



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, January 4, 2021

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 January on the 4th day, in the year 2021, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Knauff and the Pledge of Allegiance was led by Noah and Jonah Knauff. 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.

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

Before the public speakers were announced, Mayor Goodwin stated that the Clerk's Office allowed public speakers to sign up between 3pm and 6pm by phone, per the posted agenda. There were no objections.

1. David Didden – spoke about overdose prevention

CLAIMS

1. A claim of Adel Guirguis, Charleston, WV;
alleges damage to property.
Refer to City Solicitor.
2. A claim of Richard H. West Jr., Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor.

STATE OF THE CITY

Members of Council, Madame President, members of this administration, our outstanding City employees and to the citizens of our Capital City. It is without question this past year has been hard--really hard. We were faced with a global pandemic and we suffered great loss. The loss of friends, family and community members -- not just here in our City, but throughout our county, and across our nation. The loss of our first responders: Patrolman Cassie Johnson and Firefighter and medic Jason Cuffee. The loss of some of Charleston's most passionate leaders: Councilman Rick Burka and Mayor Kent Hall. Let's take a moment to reflect on those we have lost -- family, friends, and those closest to us.

Our City, our State and our nation have suffered and continue to suffer great financial loss. We lost all of our events at the Charleston Coliseum and Convention Center, an entire baseball season, and saw the loss of additional stores within our Town Center. We lost revenues and prosperity that would have resulted from events such as Live on the Levee, sports tournaments, Multi-Fest, FestivALL and so many more.

However, we still feel hopeful and optimistic because our team has laid the groundwork for a strong economic recovery by taking proactive steps. We are partnering with OVG to manage and book future events at the Charleston Coliseum and Convention Center, collaborating with the owners of the WV Power to ensure baseball continues in the City and, most important, we continue to invest in infrastructure, programs and events so we are ready when the time comes.

Yes, this year has been hard. And we've been faced with adversity almost every step of the way. While adversity always comes with challenges, often it also comes with opportunity and the promise of...a better tomorrow, a better month, a better year. Many of our plans had to be adjusted--but our priorities have remained strong.

Early in the year, it became quickly apparent we would have to shift our focus and become nimble throughout the rest of 2020. The health and safety of citizens and visitors of Charleston and Kanawha County has been, is, and will always be of utmost importance during this worldwide pandemic. On March 14th we put together a diverse team of qualified people from all disciplines as part of a coordinated effort to help slow the spread of COVID-19.

I am incredibly proud to say that this City and this County were the first in the State to sign emergency orders, first in the State to activate the Emergency Operations Center, and first in

the State to test nursing homes as a whole which has now become national best practice. And, we prioritized testing in minority communities by working with churches and community groups to spread the word on testing and to have testing offered directly in these communities.

The leadership we've seen throughout this pandemic should not go unrecognized. The work of the Kanawha Charleston Health Department has been outstanding. Under the leadership of Dr. Sherri Young the City and the County have hosted more than 100 drive thru testing events, tested more than 31,000 individuals and vaccinated more than 3,000 citizens of Charleston and the greater Kanawha County area. Captain Mark Strickland, our Director of Homeland Security and Emergency Management, CW Sigmon with Kanawha County, and Monica Mason with the Kanawha County Emergency Ambulance Authority continue to be key players in this fight. It is my honor to be able to work with them every day.

And while there is good reason to be optimistic, we need to continue to do everything in our power to slow the spread of COVID-19. Through it all, we have been able to continue providing essential services to our constituents, and have never wavered in our commitment to maintaining a sound budget.

In municipal government, all employees play an important role in helping maintain the availability of services for the folks who live, work, and visit a city. From our police officers, to our fire and EMS professionals, we have so many employees who continually put themselves on the front line to help keep us healthy and safe.

Early on this administration provided "hero pay" for our City's first responders. This included our refuse teams who never missed a step. In addition, we provided every employee in the City of Charleston a \$2,000 a year pay increase and provided them even greater savings through the switch of health care providers. Make no mistake, the CARES Act funding supported by Senator Manchin and Senator Capito was critical in helping maintain our essential services.

As part of our continued efforts to address the challenges of COVID-19, we adapted functions of City government:

- We opened Community Centers for e-learning for our kids.
- We hosted (and continue to host) public meetings on ZOOM so we could continue to have community engagement.
- We lessened the restrictions on outdoor dining and closed Capitol Street on the weekends to provide a socially distanced way to dine.

- We reimagined our Charleston Walks program so that we could still engage folks from across the City while maintaining appropriate social distancing. Instead of knocking on doors, we've been calling hundreds of Charleston residents checking in and asking how we may be of service.

We were able to maintain essential services by doing something this administration does very well---budget, invest and save to ensure we can continue to build a vibrant City. While we have been and must remain vigilant and continue social distancing practices, we must also continue to support our local businesses--the backbone of our economy. This year we launched a \$500,000 small business investment grant program to help our small businesses attract customers and grow their businesses. We also helped our small businesses by waiving interest on late First Quarter B&O payments when they were received by June 1st and further helped our restaurants by creating more robust outdoor dining opportunities.

If this pandemic has made us realize one thing--it is that we have a need to be together and have shared experiences with each other. Our incredibly creative team here at the City combined with the imagination of community members like Margaret Leef, John Inghram and Morgan Morrison brought us this year's drive-in movies, drive-in concert, Christmas tree lighting, city-wide book club, food truck Wednesdays, and videos and public art maps showcasing all that Charleston has to offer.

We know we need to continue to build and invest in our city. We brought down 87 dilapidated structures and abandoned houses. But we can't build a city up by tearing everything down. With that in mind, the Charleston Land Reuse Agency (CLRA) asked for public input regarding redevelopment and conservation efforts for several properties on Charleston's West Side.

Another initiative to spur redevelopment in our community is the Neighborhood Reinvestment Overlay District. This is an effort to return the West Side to the type of neighborhood it once was--lively, diverse, affordable and unapologetically urban. This effort, combined with our Land Reuse Agency, will lay the groundwork for revitalizing our communities over the next several years.

This year, we paved 13.5 miles of City streets. Coming into 2021, we will maintain our commitment to putting more funds into paving our City roads--including adding the \$1 million from money secured from the recent paving settlement. We will continue making more sidewalks ADA compliant and safe and we will continue investing in increased lighting projects across the City.

The City upgraded 109 parking meters on the West Side and extended ParkMobile Service to both the West Side and East End of Charleston. Park Mobile is now available at every City owned parking meter. In addition, we supported our local businesses by providing 21 curbside 15-minute parking spaces for customers picking up to-go orders. When the Raleigh County Solid Waste Authority temporarily closed due to COVID-19, our City truly felt the impact of going without a recycling program. Through an MOU with Raleigh County Solid Waste Authority, we have taken the first steps toward creating an even more robust program. Through collaboration with other local municipalities and the completion of a formal recycling study, we will be better prepared to address the needs of the citizens of Charleston.

We made critical repairs to the South Side Bridge and upgrades to Spring Hill Cemetery, including repairs to barrier walls and the restoration of our beloved Cotton Angel. We installed a new kayak launch and are in the process of building the City's first skate park. We also shut down Kanawha Boulevard during the summer and fall months and offered free golf at Cato to encourage outdoor recreation opportunities while also being socially distant.

Physical health, of course, is only part of the equation. Throughout the COVID-19 pandemic, we've seen an increase in activity surrounding mental health and substance use. With the additional job loss, housing loss, economic insecurity and illness, our community is providing assistance to individuals who have not previously needed mental health or social services.

We started 2020 by hiring the City's first CARE Director to further the work of addressing substance use and its effects on our friends, neighborhoods, and businesses in Charleston. We quickly found that addressing substance use, homelessness, and mental health separately was a disservice to the people of Charleston.

Our CARE Office now houses the Quick Response Team, the Homeless Outreach Coordinator, and beginning this week – the City's first Mental Health Coordinator. Our CARE team works hand-in-hand with our EMS and police officers to provide a coordinated response to individuals and families in need of help. This year, despite all the challenges COVID brought, the Quick Response Team reached out to 200+ individuals suffering from substance use to offer them treatment services, family support, and naloxone. Our Homeless Outreach Coordinator has reunified more than 70 individuals with their families, and connected over 60 individuals and families to long-term, safe, and sustainable housing.

We believe the best way to help people is to quite literally meet them where they are with our boots on the ground efforts. However, boots on the ground and direct service work alone are not enough to get ahead of these issues. And that is why our CARE office embarked on two

days of strategic planning, examining community needs assessments and data aggregated in part by the City's partner, the WV Drug Intervention Institute, to develop a multi-year plan addressing substance use, homelessness, and mental health in Charleston.

Our Charleston Police Department and Charleston Fire Department work tirelessly to protect citizens and visitors to our Capital City. This year we welcomed a new Police Chief Tyke Hunt and Fire Chief Shawn Wanner. We increased the starting pay for Charleston police officers, and we corrected long standing pay deficiencies within the fire department. We invested in new equipment including new police cruisers, new fire trucks, and new ambulances and other critical equipment like body cameras, air masks, bunker gear and fingerprint scanners.

While the pandemic pulled a lot of focus, it was not the only large issue facing our country this year. Systemic racism also dominated the headlines after the killings of George Floyd, Breonna Taylor, Ahmaud Aubery and others. In July, we announced the formation of the Charleston Council for Outreach and Empowerment (C-CORE). This citizen action group promotes justice and fair treatment for all, works closely with this administration and the public to cultivate relationships, advocates on behalf of Charleston citizens and creates additional opportunities for community input. I want to thank Pastor Letari Thompson, Pastor Marlon Collins, LeKeisha Barron Brown, Courtney Campbell and countless others. We also began a discussion among community leaders about addressing the public health disparities within our communities and working toward greater faith in our health care systems. We joined the Greater Kanawha Valley Foundation for the Summit on Race Matters aimed to discuss race in a comprehensive, collaborative, and compassionate manner. I want to thank Dr. Michelle Mickle Foster for her leadership on this summit.

Make no mistake--we have a long way to go, but we are cultivating relationships, building trust and taking action. On Dr. Martin Luther King Jr. Day, the historic Court Street was honorarily named Dr. Martin Luther King Jr. Way. I want to thank long-time Charleston resident and attorney Kitty Dooley and Councilwoman Jennifer Pharr for helping make this a reality. On that same day the Martin Luther King Jr. mural was announced. In keeping with the concept -- based on unity and working together for a common dream -- the Office of Public Art engaged community members and students from across our City to paint self-portraits which will be used to create the background of the mural.

Due to a number of factors -- including the impact of COVID-19 -- people are moving to areas that aren't as crowded and that have ample outdoor recreation space. This makes West Virginia -- and our City -- the perfect place to go. The Mayor's Office of Economic and Community Development, in coordination with organizations like the Charleston Area Alliance and

Charleston Main Streets, work to bring people here to live, work and play.

For the past year our team has been leading a citywide initiative that is focusing on workforce development, employment training and job placement. This effort includes a diverse group of stakeholders, including representatives from education, business, workforce training and youth. The key goals are to promote the wide range of existing workforce training programs and to connect trained individuals with local employers. To date, the initiative has created three subgroups - construction, tourism/hospitality and health care.

In early September, the Charleston Area Alliance released a market-rate housing needs assessment for downtown, which highlighted the need for more than 400 more rental and for-sale housing units in downtown Charleston over the next five years. The interest in downtown living is high. In fact, the newly renovated Atlas Building is 90% leased and folks have already begun moving in. Additionally, the City is developing lighting and sidewalk improvements that complement the adaptive reuse of the Atlas Building.

We continue to show we are an inclusive and welcoming community to folks who are looking to move or relocate their business here--not only through visibility (murals and crosswalks) but through action. The Municipal Equality Index measures the inclusivity of cities across our nation. For us, it is a tool which helps better understand where we are doing well and where opportunities exist with policies and programming. I'm proud to report Charleston has reached its highest score ever--92/100.

In 2021, we will continue to put the City of Charleston and her people first. That's why, several months ago, leadership from throughout City government came together to create a strategic plan. This plan has significant goals including:

- Building Safe and Strong Neighborhoods
- Delivering Efficient, Responsive, and Community Focused Services
- Collaborating and Engaging with Partners
- Enhancing Public Health and Well Being
- Creating an Environment for a Better Place to Live and a Dynamic and Growing Economy

We will remain accountable to you for every action we take.

We also will revitalize and renovate the center of our city with the redesign and construction of a new Slack Plaza and will work to create the city's first Business Improvement District with the help of local leaders like Lewis Payne and Will Carter.

In the first six months of this year, we will invest more than \$1 million into removing dilapidated

buildings and structures that have caused our neighborhoods to suffer. We will enhance our investment in small businesses with a \$750,000 investment this year to ensure they are here when COVID-19 has largely disappeared. And while we will continue to invest and build in this city, we will implement a prudent savings strategy with \$11 million invested into our rainy day fund to ensure the financial stability of the critical services necessary to keep our city safe, clean and vibrant.

And tonight, I'm delighted to announce we are developing a new dog park on Charleston's West Side at Cato Park. This dog park, which has been needed for so long, will have a special name bestowed on it. In honor of her service first as a humane officer and then as a Charleston Police Officer the park will honor Patrolman Cassie Johnson's beloved dog. Emma's Place will be what Cassie's Mom Sheryl, sister Chelsea and friends like City of Charleston Humane Officer Khrista Messinger believe Cassie would have loved to have for HER community.

Yes, this year has been hard, but as I tell my children quite often, we can all do hard things. Writer Gregory S. Williams penned this quote and it has stuck with me during this trying year:

“On the other side of a storm is the strength that comes from having navigated through it. Raise your sail and begin.”

As we enter 2021 with our sails raised, our team is ready for the challenges and opportunities ahead for this city we love so dearly.

Thank you.

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. 7888 do pass.

Bill No. 7888 - A Bill to establish a no parking zone on the westside of 24th Street West from a point 83 feet south of 7th Avenue West to a point 123 feet south of 7th Avenue West where 24th 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.

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 west side of 24th Street West from a point 83 feet south of 7th Avenue West to a point 123 feet south of 7th Avenue West where 24th Street West intersects with an unnamed alley

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 bills will help with the sightline problem when pulling out of the alley.

Councilmember Hoover 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, 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 Bill No. 7888 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. 410-21 do pass.

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

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

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

Councilmember Jenkins added that the resolution is for the purchase of five new vehicles on their regular rotation.

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. 410-21 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. 411-21 do pass.

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

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

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

Councilmember Jenkins added that the resolution is for a budgeted purchase for four vehicles as part of the normal rotation cycle for normal work trucks for Public Grounds.

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. 411-21 passed.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 412-21 do pass.

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

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

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

Councilmember Jenkins added that the purchase will replace a pickup truck that is currently used by the Spring Hill Cemetery. The proposed vehicle will be used to provide better customer service for those that are interested in purchasing a burial plot as the staff will be able to drive them around the property.

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. 412-10 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. 413-21 do pass.

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 (PSN) grant program for the Charleston Police Department in the amount of \$114,000 and administer any funds awarded. These funds will be used to purchase cell phone download software, two years of maintenance fees on the National Integrated Ballistic Information Network (NIBIN) machine, binoculars and a drone.

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

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

Councilmember Jenkins added that the resolution is for the purchase of various equipment listed in the resolution under the Project Safe Neighborhoods grant program and to submit an application for that purpose.

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. 413-21 adopted.

5. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7890 do pass.

Bill No. 7890 - A BILL to amend the Municipal Code of the City of Charleston by amending and reenacting Section 111-14 of Chapter 111, relating to correcting inadvertent errors made in the year 2018 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; and authorizing any future unencumbered revenue to be transferred to the Uniform Pensions Reserve Fund after payment of the first, second and third priority items.

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

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

Chapter 111. – CONSUMERS SALES AND USE TAXES

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

(a) The special revenue fund in the city treasury previously established, designated and known as the City Sales and Use Tax Fund is hereby continued. The second special revenue fund in the city treasury previously established, designated and known as the Uniform Pensions Reserve Fund is hereby continued. The City Sales and Use Tax Fund shall continue to receive all revenues received from collection of the city's sales and use taxes, including any interest, additions to tax and penalties deposited with the city treasurer. ~~until September 30, 2015. 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, 60 percent of the revenues received from the taxes imposed by this chapter, including interest and additions to tax, shall be deposited in the City Sales and Use Tax Fund and 40 percent of the revenues shall be deposited in the Uniform Pensions Reserve Fund. Beginning November 1, 2015, one half of the revenues received from the taxes imposed by this chapter, including interest and additions to tax, shall be deposited in the City Sales and Use Tax Fund and the second half of the revenues shall be deposited in the 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.~~

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

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

Councilmember Jenkins added that that the bill is a technical clean-up. When the Charleston and Coliseum Center was renamed in 2018, a prior version of the ordinance was inadvertently used, thus rewriting what had previously been written in Code concerning the sales tax calculation. Practically speaking, nothing has changed except the clean up to City Code.

Councilmember Faegre confirmed the bill went through the Finance Committee rather than Ordinance and Rules Committee because it involved finances.

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, 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 Bill No. 7890 passed.

REPORTS OF OFFICERS

NONE

NEW BILLS

NONE

MISCELLANEOUS/UNFINISHED BUSINESS

1. Councilmember Snodgrass stated that the rules of Council should be followed to only allow public speakers to call in and register fifteen minutes before the meeting starts. She stated that it is oppressive to allow them to sign up earlier and ask for their name, topic and stance. Mayor Goodwin replied that is a discussion that can be had by Council. The reason why it was temporarily changed and approved by Council was to make sure that more people had the opportunity to speak. Mayor Goodwin added that the same protocols to collect public speaker information are in place as they have been in the past. Councilmember Snodgrass stated that collecting that information is oppressive. Councilmember Persinger stated that the topic has never been asked, claiming that former Mayor Jones never knew what the public speakers' topic was. Mayor Goodwin confirmed with the Clerk's Office that information was always collected and known by the Mayor. Councilmember Snodgrass, concerning the "needle giveaway" investigation, asked why there are no comments. She added that an investigation claims the City wrote a letter to SOAR claiming their support for their grant application for naloxone. She stated that now that it is known that this program has been operating in the City for some time, why has there not been a retraction of their support since they are not certified. Mayor Goodwin replied that the grant in question never mentioned needles, and the City does support the distribution of naloxone and harm reduction efforts. Mayor Goodwin added that she has the utmost confidence in the Police Chief and Emily Hannah. She invited Councilmember Snodgrass to meet with her, the Chief, etc. to make sure she has the information she needs.
2. Councilmember Wesley-Plear agreed that it should be sufficient to just take a name and residency of public speakers. She also commended the efforts to vaccinate that week and the amount of testing that is being done.
3. Councilmember Robinson stated that he finds it discouraging that any public official would recommend that Council limit the public to speak, opportunity to

sign up to speak, regardless of the information that is collected. Regarding the agenda item labeled “Unfinished and/or Miscellaneous Business,” asked if this was the point in the meeting to question the Administration or to question comments made during the meeting. He requested a clearer message of what that section of the meeting is for and not for. Mayor Goodwin replied that the point of the section is to bring any unfinished business of Council in the past, bearing in mind that she is open to having conversations during Council, but she is also available to Councilmembers 27/4.

4. Councilmember Cook agreed that the opportunity to allow for time for public speakers to sign up for a longer period. Councilmember Cook added that it is a disservice to the City such as when Councilmember Snodgrass spoke about the Administration writing a letter of support for a grant to allow the administration of naloxone and looping in the needle distribution. It is important to note that while both if those fall under harm reduction, the way the City currently governs needle exchange and the distribution of naloxone and recognize that distinction.
5. Councilmember King requested to be included in the meeting with the Mayor and Councilmember Snodgrass. He also stated that a news report stated that the aforementioned grant application indicated that SOAR would distribute 312,000 needles over the next year.
6. Councilmember Steele stated that while previously public speakers were allowed to sign up 15 minutes prior to Council, the previous Mayor always encouraged multiple speakers to allow one to three people to represent them. Councilmember Steele added that former Mayor Jones definitely wanted to know what public speakers had signed up to discuss.
7. Councilmember Persinger stated that, in the past Administration, he and Councilmember Haas would tend to the public speaker list, and only names were collected. He stated there was an article that stated that everyone knew SOAR was handing out needles and wasn’t approved.

8. Councilmember Faegre added that as Chair of the Ordinance and Rules Committee, Bill No. 7890 should have been referred to them. She added in the past, very few Councilmembers were included in discussions regarding various issues involving the City, adding the she would like to be included in the previously mentioned meeting with the Mayor.

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 8:15 p.m., by a motion from Councilmember Ceperley, Council adjourned until Tuesday, January 19, 2021, 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