



JOURNAL of the PROCEEDINGS of the CITY COUNCIL

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, January 19, 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 second meeting in the month of January on the 19th day, in the year 2021, 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 Mayor Goodwin. 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).

Mayor Goodwin stated that she and Councilmembers are officials elected to serve the Community. She implored members to ensure that they are representing the Community to the best of their ability through respectful and courteous behavior as they develop and create policy.

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. Rev. Patterson Lyles – spoke in favor of SOAR.
2. Stacy Kay – spoke in favor of SOAR.
3. Lois Vance – spoke in favor of SOAR.
4. Chad Cordell – spoke against Bill No. 7889 and spoke in favor of SOAR.
5. Loree Stark – spoke against Bill No. 7889 and asked Council to take time to consider harm reduction policy.
6. Howard Swint – expressed concern over the Charleston Town Center Mall.
7. Dr. Montalto – spoke in favor of SOAR.
8. Angie Kerns – spoke in favor of SOAR.
9. Ahmed Zanabli – spoke in favor of needle exchange programs.
10. Hunter Starks – spoke in favor of needle exchange programs.
11. Robert Snedegar - spoke in favor of needle exchange programs.

CLAIMS

1. A claim of Branden Lee Smith, Charleston, WV;
alleges damage to property.
Refer to City Solicitor, Please.

PROCLAMATIONS

NONE

COMMUNICATIONS

1.

Amy Shuler Goodwin
Office of the Mayor
City of Charleston



P.O. Box 2749
Charleston, WV 25330
(304) 348-8174 Office

TO: MILES CARY
CITY CLERK

FROM: AMY SHULER GOODWIN
MAYOR

RE: SPRING HILL CEMETERY PARK COMMISSION

DATE: JANUARY 19, 2021



I recommend Nina R. Peyton be appointed to the Spring Hill Cemetery Park Commission, with an initial term to expire April 6, 2023. She is filling a vacant seat opened by the resignation of Richard Cooke.

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

ASG/mls

Councilmember Ceperley motioned to approve the appointment. Councilmember Hoover seconded that motion. By unanimous vote, the appointment was confirmed.

REPORTS OF COMMITTEES

COMMITTEE ON ORDINANCE AND RULES

Councilmember Faegre, Chair of the Council Committee on Ordinance and Rules, submitted the following reports:

1. Your committee on Ordinance and Rules has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 416-21 be adopted.

Resolution No. 416-21 - Amending the Rules of Council to clarify the orders of business and further address the proceedings during extraordinary circumstances that require an electronic, rather than in-person, meeting with respect to public speakers speaking before Council.

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

That Rule No. 4 and Rule No. 22 of the Rules of Council be amended to read as follows:

Rule No. 4. - Order of business at regular meetings; special order of business.

(a) The order of business for each regular meeting shall be:

- (1) Roll call.
- (2) To read, correct and approve of the minutes of previous meetings.
- (3) To hear from public speakers pursuant to Rule No. 22.
- (3) (4) To receive and dispose of communications.
- (4) (5) To receive and dispose of petitions.
- (5) (6) To receive and dispose of resolutions.
- (6) (7) To receive reports of standing committees and act thereon.
- (7) (8) To receive reports of select committees and act thereon.
- (8) (9) To receive reports of city officials.
- (9) (10) Bills introduced and referred to the appropriate committees.
- (10) (11) Unfinished business and miscellaneous matters.
- (11) (12) Remarks by members.
- (13) Roll call.
- (14) Adjournment.

(b) The presiding officer may order any question a special order of business irrespective of the order of business set forth in subsection (a).

Rule No. 22. - Members of the public speaking before city council.

(a) A member of council may ask the floor for a member of the public to speak before council, which said motion is nondebatable. Upon such request, the presiding officer shall inquire of the councilmember the subject matter of the inquiry and ask council if there is any objection to the person speaking, and, if an objection is raised, then council, by majority vote, shall determine whether or not the person shall be allowed to address council. Any person addressing council shall be allowed no more than five minutes to make remarks, unless by unanimous consent council allows a longer period of time.

(b) A maximum of ten minutes shall be set aside at the outset of each meeting of the council to permit members of the public, without leave of council, to address the council on any matter pertaining to the city's business. Any member of the public wishing to address the council shall first register with the clerk of the city council, or the clerk's designated representative for such purpose, in the council's chambers not earlier than 15 minutes before the beginning of each meeting setting forth his or her name, the group, if any, on whose behalf he or she wishes to speak, and the subject matter which he or she wishes to address: Provided, That if the presiding officer exercises the authority contained in rule 1(c) to hold a meeting electronically, then the City Clerk may provide for an extended and different period of time and manner for public speakers to sign up that will allow for an efficient meeting of Council and create ample opportunity for the public to participate, as long as that period of time and manner are included on the publicly posted agenda for the meeting. If more than one person registers to address council, such persons shall be allocated time on a prorated basis, and shall be permitted to speak only for the time allotted. In no event shall more than five people be permitted to address the council under this rule 22(b). Nothing in this rule 22(b) shall affect the ability of a member of council to request that a member of the public be allowed to speak pursuant to rule 22(a).

Councilmember Faegre added that the resolution will clarify the current practice of allowing for a larger window of time for public speakers to register when Council must meet electronically. Additionally, the order of business has been changed to add a public speakers section as well as a remarks by members section to provide a distinction between the unfinished business section and general remarks by members of Council. A second roll call section has also been added to reflect the current practice of calling the roll at the end of a meeting.

Councilmember Knauff stated that he is not convinced that public speakers should be allowed to sign up that early, adding that no elected official should have up to four hours of access to a list of public speakers especially when a subject is asked for. He added that wide of a time frame allows for intimidation and/or silencing of free speech.

Councilmember Adams confirmed that the resolution would go into effect immediately if passed.

Councilmember McKinney confirmed with Councilmember Robinson that the resolution clarifies the rules of Council regarding the order of business conducted during Council meetings. It adds member comments to the agenda. It also allows the public a longer sign-up period to be a public speaker during electronic meetings. He added that time would go back to fifteen minutes when meetings return to normal. Councilmember Robinson added that the resolution clarifies what has already been in practice.

Councilmember Faegre moved to approve the resolution. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bays, Bailey, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, King, Laird, McKinney, Minardi, Overstreet, Pharr, Reishman, Robinson, Sheets, Steele, Mayor Goodwin
NAYS: Burton, Jones, Knauff, Persinger, Snodgrass, Wesley-Plear
ABSENT: NONE

With a majority of members present recorded thereon as voting in the affirmative, with twenty-one (21) YEAS and six (6) NAYS, the Mayor declared Resolution No. 416-21 adopted.

COMMITTEE ON PUBLIC SAFETY

Councilmember Steele, Chair of the Council Committee on Public Safety, submitted the following reports:

1. Your committee on Public Safety has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 418-21 be adopted.

Resolution No. 418-21 - Authorizing the Chief of Police and the Charleston Police Department to enter into a Memorandum of Understanding with the United States Marshals Service who will direct and coordinate a Regional Fugitive Task Force for the purpose of locating and apprehending fugitives.

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

That the City Council authorizes the Chief of Police and the Charleston Police Department to enter into a Memorandum of Understanding with the United States Marshals Service who will direct and coordinate a Regional Fugitive Task Force for the purpose of locating and apprehending fugitives.

Councilmember Steele 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. 418-21 adopted.

2. Your committee on Public Safety has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7889 do pass.

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.

WHEREAS, the City of Charleston recognizes that the safety and security of the citizens is paramount; and

WHEREAS, the City of Charleston has received complaints regarding pedestrians obstructing the flow of vehicular traffic in highly traveled areas producing an immediate and severe risk for the walking and traveling public; and

WHEREAS, pursuant to W. Va. Code § 17C-10-1, the City is empowered by ordinance to require that pedestrians strictly comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk; and

WHEREAS, pursuant to W. Va. Code § 17C-7-13, a city adopting any such prohibitory regulation shall erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs; and

WHEREAS, the Code requires uniformity and protection for its traveling citizens, walking and in vehicles, from obstructions posing significant threat of serious injury.

Now, therefore, be it ordained by the Council of the City of Charleston:

That the Municipal Code of the City of Charleston is hereby amended by adding thereto a new section, designated Section 114-671, in ARTICLE VII, Chapter 114 to read as follows:

CHAPTER 114. – TRAFFIC ORDINANCE.

ARTICLE VIII. – PEDESTRIANS.

Sec. 114-671. – Pedestrian obstruction along an inherently dangerous intersection or highway prohibited; nuisance declared for congregating along a public way and refusing to clear.

(a) No person or persons shall willfully stand or congregate within 25 feet of an inherently dangerous intersection or highway with the intent of attracting or distracting the attention of the operator of a motor vehicle for any reason. The City shall post signage indicating inherently dangerous intersections where this conduct is prohibited.

(b) Congregating with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refusing to clear such public way when ordered to do so by a peace officer or other person having authority is declared a public nuisance.

(c) For the purposes of this section, “inherently dangerous intersection or highway” shall be defined as any intersection within the City of Charleston where vehicular traffic is permitted to flow at a speed of 40 miles per hour or above, or where vehicular traffic is engaging in the egress or ingress upon a controlled access highway, or within the immediate proximity of a bridge.

(d) For the purposes of this section, “immediate proximity of a bridge” shall be defined as within a one block radius of the entry or exit of a bridge.

(e) In addition to any administrative remedy provided in this Code, violations of this section constitute a criminal misdemeanor, subject to criminal citation and punishable by a fine of not more than \$500.00. Every day or portion thereof that a person fails or refuses to remedy a violation shall be considered a separate offense. A person who has two convictions under this section in the twelve months prior to a third citation shall, upon a third conviction, be punished by a fine of not more than \$500.00 or by imprisonment for not more than ten days or both.

Councilmember Robinson added that the bill will provide the City with a mechanism to monitor, educate and provide signage at intersections deemed as inherently dangerous. It allows the City to maintain safety on streets and intersections. The bill states that no person or persons shall stand or congregate within twenty-five (25) feet of a location that has been deemed as an inherently dangerous intersection or highway, which are defined as any intersection within the City of Charleston where traffic is permitted to flow at a speed of 40 miles per hour or higher or where vehicular traffic is engaging in the egress or ingress upon a controlled access highway or within the immediate proximity of a bridge. Immediate proximity of a bridge means within a one block radius of the entry or exit of a bridge. Councilmember Robinson added that fines are included in the bill of not more than \$500. The bill passed through both the Planning, Streets and Traffic and Public Safety Committees.

Councilmember Jenkins motioned to amend Bill No. 7889 as

At line 43, after the word “intersections”, by striking out the remainder of the sentence and inserting in lieu thereof the following: “or highways where this conduct is prohibited: Provided, That before any signage is erected declaring an inherently

dangerous intersection or highway and making this section effective with respect to that inherently dangerous intersection or highway, the planning/streets and traffic committee shall approve a motion declaring the intersection or highway as inherently dangerous, after reviewing available relevant data.”

Councilmember Jenkins added that the amendment further narrowly tailors the ordinance to set before the Planning, Streets and Traffic Committee to specifically declare an intersection an inherently dangerous instead of a blanket of intersections across the City. The decision would be based on relevant data to ensure that it is inherently dangerous. Councilmember Jenkins added that it would be limited to intersections across the City to where there is a serious governmental concern regarding the safety of the traveling public and pedestrians.

Councilmember Faegre stated that no doubt panhandling has a negative impact on the City, however there are many who struggle with chronic illness and mental illness, which make it difficult to maintain stable employment, housing and healthcare. Councilmember Faegre added that the language in the bill and the amendment is overly broad. There needs to be communication with the ACLU and the National Law Center on Homelessness and Poverty. Councilmember Faegre added that the language should target harmful behavior as opposed to location.

Councilmember Ceperley raised a point of order that the discussion is currently open to discussion on the amendment.

Councilmember Persinger asked what caused this bill to be created, such as an accident. Councilmember Robison clarified in a point of order if that question should be answered during the discussion concerning the amendment.

Councilmember Minardi asked for clarification that any time an intersection would be deemed inherently dangerous by the Planning, Streets and Traffic Committee according to the amendment. Councilmember Jenkins stated that the amendment would prevent the City from labeling any intersection as inherently dangerous that meets the criteria. The amendment would specifically place the decision before the Planning, Streets and Traffic Committee with a public hearing, debate and discussion after considering the relevant data. Councilmember Jenkins agreed that there needs to be evidence that a certain intersection is dangerous. He believed that this would result in a handful of intersections across the City being deemed so (Pennsylvania and Lee for example).

Councilmember Steele added that she did not think the amendment makes the bill any more palatable. She added that if someone wanted to bring an issue with an intersection to Planning, Streets and Traffic based on something that they do not like seeing (panhandling or otherwise) and finding data to support that is a problem. Issues such as twenty-eight accidents in a year is

data that needs to be addressed regardless of whether someone is standing within twenty-five feet of that intersection or not.

Councilmember Pharr asked if 5 Corners, for example, is deemed to be inherently dangerous, adding that some of the activity that youths engage in such as drives would not be able to happen if deemed dangerous. Councilmember Jenkins stated that would be the case regardless of the amendment being adopted. He added that there would also have to be the intent to flag down cars, wave at cars etc., not simply standing at the intersection. Councilmember Jenkins added that the proposed amendment is to ensure a level of scrutiny by this body, a public hearing and the review of relevant data to ensure that they are not overstepping into free speech rights. Councilmember Pharr added that it would be putting the cart before the horse to approve the amendment before knowing which streets were to be affected.

Councilmember Cook asked if Councilmember Jenkins had concerns about the constitutionality of the bill and thus presented the amendment. Councilmember Jenkins replied that he had an issue with the broad nature of the bill, not necessarily within a constitutional context. He believed too many areas would be designated as inherently dangerous, so he wanted a mechanism in place to delve into the data to make sure that it is dangerous. Councilmember Cook stated she had concerns over the ability of the bill and amendment to be upheld in court.

Councilmember Snodgrass wanted to make it clear that the current discussion and vote was for the amendment.

Councilmember Reishman stated that the amendment and bill were not forceable.

The question being on the passage of the Amendment to the bill a roll call was taken and there were; YEAS-13, NAYS-13, ABSTAIN-1 as follows:

YEAS: Adams, Bays, Bailey, Burton, Hoover, Jenkins, Jones, King, Laird, Minardi, Overstreet, Robinson, Sheets

NAYS: Campbell, Ceperley, Cook, Faegre, Haas, Knauff, Persinger, Pharr, Reishman, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

ABSENT: NONE

ABSTAIN: McKinney

With the vote being a tie vote, the amendment failed.

Mayor Goodwin thanked Councilmember Robinson for trying to come up with a solution to a problem that was presented to him.

Councilmember Ceperley stated that a similar process was tried before, and that bill was pulled. Many of those same issues apply to the proposed bill, including the constitutionality of the right to free speech and gather. She added that similar legislature was found to be unconstitutional. Councilmember Ceperley stated that the proposed bill does not solve the problem. She proposed that the best course of action would be to conduct an educational campaign to prevent people from giving money to panhandlers and give instead to legitimate agencies.

Councilmember Robinson stated that he has chosen to do what his constituents are asking as someone elected to represent the City of Charleston and its residents. He added that they were not elected to do what special interest groups request. Councilmember Robinsons stated that he had not heard of opposition from the Little Leagues or candidates, adding that the bill does not restrict the right for candidates to ask a private business to stand on their corner. He further stated that the amendment would alleviate the concerns of the AFL-CIO. Additionally, he had not heard from opposition from principals or teachers. Councilmember Robinson added that the bill was introduced December 21, 2020 and was double-referenced. He added he did not hear from the ACLU until the bill appeared at the second Committee meeting a week ago. The proposed bill gives the City and Police the mechanism to help with public safety.

Councilmember Jenkins stated that his proposed amendment was to specifically address problems he had with the broadness of the bill. As the bill is presented, any intersection could be deemed as dangerous by one person. He added that the intent of the bill is not to go after free speech, but to make certain areas safer for pedestrians and travelers.

Councilmember King added the bill is a good step to protect citizens at dangerous roads and intersections, adding that the bill only affects roads and intersections at 40 MPH and above. He disagreed that the bill would be abused or that the City would be at risk.

Councilmember McKinney added that the wording on the bill seems to be the problem in that it affects protesting or fundraising.

Councilmember Reishman stated that while he was in favor of the bill's intent, he did not think it was enforceable.

Councilmember Pharr stated that her interpretation of the bill is that states over 40 MPH or inherently dangerous. She added that she did not want to be part of something that could prohibit children from being empowered, and she had heard concerns from fundraising groups.

Councilmember Snodgrass asked if Councilmember Robinson thought the bill was enforceable, and he replied that he was under the impression that the bill was in good shape after months of consideration. Councilmember Snodgrass asked if the City Police were in support of the bill.

Councilmember Robinson replied that he had spoken with several Officers who were in favor of the bill.

Councilmember Persinger suggested that instead it be illegal to hand money out of your car.

Councilmember Bailey added that panhandling is a problem, and that being against it does not mean one does not want to make actions to be helpful to those in need. He added that the Administration has a number of plans and programs to help with that. Councilmember Bailey added that he believed the bill to be content neutral, but without the amendment, the possibility of having to go to court etc. is too high.

Councilmember Adams stated that he trusts the committee process that is in place, which involved hours of meetings that included input from the Community and Charleston Police Department, as well as vetting by the City's attorneys.

Councilmember Cook asked City Attorney, Kevin Baker, his legal opinion of the bill as drafted. Baker replied that the bill was drafted with the intent to withstand a constitutional challenge or scrutiny. Councilmember Cook asked how the proposed bill is different from similar bills from other cities, such as Morgantown or Parkersburg, as well as the previously tabled bill. Baker replied that they did look at the case law around the country.

Councilmember Steele stated that the bill is written so that only one of the listed qualifications need to apply (either 40MPH or above or where vehicular traffic is engaging the egress or ingress or within the immediate proximity of a bridge). She added that she wanted to ensure they were doing things as a result of data, not looking for it in order to do things.

Councilmember Faegre added that at the intersection of Washington Street West and Lee Street West, there is a triangle median that has had signage stating "No Solicitation" for over three years, and every day there is someone there soliciting. Additionally, during most of the year, there are teams of children from various schools soliciting funds as well. Councilmember Faegre was not aware of any instance in which someone was ticketed or arrested.

Councilmember Overstreet stated that he had received several concerns, and cannot support the bill as it stands.

Mayor Goodwin added that they all want safe intersections in their City. She added that every Councilmember believes that what they are doing is right for their City. The Mayor added that there are solutions to a lot of the problems in Charleston, and invited Councilmembers to get involved with the CARE Office as well as with the pilot program There's A Better Way.

Councilmember Robinson added that he had spoken with the City Attorney, who was

comfortable with the bill. As far as the language of the bill, page 2 subsection c (the definition of an inherently dangerous highway) only applies to specific areas, adding that 5 Corners would not apply, or an ingress or egress from the highway not anywhere else, or within an immediate proximity of a bridge would apply, limiting the scope to three specific areas.

Councilmember Robinson moved to approve the bill. A roll call was taken:

YEAS: Adams, Campbell, Jones, King, Knauff, Minardi, Robinson, Sheets, Snodgrass

NAYS: Bailey, Bays, Burton, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Laird, McKinney, Overstreet, Persinger, Pharr, Reishman, Steele, Wesley-Plear, Mayor Goodwin

ABSENT: NONE

With a majority of members present recorded thereon as voting in the negative, the Mayor declared Bill No. 7889 not 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. 414-21 be adopted.

Resolution No. 414-21 - 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:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/(DECREASE)</u>	
009-019-01-011-0-999	MOECD Public Service	\$44,600.00	Decrease
009-019-01-199-0-999	Unprogrammed Funds	\$44,600.00	Increase
009-019-01-199-0-999	Unprogrammed Funds	\$44,600.00	Decrease
009-019-01-011-0-999	Kanawha Valley Collective	\$35,000.00	Increase
009-019-01-011-0-999	Keep Your Faith Corporation	\$9,600.00	Increase

MOECD proposes to allocate CDBG-CV funds to Kanawha Valley Collective for Covid-19 Isolation and Quarantine and Keep Your Faith Corporation Behavioral Health Outreach Project.

Councilmember Jenkins added that the resolution shifts some unprogrammed funds as well as funds from the MOECD Public Service account (all CDBG funds) to provide funds to the Kanawha Valley Collective to assist with isolation and quarantine with homes or access to shelters and Keep Your Faith Corporation for their Behavioral Outreach Project for children affected by the pandemic.

Councilmember Snodgrass stated that it was her understanding that the \$35,000 would be going

to the homeless to pay for housing and hotels, mileage, meals and cleaning during the quarantine process. She stated that it didn't specify if they were homeless from Charleston, adding that the money could be better utilized in the lower-income areas of the City. Traci Strickland, from the KVC, added that everyone housed thus far have been from Charleston or individuals that happen to be in Charleston and seeking shelter, adding that this is the first money the organization has sought. Mayor Goodwin clarified that it is HUD funding through the CDGB. Councilmember Wesley-Plear added that there is another program that has done something similar.

Councilmember Persinger stated a concern that it would be an attraction in the short term and burden in the long term. Mayor Goodwin clarified that the program applies only to individuals that have test positive for Covid-19.

Councilmember Minardi clarified that this would apply to Covid-19 positive individuals, and it is grant funding with no matching funds from the City. The funds are strictly Covid-19 related.

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

NAYS: Knauff, Snodgrass

ABSENT: NONE

With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 414-21 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. 417-21 do pass.

Resolution No. 417-21 - Authorizing and directing the Finance Director to establish propriety fund 428, *Coliseum and Convention Center Grant Fund*, a fund that accounts for revenues received from various granting agencies for the benefit of the Charleston Coliseum and Convention Center for the operation, maintenance, repair, capital renovation and equipment needs of the facility, and including, but not limited to, any expenses or actions necessary as a result of the significant revenue reduction caused by COVID-19 pandemic.

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

That the Finance Director is authorized and directed to establish propriety fund 428, *Coliseum and Convention Center Grant Fund*, a fund that accounts for revenues received from various granting agencies for the benefit of the Charleston Coliseum and Convention Center for the operation, maintenance, repair, capital renovation and equipment needs of the facility, and including, but not limited to, any expenses or actions necessary as a result of the significant revenue reduction caused by COVID-19 pandemic.

Councilmember Jenkins added that the resolution allows the Finance Director to create an account specifically to park funds that have been received for Covid-19 related items directly to the Charleston Coliseum and Convention Center. He added that this has come about mainly from CARES Act funding. There may be other opportunities in the future to receive additional grant funding related to Covid-19, adding that the Convention Center is probably the hardest hit City entity due to the pandemic.

Councilmember Snodgrass confirmed with City Manager, Jonathan Storage that funds expended from the account will not have to come before Council for approval. Once deposited, the funds will be rolled over into the special grant fund to be spent like any other special revenue fund in coordination with the City Manager's Office, Finance Director and City Auditor.

Councilmember Jenkins clarified that this would not be something that would be approved through the budgetary process once approved and moved into a special fund assigned to a specific purpose. Storage added that the benefit of this type of fund is that it does not have to be spent within a particular fiscal year. This particular fund is subject to the Congressional extension on the use of CARES Act money until December 2021.

Councilmember Knauf confirmed that expenditures coming out of this fund would be subject to the rule of any purchases exceeding a certain amount would have to be approved by Council.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: 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

NAYS: NONE

ABSENT: NONE

With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 417-21 adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; December 2020.
Received and Filed, Thank You.
2. Municipal Court Report to City Council Month Ending December 2020.
Received and Filed, Thank You.
3. City Treasurer's Report to City Council Month Ending December 2020.
Received and Filed, Thank You.
4. Appointment of City Collector,
Christina Merbedone-Byrd.
Received and Filed, Thank You.

NEW BILLS

Introduced by Councilmembers Sam Minardi and Brent Burton

January 19, 2021:

Bill No. 7891 – A Bill creating a no outlet on Overbrook Road, a public thoroughfare.

Refer to Planning, Streets and Traffic Committee and Finance Committee, Please

Introduced by Councilmembers Sam Minardi, Adam Knauff, Pat Jones, Shannon Snodgrass, Bruce King, Deanna McKinney, Jennifer Pharr, Jeanine Faegre and Chuck Overstreet

January 19, 2021:

Bill No. 7893 - A BILL to amend Sections of the Code of the City of Charleston, all relating to requiring any distribution of hypodermic needles within the City of Charleston to be performed by persons or entities that have a certification as a Harm Reduction Program from the State of West Virginia in addition to any required state license; eliminating the ability for the Chief of Police to provide exceptions, and establishing penalties for violations.

Refer to Public Safety Committee, Please

Introduced by Councilmembers Adam Knauff, Bruce King, Chuck Overstreet, Deanna McKinney, Jennifer Pharr, Pat Jones, Sam Minardi and Shannon Snodgrass

January 19, 2021:

Resolution No. 419-21 – Requesting affirmation from the City Government that it will actively survey and obtain input

from the full membership of the first responder community and sanitation workers before taking further action with regard to approving, creating, expanding or otherwise acting upon any syringe exchange or distribution programs, as well as requesting affirmation that the City Council shall be fully included in this survey process.

Refer to Public Safety Committee, Please

Introduced by Councilmembers Joseph Jenkins and John Kennedy Bailey

January 19, 2021:

Bill No. 7894 – A BILL to amend the Code of the City of Charleston relating to establishing the Charleston Adopt-A-Street Program.

Refer to Environment and Recycling Committee, Please

MISCELLANEOUS/UNFINISHED BUSINESS

1. Mayor Goodwin thanked everyone involved for their assistance in honoring the late General Chick Yeager.

REMARKS BY MEMBERS

1. Councilmember Jones wanted to confirm that, concerning 414-21, positively tested homeless individuals were to be put up in hotels, concerned that they were not going to be getting help. Councilmember Jones thanked Chief Hunt, the CPD and Building Department for boarding up a problem house in his Ward.
2. Councilmember Laird stated that opioid addiction is an issue that deeply impacts and affects everyone, adding that the discussion is important. It is his hope that rather than picking sides they can look for open ground to address the issues in a meaningful and lasting way. Councilmember Laird added that he hoped there is uncharted territory that they can get to that hasn't been occupied before, rather than the usual compromise of sides. They all have the same goals: help for those in need, clean and safe neighborhoods and to see an end to the opioid epidemic. They must talk to, not at each other and not be quick to discount others. He added that whether you agree with SOAR or not, they are doing what they believe is right and following the data and science. Councilmember Laird added that the believed they can find a common goal, and can find real and lasting solutions.
3. Councilmember Faegre stated that she presumed there had been no demolitions of abandoned houses other than those burnt in the East End area, and asked when that would start. She requested a listing of proposed demolitions for Ward 5.
4. Councilmember Reishman agreed with Councilmember Laird's comments.

5. Councilmember Steele thanked Councilmember Laird. She added that CURA has been working on some small business grants.
6. Councilmember King stated he appreciated Councilmember Laird's comments. He added that his is in support of the passing out of water, food and clothing to the less fortunate, and that it has nothing to do with the passing out of needles. Councilmember King stated that there needed to be access to more mental health, jobs programs and treatment centers.
7. Councilmember Minardi confirmed that the Public Safety Committee plans to meet next on February 4, 2021.
8. Councilmember Pharr thanked Councilmember Laird. She requested to be a panelist at the next Public Safety Committee. She added that she hoped there would be many different sides heard during the meeting.
9. Councilmember Wesley-Plear thanked Councilmember Laird, and encouraged Councilmembers to visit a harm reduction clinic.

ADJOURNMENT

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

YEAS: 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

NAYS: NONE

ABSENT: NONE

At 9:30 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, February 1, 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