letter of Credit, in the amount of \$250,000, approved by City Council on May 6, 2019. The current terms, May 1, 2019 through May 1, 2020 are extended through May 1, 2021 at a cost of \$1,250. This letter of credit provides security in lieu of a surety bond for liability of potential workers' compensation claims as a self-insured employer. The letter of credit is subject to review and final approval by legal counsel for the City.

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

That the Mayor or City Manager is hereby authorized and to enter into an agreement with WesBanco, Inc. to extend the maturity date of Standby Letter of Credit, in the amount of \$250,000, approved by City Council on May 6, 2019. The current terms, May 1, 2019 through May 1, 20120 are extended through May 1, 2021 at a cost of \$1,250. This letter of credit provides security in lieu of a surety bond for liability of potential workers' compensation claims as a self-insured employer. The letter of credit is subject to review and final approval by legal counsel for the City.

Councilmember Jenkins added that the resolution is to extend the City's stand-by letter of credit with regard to Worker's Compensation.

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 No. 326-20 adopted.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Bill No. 7870 do pass.

Bill No. 7870 - A Bill authorizing the waiver of interest, when the City Collector makes certain findings and with the approval of the City Manager, on Business and Occupation Tax filings for revenue during the first quarter of 2020 where filings are made by April 30, 2020, and payments are made by June 1, 2020.

WHEREAS, as of April 6, 2020, the novel coronavirus (“COVID-19”), has more than 1,300,000 confirmed cases worldwide, including more than 345,000 confirmed cases in the United States;

WHEREAS, as of April 6, 2020, COVID-19 has led to more than 72,000 deaths worldwide, including more than 10,000 deaths in the United States;

WHEREAS, as of April 6, 2020, there are more than 340 confirmed cases of COVID-19 in West Virginia, including more than 55 in Kanawha County;

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency; on March 16, 2020 the Governor of West Virginia declared a statewide state of emergency; and on March 15, 2020, the Mayor of the City of Charleston declared a citywide state of emergency;

WHEREAS, the federal and state governments have extended the filing deadline for income taxes from April 15, 2020, to July 15, 2020;

WHEREAS, the City has announced that any Business and Occupation Tax filings made for the 1st Quarter of 2020, which are filed on time by April 30, 2020, but without full payment shall receive a waiver of penalties associated with the filing if paid by June 1, 2020; and

WHEREAS, City Code generally prohibits the waiver of interest payments, but the City Council of the City of Charleston hereby finds that these extraordinary times require that the City Collector be given the authority to waive the interest on payments that are made by June 1, 2020, when certain criteria are met as stated in this ordinance.

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

That notwithstanding the provisions of Section 110-145 of the Municipal Code of the City of Charleston and any relevant provision of state code to the contrary, and consistent with Executive Order 13-20 which allowed for state income taxes to be paid up to three months late without the imposition of interest or additions, the City Collector is hereby authorized to waive interest amounts due on the first quarter Charleston Business and Occupation taxes, with the

approval of the City Manager, for taxpayers who meet all of the following criteria:

- (1) The taxpayer filed a return for the 1st Quarter of 2020 on or before April 30, 2020, stating the taxpayer's tax liability for the quarter;
- (2) The taxpayer did not include full payment for the tax liability amount along with the filing of the return;
- (3) The taxpayer was in good standing with the Collector's Office, as defined elsewhere in the Municipal Code of the City of Charleston, as of March 30, 2020;
- (4) The taxpayer pays its full tax liability for the 1st Quarter of 2020 on or before June 1, 2020; and
- (5) The taxpayer avers, under penalty of perjury, that the reason for the delay in its 1st Quarter of 2020 payment was due to COVID-19, which negatively impacted the business's cash flow or ability to obtain assistance from a tax professional, such that timely payment was not possible.

Councilmember Jenkins added that the bill provides some relief to businesses that are facing difficult times with regard to the payment of B&O taxes during the stay-at-home order. The bill will provide a delay to payments and allows for the waiver of interest and penalties.

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

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

NAYS: NONE

ABSENT: Laird

With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Bill No. 7870 passed.

REPORTS OF OFFICERS

1. Municipal Court Report to City Council Month Ending March 2020.
Received and Filed.
2. Report of the City of Charleston Payroll Variance Analysis; March 2020.
Received and Filed.
3. City Treasurer's Report to City Council Month Ending March 2020.
Received and Filed.

NEW BILLS

NONE.

MISCELLANEOUS/UNFINISHED BUSINESS

1. Mayor Goodwin stated that she is proud of the City's Councilmembers and Administration. The City of Charleston declared a State of Emergency on Sunday March 15, 2020, even before the State did so. A team has been working at the Emergency Operations Center, and has established a Health Command comprised of the Charleston-Kanawha Health Department, City of Charleston and Kanawha County. The Governor's stay-at-home order was followed up with on March 23, 2020 and Dr. Young's health order on April 15, 2020. Kanawha County has seen 138 cases with 2 deaths. The Emergency Operations Center is open 24-hours a day, 7 days a week; a City of Charleston team member is always there. There will also be drive-up testing starting April 21, 2020 (by appointment). Mayor Goodwin added that they will soon ask Council to approve \$100,00 of Hazard Pay (or Hero Pay) to go to first responders. The recent blood-drive was very successful; the next one is scheduled for April 21, 2020.

ADJOURNMENT

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

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

NAYS: NONE

ABSENT: Laird

At 7:31 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, April 21, 2020, at 7:00 p.m., in the Council Chambers in City Hall or electronically as needed.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk