



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, March 4, 2019

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Amy Shuler Goodwin
Mayor

Miles C. Cary II
City Clerk

CALL TO ORDER

The Council met in the Chambers of the City Building at 7:00 P.M., for the first meeting in the month of March on the 4th day, in the year 2019, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Reishman and the Pledge of Allegiance was led by Councilmember Wesley-Plear. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

**ADAMS
BURTON
COOK
HOOVER
KING
MCKINNEY**

**BAILEY
CAMPBELL
FAEGRE
JENKINS
KNAUFF

PHARR
SHEETS
WESLEY-PLEAR**

**BAYS
CEPERLEY
HAAS
JONES
LAIRD
OVERSTREET
REISHMAN
SNODGRASS
MAYOR GOODWIN**

With twenty-five 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.

PUBLIC SPEAKERS

NONE

CLAIMS

1. A claim of Sandra K. Estep, 130 Iowa St., Charleston, WV;
alleges damage to property.
Refer to City Solicitor.
2. A claim of Crystal D. Stephens, 4703 Venable Ave., Charleston, WV;
alleges damage to property.
Refer to City Solicitor.

PUBLIC HEARINGS

1. After duly being published as required, the Mayor declared the floor open for a Public Hearing on Resolution No. 169-19 – Lease for 958 square feet of space in 601 Morris Street with Generation West Virginia, Inc., for office space for a term of five (5) years, with a base rental of &78,000 payable monthly rent of \$1,300. No person from the public came to speak in reference to the Public Hearing. The Mayor declared the Public Hearing CLOSED.

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. 7803 do pass.

Bill No. 7803 - A Bill to amend Ordinance No. 7785, which established a two-hour limit parking zone along the east side of Michigan Avenue from a point 30 feet from the intersection of Kanawha Boulevard, E. to the intersection of Quarrier Street 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, such that the aforementioned two-hour limit parking zone is limited to apply only to the hours of 8:00 am until 5:00 pm Monday through Friday.

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

Section 1. The Two-Hour limit parking zone along the east side of Michigan Avenue from a point 30 feet from the intersection of Kanawha Boulevard, E. to the intersection of Quarrier Street adopted through Ordinance No. 7785 is hereby amended such that it applies only between the hours of 8:00 am and 5:00 pm, Monday through Friday.

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 a meeting was held with neighbors and a business owner, and compromise was reached to put a time limit in that zone.

Councilmember Hoover moved to approve the Bill. 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, Overstreet, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Minardi, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7803 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. 169-19 do pass.

Resolution No. 169-19 - A Resolution authorizing the City Manager to enter into a lease for 958 square feet of space in 601 Morris Street with Generation West Virginia, Inc., for office space for a term of five (5) years, with a base rental of \$78,000 payable by monthly rent of \$1,300."

Now Therefore, Be it Resolved by the Council of the City of Charleston, West Virginia:

That, the City Manager is hereby authorized to enter into a five-year lease with Generation West Virginia, Inc., for 958 square feet of office space in 601 Morris Street for a base rental of \$78,000, payable by a monthly rent of \$1,300, and pursuant to all other negotiated terms of the lease agreement. Upon execution of the final lease agreement, the City Manager shall file the agreement with the City Clerk.

Councilmember Jenkins added that the lease is nearly identical to similar leases at the building.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 169-19 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. 170-19 do pass.

Resolution No. 170-19 - Authorizing the City Collector to refund \$98,691.47 to

* for the overpayment of B&O Taxes for the period of April 1, 2014 - September 30, 2018. During an audit of the Taxpayer's financial records, the City discovered that the business is not located within the city limits of Charleston. The taxpayer has been registered with the City and paying taxes to the City since 1993.

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

That the City Collector is authorized to refund \$98,691.47 to _____ for the overpayment of B&O Taxes for the period of April 1, 2014 - September 30, 2018. During an audit of the Taxpayer's financial records, the City discovered that the business is not located within the city limits of Charleston. The taxpayer has been registered with the City and paying taxes to the City since 1993.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 170-19 adopted.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 171-19 do pass.

Resolution No. 171-19 - Authorizing the Mayor or City Manager to submit an application in the amount of \$40,603 for the National Integrated Ballistic Information Network (NIBIN) Contractor grant from the WV Division of Justice and Community Services to provide funds to hire a contracted person to facilitate the data entry of all gun ballistic evidence into the NIBIN database for the Charleston Police Department and surrounding agencies and administer any funds received from this award.

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

That the Mayor or City Manager is hereby authorized to submit an application in the amount of \$40,603 for the National Integrated Ballistic Information Network (NIBIN) Contractor grant from the WV Division of Justice and Community Services to provide funds to hire a contracted person to facilitate the data entry of all gun ballistic evidence into the NIBIN database for the Charleston Police Department and surrounding agencies and administer any funds received from this award.

Councilmember Jenkins added the NIBIN system as administered federally by the ATF. It is, essentially, a bullet casing fingerprint. Microscopic pictures are taken of the bullet shell casings and prints are compared across the nation. The grant is for a contract personnel, administered by the City, to pay for other agencies using the equipment that will be housed with CPD. This will be the only system in West Virginia available for municipal and other use.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 171-19 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. 172-19 do pass.

Resolution No. 172-19 - Authorizing approval of Amendment No. 7 in the FY 2018- 2019 General Fund Budget as indicated on the attached list of accounts.

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

That the approval of Amendment No. 7 in the FY 2018- 2019 General Fund Budget as indicated on the attached list of accounts.

Councilmember Jenkins added this minor amendment to the budget is to take the \$60,000 donation for Parks and Recreation for the revenue and move to Capital Outlay for Parks and Recreation.

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

NAYS: NONE

ABSENT: Minardi, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 172-19 adopted.

General Fund FY 2018-2019 Budget Amendment No. 7 - March 4, 2019

Account No.	Department	Account Description	Amount
001 368 11 0000	Revenue	Contributions from Others	(60,000)
001 979 00 900 4 458	Parks & Recreation	Capital Outlay - Major Improvements	60,000

To recognize contribution from Huntington Bank to be used for improvements to the Martin Luther King Jr. Community Center, including two basketball courts, bleachers, and other maintenance and improvements.

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 173-19 do pass.

Resolution No. 173-19 - Authorizing the Mayor or City Manager to submit an application to receive funds in the amount of \$20,000 for the CPD Neighborhood Assistance Office (NAO) equipment grant from the WV Division of Homeland Security and Emergency Management to provide funds to purchase equipment for the Neighborhood Assistance Officers and the CPD Dive Team.

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

That the Mayor or City Manager is hereby authorized to submit an application to receive funds in the amount of \$20,000 for the CPD Neighborhood Assistance Office (NAO) equipment grant from the WV Division of Homeland Security and Emergency Management to provide funds to purchase equipment for the Neighborhood Assistance Officers and the CPD Dive Team.

Councilmember Jenkins added the resolution is to administer \$20,000 for one time purchase of equipment for CPD Neighborhood Assistance Officer, mainly for additional equipment in their vehicles as well as dive equipment for the CPD Dive Team.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 173-19 adopted.

REPORTS OF OFFICERS

1. City of Charleston, WV – Financial Statements, for the seven-month period ending

January 31, 2019.
Received and Filed.

NEW BILLS

Introduced by Councilmember Mary Beth Hoover on March 4, 2019:

Bill No. 7802 – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, by adding the definition of Retail Sales Establishment, amending the Land Use Table, and creating the Corridor Village District zoning classification; and adding the Corridor Village District to the sign regulations.

Refer to Municipal Planning Commission and Planning, Streets and Traffic Committee

Introduced by Councilmember Robert Sheets on March 4, 2019:

Bill No. 7804 – Amending the Zoning Ordinance of the City of Charleston, West Virginia, by rezoning from an R-6 district to an R-10 district, those certain six lots land situate at 1420 Lewis Street, 1426 Lewis Street, 601 Ruffner Avenue, 603 Ruffner Avenue and 605 Ruffner Avenue, Charleston, West Virginia.

Refer to Municipal Planning Commission and Planning, Streets and Traffic Committee

Introduced by Councilmember Pat Jones on March 4, 2019:

Bill No. 7805 – A Bill to establish a No Parking Tow-Away zone on the west side of Zable Drive at Ledge Hill Drive to a point 50 feet south of Ledge Hill Drive and amending the Traffic Control Map and Traffic Control File.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmember Keeley Steele on March 4, 2019:

Bill No. 7806 – A Bill to establish a No Parking Tow-Away zone on the east side of East Ave from a point 140 feet to a point 160 feet north from Kanawha Blvd and amending the Traffic Control Map and Traffic Control File.

Refer to Planning, Streets and Traffic Committee

MISCELLANEOUS/UNFINISHED BUSINESS

1. Councilmember Jenkins announced Finance Committee will be meeting March 11 at 5:00 pm and March 12 at 6: pm if needed. They will be discussing the proposed City Budget.
2. Councilmember Sheets stated he is concerned that without the trash bag distribution, his Ward would most likely have a trash problem. The Mayor responded that she shared those concerns that they haven't been getting to the citizens that need them the most.
3. Councilmember Faegre commended the administration that every effort is being made to not raise City fees.

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

NAYS: NONE

ABSENT: Minardi, Persinger

At 7:22 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, March 18, 2019, at 7:00 p.m., in the Council Chamber in City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary, City Clerk

*At the request of the City Manager and City Attorney, taxpayer identity information will be stricken from all records of Council and will not be made available to the public. The Clerk's Office will redact any pertinent information before making it available to the public.

