

CHARLESTON CITY COUNCIL

Regular Meeting

February 1, 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/87016436360?pwd=UEZ4dmIrQmFKalBvN1J3MXA3UINiZz09>

Passcode: 416598

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

Webinar ID: 870 1643 6360

***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 FEBRUARY 1, 2021 FROM 3:00-6:00 P.M. FIVE (5) SPEAKERS WILL BE PERMITTED (RULE NO. 22 (B)). 304-348-8179.**
2. Claims 2-1-2021

PROCLAMATIONS

1. 2-1-2021

COMMUNICATIONS

1. 2-1-2021

REPORTS OF STANDING COMMITTEES

PLANNING, STREETS AND TRAFFIC

1. Resolution No. 415-21 - A resolution to establish an honorary street in the memory and service of Patrolman Cassie Johnson along the full length of Garrison Avenue.

FINANCE

1. Resolution No. 420-21 - Authorizing the Mayor or City Manager to enter into a construction contract for the repair of Barlow Drive.
2. Resolution No. 421-21 - Authorizing the global settlement of pending disputed claims against the City by the Estate of Heather Ross and the minor children of Heather Ross, as alleged in Kanawha County Circuit Court Civil Action No. 20-C-683, pursuant to the recommendation of the City Solicitor.
3. Resolution No. 422-21 - Authorizing the Mayor or City Manager to purchase a rear-loading miniature refuse collection truck for the Charleston Refuse Department.
4. Resolution No. 423-21 – Authorizing the Mayor or City Manager to enter into a contract for the construction of fencing and gates for new City dog parks located at Cato Park and Dunbar Street.
5. Resolution No. 424-21 - Authorizing the Mayor or City Manager to submit an application to the FEMA Assistance to Firefighter Grant Program that includes the required 10% cash match and administer any funds awarded.

REPORTS OF OFFICERS

1. 2-1-2021

NEW BILLS

1. 2-1-2021

UNFINISHED BUSINESS AND/OR MISCELLANEOUS BUSINESS

ROLL CALL

ADJOURNMENT

THE NEXT REGULAR MEETING OF COUNCIL WILL BE HELD FEBRUARY 16 , 2021 AT 7:00 P.M.

304 348640



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,

Paula Butterfield, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 816 Kanawha Blvd E 6th floor Charleston, WV 25301

Telephone Number: 304-377-1941

and that on the 24 day of May, 2019/2020, at approximately 2 am/pm
in the City of Charleston, West Virginia, he/she sustained

No bodily injury as we were both going very slow
Nature Of Injury And/Or Damage

As A Result Of:

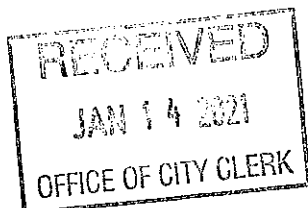
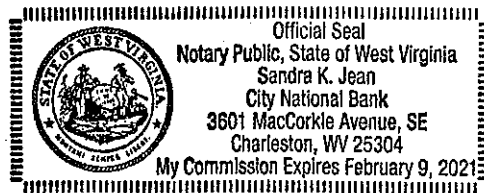
Truck mail backed into front drivers side after giving a ticket to a parked car.

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

Paula Butterfield
Signature of Claimant

Taken, subscribed and sworn to before me this 13 day of January, 2021.
My commission expires 2-9-2021

Sandra K. Jean
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: January 25, 2021

Subject: Honorary Street Designation for Patrolman Cassie Johnson

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

A request to establish an honorary street in the memory and service of PATROLMAN CASSIE JOHNSON along the full length of Garrison Avenue,

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

Mary Beth Hoover – VIA Phone

Chair

Naomi Bays – VIA Phone

Becky Ceperley – VIA Phone

Adam Knauff – VIA Phone

Chad Robinson – VIA Phone

Sam Minardi – VIA Phone

Resolution No. 415-21

Introduced in Council:

January 13, 2020

Introduced by:

Shannon Snodgrass, Pat Jones
Bobby Haas, Chuck Overstreet,
Tiffany Wesley Plear, Jeanine Faegre,
Deanna McKinney, Adam Knauff,
Robert Sheets, Mary Beth Hoover,
Keeley Steele, Joseph Jenkins,
Brent Burton, Courtney Persinger,
Samuel Minardi, Bobby Reishman,
Bruce King, Will Laird,
Brady Campbell, Chad Robinson,
Ben Adams, Becky Ceperley,
Naomi Bays, Jennifer Pharr,
Caitlin Cook, John Kennedy Bailey

Adopted by Council:

Referred to:

Planning, Streets & Traffic
Committee

- 1 **Resolution No. 415-21** – A resolution to establish an honorary street in the memory and
2 service of Patrolman Cassie Johnson along the full length of Garrison Avenue.
3
4 WHEREAS, Patrolman Cassie Johnson was tragically wounded in the line of duty while
5 responding to an incident on Garrison Avenue; and
6
7 WHEREAS, Patrolman Cassie Johnson was a member of D shift; and
8
9 WHEREAS, Cassie Johnson was sworn into the CPD in January 2019 at 26-years-old,
10 fulfilling her dream of becoming a police officer; and
11
12 WHEREAS, Cassie Johnson served with valor, dignity, and integrity; and
13
14 WHEREAS, Cassie Johnson was a lifelong Charleston resident, an exemplary public
15 servant, and a consummate professional, serving first as a humane officer for the City of
16 Charleston, prior to her service as a Charleston police officer; and
17
18 WHEREAS, Cassie Johnson grew up in and around Garrison Avenue; and
19
20 WHEREAS, Patrolman Cassie Johnson ultimately succumbed to her wounds on
21 December 3, 2020 that were sustained while in the line of duty while protecting the
22 Garrison Avenue neighborhood.

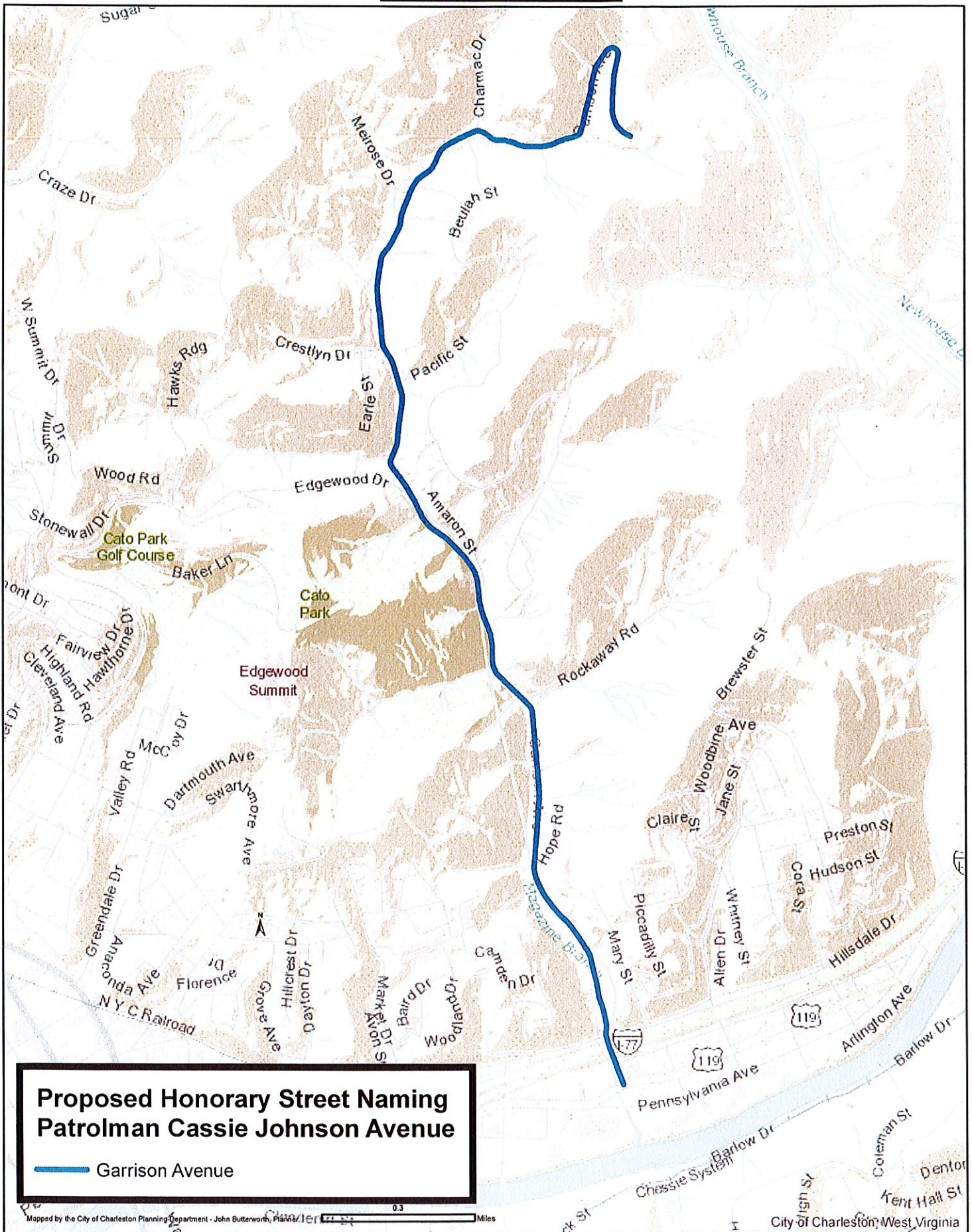
23

24 **Now, therefore, be it resolved by the Council of the City of Charleston, West**
25 **Virginia:**

26

27 That the full length of Garrison Avenue is hereby established as an honorary street in the
28 memory and service of Patrolman Cassie Johnson who lost her life in the line of duty
29 while responding to an incident on Garrison Avenue.

Exhibit - A



**PETITION IN SUPPORT OF THE HONORARY STREET IN THE MEMORY AND
SERVICE OF PATROLMAN CASSIE JOHNSON ALONG THE FULL LENGTH OF
GARRISON AVENUE**

WHEREAS, Patrolman Cassie Johnson was tragically wounded in the line of duty while responding to an incident on Garrison Avenue; and

WHEREAS, Patrolman Cassie Johnson was a member of D shift; and

WHEREAS, Cassie Johnson was sworn into the CPD in January 2019 at 26-years-old, fulfilling her dream of becoming a police officer; and

WHEREAS, Cassie Johnson served with valor, dignity, and integrity; and

WHEREAS, Cassie Johnson was a lifelong Charleston resident, an exemplary public servant, and a consummate professional, serving first as a humane officer for the City of Charleston, prior to her service as a Charleston police officer; and

WHEREAS, Cassie Johnson grew up in and around Garrison Avenue; and

WHEREAS, Patrolman Cassie Johnson ultimately succumbed to her wounds on December 3, 2020 that were sustained while in the line of duty while protecting the Garrison Avenue neighborhood.

THEREFORE, D shift of the Charleston Police Department unanimously supports City Council establishing an honorary street in the memory and service of Patrolman Cassie Johnson along the full length of Garrison Avenue who lost her life in the line of duty while responding to an incident on Garrison Avenue.

[Signature] CP. Steve Porter
[Signature] Sr. Ptlm. Nicholas Stone
[Signature] CPL. MARK PETTY
[Signature] Ptlm. Dillon Holcomb
[Signature] Cpl. Daniel Eisenberg
[Signature] Cpl. T.C. Tucker
[Signature] Sgt. Robert Henderson
[Signature] Ptlm. Braden Pinchart
[Signature] CPL. MAT PETTY

[Signature] Janel Tarver
[Signature] Lt. Jamey Nolan
[Signature] Sgt. Shawn McClure
[Signature] Jeff Taylor Ptlm.
[Signature] Cpl. Dave Dalton
[Signature] Sptlm. Shawn Kler
[Signature] Ptlm. Terrence Castro
[Signature] SGT. KEITH O. PEOPLES
[Signature] Ptlm. B.A. Foster



★ ★ ★ HONORARY ★ ★ ★



PATROLMAN CASSIE JOHNSON AV



★ ★ ★ HONORARY ★ ★ ★



PATROLMAN CASSIE JOHNSON AV

Resolution No. 420-21

Introduced in Council:

Adopted by Council:

February 1, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 420-21 - Authorizing the Mayor or City Manager to enter into a construction
2 contract with RK Construction, Inc. in the amount of \$428,624.13 for the repair of Barlow Drive
3 as part of the West Virginia Division of Highways' Industrial Road Access Grant Program, where
4 the contract is being awarded following a competitive bidding process.

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

7
8 That the Mayor or City Manager is authorized to enter into a construction contract with RK
9 Construction, Inc. in the amount of \$428,624.13 for the repair of Barlow Drive as part of the
10 West Virginia Division of Highways' Industrial Road Access Grant Program, where the contract
11 is being awarded following a competitive bidding process.

Barlow Retaining Walls Project

Bid Opening: January 14, 2021

			Thaxton Construction Company, Inc. P.O. Box 13279 Charleston, WV 25360 P: (304) 984-2299 thaxtonconstruction@gmail.com		K & N Contracting, Inc. P.O. Box 607 Elkview, WV 25701 P: (304) 965-9088 kncontract@gmail.com		Rock Forge Bridge Co., LLC P.O. Box 60 Amma, WV 25005 P: (304) 565-3007 eric.gregory@mcivwv.com		Alan Stone Company Inc. 5519 Suite A State Route 339 Vincent, Ohio 45784 P: (304) 375-6484 blake@alanstonecompany.com		RK Construction, Inc. 47 Omers Drive Frametown, WV 26623 P: (304) 364-2815 rkyerconstruct@aol.com	
Item	Unit	Estimated Quantity	Price per Unit	Total Cost	Price per Unit	Total Cost	Price per Unit	Total Cost	Price per Unit	Total Cost	Price per Unit	Total Cost
Item No. 3.01 Mobilization	LS	1	\$999.00	\$999.00	\$44,292.00	\$44,292.00	\$43,945.00	\$43,945.00	\$37,500.00	\$37,500.00	\$5,887.08	\$5,887.08
Item No. 3.02 Predrilled Soldier Pile HP12X53	LF	3100	\$104.00	\$322,400.00	\$138.96	\$430,776.00	\$125.00	\$387,500.00	\$81.00	\$251,100.00	\$64.23	\$199,113.00
Item No. 3.03 Predrilled Soldier Pile HP10x42	LF	350	\$90.00	\$31,500.00	\$207.60	\$72,660.00	\$250.00	\$87,500.00	\$125.00	\$43,750.00	\$160.84	\$56,294.00
Item No. 3.04 Steel Wale HP10x42	LF	410	\$90.00	\$36,900.00	\$131.82	\$54,046.20	\$80.00	\$32,800.00	\$100.00	\$41,000.00	\$32.89	\$13,484.90
Item No. 3.05 Concrete Lagging 8x24x57	EA	400	\$100.00	\$40,000.00	\$469.06	\$187,624.00	\$160.00	\$64,000.00	\$600.00	\$240,000.00	\$199.20	\$79,680.00
Item No. 3.06 Tieback Anchor	LF	400	\$50.00	\$20,000.00	\$76.81	\$30,724.00	\$495.00	\$198,000.00	\$200.00	\$80,000.00	\$131.57	\$52,628.00
Item No. 3.07 HDPE Storm Sewer	LF	60	\$100.00	\$6,000.00	\$278.29	\$16,697.40	\$475.00	\$28,500.00	\$400.00	\$24,000.00	\$114.12	\$6,847.20
Item No. 3.08 Guardrail	LF	400	\$28.00	\$11,200.00	\$27.39	\$10,956.00	\$40.00	\$16,000.00	\$40.00	\$16,000.00	\$31.09	\$12,436.00
Item No. 3.09 Traffic Control	LS	1	\$1.00	\$1.00	\$38,083.00	\$38,083.00	\$20,655.00	\$20,655.00	\$20,000.00	\$20,000.00	\$2,253.95	\$2,253.95
TOTAL PROJECT COST			\$469,000.00		\$885,858.60		\$878,900.00		\$753,350.00		\$428,624.13	

Resolution No. 421-21

Introduced in Council:

Adopted by Council:

February 1, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 421-21 - Authorizing the global settlement of pending disputed claims against
2 the City by the Estate of Heather Ross and the minor children of Heather Ross, as alleged in
3 Kanawha County Circuit Court Civil Action No. 20-C-683, pursuant to the recommendation of
4 the City Solicitor.

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

7
8 That the City Council hereby authorizes and approves the global settlement of all pending
9 disputed claims against the City by the Estate of Heather Ross and the minor children of
10 Heather Ross, as alleged in Kanawha County Circuit Court Civil Action No. 20-C-683, in the
11 amount of \$1,150,000.00, pursuant to the recommendation of the City Solicitor. The City
12 Council authorizes the City Solicitor and City Manager to take all necessary steps to finalize
13 resolution of the claims.

Resolution No. 422-21

Introduced in Council:

Adopted by Council:

February 1, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

Resolution No. 422-21 - Authorizing the Mayor or City Manager to purchase a rear-loading miniature refuse collection truck for the Charleston Refuse Department from West Virginia Tractor Company in the amount of \$91,975.00 as the result of a competitive bidding process.

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 a rear-loading miniature refuse collection truck for the Charleston Refuse Department from West Virginia Tractor Company in the amount of \$91,975.00 as the result of a competitive bidding process.

Rear Loading Mini Refuse Collection Truck

Project No. 2021-002

Bid Opening: January 19 , 2021 @ 11:00am

	West VirginiaTractor
	PO Box 473
	Charleston, WV 25322
	P: (304) 346-5301
	wvtractor@msn.com
Rear Loading Mini Refuse Collection Truck	\$91,975.00
Local Vendor Preference (4%)	(\$3,679) \$88,296.00
Successful Bidder	

Resolution No. 423-21

Introduced in Council:

Adopted by Council:

February 1, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 423-21 - Authorizing the Mayor or City Manager to enter into a contract with
2 McNeil Fence Company in the amount of \$ 69,992.00 for the construction of fencing and gates
3 for new City dog parks located at Cato Park and Dunbar Street. The purchase price was
4 determined through a competitive bidding process where McNeil Fence Company was the sole
5 bidder.

6

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

8

9 That the Mayor or City Manager is authorized to enter into a contract with McNeil Fence
10 Company in the amount of \$ 69,992.00 for the construction of fencing and gates for new City
11 dog parks located at Cato Park and Dunbar Street. The purchase price was determined through
12 a competitive bidding process where McNeil Fence Company was the sole bidder.

13

14

Fencing for Dog Parks

Project No. 2021-001

Bid Opening: January 19 , 2021 @ 11:00am

McNeil Fence
3002 &th Avenue
Charleston, WV 25387
P: (304) 744-8051
robb.chriswell@pro-safetysupply.com
<u>Project Total</u>

Description	Unit	Quantity	Unit cost	
Item 1 – 48” Dog Park Fencing and Gates	LF	1300	\$53.84	\$69,992.00
Local Vendor Preference (4%)				(\$2,799.68) \$67,192.32
Total Project Cost				\$69,992.00
Successful Bidder				



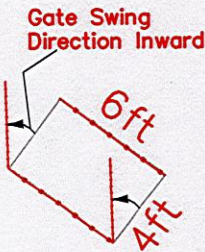
Site Vicinity: 38.374227°, -81.635539°

Proposed
Fence Total Length
+/- 1,065 feet

Legend:

— = Fence Industrial Grade —
48" Covered Aligned Pickets — Black

Detail of Transition Area



Cato Dog Park

Scale 1" = 40'

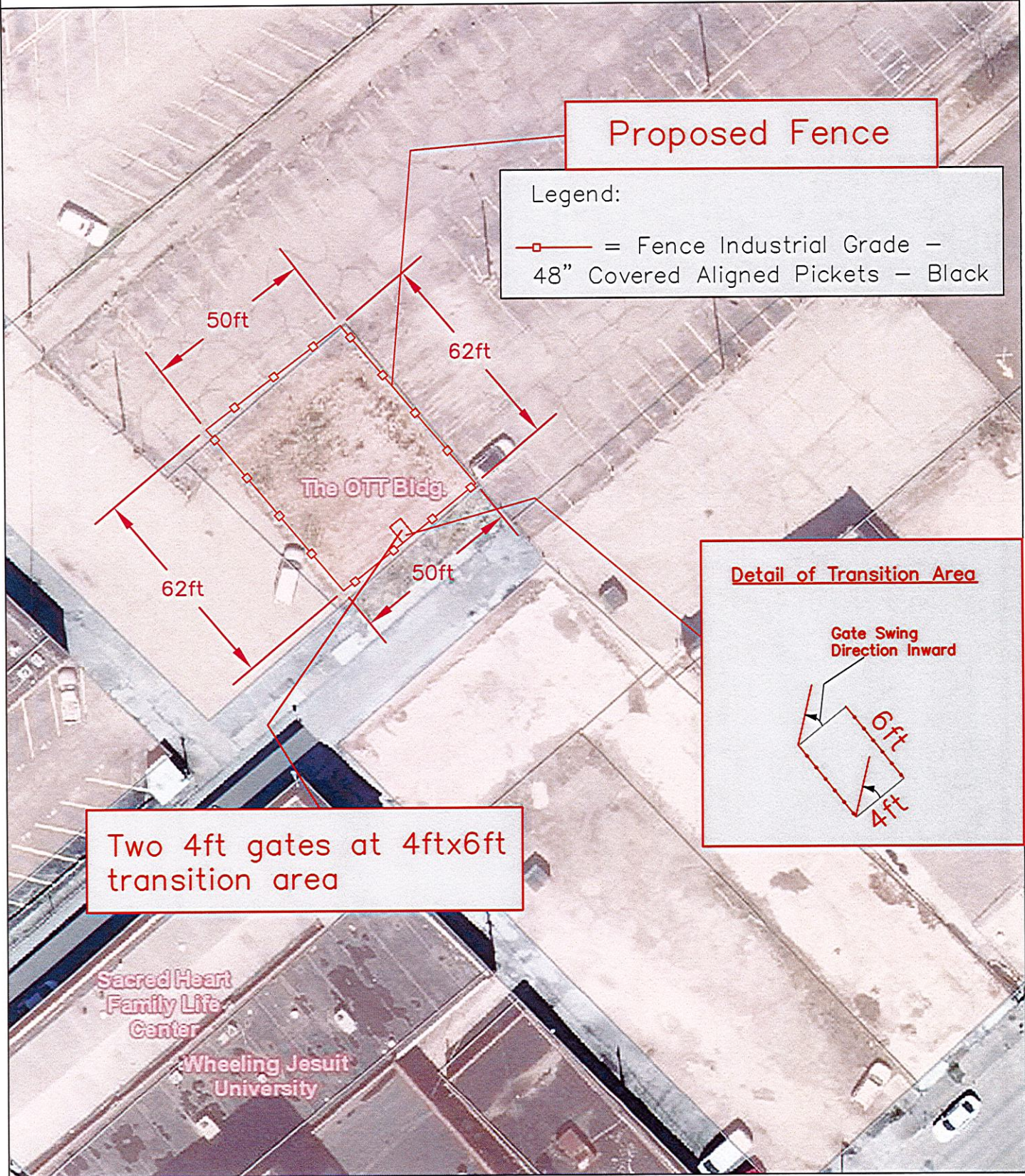


City of Charleston
Engineering
SAB 12-28-2020

Two 4ft gates at 4ftx6ft
transition area



Site Vicinity: 38.348243°, -81.632107°



Scale 1" = 40'



QD Dog Park

City of Charleston
Engineering
SAB 12-29-2020

Resolution No. 424-21

Introduced in Council:

Adopted by Council:

February 1, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 424-21 - Authorizing the Mayor or City Manager to submit an application to the
2 FEMA Assistance to Firefighter Grant Program in the amount of \$325,939 that includes the
3 required 10% cash match and administer any funds awarded. The Charleston Fire Department
4 will use these funds to purchase 33 sets of bunker gear, 84 pairs of boots, 155 pairs of gloves,
5 155 hoods, 49 helmets, 3 gear washers and 9 dryers.

6

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

8

9 That the Mayor or City Manager is authorized to submit an application to the FEMA Assistance
10 to Firefighter Grant Program in the amount of \$325,939 that includes the required 10% cash
11 match and administer any funds awarded. The Charleston Fire Department will use these
12 funds to purchase 33 sets of bunker gear, 84 pairs of boots, 155 pairs of gloves, 155 hoods, 49
13 helmets, 3 gear washers and 9 dryers.

14

Bill No. 7892

Introduced in Council

Passed by Council

February 1, 2021

Introduced by

Referred to

Brady Campbell

**Municipal Planning Commission
Planning, Streets, and Traffic**

Bill No. 7892 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 21st day of November, 2005, as amended, and the map made a part thereof, by rezoning from a R-4 Single Family Residential District to a R-O Residential-Office District, that certain parcel of land located at 1133 Oakhurst Drive, being Charleston South Annex Tax District, Map 5A, Parcel 136.2, Charleston, West Virginia.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 21st day of November, 2005, as amended, is hereby amended by rezoning from a R-4 Single Family Residential District to a R-O Residential-Office District the whole of the following described parcel of land:

Parcel No. 136.2 as shown upon South Annex Tax Map 5A. Subject parcel is commonly known as 1133 Oakhurst Drive, Charleston, West Virginia. Said tax map is of record in the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this Ordinance.

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

Bill No. 7895

Introduced in Council:

February 1, 2021

Introduced by:

Chuck Overstreet

Adopted by Council:

Referred to:

Ordinance & Rules

Bill No. 7895 - A BILL to amend and reenact Section 54-41 of the Municipal Code of the City of Charleston, as amended, relating to updating the names of the fire department's divisions.

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

That Section 54-41 of the Municipal Code of the City of Charleston, as amended, is amended and reenacted to read as follows:

CHAPTER 54 – FIRE PREVENTION AND PROTECTION.

ARTICLE II. – FIRE DEPARTMENT.

DIVISION 1. – GENERALLY.

Sec. 54-41. - Composition and organization of department.

(a)The fire department shall include the Fire, EMS, and Rescue Operations Division, the Training Division, and the Fire Prevention Bureau, ~~fire prevention bureau, training division, fire suppression division and the emergency medical service division,~~ with such personnel having such ranks and grades as shall from time to time be authorized by the city council.

(b)The organization of the fire department shall be as prescribed by the fire chief, except as may be provided otherwise by the mayor or city council.

(c)The fire civil service commission is authorized to establish by appropriate procedure existing and/or future rank structure budgeted by the council to provide for the orderly efficient operation of the emergency medical service division of the fire department. The fire chief may petition the fire department civil service commission to effectuate the placement of rank structure in the emergency medical service division of the fire department from time to time as necessary.