



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, October 19, 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 October on the 19th day, in the year 2020, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Adams and the Pledge of Allegiance was led by Matt Sutton. 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	MINARDI	OVERSTREET
PERSINGER	PHARR	REISHMAN
ROBINSON	SHEETS	SNODGRASS
STEELE**	WESLEY-PLEAR	MAYOR GOODWIN

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

**Councilmember King arrived for the vote for Resolution No. 386-20. Councilmember Steele arrived for the vote for Res. No. 389-20.

Mayor Goodwin requested a moment of silence for the passing of former Mayor Kent Hall.

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 Mohammad Imani, Charleston, WV; alleges damage to property.
Refer to City Solicitor.

PROCLAMATIONS

NONE

COMMUNICATIONS

TO: MILES CARY II
CITY CLERK

FROM: ADAM KNAUFF
COUNCILMEMBER WARD 7

RE: TRICK OR TREAT 2020

DATE: OCTOBER 19, 2020

I recommend that October 31, 2020 from the hours of 5 p.m. until 7 p.m. be designated as Trick or Treat in the City of Charleston.

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

Councilmember Knauff moved to approve the recommendation. Councilmember Ceperley seconded the motion. By unanimous vote, the recommendation was approved.

REPORTS OF COMMITTEES

COMMITTEE ON ENVIRONMENT AND RECYCLING

Councilmember Bailey, Chair of the Council Committee on Environment and Recycling, submitted the following reports:

1. Your committee on Environment and Recycling has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 386-20 do pass.

Resolution No. 386-20 - Establishing a Green Team to provide recommendations to the City Administration and City Council's Environment & Recycling Committee.

WHEREAS, the City of Charleston is committed to providing a healthy, safe, and sustainable community seeking to optimize quality of life for its residents by assuring clean land, air and water, improving working and living environments, and responsibly managing waste, while conserving taxpayer funds; and

WHEREAS, the City of Charleston wishes to establish a Green Team that will lead the charge to help the City of Charleston save money and at the same time leverage the skills, expertise, and life experience of the team members to recommend and develop policies and plans, collaborate on the implementation of programs, and assist with educational opportunities to maximize sustainability.

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

That a Green Team is hereby established to provide recommendations to the City Administration and City Council's Environment & Recycling Committee on the sound development and management of the City of Charleston's sustainability initiatives and promoting their benefits.

The Green Team shall consist of seven (7) residents of the City of Charleston who shall be appointed by the Mayor with input from the Environment & Recycling Committee. Members shall be subject to removal by the Mayor or by the Green Team itself, by a majority vote. Members of the Green Team shall continue to serve until their replacements are appointed. Four members of the Green Team constitutes a quorum.

No more than two residents on the Green Team may live in the same ward. No more than two members of the Green Team may be employees of the City of Charleston or elected officials

with the City of Charleston. The Mayor shall appoint members who are diverse in race, gender, sexual orientation, and gender identity.

The Green Team shall elect a Chairperson, a Vice-Chairperson, and a Secretary from its membership. If any of these positions become vacant, an election to fill the position shall be held at the Green Team's next meeting, provided that all Green Team members have been informed of the vacancy at least one (1) week before such meeting. The Chair of the Environment & Recycling Committee and the Director of Public Works shall serve as non-voting *ex officio* members of the Green Team.

The Green Team shall meet at a minimum every three months at times and places to be determined by the Green Team and shall hold additional meetings as it deems necessary to perform its functions. The meetings of the Green Team shall be open to the public and posted publicly in advance of the meeting, in accordance with the West Virginia Open Governmental Proceedings Law (W.Va. Code § 6-9A-1, *et seq.*). The agendas shall be prepared by the Chairperson. The Chairperson of the Committee shall preside over all meetings, and, in the absence of the Chairperson, the Vice-Chairperson shall preside. When both the Chairperson and the Vice Chairperson are absent, the Secretary to the Committee shall preside. Minutes shall be taken at each meeting and provided to the City Clerk for archiving.

The Green Team's responsibilities shall include:

1. Periodically, or at the request of the Mayor or the Chair of the Environment & Recycling Committee, provide advice on the development of regulations or policies that benefit or pertain to sustainability;
2. Investigate appropriate and cost-effective opportunities for implementing energy efficiency measures in all aspects of Charleston's public buildings, including benchmarking, operational changes and changes in maintenance or capital improvements;
3. Facilitate Charleston residents reducing environmental impacts through recycling, energy use, and other appropriate measures;
4. Research and facilitate the use of clean, renewable energy within the City;
5. Identify appropriate federal and state incentive and grant programs that provide opportunities for sustainability;
6. Engage in community outreach and education on sustainability initiatives and events.

The Green Team shall make all of its recommendations in writing and direct them to the Mayor, the City Manager, the Director of Public Works, and the Chair of the Environment & Recycling Committee. The Green Team shall not have the authority to direct the City staff to take any action. In making recommendations, the Green Team shall provide an analysis of the estimated or potential costs and benefits of any recommended changes or policies.

Councilmember Bailey added that that the resolution will set up a Green Team, made up of interested citizens appointed by the Mayor and serving without compensation. He added that no more than two (2) members may come from the same Ward.

Councilmember Bailey 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. 386-20 adopted.

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. 387-20 do pass.

Resolution No. 387-20 - Authorizing the Mayor or City Manager to enter into an agreement with the West Virginia Department of Transportation, Division of Highways for the purpose of installing and maintaining public art, which will continue Gallery 64 installations on interstate piers within the Division of Highways' right-of-way adjacent to Pennsylvania Avenue.

Now Therefore, Be It Resolved By The Council Of The City Of Charleston, West Virginia:

The Mayor or City Manager is authorized to enter into an agreement with the West Virginia Department of Transportation, Division of Highways for the purpose of installing and maintaining public art, which will continue Gallery 64 installations on interstate piers within the Division of Highways' right-of-way adjacent to Pennsylvania Avenue.

Councilmember Jenkins added that that fifty-seven (57) beautifully painted piers can be seen under the interstate bridge. The proposed agreement will allow for six (6) more to be painted. A Selection Committee will be established to sort through the proposals.

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. 387-20 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. 388-20 do pass.

Resolution No. 388-20 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA AUTHORIZING THE FILING OF A CIVIL ACTION FOR THE CONDEMNATION OF PROPERTY FOR SANITARY SEWER EASEMENTS NECESSARY FOR THE SANITARY BOARD OF THE CITY OF CHARLESTON, WEST VIRGINIA TO CONSTRUCT, INSTALL AND COMPLETE THE REPLACEMENT OF A SANITARY SEWER MAIN LINE ON PROPERTY ALONG HILLCREST DRIVE

WHEREAS, the Sanitary Board of the City of Charleston, West Virginia (the “Sanitary Board”) has presented a Resolution requesting the City Council of the City of Charleston, West Virginia to authorize the City of Charleston (the “City”) to file a civil action in the Circuit Court of Kanawha County for the condemnation of property for sanitary sewer permanent easements, temporary easements, and temporary construction access easements, necessary for the Sanitary Board to construct, install and complete the replacement of a sanitary sewer main line on property along Hillcrest Drive (the “Project”);

WHEREAS, the City, in accordance with the provisions of Chapter 16, Article 13 of the Code of West Virginia, 1931, owns the sewerage system, both within and without the corporate limits of the City, consisting of a sewage treatment plant or plants and its collecting, intercepting and outlet sewers, lateral sewers, drains, force mains, conduits, pumping stations and ejector stations and all other appurtenances, extensions, improvements and betterments necessary, appropriate, useful, convenient or incidental for the collection, treatment, purification and disposal in a sanitary manner of liquid and solid waste, sewage and industrial waste (the “System”);

WHEREAS, the Sanitary Board, created by Ordinance of the City Council adopted March 17, 1952, is a separate entity from the City;

WHEREAS, by Ordinance of the City Council adopted June 16, 1952, custody, administration, operation and maintenance of the System were placed under the supervision and control of the Sanitary Board;

WHEREAS, due to statutory provisions under which the City owns the System, it is necessary for the City to file civil actions for the condemnation of property for easements necessary for the System;

WHEREAS, the Sanitary Board is pursuing the permanent replacement of a sanitary sewer main line on property along Hillcrest Drive in the City of Charleston (the “Project”) which is necessary to correct an existing sanitary sewer main line that was taken out of service by a landslide, and

maintain continuous sewer service to existing customers and for the health and welfare of the citizens of the City of Charleston;

WHEREAS, the Project includes the replacement of the current above-ground temporary sanitary sewer line that was put in place immediately after the landslide occurred in order to maintain continuous sewer service to existing customers, and permanent easements and temporary construction easements from the three owners of the property are necessary to undertake and complete the Project;

WHEREAS, the Sanitary Board has diligently sought easement agreements for such necessary easements from the affected property owners who all live out-of-state, but has been unable to obtain by negotiation and agreement all of the necessary sewer easements;

WHEREAS, the Sanitary Board has no choice but to request the City to authorize the filing of a civil action for the acquisition, pursuant to the City's power of eminent domain, certain property interests in order to obtain the necessary sewer easements for the Project; now, therefore,

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

Section 1. To accomplish construction of the Project necessary to maintain continuous sewer service to existing customers and for the health and welfare of the citizens of the City, the Sanitary Board must obtain easements across and through the property identified as Charleston North District Tax Map 61, Parcel 1.

Section 2. The Sanitary Board requests the Council of the City to authorize the City, on behalf of and by and through the Sanitary Board and its counsel, to file a civil action for the acquisition for the Sanitary Board, pursuant to the power of eminent domain, of permanent and temporary easements and to take such other and further action as may be reasonably necessary to acquire the property rights for easements necessary to construct, install, operate, maintain, repair, replace, rehabilitate, line and remove sewer lines and appurtenances thereto.

Section 3. The Council of the City hereby authorizes the City, on behalf of and by and through the Sanitary Board and its counsel, to file a civil action for the acquisition for the Sanitary Board, pursuant to the power of eminent domain, of permanent and temporary easements as needed for the Project and to take such other and further action as may be reasonably necessary to acquire the property rights for easements necessary to construct, install, operate, maintain, repair, replace, rehabilitate, line and remove sewer lines and appurtenances thereto.

Councilmember Jenkins added that the mudslide that happened on Hillcrest Drive damaged the sewer line. A temporary line has been in place since. The Sanitary Board is looking to reinstall the permanent line now that the DOH has fixed that slide. They have has difficulty in securing the easement from all three (3) of the heirs, so the resolution is a condemnation to secure that right-of-way for the property so that the installation can be completed.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 388-20 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. 389-20 do pass.

Resolution No. 389-20 - Authorizing the Mayor or City Manager to purchase twenty (20) sets of bunker gear for the Charleston Fire Department from Red Hot Fire Equipment Co., in the amount of \$38,001.20. The gear, which includes jackets and trousers, will be used for structural firefighting. The purchase price was determined through a competitive bidding process, and the vendor was awarded the contract by action of the City Council on March 2, 2020. The successful vendor agreed to hold its prices firm for one year.

Now Therefore, Be It Resolved By The Council Of The City Of Charleston, West Virginia:

That, the City Manager or their designee is hereby authorized to purchase twenty (20) sets of bunker gear for the Charleston Fire Department from Red Hot Fire Equipment Co., in the amount of \$38,001.20. The gear, which includes jackets and trousers, will be used for structural firefighting. The purchase price was determined through a competitive bidding process, and the vendor was awarded the contract by action of the City Council on March 2, 2020. The successful vendor agreed to hold its prices firm for one year.

Councilmember Jenkins added that this is a standard purchase of twenty (20) sets of bunker gear for either new hires of the CFD or the replacement of old equipment. The current prices were approved by Council earlier in the year.

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. 389-20 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. 390-20 do pass.

Resolution No. 390-20 - Authorizing approval of Amendment No. 4 in the FY 2020-2021 General Fund Budget as indicated on the attached list of accounts.

Now Therefore, Be It Resolved By The Council Of The City Of Charleston, West Virginia:

That Amendment No. 4 in the FY 2020-2021 General Fund Budget as indicated on the attached list of accounts is approved.

Councilmember Jenkins added that the resolution will shift funds from that have been received from lien payments that have been placed on properties for demolition of abandoned homes. The recover of these funds will be put into the Contracted Services account to demolish additional abandoned homes.

Councilmember Laird spoke to the good work of the Building Commission, adding that 163 abandoned houses have been demolished since January of 2019.

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

NAYS: NONE

ABSENT: NONE

With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 390-20 adopted.

General Fund FY 2020-2021 Budget Amendment No. 4 - October 19, 2020

Account No.	Department	Account Description	Amount
001 369 00 0000	Revenue	Transfers from Other Funds	(38,000)
001 436 00 000 2 230	Building Commission	Contracted Services	38,000

Transfer of lien redemption proceeds from the Special Demolition Fund to fund additional demolitions.

REPORTS OF OFFICERS

1. Municipal Court Report to City Council Month Ending September 2020.
Received and Filed
2. City Treasurer's Report to City Council Month Ending September 2020.
Received and Filed

NEW BILLS

NONE

MISCELLANEOUS/UNFINISHED BUSINESS

1. Councilmember Persinger mentioned that the Capitol Market has not yet received any discretionary funds available to Councilmembers to use for various 501(c)(3) entities. He additionally confirmed with Mayor Goodwin and Councilmember Ceperley that the City does provide them with funds annually as well as sponsor events.
2. Councilmember King clarified that the line item “Dismissed Prosecutors Order” on page 16 of the Municipal Crime Report comes from Dave Potters, the Assistant City Attorney. City Attorney, Kevin Baker added that those cases would be dismissed for a variety of reasons, but typically because they were given various options (such as staying out of trouble for a certain period of time), with the Prosecutor making decisions as best they see fit on a case by case basis.
3. Councilmember Steele asked if the discretionary funds available to Council had to go to or through a 501(c)(3) entity. It was confirmed that the funds had to go to a 501(c)(3) entity, either for a specific project or just a general donation. Any Councilmember with questions should direct them City Manager, Jonathan Storage.
4. Councilmember Pharr updated Council as to the status of the Atlas Building; it is currently at 60% occupancy/pre-leasing.
5. Councilmember Bailey added that there is also a small business grant program not to be confused with the discretionary funds available to Council.
6. Councilmember Overstreet thanked the Director of Building Commission, Tony Harmon for the work the Department has been doing to clear abandoned houses.

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

NAYS: NONE

ABSENT: NONE

At 7:31 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, November 2, 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