

# CityCHARLESTON CITY COUNCIL

Regular Meeting

January 4, 2021

at 7:00 PM



**UNTIL FURTHER NOTICE, COUNCIL MEETINGS WILL BE MADE AVAILABLE TO THE PUBLIC VIA ZOOM AND CIVICCLERK**

City Hall, 501 Virginia St. E.

Charleston, WV

---

## AGENDA

---

**\*Join via internet:**

**<https://us02web.zoom.us/j/83272042162?pwd=YmNVSzIMckdEaklKZ0FWa3YrYlh2UT09>**

**Passcode: 283687**

**\*Join via Telephone: (312) 626-6799 or (929) 436-2866**

**Webinar ID: 832 7204 2162**

**\*Join via CivicClerk: <https://charlestonwv.civicclerk.com>**

CALL TO ORDER BY THE MAYOR

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC SPEAKERS AND CLAIMS

1. **INTERESTED PUBLIC SPEAKERS MUST REGISTER WITH THE CLERK'S OFFICE VIA PHONE ON JANUARY 4, 2021 FROM 3:00-6:00 P.M. FIVE (5) SPEAKERS WILL BE PERMITTED (RULE NO. 22 (B)). 304-348-8179.**
2. Claims 1-4-2021

PROCLAMATIONS

1. 1-4-2021

COMMUNICATIONS

1. 1-4-2021

## REPORTS OF STANDING COMMITTEES

### *PLANNING, STREETS AND TRAFFIC*

1. Bill No. 7888 - A Bill to establish a no parking zone on the westside of 24th Street West where it intersects with an unnamed alley and amending the Traffic Control Map and Traffic Control File.

### *FINANCE*

1. Resolution No. 410-21 - Authorizing the Mayor or City Manager to purchase 5 Jeep Grand Cherokees for the Charleston Police Department
2. Resolution No. 411-21 - Authorizing the Mayor or City Manager to purchase 4 various vehicles for Public Grounds
3. Resolution No. 412-21 - Authorizing the Mayor or City Manager to purchase 1 Ford Explorer for Spring Hill Cemetery
4. Resolution No. 413-21 - Authorizing the Mayor or City Manager to submit an application to the WV Division of Administrative Services under the Project Safe Neighborhoods grant program for the Charleston Police Department
5. Bill No. 7890 - A Bill to amend the Municipal Code of the City of Charleston relating to correcting inadvertent errors with respect to detailing the deposit and allocation of the City's Consumer Sales and Use Tax revenue as required by the bond documents related to the Charleston Coliseum and Convention Center renovations

## REPORTS OF OFFICERS

1. 1-4-2021

## NEW BILLS

1. 1-4-2021

## UNFINISHED BUSINESS AND/OR MISCELLANEOUS BUSINESS

## ROLL CALL

## ADJOURNMENT

THE NEXT REGULAR MEETING OF COUNCIL WILL BE HELD TUESDAY, JANUARY 19 , 2021 AT 7:00 P.M.



**AFFIDAVIT**  
**City of Charleston**



**STATE OF WEST VIRGINIA**  
**COUNTY OF KANAWHA, to-wit:**

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,

Adel Guirguis, Claimant,  
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 4410 Washington Ave SE, Charleston WV 25304

Telephone Number: 681 587 0806

and that on the 8th day of Nov 2020, 2019/2020, at approximately 8am am/pm  
in the City of Charleston, West Virginia, he/she sustained

At Nov 8th, Police came to our property at 303 Ruffner ave, Charleston, WV 25311  
with a search warrant as attached, broke into all apartment searching for suspect

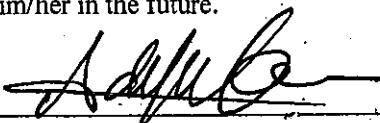
**Nature Of Injury And/Or Damage**

**As A Result Of:**

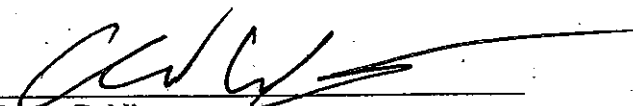
4 apartment doors were broken because of police search, each will cost \$500 to replace  
including material and labor,

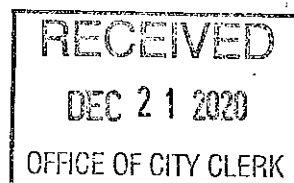
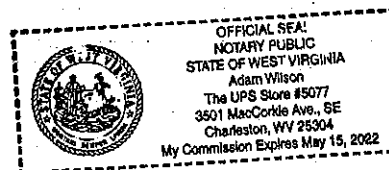
Total Cost \$2000.00

As a result of which accident, the Claimant, Adel Guirguis, does hereby  
make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by  
him/her in the future.

  
Signature of Claimant

Taken, subscribed and sworn to before me this 17 day of Dec, 2020.  
My commission expires 05/15/2022.

  
Notary Public





**AFFIDAVIT**  
**City of Charleston**



**STATE OF WEST VIRGINIA**  
**COUNTY OF KANAWHA, to-wit:**

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,

Richard H West Jr., Claimant,  
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 124 Arlington Ave.

Telephone Number: 304 343 0211

and that on the 15<sup>th</sup> day of December, 2019/2020 at approximately 2:00 am/pm  
in the City of Charleston, West Virginia, he/she sustained

2009 Subaru Forester - Front Passenger Side  
lights / quarter panel / door crushed  
Nature Of Injury And/Or Damage

As A Result Of:

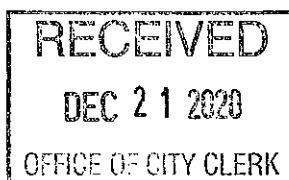
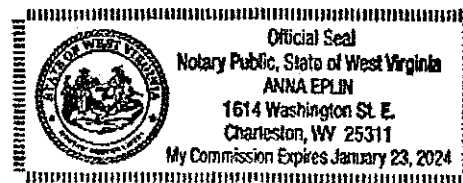
Result of City Vehicle backing into the  
parked vehicle - Duane Street

As a result of which accident, the Claimant, Richard H West Jr. does hereby  
make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by  
him/her in the future.

Richard H West Jr.  
Signature of Claimant

Taken, subscribed and sworn to before me this 16 day of December, 2020.  
My commission expires January 23, 2024.

Anna Eplin  
Notary Public





## **PLANNING, STREETS AND TRAFFIC COMMITTEE**

**Mary Beth Hoover, Chair**

### **COMMITTEE REPORT**

**To: Miles Carey, City Clerk**

**From: Council's Committee on Planning, Streets and Traffic**

**Date: December 28, 2020**

**Subject: Bill No. 7888**

The Committee on Planning, Streets and Traffic has had under consideration:

Bill No. 7888 - A Bill to establish a no parking zone on the westside of 24<sup>th</sup> Street West from a point 83 feet south of 7<sup>th</sup> Avenue West to a point 123 feet south of 7<sup>th</sup> Avenue West where 24<sup>th</sup> Street West intersects with an unnamed alley 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.

and reports the same to Council with the recommendation that the Bill do pass.

Mary Beth Hoover – VIA Phone  
\_\_\_\_\_  
Chair

Naomi Bays – VIA Phone  
Becky Ceperley– VIA Phone  
Will Laird – VIA Phone  
Adam Knauff – VIA Phone  
Chad Robinson – VIA Phone



## **PLANNING, STREETS AND TRAFFIC COMMITTEE**

**Mary Beth Hoover, Chair**

### **COMMITTEE REPORT**

**To:** Miles Carey, City Clerk

**From:** Council's Committee on Planning, Streets and Traffic

**Date:** December 28, 2020

**Subject:** Bill No. 7889

The Committee on Planning, Streets and Traffic has had under consideration:

Bill No. 7889 – A BILL to amend the Municipal Code of the City of Charleston, by adding thereto a new section, designated Section 114-671, in ARTICLE VIII, Chapter 114 of said Code, relating to prohibiting standing, congregating and obstructing the flow of traffic near an inherently dangerous intersection or highway and declaring halting or obstructing the flow of vehicular traffic a nuisance.

and reports the same to Council with the recommendation that the Bill do pass.

Mary Beth Hoover – VIA Phone

---

Chair

Naomi Bays – VIA Phone

Becky Ceperley – VIA Phone

Will Laird – VIA Phone

Adam Knauff – VIA Phone

Chad Robinson – VIA Phone

1 **Bill No.7888**

2 Passed by Council:

3 Introduced in Council

4 **December 7, 2020**

5  
6 Introduced by:

Referred to

7 **Pat Jones**

**Planning, Streets and Traffic**

8  
9  
10 **Bill No. 7888** - A Bill to establish a no parking zone on the westside of 24<sup>th</sup> Street West  
11 from a point 83 feet south of 7<sup>th</sup> Avenue West to a point 123 feet south of 7<sup>th</sup> Avenue  
12 West where 24<sup>th</sup> Street Wests intersects with an unnamed alley and amending the  
13 Traffic Control Map and Traffic Control File, established by the code of the City of  
14 Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section  
15 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

17 Section 1. A Bill to establish a no parking zone on the west side of 24<sup>th</sup> Street West from  
18 a point 83 feet south of 7<sup>th</sup> Avenue West to a point 123 feet south of 7<sup>th</sup> Avenue West  
19 where 24<sup>th</sup> Street Wests intersects with an unnamed alley

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

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

Resolution No. 410-21

Introduced in Council:

Adopted by Council:

January 4, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 410-21 - Authorizing the Mayor or City Manager to purchase five (5) Jeep Grand  
2 Cherokees for the Charleston Police Department from Thornhill Ford, in the amount of  
3 \$139,675.00, where each purchase will be made using a competitively sourced State contract.

4  
5 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

6  
7 That the Mayor or City Manager is authorized to 5 (five) Jeep Grand Cherokees for the  
8 Charleston Police Department from Thornhill Ford, in the amount of \$139,675.00, where each  
9 purchase will be made using a competitively sourced State contract.

Resolution No. 411-21

Introduced in Council:

Adopted by Council:

January 4, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 411-21 - Authorizing the Mayor or City Manager to purchase one (1) Class 10  
2 Ford Ranger Extended Cab, from Matheny Motor Truck, in the amount of \$26,979.00, two (2)  
3 Class 27 Ram 2500 DJ7L92 Large Pick Up Crew Cab in the amount of \$29,023.00 totaling  
4 \$58,046.00, and one (1) Class 15 Ram D56L91 Standard Pickup Crew Cab in the amount of  
5 \$27,224.00 from Stephen Auto Center for Public Grounds, where each purchase will be made  
6 using a competitively sourced State contract.

7

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

9

10 That the Mayor or City Manager is authorized to purchase one (1) Class 10 Ford Ranger  
11 Extended Cab, from Matheny Motor Truck, in the amount of \$26,979.00, two (2) Class 27 Ram  
12 2500 DJ7L92 Large Pick Up Crew Cab in the amount of \$29,023.00 totaling \$58,046.00, and  
13 one (1) Class 15 Ram D56L91 Standard Pickup Crew Cab in the amount of \$27,224.00 from  
14 Stephen Auto Center for Public Grounds, where each purchase will be made using a  
15 competitively sourced State contract.

16

17

Resolution No. 412-21

Introduced in Council:

Adopted by Council:

January 4, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 412-21 - Authorizing the Mayor or City Manager to purchase one (1) Class 7  
2 Ford Explorer K8B SUV from Stephens Auto for Spring Hill Cemetery, in the amount of  
3 \$28,166.00, where the purchase will be made using a competitively sourced State contract.

4

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

6

7 That the Mayor or City Manager is authorized to purchase one (1) Class 7 Ford Explorer K8B  
8 SUV from Stephens Auto for Spring Hill Cemetery, in the amount of \$28,166.00, where the  
9 purchase will be made using a competitively sourced State contract.

10

Resolution No. 413-21

Introduced in Council:

Adopted by Council:

January 4, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 413-21 - Authorizing the Mayor or City Manager to submit an application to the  
2 WV Division of Administrative Services under the Project Safe Neighborhoods (PSN) grant  
3 program for the Charleston Police Department in the amount of \$114,000 and administer any  
4 funds awarded. These funds will be used to purchase cell phone download software, two years  
5 of maintenance fees on the National Integrated Ballistic Information Network (NIBIN) machine,  
6 binoculars and a drone.

7  
8 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

9  
10 That the Mayor or City Manager is authorized to submit an application to the WV Division of  
11 Administrative Services under the Project Safe Neighborhoods (PSN) grant program for the  
12 Charleston Police Department in the amount of \$114,000 and administer any funds awarded.  
13 These funds will be used to purchase cell phone download software, two years of maintenance  
14 fees on the National Integrated Ballistic Information Network (NIBIN) machine, binoculars and  
15 a drone.

1 **Bill No. 7890**

2  
3 **Introduced in Council:**

**Adopted by Council:**

4  
5 **December 21, 2020**

6  
7 **Introduced by:**

**Referred to:**

8  
9 **Joseph Jenkins**

**Finance**

10  
11 **Bill No. 7890** - A BILL to amend the Municipal Code of the City of Charleston by amending  
12 and reenacting Section 111-14 of Chapter 111, relating to correcting inadvertent errors  
13 made in the year 2018 with respect to detailing the deposit and allocation of the City's  
14 Consumer Sales and Use Tax revenue as required by the bond documents related to the  
15 Charleston Coliseum and Convention Center renovations; and authorizing any future  
16 unencumbered revenue to be transferred to the Uniform Pensions Reserve Fund after  
17 payment of the first, second and third priority items.

18  
19 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**  
20 **CHARLESTON THAT:**

21  
22 Section 111-14 of the Municipal Code of the City of Charleston is hereby amended and  
23 reenacted to read as follows:

24  
25 **Chapter 111. – CONSUMERS SALES AND USE TAXES**

26  
27 **Sec. 111-14. - Deposit of taxes collected in special revenue funds.**

28 (a) The special revenue fund in the city treasury previously established, designated  
29 and known as the City Sales and Use Tax Fund is hereby continued. The second special  
30 revenue fund in the city treasury previously established, designated and known as the  
31 Uniform Pensions Reserve Fund is hereby continued. The City Sales and Use Tax Fund  
32 shall continue to receive all revenues received from collection of the city's sales and use  
33 taxes, including any interest, additions to tax and penalties deposited with the city  
34 treasurer. ~~until September 30, 2015. During the period of October 1 through October 31,~~  
35 ~~2015, or at such other time as the city treasurer receives the quarterly remittance from~~  
36 ~~the state tax department representing collections for the period of June, July, and August,~~  
37 ~~2015, 60 percent of the revenues received from the taxes imposed by this chapter,~~  
38 ~~including interest and additions to tax, shall be deposited in the City Sales and Use Tax~~  
39 ~~Fund and 40 percent of the revenues shall be deposited in the Uniform Pensions Reserve~~  
40 ~~Fund. Beginning November 1, 2015, one-half of the revenues received from the taxes~~  
41 ~~imposed by this chapter, including interest and additions to tax, shall be deposited in the~~  
42 ~~City Sales and Use Tax Fund and the second half of the revenues shall be deposited in~~  
43 ~~the Uniform Pensions Reserve Fund. Additionally, there shall be deposited in each fund:~~  
44 ~~(1) all appropriations to the particular fund; (2) all interest earned from investment of the~~  
45 ~~particular fund; and (3) any gifts, grants or contributions received and placed by the city~~  
46 ~~into the City Sales and Use Tax Fund or the Uniform Pensions Reserve Fund. Revenues~~

~~in the City Sales and Use Tax Fund and the Uniform Pensions Reserve Fund shall not be treated by any person as general revenue of the city. Revenues in the City Sales and Use Tax Fund shall be disbursed in the manner and consistent with the priorities set forth in subsection (b) below. Revenues in the Uniform Pensions Reserve Fund shall be disbursed in the manner and consistent with the priorities set forth in subsection (c) below.~~

(b) Revenues in the City Sales and Use Tax Fund shall be used each quarter: (i) first, to satisfy the debt service requirements and any prior debt service requirements deficit each fiscal year on, and to replenish any required reserves in accordance with the bond documents for, any bonds issued by, or other obligations incurred by, the city, from time to time, including any refunding bonds, to finance improvements to the Charleston Coliseum and Convention Center and for any other economic development or public safety projects, including the funding of any reserve funds relating to any such bonds or other obligations, and/or to make lease payments which secure bonds issued to finance improvements to such Charleston Coliseum and Convention Center or other economic development projects; and (ii) second, after providing for payment of first priority items, (A) during the period of October 1 through October 31, 2015, or at such other time as the city treasurer receives the quarterly remittance from the state tax department representing collections for the period of June, July, and August, 2015, 40 percent of the revenues received from the taxes imposed by this chapter, or any lessor amount remaining after providing for payment of first priority items, shall be deposited in the Uniform Pensions Reserve Fund and (b) beginning November 1, 2015, one-half of the revenues received from the taxes imposed by this chapter, or any lessor amount remaining after providing for payment of first priority items, shall be deposited in the Uniform Pensions Reserve Fund; and (iii) third, after providing for payment of first and second priority items, in the event there were insufficient funds available in any prior quarter to transfer 40 percent or one-half, as applicable, of the revenues received from the taxes imposed by this chapter to the Uniform Pensions Reserve Fund, such amounts shall be deposited in the Uniform Pensions Reserve Fund from revenues available in the City Sales and Use Tax Fund; and (iv) fourth, after providing for payment of first, second and third priority items, any unencumbered revenue in the City Sales and Use Tax Fund may periodically be transferred as necessary or convenient to the ~~city's general revenue account~~ Uniform Pensions Reserve Fund. Additionally, there shall be deposited in each fund: (1) all appropriations to the particular fund; (2) all interest earned from investment of the particular fund; and (3) any gifts, grants or contributions received and placed by the city into the City Sales and Use Tax Fund or the Uniform Pensions Reserve Fund. Revenues in the City Sales and Use Tax Fund and the Uniform Pensions Reserve Fund shall not be treated by any person as general revenue of the city.

(c) Revenues in the Uniform Pensions Reserve Fund shall be used: (i) first, to satisfy the balance of the benefit obligations imposed and assumed by the city on a pay-as-you-go basis for those members who have retired after election of the conservation method set forth in W.Va. Code § 8-22-20(f) after first applying the member contributions and premium tax proceeds not required to be retained in the closed trusts pursuant to W.Va. Code § 8-22-20(f)(2), and any other dedicated or designated income sources as authorized by law, to any such obligations; (ii) second, after providing for payment of first priority items, to satisfy the city's obligations to the Municipal Police Officers and Firefighters Retirement System for the new members hired after adoption of the

93 conservation method as provided by W.Va. Code §§ 8-22-20(f)(3) and 8-22a-1, et. seq.;  
94 and (iii) third, at such time as the actuarial report required by W.Va. Code § 8-22-20(f)  
95 indicates no actuarial deficiency in the closed municipal policemen's or firemen's pension  
96 and relief funds, and after providing for payment of first and second priority items and  
97 normal costs as contemplated by W.Va. Code § 8-22-20(f)(4), any remaining and  
98 unencumbered revenues may be transferred as necessary or convenient to the city's  
99 general revenue account; *Provided:* nothing herein shall preclude transfers from the  
100 Uniform Pensions Reserve Fund into the city's general revenue account or any other fund  
101 or account from time to time in such amounts as may be necessary or convenient to  
102 facilitate the payment of obligations or to accomplish the purposes herein, so long as  
103 consistent with the priorities set forth in this subsection.

104 ~~—— (d) Notwithstanding any other provision of this section to the contrary, revenues~~  
105 ~~deposited into the Uniform Pensions Reserve Fund may be pledged, as a priority over~~  
106 ~~any other uses of such revenues set forth in subsection (c) of this section, as security for~~  
107 ~~any bonds issued by, or other obligations incurred by, the city, from time to time, including~~  
108 ~~any refunding bonds, to finance improvements to the Charleston Coliseum and~~  
109 ~~Convention Center, and/or to make lease payments which secure bonds issued to finance~~  
110 ~~improvements to the Charleston Coliseum and Convention Center. In the event there are~~  
111 ~~insufficient funds available in the City Sales and Use Tax Fund to satisfy scheduled debt~~  
112 ~~service obligations on any bond indebtedness, or other obligations, issued or incurred by~~  
113 ~~the city pursuant to this section, the city treasurer shall transfer the amount of such~~  
114 ~~insufficiency from the Uniform Pensions Reserve Fund to the City Sales and Use Tax~~  
115 ~~Fund to permit the city to meet such scheduled debt service obligations. In the event the~~  
116 ~~city treasurer is required to make such a transfer from the Uniform Pensions Reserve~~  
117 ~~Fund to the City Sales and Use Tax Fund, such amounts so transferred shall be repaid~~  
118 ~~to the Uniform Pensions Reserve Fund as soon as possible from revenues deposited in~~  
119 ~~the City Sales and Use Tax Fund available therefore, from time to time, after satisfaction~~  
120 ~~of succeeding scheduled debt service obligations payable from the City Sales and Use~~  
121 ~~Tax Fund.~~