



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, September 8, 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 first meeting in the month of September on the 8th 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 Virginia Persinger. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

ADAMS	BAILEY	BAYS
BURTON	CAMPBELL	CEPERLEY
COOK	FAEGRE	HAAS
HOOVER	JENKINS	JONES
KING	KNAUFF	LAIRD
MCKINNEY		OVERSTREET
PERSINGER	PHARR	REISHMAN
ROBINSON	SHEETS	SNODGRASS
STEELE	WESLEY-PLEAR	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 Ashley Nicole Carpenter, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor.
2. A claim of Joseph A Carter Jr, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor.
3. A claim of James E Clay, Charleston, WV;
alleges damage to property.
Refer to City Solicitor.
4. A claim of Cynthia Hanna, Charleston, WV;
alleges damage to property.
Refer to City Solicitor.
5. A claim of Leslie Karyn Farley, Crab Orchard, WV;
alleges personal injury.
Refer to City Solicitor.
6. A claim of Sue Pepper, Clendenin, WV;
alleges damage to property.
Refer to City Solicitor.
7. A claim of David Wayne Tackett, Charleston, WV;
alleges damages to vehicle.
Refer to City Solicitor.

PROCLAMATIONS

1.

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: Over 260,000 West Virginians struggle with hunger and one in every five children do not know where their next meal will come from; and

WHEREAS: It estimated that more people could face hunger in West Virginia in the wake of the pandemic; and

WHEREAS: The City of Charleston is committed to taking steps to combat hunger in our communities—working collaboratively with Mountaineer Food Bank and Facing Hunger Food Bank members of the Feeding America® nationwide network of food banks to educate people about the role and importance of food banks in addressing hunger and raising awareness of the need to devote more resources and attention to hunger issues; and

WHEREAS: More than 260,000 individuals in West Virginia rely on food provided by Mountaineer Food Bank, a member of Feeding America®; and

WHEREAS: The month of September has been designated “Hunger Action Month” in order to bring attention to food insecurity in our communities and to engage the public in action—including volunteer shifts, social media shares, and other support—to end hunger one helping at a time.

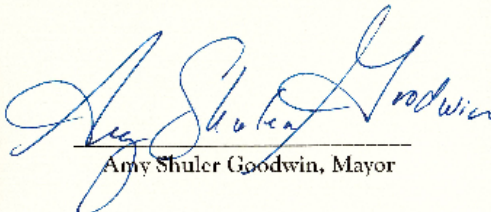
NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby proclaim September 2020, as

HUNGER ACTION MONTH

in Charleston, West Virginia and I call this observance to the attention of our citizens.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 8th day of September 2020.




Amy Shuler Goodwin, Mayor

The Proclamation was virtually presented to Chad Morrison.

2.

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: Charleston is home to people of all backgrounds—including those who were not born here but now call it home. Welcoming Week brings neighbors together across lines of difference to build relationships and work together on shared goals; and

WHEREAS: Engaged community members—both long-time and new—bring innovative ideas to the table, start businesses, serve in civic roles, work in critical industries, and contribute to the vibrant diversity we value in our City; and

WHEREAS: Our community must strive to create a culture of inclusiveness, which includes addressing disparities, understanding history and countering hate. It is time to come together and build communities where every resident can thrive and contribute; and

WHEREAS: By fostering a welcoming environment for all immigrants, races, ethnicities, incomes, gender identities, sexual orientations, differing abilities, ages, and other factors, we enhance the health, economic prosperity, and well-being of our City and State for current and future generations; and

WHEREAS: The City of Charleston is committed to “Creating Home Together” and ensuring residents and visitors feel safe and accepted. Home is where people feel they most belong.

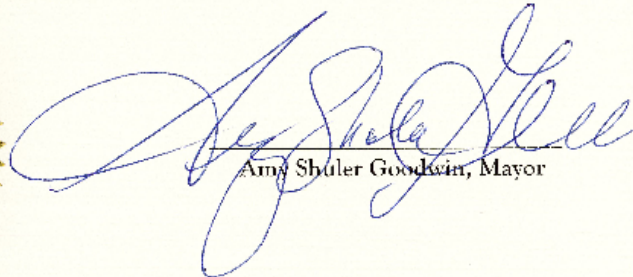
NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby proclaim September 12-20, 2020, as

WELCOMING WEEK

in Charleston, West Virginia and urge all citizens to come together in the spirit of unity across differences.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 8th day of September 2020.




Amy Shuler Goodwin, Mayor

The Proclamation was virtually presented to Sue Barazi.

COMMUNICATIONS

NONE

PUBLIC HEARINGS

1. After duly being published as required, the Mayor declared the floor open for a Public Hearing on Resolution No. 372-20 - Authorizing the Mayor or City Manager to take all steps necessary to enter into a Lease/Purchase Agreement with DHF, LLC of a portion of the City-owned lot located at 1310 Smith Street. No person from the public came to speak in reference to the Public Hearing. The Mayor declared the Public Hearing CLOSED.

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, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7878 do pass.

Bill No. 7878 - A Bill to establish a no parking zone on the south side of Livingston Avenue from Burgess Street to a point 110ft east of Burgess Street and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A Bill to establish a no parking zone on the south side of Livingston Avenue from Burgess Street to a point 110ft east of Burgess Street

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

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

Councilmember Hoover added that the Committee had been discussing the bill for the last three months. Hopefully, this will be the first step to fixing some of the parking issues in the area.

Councilmember Hoover moved to approve the resolution. 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, Laird, McKinney, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Minardi

With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Bill No. 7878 passed.

2. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7879 do pass.

Bill No. 7879 - A Bill to establish a Stop intersection on 24th Street West at 6th Avenue West by placing a stop sign on the corner of 24th Street West and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. Stop intersection on 24th Street West at 6th Avenue West by placing a stop sign on the corner of 24th Street West

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

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

Councilmember Hoover added that the stop sign is already in place, but was not on the Traffic Control Map.

Councilmember Hoover moved to approve the resolution. 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, Laird, McKinney, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Minardi

With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Bill No. 7879 passed.

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. 372-20 do pass.

Resolution No. 372-20 - Authorizing the Mayor or City Manager to take all steps necessary to enter into a Lease/Purchase Agreement with DHF, LLC of a portion of the City-owned lot located at 1310 Smith Street, as described in Exhibit A to the attached proposed Lease/Purchase Agreement.

WHEREAS, the City of Charleston owns a parking lot located at 1310 Smith Street, which has not been used consistently by either monthly parkers or daily parkers;

WHEREAS, the City of Charleston was approached by DHF, LLC regarding an interest in purchasing a portion of the lot to be used to facilitate the economic development project of expanding the adjacent business, Hidden Trails Motorsports of Charleston, onto a portion of the lot for the purpose of an outdoor showroom and unit storage space;

WHEREAS, the City of Charleston had the entire lot appraised in 2019 and it was determined to have a value of \$612,000, but the portion of the lot at issue in the Lease/Purchase Agreement is approximately three eighths of the total lot, thereby making its fair market value \$229,500; and

WHEREAS, the City of Charleston is authorized by West Virginia Code § 8-12-18 to lease property for fair and adequate consideration upon approval of a resolution by the City Council following a public hearing that was noticed via a Class I legal advertisement and the City of Charleston is authorized by Municipal Code Section 3-14 to sell real property for fair market value and without a public auction where Class II legal advertisement provides notice of the proposed conveyance and other requirements are met.

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

That the City Council hereby finds that the portion of the lot located at 1310 Smith Street, as described in Exhibit A to the attached proposed Lease/Purchase Agreement is proposed to be used to facilitate a specific economic development project for the City of Charleston.

That notice of the proposed Lease/Purchase Agreement was published by Class II legal advertisement in order to satisfy the requirements of both West Virginia Code § 8-12-18(c) and

City of Charleston Municipal Code Section 3-14 to provide public notice of the proposed Lease/Purchase Agreement and allow for a public hearing regarding the proposal.

That the City Council has received sufficient documentation evidencing that all project plans have been approved by all necessary and relevant state and municipal committees and departments, all necessary and relevant state and municipal permits are in place or are approved subject to purchase of the property, and funding for the project is secured.

That the terms of the proposed Lease/Purchase Agreement provide for fair and adequate consideration during the period of the Lease term and that the purchase price option represents the fair market value of the portion of the lot such that City Council is satisfied that the provisions of West Virginia Code § 8-12-18(c) and City of Charleston Municipal Code Section 3-14 are satisfied.

That, therefore, the City Manager or Mayor are authorized to take all steps necessary to enter into a Lease/Purchase Agreement with DHF, LLC of a portion of the City-owned lot located at 1310 Smith Street, as described in Exhibit A to the attached proposed Lease/Purchase Agreement.

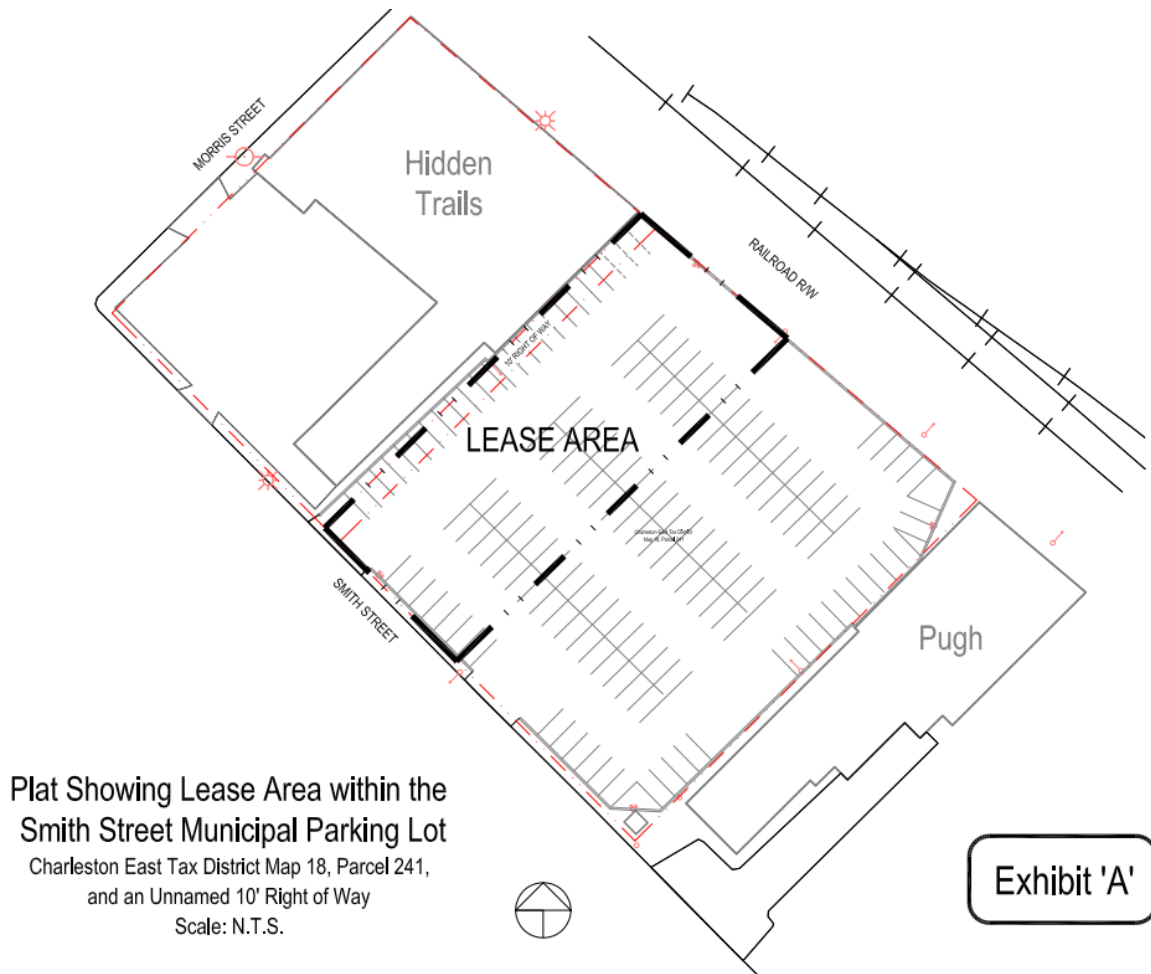
Councilmember Jenkins added that this is for the expansion of a business by the ballpark who is looking to expand into part of the City parking lot. He added that the Finance Committee supports a business that is trying to expand.

Councilmember Persinger added that the Frame brothers are wonderful members of the community.

Councilmember Bailey agreed.

Councilmember Steele added that she is happy to see the business expanding on the East End.

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. 372-20 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. 373-20 do pass.

Resolution No. 373-20 - Authorizing the Mayor or City Manager to purchase a FARO laser scanner for the Charleston Police Department's Accident Investigation Bureau for an amount not to exceed \$59,000. The scanner will be used to provide exceptional detailed mapping of accident scenes that will greatly enhance the Police Department's investigative abilities.

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

The Mayor or City Manager is authorized to purchase a FARO laser scanner for the Charleston Police Department's Accident Investigation Bureau for an amount not to exceed \$59,000. The scanner will be used to provide exceptional detailed mapping of accident scenes that will greatly enhance the Police Department's investigative abilities. The cost of the scanner will be expensed to Fund No. 042 (Unclaimed Property Fund).

Councilmember Jenkins added that the scanner creates a 3-D picture of an area. Currently, CID has one that they use for crime scenes which is calibrated for smaller areas. When the Accident Investigation Bureau needs to use it, the device needs to be recalibrated, and sometimes that process takes too long to be useful. He added that this is an amazing piece of technology that will greatly help the CPD. The price will come from the Unclaimed Property Fund.

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. 373-20 adopted.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 374-20 do pass.

Resolution No. 374-20 - Authorizing the Charleston Coliseum & Convention Center / Municipal Auditorium Board (“Board”) to take all action necessary to enter into a five-year management agreement with the OVG Facilities, LLC, to perform all day-to-day management activities of both the Coliseum & Convention Center and the Municipal Auditorium, where the Board will retain oversight over and approval of operating budgets, financial accounts, fee schedules, facility vendor contracts, capital improvement expenditures, and any other matter authorized by City ordinance. The approved agreement is attached as Exhibit A.

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

The Charleston Coliseum & Convention Center / Municipal Auditorium Board (“Board”) is authorized to take all action necessary to enter into a five-year management agreement with the OVG Facilities, LLC, to perform all day-to-day management activities of both the Coliseum & Convention Center and the Municipal Auditorium, where the Board will retain oversight over and approval of operating budgets, financial accounts, fee schedules, facility vendor contracts, capital improvement expenditures, and any other matter authorized by City ordinance. The approved agreement is attached as Exhibit A.

Councilmember Jenkins added that this will be a significant change to the way the Coliseum & Convention Center will be run from prior iterations. He added that it will take the Center into the future and will be very beneficial to the City. The agreement will modernize the booking process by using OVG and their connections to book events that otherwise would not have been possible. The beneficial incentive program puts the City in line as being partners with OVG where they make most of their funds once they reach a certain baseline. Councilmember Jenkins added that many venues similar to Charleston’s are done in this manner.

Mayor Goodwin added that the Administration recognizes that this will be a strong way of moving forward.

Carrie Fenwick, Chair of the Coliseum & Convention Center / Municipal Auditorium Board, added that that the Board has had extensive discussions over the past several months, and firmly believe that having a management company puts the Convention Center in step with the industry in a way that could not otherwise be achieved. Fenwick added that she believes it will be a wonderful partnership with OVG.

Andy Richardson, Vice Chair of the Coliseum & Convention Center / Municipal Auditorium Board, added that the Board has worked on this for a number of months, and he completely endorses moving forward with the proposal.

Councilmember Faegre confirmed that the effective date of the agreement will be September 9, 2020 if passed, set to expire in five years. Councilmember Faegre confirmed that all current City employees will remain as it stands.

Councilmember King asked how the reimbursement of expenses for the manager work. Storage replied that all expenses are subject to review by the Board, so that has been added to the agreement as things might be needed on a case by case basis. Storage added that all operating expenses within the budget have to be approved by the Board on a yearly basis. There will be some OVG employees on site, and the bulk of their expenses will be covered by the management fee. Doug Higgons, Senior Vice President of OVG Facilities, added that any expenses reimbursed through the City will be part of the pre-approved budget process, so there will be no surprises. The Interim Executive Director, who will live in Charleston for a period of time as the account is transitioned, will be put into the budget as certain pre-approved expenses. They will be expenses that would be directly related the management of the Convention Center.

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. 374-20 adopted.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 375-20 do pass.

Resolution No. 375-20 - Authorizing the Mayor or City Manager to cancel the Letter of Credit expiring May 1, 2021 in the amount of \$250,000 approved by City Council on April 20, 2020 and to enter into an Agreement with WesBanco, Inc. for a Standby Letter of Credit in the amount of \$750,000 for a term starting September 21, 2020, and increasing by \$250,000 on December 20, 2020, and with the option to increase again by \$250,000 on March 20, 2021 if still pending completion of the annual review by the Office of the Insurance Commissioner. Cost of the letter is 0.5% of the amount issued. 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:

The Mayor or City Manager is authorized to cancel the Letter of Credit expiring May 1, 2021 in the amount of \$250,000 approved by City Council on April 20, 2020 and to enter into an Agreement with WesBanco, Inc. for a Standby Letter of Credit in the amount of \$750,000 for a term starting September 21, 2020, and increasing by \$250,000 on December 20, 2020, and with the option to increase again by \$250,000 on March 20, 2021 if still pending completion of the annual review by the Office of the Insurance Commissioner. Cost of the letter is 0.5% of the amount issued. 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 because the City is self-insured for workers' compensation, the State requires the City to put up some surety based on a previous average of claims from different years. The bonds from the Coliseum Convention and Convention immediately increased what the City would normally have to keep as surety, and over 2 million would need to be locked away. The Administration has worked out to where the City can use the Letter of Credit to not lock up funds that might be needed.

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. 375-20 adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; August 2020.
Received and Filed.

NEW BILLS

Introduced by Councilmember Shannon Snodgrass September 8, 2020:

Bill No. 7880 – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia by rezoning from the R-6: Medium Density Residential to the R-4: Single Family Residential zoning district three district areas within and adjacent to the Woodbridge Subdivision.

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

Introduced by Councilmember Brady Campbell

September 8, 2020:

Bill No. 7881 – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia by rezoning from the C-12: Shopping Center to the R-4: Single Family Residential zoning district one district area comprising the Yorktowne Subdivision.

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

Introduced by Councilmember Mary Beth Hoover

September 8, 2020:

Bill No. 7882 – A bill mending the Zoning Ordinance of the City of Charleston, West Virginia by modifying the conditions of approval for bars in the C-4 Neighborhood Commercial District, C-8 Village Commercial District, CBD Central Business District, UCD Urban Corridor District, and CVD Corridor Village District.

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

MISCELLANEOUS/UNFINISHED BUSINESS

1. Mayor Goodwin added that the Administration is looking at an alternative space to hold Council meetings in person again, most likely at the Coliseum and Convention Center. No date is planned, but it will most likely be in the fall.
2. Councilmember Persinger added that all the benches on Washington St. E. should be removed as they are currently not being used for their intended purpose. Mayor Goodwin replied that she has asked for a bench inventory as one has never been done. She will send out the findings. To Councilmember Persinger's point, Councilmember Plear suggested that a barrier be put in the middle of the bench so a person could not lay on it. Mayor Goodwin advised to first start with assessing the results of the inventory to determine where all the benches are currently located, and then where they should be located.
3. Councilmember Laid thanked the Administration for walking around Kanawha City to assess its needs and problem spots.
4. Councilmember Jones thanked the CPD for the recent sting operation on the West Side. He also asked that the brush be trimmed on the walking trail from Florida St. to Patrick St. He added that there is a tree overgrown on the sidewalk on the west side of the Patrick St. Bridge that is causing pedestrians to walk into the street.
5. Councilmember Plear thanked the Mayor and CPD for handing out ices, and that it was a wonderful for the youth to interact with police officers. Mayor Goodwin added that they intend to do more outreach like that in other areas.
6. Councilmember King thanked the Refuse Department for going beyond their duties numerous times in his Ward.
7. Councilmember Snodgrass, in reference to the recently denied a request for zoning variance for a rehab facility on Oakridge Rd., stated that it was important to the community. She further stated that a retrospective look as to how that situation (such as conditional permits) got that far along in the application process, probably wasting a lot of City time and money. She added that it is important to look at that application process.

8. Councilmember Faegre asked for clarification if the facility in question was for a rehab facility or a recovery house. Mayor Goodwin replied that there was confusion as to what the facility would actually be, which is why they are having the current discussion.
9. Councilmember Steele agreed with Councilmember Snodgrass on most points. She added that the burden should be on the organization. She encouraged anyone with children to look at the upcoming virtual MLK mural workshop.

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, Laird, McKinney, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Minardi

At 8:06 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, September 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