



JOURNAL of the PROCEEDINGS of the CITY COUNCIL

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, May 3, 2021

at 7:00 P.M.

* – Charleston Coliseum and Convention Center, West Hall 1 –
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 May on the 3rd day, in the year 2021, 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 Snodgrass. 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
PERSINGER
ROBINSON**

**BAILEY
CAMPBELL

JENKINS
KNAUFF

PHARR
SHEETS
WESLEY-PLEAR**

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

With twenty-four 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.

*The meeting of Council was conducted in person, adhering to all medical guidelines. The meeting was made available to the public in person and as a live stream via Zoom (per the agenda).

PUBLIC SPEAKERS

1. Kay McConaha – spoke about Police in Charleston
2. Chad Cordell – spoke about mental health crisis teams
3. Lill Prosperino – spoke about police reform
4. Liira Raines – spoke about Police in Charleston
5. Dijon Stokes – spoke about Police allocations
6. Martec Washington – spoke about the state of Charleston
7. Mr. McConaha – spoke about unsafe neighborhood conditions
8. Chief Hunt – spoke about Police in Charleston

CLAIMS

1. A claim of Renee Lucy, Charleston, WV;
alleges damage to property.
Refer to City Solicitor, Please.
2. A claim of Reiko Mills, Charleston, WV;
alleges damage to property.
Refer to City Solicitor, Please.
3. A claim of Janet L Thompson, Charleston, WV;
alleges damage to property.
Refer to City Solicitor, Please.

PROCLAMATIONS

None

COMMUNICATIONS

None

REPORTS OF COMMITTEES

COMMITTEE ON PARKS AND RECREATION

Councilmember Cook, Chair of the Council Committee on Parks and Recreation, submitted the following reports:

1. Your committee on Parks and Recreation has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7901.

Bill No. 7901 – A BILL to amend and reenact Section 82-124 of the Municipal Code of the City of Charleston, relating to providing authorization for the waiver of certain fees for use of public parks and recreation facilities.

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

That Section 82-124 of the Municipal Code of the City of Charleston is hereby amended and reenacted to read as follows:

CHAPTER 82 – PARKS AND RECREATION.

ARTICLE IV – PUBLIC USE OF PARKS AND RECREATIONAL FACILITIES.

Sec. 82-124. - Waiver of swimming pool fees at certain facilities.

Notwithstanding the rental and fee schedule provided by section 82-125, the mayor, city manager, and the director of the department of parks and recreation may jointly, from time to time, and (1) when weather conditions warrant, and under circumstances which would not substantially affect the revenues of a city swimming pool facility, declare a day or some portion of a day to be a free swim day and waive the collection of the fees prescribed by section 82-125; and (2) where the interests of the community are furthered and under circumstances which would not substantially affect the revenues of the parks and recreation department, waive the collection of a fee or fees prescribed by section 82-125 on one or more days at one or more facility.

The bill was referred to the Finance Committee for final vote.

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 bill, and reports the same to Council with the recommendation that Bill No. 7897.

Bill No. 7897 – A BILL to amend and reenact Section 10-171 of the Municipal Code of the City of Charleston, as amended, relating to updating the urban deer management to be consistent with state law.

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

That Section 10-171 of the Municipal Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

ARTICLE IV. – URBAN DEER MANAGEMENT.

Sec. 10-171 – Urban deer management.

(a) *Urban hunting conditions.* An urban deer hunt shall be lawful in the City of Charleston only under the following conditions:

- (1) Hunting shall be by permit only issued under the terms of this chapter.
- (2) The hunt shall be for deer only.
- (3) ~~Subject to the limited exemption in section (a)(17) herein, only~~ Only bows, crossbows, and arrows and bolts that comply with applicable state statutes, rules and regulations may be used.
- (4) Hunting may occur only on property with the written permission of the property owner and on city-owned property which has been designated as available for hunting by the city manager.
- (5) All deer harvested must be legally checked at an official game checking station and reported to the city.
- (6) No hunting may take place within 150 feet of a dwelling or other occupied building.
- (7) No hunting shall take place closer than 500 feet from the property boundary of school property which contains a school building. For purposes of this section "school" means a public school or private school during periods when students are in attendance or participating in school activities.
- (8) Persons shall at all times when hunting pursuant to a city permit carry valid photo identification, a copy of their city permit and their West Virginia state hunting license and any applicable state permit.
- (9) The transportation of a deer carcass along any public right-of-way is prohibited unless it is covered or hidden from public view.
- (10) All West Virginia hunting rules and regulations apply to hunting within the city.
- (11) Any hunting activity including but not limited to field dressing or other handling of a carcass, must occur on the property specified in the city permit.
- (12) All hunting shall be conducted from an elevated portable tree stand that is at least ten feet in height and faces the interior of the property. The stands and shooting lanes will be located in such a way as to direct arrows or, ~~if applicable,~~ bolts to the interior of the property.

(13) Hunting may take place on tracts of five contiguous acres or more and within a sufficient distance from the boundary that an arrow or bolt cannot reasonably travel outside the permitted tract. Each tract must be approved by the city manager.

(14) A property owner can designate and limit other persons allowed to hunt his or her land with a permit.

(15) The city will be responsible to dispose of any wounded deer or deer carcass found on non-permitted property.

(16) Hunting shall be allowed during the maximum time period permitted under state law and regulations promulgated by the West Virginia Division of Natural Resources for an urban deer hunt.

~~(17) Persons possessing a valid Class Y Crossbow Permit in compliance with state law, including, but not limited to, the requirements of W. Va. Code § 20-2-42w, and any amendments thereto, may use a crossbow to participate in the urban deer hunt so long as the Class Y Permit holder complies with all other requirements of this section 10-171, and any regulations adopted hereunder.~~

(b) Permits.

(1) In order to obtain a permit, the applicant must meet and have evidence of compliance with all applicable state statutes, regulations and rules applicable to deer hunting with a bow and arrow or a crossbow and arrow or bolt. ~~and, if applicable, all additional statutes, regulations and rules for use of a crossbow by a person with a valid Class Y Permit.~~ The city may impose additional requirements for a hunting permit and may limit the number of permits to be issued.

(2) The city may charge an administrative fee for permits not to exceed \$25.00 per permit.

(3) The city manager is hereby authorized to promulgate reasonable rules and regulations including, but not limited to: (i) setting license fees to regulate ~~bow~~ hunting; (ii) selecting the tracts to be authorized for hunting as permitted herein; and (iii) promoting safety and facilitating the goals of urban deer management.

(4) The city shall post the location of tracts approved for hunting on its website.

(c) *Donated meat.* Hunters are and shall be encouraged but are not required to donate the harvest to programs or organizations that will provide the meat to needy persons.

(d) *Violations.* In addition to any penalties for violations of state hunting laws or regulations, any person violating this section, or the rules and regulations promulgated pursuant to this section, shall be guilty of a misdemeanor and subject to the general penalties as provided in section 1-8 of this Code.

Councilmember Reishman added that the bill updates the City Code to reflect the recent changes to the State Law regarding cross bows. A special Class Y license is no longer required to use a cross bow, and they are now considered to be part of the regular hunting license.

Councilmember Jenkins added that he introduced the bill after a hunter in his Ward pointed out that the City's Ordinance for the Urban Deer Hunt still included the Class Y license for cross bow use. Since the State now allows cross bow use during the normal hunting season, the Code should be updated to reflect that.

Councilmember Persinger added that he was part of the Committee that did allow cross bow hunting with a Class Y permit after much debate. The opposition for using cross bows said that the motion to pull back a bow limited one's range of motion, making it a purposeful movement, whereas a cross bow was wielded more like a gun. Those opposed felt like it would be inappropriate to allow cross bows for potentially all hunters. Councilmember Persinger

confirmed that the new State law allows anyone to hunt with a cross bow without the need for a special license. Councilmember Jenkins added that the special Class Y license no longer exists. He added that a cross bow is more similar to a bow than a gun, and that the DNR had recommended that the distinction between a bow and cross bow be removed.

Councilmember Wesley-Plear confirmed with Councilmember Jenkins that a Class Y license no longer exists.

Councilmember Robinson added that the law was changed to encourage more kids to hunt, as they are easier and safer for children to use.

Councilmember Reishman moved to approve the bill. Councilmember Ceperley seconded the motion. The question being on the adoption of the bill, a roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Haas, Hoover, Jenkins, Jones, Knauff, Laird, McKinney, Overstreet, Pharr, Reishman, Robinson, Sheets, Wesley-Plear, Mayor Goodwin

NAYS: King, Persinger, Snodgrass

ABSENT: Faegre, Minardi, Steele,

With the majority of members present recorded thereon as voting in the affirmative with 21 Yeas and 3 Nays, the Mayor declared Bill No. 7897 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. 461-21 be adopted.

Resolution No. 461-21 - Authorizing the Mayor to sign and submit to the U.S Department of Housing and Urban Development the Annual Action Plan for Program Year 2021 (FY 2021 to 2022), Year 2 of the Consolidated Plan and all required certifications and agreements, including Sub-recipient project contracts relating to the Annual Action Plan.

Now Therefore, Be It Resolved By The Council Of The City Of Charleston, West Virginia:

That the Mayor is hereby authorized and directed to sign and submit to the U. S. Department of Housing and Urban Development the Annual Action Plan for Program Year 2021 (FY 2021 to 2022), Year 2 of the Consolidated Plan and all required certifications and agreements, including Sub-recipient project contracts relating to the Annual Action Plan.

Councilmember Jenkins added that the resolution is for approval of Year 2 of the 5-Year for the budget and spending of CDBG funds.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With the majority of members present recorded thereon as voting in the affirmative with at least one (1) recognized Nay from Knauff, the Mayor declared Resolution No. 461-21 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. 462-21 do pass.

Resolution No. 462-21 - Authorizing the Mayor or City Manager to submit an application to the U.S. Department of Homeland Security Port Security Grant Program for funds to purchase a new response boat for the Charleston Fire Department. The total grant amount is \$423,448.00 with a 25% cash match.

Now Therefore, 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 the U.S. Department of Homeland Security Port Security Grant Program for funds to purchase a new response boat for the Charleston Fire Department. The total grant amount is \$423,448.00 with a 25% cash match.

Councilmember Jenkins added that the City is looking to again apply for the mentioned grant for an updated response boat for the Charleston Fire Department. The match would be approximately \$125,000.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 462-21 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. 463-21 do pass.

Resolution No. 463-21 - Authorizing the Mayor or City Manager to enter into an agreement with Pinnacle Consultants, LLC for asbestos inspection and testing services as the result of a competitive bidding process, where the recommended vendor submitted the best overall pricing.

Now Therefore, Be It Resolved By The Council Of The City Of Charleston, West Virginia:

That the Mayor or City Manager is authorized to enter into an agreement with Pinnacle Consultants, LLC for asbestos inspection and testing services as the result of a competitive bidding process, where the recommended vendor submitted the best overall pricing.

Councilmember Jenkins added that the resolution is to approve an agreement for asbestos and testing when the Building Commission has determined that an abandoned home needs to be demolished.

Councilmember Snodgrass confirmed with the Director of the Building Commission, Tony Harmon, that the City has done business with the awarded vendor in the past.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 463-21 adopted.

	Astar Abatement Bonham Business Plaza 539 Two Mile Rd Charleston WV 25312 304-343-5950 vanessapritt@astarabatement.com	Applied Geology 1116 Smith Street, Ste: 304 Charleston WV 25301 412-736-7449 lzamiska@appliedgeology.net	Reclaim Company LLC. 200 8th St. Fairmont WV 26554 304-816-0194 sandeep@reclaimco.com	Pinnacle 10 Independent Ave. Nitro WV 25143 304-757-5204 greg.pauley@pinnaclecorp.net	
Item	Price per Unit	Price per Unit	Price per Unit	Price per Unit	
1. Per Structure	\$285.00	\$214.00	\$595.00	\$215.00	
2. Per Bulk Sample	\$5.75	\$8.00	\$8.00	\$7.00	
3. Per Sample (PLM)	\$10.25	\$25.00	\$8.95	\$14.00	
4. Gravimetric Reduction Sample	\$155.00	\$60.00	\$80.00	\$25.00	
TOTAL BID COST	\$456.00	\$307.00	\$691.95	\$261.00	
Local Vendor Preference (4%)	(\$18.24) \$437.76	(\$12.28) \$294.72	(\$27.68) \$664.27	Did not apply.	

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 464-21 do pass.

Resolution No. 464-21 - Authorizing the Mayor or City Manager to enter into a contract with Mr. Asphalt, Inc., in the amount of \$1,821,885.00 for asphalt resurfacing of City streets pursuant to 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 enter into a contract with Mr. Asphalt, Inc., in the amount of \$1,821,885.00 for asphalt resurfacing of City streets pursuant to a competitive bidding process.

Councilmember Jenkins added that the resolution is for the City's annual paving contract for asphalt roads.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 464-21 adopted.

			Mr. Asphalt 148 Hunters Ridge Charleston, WV 25320 P: (304) 395-3835 mrasphaltboggess@aol.com		Bear Contracting P.O. Box 1196 Bridgeport, WV 26330 P: (304) 326-0160 mursoebear-contracting.com		WV Paving 2950 Charles Ave. Dunbar, WV 25064 P: (304) 768-9733 ben.bragg@wvpaving.com	
Item	Unit	Estimated Quantity	Price per Unit	Total Cost	Price per Unit	Total Cost	Price per Unit	Total Cost
Table A- Citywide Streets								
Item No. 3.01 HLBC Base Course	Ton	300	\$83.25	\$24,975.00	\$96.00	\$28,800.00	\$85.00	\$25,500.00
Item No. 3.02 HLBC Wearing Course-1-1/2"	Ton	11,335	\$86.00	\$974,810.00	\$98.00	\$1,110,830.00	\$95.00	\$1,076,825.00
Item No. 3.03 (1 1/2") Removing Bituminous Concrete	SY	103,150	\$1.75	\$180,512.50	\$1.90	\$195,985.00	\$2.96	\$305,324.00
Table B- Springhill Cemetery								
Item No. 3.01 HLBC Base Course (Springhill Cemetery)	Ton	300	\$83.25	\$24,975.00	\$90.00	\$27,000.00	\$91.00	\$27,300.00
Item No. 3.02 HLBC Wearing Course-1-1/2" (Springhill Cemetery)	Ton	1,550	\$86.00	\$133,300.00	\$98.00	\$151,900.00	\$102.00	\$158,100.00
Table C- Kanawha Boulevard								
Item No. 3.02 HLBC Wearing Course-2" Kanawha Boulevard	Ton	4,750	\$86.00	\$408,500.00	\$92.00	\$437,000.00	\$90.00	\$427,500.00
Item No. 3.03 (2") Removing Bituminous Concrete Kanawha Boulevard	SY	42,750	\$1.75	\$74,812.50	\$1.25	\$53,437.50	\$2.90	\$123,975.00
TOTAL PROJECT COST- Tables A, B, & C			\$1,821,885.00		\$2,004,952.50		\$2,144,524.00	
\$5,000 when a project exceeds \$125,000			Did not Apply		(\$5,000.00) \$1,999,952.50		(\$5,000.00) \$2,139,524.00	

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 465-21 do pass.

Resolution No. 465-21 - Authorizing the Mayor or City Manager to enter into a contract with SQP Construction Group in the amount of \$3,127,950 for the City's Slack Plaza / City Center Renovations Project 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 enter into a contract with SQP Construction Group in the amount of \$3,127,950 for the City's Slack Plaza / City Center Renovations Project as the result of a competitive bidding process.

Councilmember Jenkins added that the City's Consulting Engineer conducted a bidding process with three (3) competitive bids. The project is anticipated to be complete by the end of the year.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With the majority of members present recorded thereon as voting in the affirmative with at least one (1) recognized Nay from Snodgrass, the Mayor declared Resolution No. 465-21 adopted.

6. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 466-21 do pass.

Resolution No. 466-21 - WHEREAS, the City is undertaking a large public parks project to reimagine the plaza space known as Slack Plaza situated between Laidley and Summers Streets in downtown Charleston, West Virginia; and

WHEREAS, the City desires to construct a new park that is inviting and lively to encourage residents to engage with one another through community events, live music, street vending, outdoor dining, and general recreation and exercise; and

WHEREAS, the City wishes to commission and install artistic pieces near one of the park entry points to be a park focal point that captures the imagination of visitors; and

Whereas, the City has identified an artist who is able and willing to produce unique sculptures for the park that will meet the City's objectives.

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

That the Mayor or City Manager is authorized to enter into a contract with Simon Sculpture, Inc., in the amount of \$246,000 to create and deliver sculptures to be incorporated into the Slack Plaza / City Center Renovation Project according to the terms detailed in the attached agreement.

Councilmember Jenkins added that two (2) larger sculptures will be incorporated into the new Slack Plaza as a kind of centerpiece to showcase local heritage.

Councilmember Jenkins moved to approve the bill. Councilmember Ceperley seconded the motion. The question being on the adoption of the resolution, a roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Ceperley, Cook, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, Overstreet, Pharr, Reishman, Robinson, Sheets, Mayor Goodwin

NAYS: Campbell, McKinney, Persinger, Snodgrass, Wesley-Plear,

ABSENT: Faegre, Minardi, Steele

With the majority of members present recorded thereon as voting in the affirmative with 19 Yeas and 5 Nays, the Mayor declared Resolution No. 466-21 adopted.

7. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 468-21 do pass.

Resolution No. 468-21 - Authorizing the Mayor or City Manager to cancel the Letter of Credit expiring September 21, 2021, in the amount of \$1,000,000 and enter into an agreement with WesBanco, Inc., for

a Standby Letter of Credit in the amount of \$500,000 for a term starting June 1, 2021. Cost of the letter is 0.5% of the amount issued. This letter of credit provides security in lieu of a surety bond for liability of potential workers' compensation claims as a self-insured employer. The letter of credit is subject to review and final approval by legal counsel for the City.

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

That the Mayor or City Manager is authorized to cancel the Letter of Credit expiring September 21, 2021, in the amount of \$1,000,000 and enter into an agreement with WesBanco, Inc., for a Standby Letter of Credit in the amount of \$500,000 for a term starting June 1, 2021. Cost of the letter is 0.5% of the amount issued. This letter of credit provides security in lieu of a surety bond for liability of potential workers' compensation claims as a self-insured employer. The letter of credit is subject to review and final approval by legal counsel for the City.

Councilmember Jenkins added that the Administration has worked with the Insurance Commissioner to lower the amount of the letter of credit.

Councilmember Campbell asked if they allowed for a letter of credit or a surety bond. Councilmember Jenkins replied that it was set of as a letter of credit in lieu of a surety bond. Councilmember Campbell asked if the City had ever priced surety bonds.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 468-21 adopted.

8. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 469-21 do pass.

Resolution No. 469-21 - Authorizing the Mayor or City Manager to enter into a contract with WV Demolition, Inc., in the amount of \$3.89 per square foot for demolition services and to enter into an agreement with RS Environmental, Inc., in the amount of \$2.25 per square foot for asbestos removal, as the result of a competitive bidding process with local vendor preference consideration.

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

That the Mayor or City Manager is authorized to enter into a contract with WV Demolition, Inc., in the amount of \$3.89 per square foot for demolition services and to enter into an agreement with RS Environmental, Inc., in the amount of \$2.25 per square foot for asbestos removal, as the result of a competitive bidding process with local vendor preference consideration.

Councilmember Jenkins added that would be for demolition services for a building that had been identified as containing asbestos per the previously related resolution No. 463-21.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 469-21 adopted.

9. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 470-21 do pass.

Resolution No. 470-21 - Authorizing the Mayor or City Manager to enter into a contract with WV Demolition, Inc., in the amount of \$3.89 per square foot for demolition services and to enter into an agreement with RS Environmental, Inc., in the amount of \$2.25 per square foot for asbestos removal, as the result of a competitive bidding process with local vendor preference consideration.

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

That the Mayor or City Manager is authorized to enter into a contract with WV Demolition, Inc., in the amount of \$3.89 per square foot for demolition services and to enter into an agreement with RS Environmental, Inc., in the amount of \$2.25 per square foot for asbestos removal, as the result of a competitive bidding process with local vendor preference consideration.

Councilmember Jenkins added that once the project began, the City became aware of some surplus steel in their possession, so the retaining wall will be extended. The change order to the contract will be funded through the grant awarded by the DoH.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 470-21 adopted.

10. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7901 do pass.

Bill No. 7901 - A BILL to amend and reenact Section 82-124 of the Municipal Code of the City of Charleston, relating to providing authorization for the waiver of certain fees for use of public parks and recreation facilities.

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

That Section 82-124 of the Municipal Code of the City of Charleston is hereby amended and reenacted to read as follows:

CHAPTER 82 – PARKS AND RECREATION.

ARTICLE IV – PUBLIC USE OF PARKS AND RECREATIONAL FACILITIES.

Sec. 82-124. - Waiver of swimming pool fees at certain facilities.

Notwithstanding the rental and fee schedule provided by section 82-125, the mayor, city manager, and the director of the department of parks and recreation may jointly, from time to time, and (1) when weather conditions warrant, and under circumstances which would not substantially affect the revenues of a city swimming pool facility, declare a day or some portion of a day to be a free swim day and waive the collection of the fees prescribed by section 82-125; and (2) where the interests of the community are furthered and under circumstances which would not substantially affect the revenues of the parks and recreation department, waive the collection of a fee or fees prescribed by section 82-125 on one or more days at one or more facility.

Councilmember Jenkins added that bill will allow the Parks and Recreation Director more flexibility and discretion regarding their ability to waive certain fees.

Councilmember Jenkins moved to approve the bill. Councilmember Ceperley seconded the motion. The question being on the adoption of the resolution, 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: Faegre, Minardi, Steele

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7901 passed.

11. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7903 do pass.

Bill No. 7903 - THE CITY OF CHARLESTON

Sales Tax Refunding Revenue Bonds
(Coliseum and Convention Center Project)
Series 2021

BOND AUTHORIZING ORDINANCE OF
THE CITY OF CHARLESTON

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SALES TAX REFUNDING REVENUE BONDS (COLISEUM AND CONVENTION CENTER PROJECT), SERIES 2021, IN ONE OR MORE SERIES, ON A TAX-EXEMPT OR TAXABLE BASIS, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT MORE THAN \$50,000,000 (THE "2021

BONDS”) BY THE CITY OF CHARLESTON (THE “ISSUER”), THE PROCEEDS OF WHICH SHALL BE EXPENDED TO REFUND ALL OR A PORTION OF THE ISSUER’S SALES TAX REVENUE BONDS (CIVIC CENTER PROJECT), SERIES 2015 (THE “2015 BONDS”), TO FUND A RESERVE FUND PLEDGED TO THE PAYMENT OF THE 2021 BONDS, IF NECESSARY, AND TO PAY COSTS OF ISSUANCE IN CONNECTION WITH THE 2021 BONDS; PROVIDING PARAMETERS FOR THE PRINCIPAL AMOUNTS, MATURITIES, INTEREST RATES AND OTHER TERMS OF THE 2021 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL INDENTURE MODIFYING CERTAIN TERMS OF THE 2015 BONDS WITH THE CONSENT OF THE HOLDERS THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL INDENTURE IN CONNECTION WITH THE ISSUANCE OF THE 2021 BONDS AND ANY OTHER DOCUMENTS RELATING THERETO; PROVIDING PARAMETERS FOR THE TERMS OF THE 2021 BONDS; AUTHORIZING EXECUTION AND DELIVERY OF OTHER DOCUMENTS, INSTRUMENTS, CERTIFICATES AND AGREEMENTS AND THE TAKING OF ALL OTHER ACTIONS RELATING TO THE ISSUANCE OF THE 2021 BONDS.

WHEREAS, pursuant to Section 5a of Chapter 8, Article 1 of the Code of West Virginia, 1931, as amended (the “Home Rule Act”), the Issuer has been granted “Home Rule Status” by the Municipal Home Rule Board;

WHEREAS, the City Council of the Issuer (the “City Council”) did, pursuant to the Home Rule Act and Section 2 of Chapter 8, Article 12 of the Code of West Virginia, 1931, as amended (the “Code”), and following all necessary actions, publications, public hearings and approvals, on May 20, 2013, enact an ordinance (the “Initial Sales Tax Ordinance”) levying and imposing an excise tax within the corporate boundaries of the Issuer on (i) the privilege of selling tangible personal property or custom software and furnishing certain selected services and (ii) the use of tangible personal property, custom software and the results of taxable services at a rate of one-half of one percent (0.5%) (the “Municipal Sales Tax”);

WHEREAS, pursuant to the Home Rule Act and Section 2 of Chapter 8, Article 12 of the Code, and following all necessary actions, publications, public hearings and approvals, on November 3, 2014, the City Council enacted an ordinance (the “2014 Amendatory Sales Tax Ordinance”) increasing the Municipal Sales Tax from one-half of one percent (0.5%) to one percent (1.0%) effective July 1, 2015;

WHEREAS, the City Council did on January 4, 2021, following all necessary actions, publications, public hearings and approvals, enact an ordinance amending and reenacting provisions pertaining to the deposit, allocation and pledge of the Municipal Sales Tax revenues (the “2021 Amendatory Sales Tax Ordinance” and collectively with the Initial Sales Tax Ordinance and the 2014 Amendatory Sales Tax Ordinance, the “Sales Tax Ordinance”);

WHEREAS, the Sales Tax Ordinance created a special revenue fund in the City Treasury designated and known as the City Sales and Use Tax Fund (the “Tax Fund”) and a special revenue fund in the City Treasury designated and known as the Uniform Pensions Reserve Fund (the “Pension Fund”);

WHEREAS, the Municipal Sales Tax revenues collected by the Tax Commissioner of the State of West Virginia (the “Tax Commissioner”), less any fee or charge permitted by law to be collected by the Tax Commissioner, are remitted to the Issuer quarterly on or about each January 1, April 1, July 1 and October 1 and deposited into the Tax Fund (the “Municipal Sales Tax Revenues”);

WHEREAS, under Chapter 8, Article 16 of the Code of West Virginia, 1931, as amended (the “Bond Act”), the Issuer has plenary power and authority to issue revenue bonds secured by all or a portion of the Municipal Sales Tax Revenues to pay the costs of public works projects;

WHEREAS, pursuant to the Bond Act, the Issuer entered into that certain Bond Indenture dated

as of August 17, 2015 (the "Original Indenture"; capitalized terms used herein and not otherwise defined shall have the meaning set forth in the Original Indenture) with United Bank (formerly known as United Bank, Inc.), as trustee (the "Trustee"), under which the Issuer issued its Sales Tax Revenue Bonds (Civic Center Project) Series 2015 in the original aggregate principal amount of \$97,250,000 (the "2015 Bonds") to (i) finance the costs of design, acquisition, construction, renovation and equipping of additions, betterments and improvements to the Charleston Coliseum and Convention Center (formerly known as the Charleston Convention and Civic Center) and related improvements, (ii) fund a reserve account pledged to the payment of such obligations, if necessary, (iii) pay the costs of issuance of such obligations, and (iv) pay other costs associated with such obligations;

WHEREAS, the Issuer desires to modify certain redemption provisions of all or a portion of the 2015 Bonds with the consent of the holders thereof in accordance with the terms of the Original Indenture pursuant to a First Supplemental Indenture of Trust between the Issuer and the Trustee (the "First Supplemental Indenture");

WHEREAS, pursuant to the Bond Act, Chapter 8, Article 12 of the Code and Chapter 13, Article 2E of the Code (collectively, the "Act"), the Issuer has the plenary power and authority to issue one or more series of its Sales Tax Refunding Revenue Bonds (Coliseum and Convention Center Project) Series 2021 (the "2021 Bonds") in an aggregate principal amount not to exceed \$50,000,000 for the purposes of (i) refunding all or a portion of the 2015 Bonds for debt service savings, (ii) funding a reserve fund for the 2021 Bonds, if necessary, and (iii) paying costs of issuance of the 2021 Bonds;

WHEREAS, the 2021 Bonds will be Additional Bonds (as defined in the Original Indenture) issued on a parity with any Outstanding (as defined in the Original Indenture) 2015 Bonds, in accordance with the terms of the Original Indenture and pursuant to a Second Supplemental Indenture to be entered into between the Issuer and the Trustee (the "Second Supplemental Indenture" and collectively with the Original Indenture and the First Supplemental Indenture, the "Indenture");

WHEREAS, any Outstanding 2015 Bonds, the 2021 Bonds and any Additional Bonds issued under the Indenture from time to time shall be payable solely from and secured solely by a lien on the Municipal Sales Tax Revenues deposited in the Tax Fund;

WHEREAS, any Outstanding 2015 Bonds, the 2021 Bonds and any Additional Bonds issued under the Indenture from time to time shall not be payable from or secured by the Municipal Sales Tax Revenues deposited in the Pension Fund in accordance with the Sales Tax Ordinance;

WHEREAS, the Issuer hereby determines that it would be to the benefit of the Issuer and the inhabitants of the City of Charleston to refund all or a portion of the 2015 Bonds for debt service savings; provided, however, that the 2021 Bonds will only be issued after the Issuer has obtained from an independent certified public accountant a certification verifying the amount of savings to be achieved by the refunding shall in fact be served, based upon such independent certified public accountant's review, comparison and analysis of the net interest cost in dollars of the 2021 Bonds then proposed to be issued and the net interest cost in dollars of the 2015 Bonds then proposed to be refunded; and

WHEREAS, the Issuer deems it desirable and in keeping with its purposes under the Act, to issue the 2021 Bonds, in one or more series, in an aggregate principal amount not to exceed \$50,000,000, on a taxable or tax-exempt basis determined by an Authorized Officer in the Certificate of Determination, (as such terms are hereinafter defined), for the purposes of refunding all or a portion of the 2015 Bonds.

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

Section 1. This Ordinance is adopted and enacted pursuant to and in accordance with the provisions of the Act and other applicable provisions of law. It is hereby found and determined, following the public hearing held before the City Council, that the 2021 Bonds should be issued as hereinafter described and the issuance of the 2021 Bonds and the refunding of all or a portion of the 2015 Bonds is authorized and approved.

Section 2. To accomplish the purposes of the Act, to provide for the refunding of all or a portion of the 2015 Bonds, including any premium due thereon, to fund a reserve fund pledged to the payment of the 2021 Bonds, if necessary, and to pay costs of issuance of the 2021 Bonds, the issuance of the 2021 Bonds, in one or more series, on a taxable or tax-exempt basis determined by an Authorized Officer in the Certificate of Determination, in an aggregate principal amount not to exceed \$50,000,000 is hereby authorized, approved and directed; provided, however, that the 2021 Bonds will only be issued after the Issuer has obtained a certification from an independent certified public accountant verifying the amount of savings to be achieved by the refunding shall in fact be served, based upon such independent certified public accountant's review, comparison and analysis of the net interest cost in dollars of the 2021 Bonds then proposed to be issued and the net interest cost in dollars of the 2015 Bonds then proposed to be refunded.

Section 3. The Mayor and City Manager of the Issuer (together, the "Authorized Officers" and each an "Authorized Officer") shall each have the power and authority to execute and deliver a Certificate of Determination (the "Certificate of Determination"), which will establish the material terms of the 2021 Bonds including, without limitation, (i) the aggregate principal amount of the 2021 Bonds then proposed to be issued, not to exceed \$50,000,000, (ii) determining whether the 2021 Bonds shall be issued in one or more series and assigning a designation to the series then proposed to be issued, (iii) determining whether such 2021 Bonds shall be issued as tax-exempt bonds, taxable bonds, or any combination thereof, with each different mode to be issued as a separate series of bonds, (iv) fixing the maturity schedule for each series of the 2021 Bonds then proposed to be issued by the Issuer, including the amounts of serial bonds and term bonds, such maturities to be not longer than forty (40) years from the date of issuance of such series of the 2021 Bonds, (v) fixing the scheduled debt service payments for the 2021 Bonds in an aggregate amount, together with any 2015 Bonds to remain Outstanding, not to exceed \$7,300,000 in any year, (vi) prescribing the interest rates or yields for each series of 2021 Bonds then proposed to be issued by the Issuer, such rates or yields not to exceed an average interest cost of three percent (3%) per annum (provided that such interest cost may exceed such amount upon the occurrence of an event of default or event of taxability under the 2021 Bonds or the Indenture), (vii) fixing the amounts and times of mandatory redemption for each such series of 2021 Bonds then proposed to be issued by the Issuer, (viii) fixing optional redemption provisions for each such series of 2021 Bonds then proposed to be issued by the Issuer, including times and redemption prices, (ix) fixing the purchase price for each such series of 2021 Bonds then proposed to be issued by the Issuer, which may include an original issue discount or premium, (x) dating each such series of 2021 Bonds then proposed to be issued by the Issuer, and (xi) approving the form of the 2021 Bonds of each such series then proposed to be issued.

Section 4. The 2021 Bonds, together with the interest thereon and other costs incidental thereto, shall be secured solely by the pledges effected by the Indenture and by the Municipal Sales Tax Revenues deposited in the Tax Fund and other revenues and properties pledged for their payment in accordance with the Act. The 2021 Bonds, together with the interest thereon and other costs incidental thereto, shall not be deemed to be and shall not constitute an indebtedness of the State of West Virginia or the Issuer, but shall be special and limited obligations of the Issuer, payable solely from the Municipal Sales Tax Revenues deposited in the Tax Fund and other revenues and properties pledged under the Indenture. Neither the 2021 Bonds nor the interest thereon, nor any other costs or charges in connection therewith, shall be a charge against or pledge of the property, faith and credit or taxing power, if any, of the State of West Virginia or the Issuer, except as to such property expressly provided therefor in the Indenture, nor shall the same ever constitute an indebtedness of the State of West Virginia, the Issuer within the meaning of any constitutional provision or statutory limitation or constitute or give rise to a pecuniary liability of the State of West Virginia or the Issuer. No recourse shall be had for the payment of the principal of and

interest on the 2021 Bonds against any Authorized Officer, official or member of the Issuer. The holders of the 2021 Bonds shall have no right to have taxes levied by the legislature of the State of West Virginia or the taxing authority, if any, of the Issuer for the payment of the principal of, premium, if any, or interest on the 2021 Bonds, but the 2021 Bonds shall be payable solely from Municipal Sales Tax Revenues deposited in the Tax Fund and other revenues and properties pledged under the Indenture.

The 2021 Bonds will be payable on a parity with respect to lien on, source of and security for payment from the Municipal Sales Tax Revenues which are deposited into the Tax Fund with the lien granted in favor of any Outstanding 2015 Bonds and any Additional Bonds.

Section 5. The form of the First Supplemental Indenture with the consent of the Holders of the 2015 Bonds in accordance with the Original Indenture, substantially as submitted to the City Council in connection with the enactment of this Ordinance and made a part of this Ordinance as though set forth in full herein, shall be and the same is hereby approved. The Authorized Officers are hereby authorized and directed to execute, acknowledge, if necessary, and deliver the First Supplemental Indenture with such changes, insertions, variations and omissions as may be approved by the Authorized Officer executing the First Supplemental Indenture, subject to review, applicable revision and approval of legal counsel to the Issuer, and the City Clerk is authorized and directed to affix the seal of the Issuer thereto and to attest such seal. The execution of the First Supplemental Indenture by the Authorized Officers shall be conclusive evidence of the approval of such changes, insertions, variations and omissions.

Section 6. The form of the Second Supplemental Indenture, substantially as submitted to the City Council in connection with the enactment of this Ordinance and made a part of this Ordinance as though set forth in full herein, shall be and the same is hereby approved. The Authorized Officers are hereby authorized and directed to execute, acknowledge, if necessary, and deliver the Second Supplemental Indenture with such changes, insertions, variations and omissions as may be approved by the Authorized Officer executing the Second Supplemental Indenture, subject to review, applicable revision and approval of legal counsel to the Issuer, and the City Clerk is authorized and directed to affix the seal of the Issuer thereto and to attest such seal. The execution of the Second Supplemental Indenture by the Authorized Officers shall be conclusive evidence of the approval of such changes, insertions, variations and omissions.

Section 7. The 2021 Bonds shall be issued in fully registered form in accordance with the provisions of the Indenture and shall be delivered to the Trustee to be authenticated, registered and delivered to the purchaser thereof, in physical, non-book-entry, certificated form, in accordance with the terms of the Indenture.

Section 8. The Mayor shall execute the 2021 Bonds as necessary and the City Clerk is authorized and directed to affix the seal of the Issuer thereto and to attest such seal. The 2021 Bonds shall contain a recital to the effect that the 2021 Bonds are issued pursuant to the Act. The definitive 2021 Bonds shall be in substantially the form approved in a Certificate of Determination, with such necessary and appropriate changes, insertions, variations and omissions as are approved by the Mayor. The execution of the 2021 Bonds by the Mayor shall be conclusive evidence of the approval of such changes, insertions, variations and omissions.

Section 9. The Authorized Officers shall have the power and authority to execute and deliver a Bond Commitment Agreement or a Commitment Letter with respect to the 2021 Bonds, by and between the Issuer and the applicable purchaser of such 2021 Bonds ("Commitment Agreement").

Section 10. The Authorized Officers and the City Clerk and any other proper officers and employees of the Issuer, together with all other members and employees thereof, are hereby authorized and directed to execute, acknowledge, if necessary, and deliver any and all papers, documents, agreements, certificates and instruments, to affix the seal of the Issuer and attest the same for and on behalf of the Issuer and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Ordinance, the Indenture, any Commitment Agreement and other documents relating thereto, including but not limited to the Certificate of Determination, a Tax Compliance Certificate related to the 2021 Bonds and an Escrow Agreement for the 2015 Bonds to be refunded.

Section 11. All covenants stipulations, obligations and agreements of the Issuer contained herein and contained in the Indenture, any Commitment Agreement and other documents relating thereto shall be deemed to be the special and limited covenants, stipulations, obligations and agreements of the Issuer to the full extent permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Issuer and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements, shall be transferred by or in accordance with law. Except as otherwise provided herein, all rights, powers and privileges conferred and duties and liabilities imposed upon the Issuer or the officials thereof and by the Indenture, any Commitment Agreement and other documents relating thereto shall be exercised or performed by the Issuer or by such officers, board or body as may be required or permitted by law to exercise such powers and to perform such duties.

Section 12. No covenant, stipulation, obligation or agreement herein contained or contained in the Indenture, any Commitment Agreement or other documents relating thereto shall be deemed to be a covenant, stipulation, obligation or agreement of any Authorized Officer, officer, agent or employee of the Issuer in his or her individual capacity, and neither the members of the Issuer nor any officer executing the 2021 Bonds shall be subject to any personal liability or accountability by reason of the issuance of the 2021 Bonds. No Authorized Officer, member, officer or employee of the Issuer shall be individually or personally liable for the payment of the principal of or the interest of any 2021 Bond, but nothing herein contained shall relieve any such Authorized Officer, member, official or employee from the performance of any official duty provided by law or this Ordinance.

Section 13. The laws of the State of West Virginia shall govern the construction of this Ordinance and all 2021 Bonds issued hereunder.

Section 14. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, such invalidity shall not affect any of the remaining provisions of this Ordinance.

Section 15. All previous ordinances, orders, resolutions or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 16. The Issuer covenants that (i) all acts, conditions, things and procedures required to exist, to happen, to be performed or to be taken precedent to and in the adoption and entry of this Ordinance do exist, have happened, have been performed and have been taken in regular and due time, form and manner as required by and in full compliance with the laws and Constitution of the State of West Virginia applicable thereto; and (ii) the Authorized Officers, City Clerk and members of the City Council were at all times when any actions in connection with this Ordinance occurred and are duly in office and duly qualified for such office.

Section 17. The City Clerk is hereby authorized and directed to have an abstract of this Ordinance, in substantially the form attached hereto as Exhibit A, which abstract has been and is hereby determined by the City Council to contain sufficient information as to give notice of the contents of this Ordinance, published once a week for 2 successive weeks, with not less than six full days between each publication, the first such publication to be not less than 10 days before, and the second publication also being before the date set for the public hearing, in a qualified newspaper published and having a general circulation in Kanawha County, West Virginia, stating that this Ordinance has been enacted, that the Issuer contemplates the issuance of the 2021 Bonds described in this Ordinance and that any person interested may appear before the City Council at the public hearing on Monday, May 17, 2021, at 7:00 p.m., prevailing time, at the Charleston Coliseum and Convention Center, West Hall 1, Charleston, West Virginia, and be heard as to whether this Ordinance shall be made effective, and that a certified copy of this Ordinance is on file in the office of the City Clerk for review by interested persons during regular office hours. At such hearing, all objections and suggestions shall be heard and the Issuer shall then take such action as it shall deem proper.

Section 18. This Ordinance shall take effect as follows:

First Reading: April 19, 2021

Second Reading and Enactment: May 3, 2021

Public Hearing and adoption of Resolution
making Ordinance Effective: May 17, 2021

CERTIFICATION

The undersigned, being the duly qualified, elected and acting City Clerk of the City of Charleston, does hereby certify that the foregoing Ordinance is a true, correct and complete copy of an Ordinance duly adopted and enacted by City Council of the City of Charleston, at a regular meeting duly held at 7:00 p.m. on May 3, 2021 (second reading and enactment), after introduction and first reading on April 19, 2021 (first reading) at a regular meeting duly held at 7:00 p.m., pursuant to proper notice, at which meetings quorums were present and acting throughout, and which Ordinance was enacted following a public hearing thereon, notice of which public hearing was published in publications having a general circulation in Kanawha County, West Virginia, the first publication having been not less than 10 days prior to such public hearing and the second publication having been prior to such public hearing.

Exhibit A

Form of Notice of Public Hearing

[TO BE PUBLISHED ON
TUESDAY, MAY 4, 2021 AND TUESDAY, MAY 11, 2021]

NOTICE OF PUBLIC HEARING ON
THE CITY OF CHARLESTON
BOND ORDINANCE

A public hearing will be held on the below-entitled Ordinance at a regular meeting of the City

Council of the City of Charleston (the "City Council") to be held on Monday, May 17, 2021, at 7:00 p.m. at the Charleston Coliseum and Convention Center, West Hall 1, Charleston, West Virginia. At such hearing, any person interested may appear before the City Council and present protests, and all protests and suggestions shall be heard by the City Council and it shall then take such actions as it shall deem proper in the premises upon an Ordinance entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SALES TAX REFUNDING REVENUE BONDS (COLISEUM AND CONVENTION CENTER PROJECT), SERIES 2021, IN ONE OR MORE SERIES, ON A TAX-EXEMPT OR TAXABLE BASIS, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT MORE THAN \$50,000,000 (THE "2021 BONDS") BY THE CITY OF CHARLESTON (THE "ISSUER"), THE PROCEEDS OF WHICH SHALL BE EXPENDED TO REFUND ALL OR A PORTION OF THE ISSUER'S SALES TAX REVENUE BONDS (CIVIC CENTER PROJECT), SERIES 2015 (THE "2015 BONDS"), TO FUND A RESERVE FUND PLEDGED TO THE PAYMENT OF THE 2021 BONDS, IF NECESSARY, AND TO PAY COSTS OF ISSUANCE IN CONNECTION WITH THE 2021 BONDS; PROVIDING PARAMETERS FOR THE PRINCIPAL AMOUNTS, MATURITIES, INTEREST RATES AND OTHER TERMS OF THE 2021 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL INDENTURE MODIFYING CERTAIN TERMS OF THE 2015 BONDS WITH THE CONSENT OF THE HOLDERS THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL INDENTURE IN CONNECTION WITH THE ISSUANCE OF THE 2021 BONDS AND ANY OTHER DOCUMENTS RELATING THERETO; PROVIDING PARAMETERS FOR THE TERMS OF THE 2021 BONDS; AUTHORIZING EXECUTION AND DELIVERY OF OTHER DOCUMENTS, INSTRUMENTS, CERTIFICATES AND AGREEMENTS AND THE TAKING OF ALL OTHER ACTIONS RELATING TO THE ISSUANCE OF THE 2021 BONDS.

The above-quoted title of the Ordinance describes generally the contents thereof and the purposes of the 2021 Bonds contemplated thereby. The City of Charleston (the "Issuer") contemplates the issuance of the 2021 Bonds, in one or more series, as described in the Ordinance. The aggregate proceeds of the 2021 Bonds will be used to (i) refund all or a portion of the 2015 Bonds for debt service savings, (ii) fund a reserve fund for the 2021 Bonds, if necessary, and (iii) pay costs of issuance of the 2021 Bonds. The 2021 Bonds shall be payable solely from and secured solely by a lien on the Issuer's Municipal Sales Tax Revenues deposited in the City Sales and Use Tax Fund in the City Treasury. Other than the Municipal Sales Tax, no taxes may at any time be levied for the payment of the principal of or interest on the 2021 Bonds.

The above-entitled Ordinance was introduced on first reading to the City Council on April 19, 2021 and was presented on second reading and enacted on May 3, 2021. A certified copy of the above-entitled Ordinance is on file with the City Clerk for review by interested parties during regular office hours.

Following the public hearing, the City Council intends to adopt a Resolution making the Ordinance effective.

Councilmember Jenkins added that the interest rates on bonds will be under 3%. This will save the City nearly \$3.5 million over the term of the bonds; the net present value of the savings has been calculated at close to \$2.6 million.

Councilmember Burton disclosed that his relative works for the bonding firm, but not in any way that would prevent him from voting.

Councilmember Jenkins moved to approve the bill. Councilmember Ceperley seconded the motion. The question being on the adoption of the resolution, 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: Faegre, Minardi, Steele

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7903 passed.

12. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7904 do pass.

Bill No. 7904 - A BILL to amend and reenact Section 22-35 of the Municipal Code of the City of Charleston, as amended; and to repeal Section 22-43 of said Code, all relating to clarifying that amendments to the rates for internment at Spring Hill Cemetery Park may be approved by the City Council through resolution upon recommendation from the Spring Hill Cemetery Commission.

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

That Section 22-35 of the Municipal Code of the City of Charleston, as amended, is hereby amended and reenacted; and that Section 22-43 of said code is hereby repealed, all to read as follows:

CHAPTER 22 – CEMETERIES.

ARTICLE II – SPRING HILL CEMETERY.

DIVISION 1 – GENERALLY.

Sec. 22-35. - Price of rights of interment.

The commission may establish, and from time to time amend, a schedule of prices, which in each case must be approved by the city council by resolution, for the sale of rights of interment in the cemetery, for installation of memorials, for opening and closing of graves, and for other services or merchandise provided by the cemetery. Each schedule adopted shall be maintained on file in the office of the city clerk and available on the City or Spring Hill Cemetery website, so long as it remains in effect. Until the commission adopts a schedule of prices pursuant to this section, the price of lots in the cemetery shall be as in effect immediately prior to the effective date of this Code.

~~Sec. 22-43.—Schedule of rates for the Spring Hill Cemetery Park.~~

~~That the price for grave spaces and the fees for service at the Spring Hill Cemetery Park shall be as follows:~~

~~City Property (Riggs 10-Scruggs; JHL 1-2 Burdette 1-2; Jeffries, all sections 1-10 and Woods 18) (As determined available)\$900.00~~

~~Hall and Edmonds and all others (As determined available)900.00~~

~~Lynn-Wehrle (As determined available)900.00~~

~~Lynn 2900.00~~

~~Capito (As determined available)900.00~~

~~Capito Woods(flat marker area) \$700.00 monument section900.00~~

~~Wilson900.00~~

~~Middleton (As determined available)900.00~~

~~Mausoleum PropertyNo spaces available~~

~~Woods 1, 2 and 3 (As determined available)900.00~~

~~Swann Addition (all sections of Spring Hill excluding section 49) (As determined available)900.00~~

~~Section 49 (As determined available)900.00~~

~~Riggs-Jeffries Riggs (As determined available)900.00~~

~~Riggs Babyland100.00*~~

~~*No charge—infants up to two years of age~~

~~Wilson, Block 6-A, 7-A and 8 (As determined available)900.00~~

~~Wehrle Addition, section 16 (As determined available)900.00~~

Willow Lawn Addition800.00

Wehrle 16A (monument area)900.00

Cremation burial site350.00

Columbarium AGM 64-9-2005-1,
each niche1,000.00
(niche hold two standard cremations)
Garden of Memories

Niche Plate Engraving75.00

A second right of interment may be purchased for an additional 50 percent of the price of the lot purchased.

The following table of service pricing shall apply (includes tent and chairs):

Standard adult/Opening/closing

Weekdays M—F1,000.00

Weekends, Saturday/Sunday (weekends to include Monday before noon)1,200.00

Baby graves Opening/closing

Weekdays M—F200.00*

*No charge—infants up to two years of age

Weekends and holidays. (Weekends to include Monday before noon and holidays)400.00

Mausoleum Crypt Opening/closing

Weekdays M—F400.00

Weekends and holidays. (Weekends to include Monday before noon and holidays)600.00

Optional tent service for outside mausoleums150.00

The use of an insuraliner is required for all entombments. (Funeral homes required to supply liners).

Installation of memorials
(except government supplied)

Flat markers1.00

per sq. in.

Upright markers1.00

per sq. in.

Government supplied

V.A. MemorialsNo charge

Only granite or bronze on granite markers of a minimum thickness of 4" are allowed. (The exception shall be for Government VA Markers or matching of existing markers).

The installation of mausoleums, columbariums, and memorials requiring special needs and equipment for handling will be charged according to the individual application.

Cremation/Opening/closing (Ground Burial)

Weekdays M—F400.00

Weekends Sat./Sun. (Weekends to include Monday before noon)500.00

Opening/closing Columbarium

Weekdays M—F400.00

Weekends and holidays500.00

Committal service set up150.00

Steel burial vault installation fee (concrete vault suppliers are required to set concrete vaults100.00

The following table of merchandise pricing shall apply:

Memorials and related merchandise not to exceed 300 percent of wholesale cost.

Outside burial container charges are not to exceed 300 percent of wholesale cost.

The purchase price and charges for other required services and materials for mausoleums and cremation depositories are based on individual application.

Custom design purchases will be priced per application.

Flower location/Setting service fee, per flower arrangement delivered by outside vendors for placement on a grave. Payable at time of delivery3.00

State sales tax will apply to services and merchandise as provided by law.

Councilmember Jenkins added that the bill will allow the Spring Hill Cemetery Commission to modify their funds based on needed costs and current budgetary needs, which would then go before Council as a resolution.

Councilmember Robinson added that Spring Hill Cemetery is a member of an organization of which he is an Executive Director, but that would not prevent him in any way from voting.

Councilmember Jenkins moved to approve the bill. Councilmember Ceperley seconded the motion. The question being on the adoption of the resolution, 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: Faegre, Minardi, Steele

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7904 passed.

REPORTS OF OFFICERS

1. Financial Report from the Charleston Coliseum and Convention Center / Municipal Auditorium 1st Quarter 2021.
Received and Filed.

NEW BILLS

Introduced by Councilmember Adam Knauff

May 3, 2021:

Bill No. 7905 – A bill amending the Zoning Ordinance of the City of Charleston by creating a land category and definition for syringe service program and making it a permitted land use in the Profession Medical Campus District, Central Business District, Urban Corridor District, and Corridor Village District.

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

Introduced by Councilmember Pat Jones

May 3, 2021:

Bill No. 7906 - Amending the Zoning Ordinance of the City of Charleston by rezoning from an I-2 district to a C-10 district, those certain parcels of land situate at 312 21st Street, Charleston, West Virginia.

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

Introduced by Councilmember Tiffany Wesley-Plear

May 3, 2021:

Bill No. 7907 – A BILL to amend the Municipal Code of the City of Charleston relating to updating the Charleston Human Rights Ordinance to include protections against discrimination because based on hair textures and protective hairstyles and defining terms.

Refer to Ordinance and Rules Committee, Please

Introduced by Councilmember Tiffany Wesley-Plear

May 3, 2021:

Bill No. 7908 – A Bill to establish a one-way street on 2nd Avenue from Florida Street to Bream Street by prohibiting vehicular traffic from traveling in an easterly direction and modifying existing and/or adding necessary traffic control devices.

Refer to Planning, Streets and Traffic Committee, Please

Introduced by Councilmembers Joseph Jenkins, Chad Robinson and Mary Beth Hoover

May 3, 2021:

Bill No. 7909 – A BILL to amend the Municipal Code of the City of Charleston relating to providing that the schedule of rates and fees for the Charleston Coliseum and Convention Center shall be approved by City Council by resolution; removing the listing of rates from the parks and recreation chapter of code; clarifying that capital improvement fees shall continue; and removing the requirement that the rates be posted on the convention center website.

Refer to Finance Committee, Please

Introduced by Councilmember Tiffany Wesley-Plear

May 3, 2021:

Bill No. 7908 – A Bill to establish a one-way street on Russell Street from Grant Street to 1st Avenue by prohibiting vehicular traffic from traveling in a northerly direction and modifying existing and/or adding necessary traffic control devices.

Refer to Planning, Streets and Traffic Committee, Please

MISCELLANEOUS/UNFINISHED BUSINESS

NONE

REMARKS BY MEMBERS

1. Councilmember Jones requested that a letter be sent in protest of the increase in water rates.
2. Councilmember Bailey, regarding Resolution No. 461-21, stated that there is a high concentration of facilities that help the needy in a particular area on the East End. While he was for the resolution, he did not want to encourage certain entities to be acquiring new properties in residential areas without further contact with the neighbors.
3. Councilmember Knauff asked who was responsible for enforcing the mask and social distance policy at the Charleston Coliseum and Convention Center, particular during the current basketball tournament.
4. Councilmember Bays stated that around 2012, the City adopted a public art plan which led to the development of the Public Art Office. Within that plan, a Public Art Commission was to be formed, and she wanted to know the status of that.

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: Faegre, Minardi, Steele

At 8:06 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, May 17, 2021, at 7:00 p.m., in West Hall 1 at the Coliseum and Convention Center.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk