JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, October 5, 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 October on the 5th 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 the Persinger Family. 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**
	CAMPBELL	**CEPERLEY**
COOK	**FAEGRE**	**HAAS**
HOOVER	**JENKINS**	**JONES**
KING	**KNAUFF**	**LAIRD**
MCKINNEY	**MINARDI**	**OVERSTREET**
PERSINGER	**PHARR**	**REISHMAN**
ROBINSON	**SHEETS**	**SNODGRASS**
STEELE	**WESLEY-PLEAR**	**MAYOR GOODWIN**

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 Andrea Alden, Charleston, WV;
   alleges damage to property.
   Refer to City Solicitor.

2. A claim of Phyllis Frederick, Charleston, WV;
   alleges damage to vehicle.
   Refer to City Solicitor.

3. A claim of Ronnie W. Meadows, Charleston, WV;
   alleges damage to vehicle.
   Refer to City Solicitor.

PROCLAMATIONS

NONE

COMMUNICATIONS

NONE

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. 7881 do pass.

Bill No. 7881 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from the C-12: Shopping Center to the R-4: Single Family Residential zoning district one district area comprising the Yorktowne Subdivision, as shown on the attached map included as Exhibit A, Charleston, West Virginia.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from C-12: Shopping Center to the R-4: Single Family Residential the whole of the following described parcels of land:

That certain zoning district area being the Yorktowne Subdivision, as shown on the attached map included as Exhibit A, Charleston, West Virginia.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 29 of this ordinance.

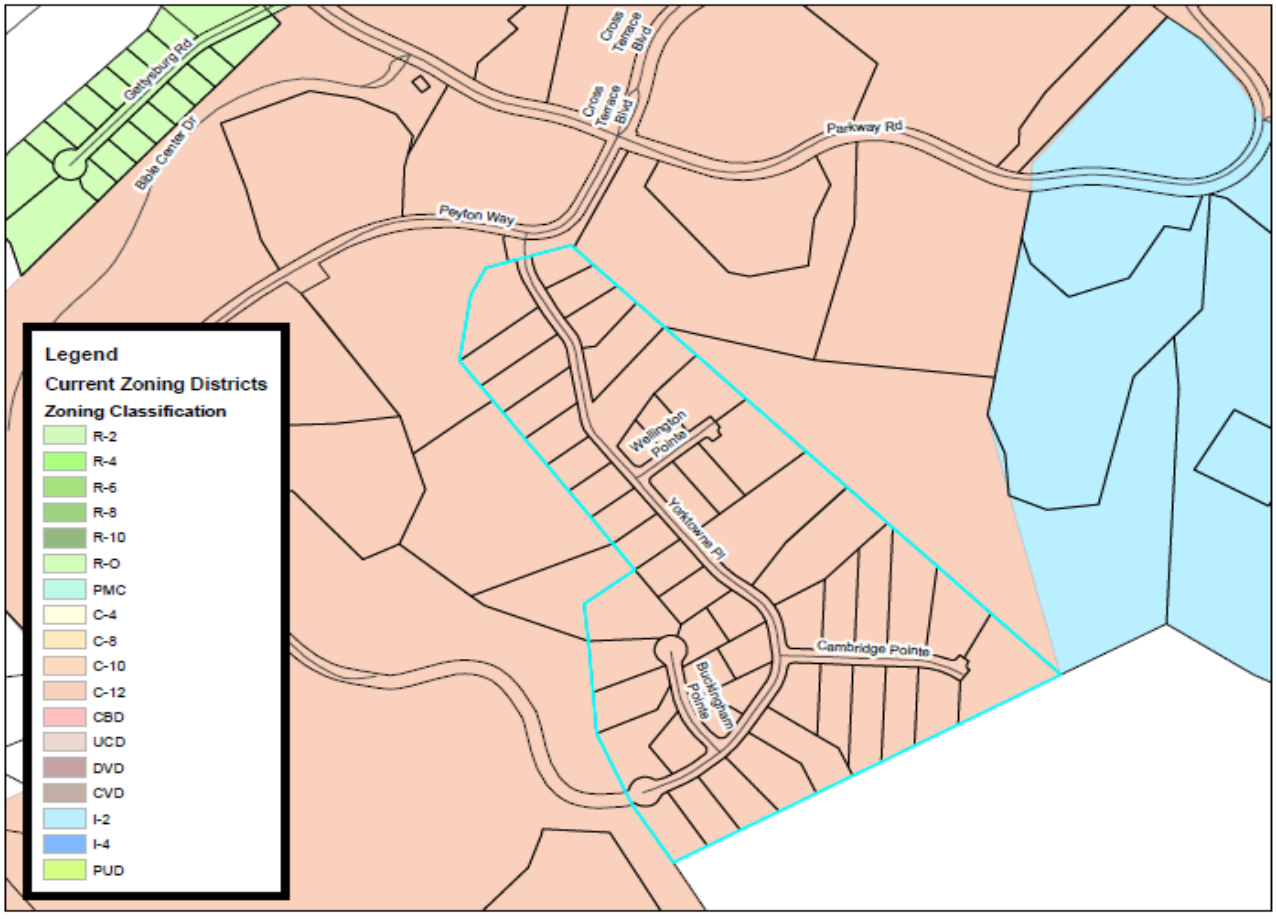
3. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilmember Hoover added that the area is by the Yorktowne Subdivision. The rezoning will bring the zoning classification into agreement with the use of the land, and will support the Comprehensive Plan's goal of "Retaining existing single-family neighborhoods."

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

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

With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Bill No. 7881 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. 7882 do pass.

Bill No. 7882 - A bill mending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, 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.

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

The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended as follows:

1) In Article 3 Supplemental Regulations Pertaining to Land Use Table

52. Alcoholic Beverage Sales.
    a. The following apply when a conditional use permit is required:
    b. As part of a request for conditional use permit, the applicant shall provide information necessary for the Planning Department to conduct research regarding relevant licensing and enforcement activity at the Alcohol Beverage Control Administration of the State of West Virginia. In reaching a decision, the Board of Zoning Appeals may consider past violations and enforcement actions on record at the ABCA.
    c. As part of a request for conditional use permit, the applicant shall provide a written Security & Operations Plan in a form and manner as prescribed by the Planning Department. The contents of the plan shall include, but are not limited to, the following:
        1. Hours of operation.
        2. Type and frequency of entertainment to be provided.
        3. Food service plans, including menu and means of preparation.
        4. The number and locations of security personnel.
        5. The number and locations of video surveillance, both interior and exterior.
        6. Commitment to staff training.
    d. The Board of Zoning Appeals may give special consideration to the potential impacts on parks and public spaces.

2) All prior ordinances or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilmember Hoover added that the bill will provide clarification and guidance for the Board of Zoning Appeals and applicants on the review and approval of conditional use applications for bars and alcohol beverage sales.

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

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

With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Bill No. 7882 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. 382-20 do pass.

Resolution No. 382-20 - Authorizing the Finance Director to amend the 2019 Community Development Block Grant CV budget as indicated on the accounts listed below.

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

That the Finance Director is hereby authorized and directed to amend the 2019 Community Development Block Grant CV budget as indicated on the accounts listed below:

ACCOUNT	DESCRIPTION	INCREASE/(DECREASE)	
009-019-01-011-0-999	MOECD Public Service	$62,000.00	Decrease
009-019-01-199-0-999	Unprogrammed Funds	$62,000.00	Increase
009-019-01-199-0-999	Unprogrammed Funds	$62,000.00	Decrease
009-019-01-011-0-999	WV Health Right	$62,000.00	Increase

MOECD proposes to allocate CDBG-CV funds to WV Health Right for Contractual Registered Nurses to conduct COVID-19 testing.

Councilmember Jenkins added that the resolution will allocate funds to WV Health Right through CARES Act funding to assist Contractual Registered Nurses in conducting COVID-19 testing, adding that it will increase testing throughout the City.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 382-20 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. 383-20 do pass.

Resolution No. 383-20 - Authorizing the Mayor to approve a substantial amendment to the City of Charleston's 2018 and 2019 Annual Action Plan. On April 10, 2020, a memorandum was issued by the United States Department of Housing and Urban Development. This memorandum provided statutory suspension and regulatory waivers to enable HOME participating jurisdictions affected by the Coronavirus Disease to respond to immediate housing needs. The City of Charleston/Kanawha County HOME Consortium has been declared a major disaster area and as a result has requested and received the following suspensions and/or Waivers:

- Increase the administration and planning cost from 10% to 25% of FY 2019 and FY 2020 allocations and program income.
- Suspension of the 15% CHDO set-aside requirement for the fiscal year 2017, 2018, 2019, and 2020
- Reduction of the matching requirements by 100% for FY 2020 and FY 2021 for HOME activities.
- Reduction of the comment period set forth by the citizen participation plan for substantial amendments to a period of 5 days.

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

That the Mayor is hereby authorized to approve a substantial amendment to the City of Charleston's 2018 and 2019 Annual Action Plans. On April 10, 2020, a memorandum was issued by the United States Department of Housing and Urban Development. This memorandum provided statutory suspension and regulatory waivers to enable HOME participating jurisdictions affected by the Coronavirus Disease to respond to immediate housing needs.

Councilmember Jenkins added that the resolution amends the Consortium program year because of the declaration of emergency, which will offer flexibility by allowing a quicker response to concerns. Councilmember Jenkins added that it is a suspension of certain requirements of the program during this period.

Councilmember Wesley-Plear clarified that the reduced comment period was changed from thirty (30) days to five (5) days. Director of MOECD, Larry Malone added that the thirty (30) day comment period will revert back during the next fiscal year, July 2021.

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. 383-20 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. 384-20 do pass.

Resolution No. 384-20 - Authorizing the Mayor or City Manager to enter into an agreement with the West Virginia Department of Transportation, Division of Highways to utilize a portion of the land beneath I-64, between Kanawha Boulevard and Virginia Street, as a skate park.

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

That the Mayor or City Manager is hereby authorized to enter into an agreement with the West Virginia Department of Transportation, Division of Highways to utilize a portion of the land beneath I-64, between Kanawha Boulevard and Virginia Street, as a skate park.

Councilmember Jenkins added that it will be a removable skate park in case the DOH needs to be able to do maintenance under the bridge. Even though the City has an existent agreement with the DOH for parking, they required a separate one for the skate park.

Mayor Goodwin added that the resolution is only for the agreement, not for any sort of purchase. The Mayor added that the first bay (closest to Magic Island) will still be reserved for parking. The second and third bays will be reserved for the skate park, which will fall under Parks and Recreation. There have already been discussions with the Tony Hawk Foundation to gather information such as materials, designs, etc. Additionally, the park will also be able to accommodate BMX riders.

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. 384-20 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. 385-20 do pass.

Resolution No. 385-20 - Authorizing the Mayor to grant temporary and permanent easements from the City to the Charleston Sanitary Board for the Danner Hollow Sewer Rehabilitation and Replacement Project as referenced in the attached documents.

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

That the Mayor or City Manager is hereby authorized to grant temporary and permanent easements from the City to the Charleston Sanitary Board for the Danner Hollow Sewer Rehabilitation and Replacement Project as referenced in the attached documents.

Councilmember Jenkins added that the City of Charleston owns various lots and parcels at the bottom of Danner Hollow. The resolution will grant the Charleston Sanitary Board the authority to lay their sewer lines across the City owned lots and parcels as part of the Danner Hollow Sewer Rehabilitation and Replacement Project.

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. 385-20 adopted.

REPORTS OF OFFICERS

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

NEW BILLS

Introduced by Councilmember Keeley Steele
October 5, 2020:
Bill No. 7883 – A Bill closing, abandoning and discontinuing as a public right of way a portion of the alley behind Religious Coalition for Community Renewal, Inc.at 1516 Washington Street, East.
Refer to Planning, Streets and Traffic Committee and Finance Committee

Introduced by Councilmember Bobby Reishman
October 5, 2020:
Bill No. 7884 – A Bill amending the Zoning Ordinance of the City of Charleston by rezoning to a C-10 district, certain parcels of land located at 3050 Chesterfield Avenue, owned by Charleston Area Medical Center, a West Virginia nonprofit, nonstock corporation.
Refer to Municipal Planning Commission and Planning, Streets and Traffic Committee

Introduced by Councilmember Mary Beth Hoover
October 5, 2020:
Bill No. 7885 – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia by rezoning C-10 district, that certain parcels of land located at 1625 7th Avenue, currently or formerly owned by Mountain Mission Inc., a West Virginia nonprofit corporation.
Refer to Municipal Planning Commission and Planning, Streets and Traffic Committee

MISCELLANEOUS/UNFINISHED BUSINESS

1. Mayor Goodwin thanked those that participated in the Team Up To Clean Up event over the weekend.

2. Councilmember Overstreet expressed condolences for retired CFD Wes Smith for his loss.

3. Councilmember Steele stated that FestivFall will be held virtually this year, October 10-17, 2020.

4. May Goodwin added that the Community Participation Grants are still active for Councilmembers.

ADJOURNMENT

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

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

At 7:28 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, October 19, 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