



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, June 7, 2021

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 at 7:00 P.M., for the first meeting in the month of June on the 1st day, in the year 2021, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Campbell and the Pledge of Allegiance was led by Councilmember Bays. 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****STEELE****BAILEY****CAMPBELL****FAEGRE****JENKINS****KNAUFF****MINARDI****PHARR****SHEETS****BAYS****CEPERLEY****HAAS****JONES****LAIRD****OVERSTREET****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.

PUBLIC SPEAKERS

1. James Reese – Spoke about housing concerns on the West Side
2. Howard Swint – Spoke in favor of using American Rescue Plan Act money for an aquatic center.
3. Tina Beatty - Spoke about bringing together leaders of the West Side to set up programs.

CLAIMS

1. A claim of Susan Walker Matthews, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor, Please.
2. A claim of Doris Mitchell, Charleston, WV;
alleges damage to property.
Refer to City Solicitor, Please.
3. A claim of Marilyn L. Taylor, Charleston, WV;
alleges personal injury.
Refer to City Solicitor, Please.

PROCLAMATIONS

1.

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: Youth sports are a good way to increase physical activity, develop lifelong habits for good health and encourage confidence; and

WHEREAS: Teamwork and leadership skills developed while playing sports help our youth communicate and problem solve in school and later in their lives in the workforce; and

WHEREAS: Coaches do more than teach a sport. They are often mentors, a listening ear and the inspiration that guides and shapes the lives of our young athletes; and

WHEREAS: The City of Charleston is home to many sports teams in our local schools and communities—including several state championship teams; and

WHEREAS: Both the Varsity and Junior Varsity Boys Basketball teams at West Side Middle School went undefeated and secured the Kanawha County Middle School Boys Championship.

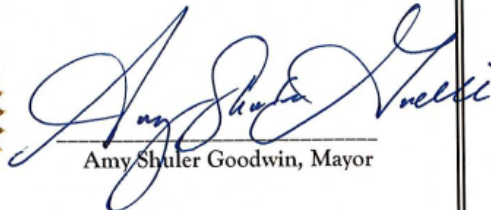
NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston,
do hereby recognize the players and coaches of the

**2021 WEST SIDE MIDDLE WOLFPACK
BOYS BASKETBALL TEAM**

for their accomplishments—achieving an outstanding overall record of 33 and 1 over the last 2 seasons and averaging 83 points per game while only allowing 32 points averaging a game margin of over 50 points.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 7th day of June 2021.




Amy Shuler Goodwin, Mayor

COMMUNICATIONS

1.

City of Charleston
Executive Office of the Mayor
IN RECOGNITION OF
the dedicated public service of
Tiffany Wesley-Plear

In honor of your service as a Charleston City Council Member for Ward 4 and your contributions to the Public Safety and Urban Renewal Committees; and

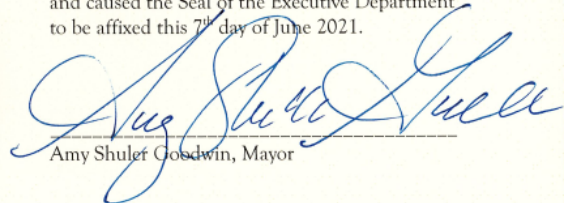
In recognition of your commitment to our youth and your active support of Charleston's inaugural Youth Council; and

In celebration of your leadership and work to update the Charleston Human Rights Ordinance to include protections against discrimination based on hair textures and protective hairstyles, commonly referred to as CROWN—Create a Respectful and Open World for Natural Hair; and

In appreciation of your continued commitment to our Charleston community and her people.



IN WITNESS WHEREOF, I have set my hand
and caused the Seal of the Executive Department
to be affixed this 7th day of June 2021.


Amy Shuler Goodwin, Mayor

2. NOMINATION OF VACANT COUNCIL SEAT WARD 4

The Mayor declared the floor open for nominations to fill the vacancy for the unexpired Ward 4 seat. Councilmember Ceperley made a motion to nominate Larry Moore; the motion was seconded by Councilmember Faegre.

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Larry Moore Councilmember for Ward 4.

Larry Moore came forward and took the oath of office given by Mile C. Cary II, City Clerk.

3.

Amy Shuler Goodwin
Office of the Mayor
City of Charleston



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

TO: MILES CARY
CITY CLERK

FROM: AMY SHULER GOODWIN
MAYOR

RE: COUNCILMAN LARRY MOORE COMMITTEE ASSIGNMENTS

DATE: JUNE 7, 2021

I am appointing Councilman Larry Moore to serve on the Public Safety Committee and the Economic Development/Urban Renewal Committee.

ASG/mls

Received and filed.

REPORTS OF COMMITTEES

COMMITTEE ON ORDINANCE AND RULES

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

1. Your committee on Ordinance and Rules has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 467-21 do pass.

Bill No. 7907 - A BILL to amend and reenact Section 62-3 of the Municipal Code of the City of Charleston, as amended, relating to updating the Charleston Human Rights Ordinance to include protections against discrimination because based on hair textures and protective hairstyles, commonly referred to as CROWN—Create a Respectful and Open World for Natural Hair; and defining terms.

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

That Section 62-3 of the Municipal Code of the City of Charleston be amended and reenacted to read as follows:

CHAPTER 62 – HUMAN RIGHTS.

ARTICLE I – IN GENERAL.

Sec. 62-3. - Definitions.

When used in this chapter:

Age means 40 or above.

Chair means the chair of the Charleston Human Rights Commission.

Commission means the Charleston Human Rights Commission.

Discriminate or *discrimination* means to exclude from, or fail or refuse to extend to, a person equal opportunities because of race, religion, color, national origin, ancestry, sex, age, blindness, handicap, familial status, or sexual orientation and includes "to separate" or "segregate". For the purposes of this chapter, discrimination because of race includes, but is not limited to, discrimination based on hair textures and protective hairstyles historically associated with a particular race.

Employee shall not include any individual employed by his parents, spouse or child, or in the domestic service of any person.

Employer means any person employing 12 or more persons within the city and includes an agent of such person, and its agencies. Provided, that such terms shall not be taken, understood or construed to include a private club, which, in fact, is not open to the public.

Employment agency includes any person regularly undertaking with or without compensation to procure, recruit, refer or place employees. A newspaper engaged in the activity of advertising in the normal course of its business shall not be deemed to be an employment agency.

Familial status means one or more individuals (who have not attained the age of 18 years) being domiciled with:

- (1) A parent or another person having legal custody of such individual or individuals; or
- (2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. Nothing in this definition restricts advertisements of dwellings which are intended and operated for occupancy by older persons and which constitute housing for older persons.

Handicap means a person who:

- (1) Has a mental or physical impairment which substantially limits one or more of such person's major life activities; "major life activities" includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working;
- (2) Has a record of such impairment; or
- (3) Is regarded as having such an impairment.

For the purposes of this article "handicap" does not include persons whose current use of or addiction to alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reasons of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

For the purposes of this article, a person shall be considered to be blind only if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his visual acuity is greater than 20/200 but is occasioned by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

Housing accommodations means any building or portion thereof which is used or intended for use as the residence or sleeping place of one or more persons. Nothing contained in this definition or this article shall apply to the rental of a room or rooms in a rooming house occupied by the owner as a place of residence and containing no more than four rented rooms, or rooms to be rented.

Labor organization includes any organization which exists for the purpose, in whole or in part, for collective bargaining or for dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.

Owner shall include the owner, lessee, sublessee, assignee, manager, agents or other person having the right to sell, rent or lease any housing accommodation or real property within the city or any agent of any of these.

Person means one or more individuals, partnerships, associations, organizations, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers and other organized groups of persons.

Place of public accommodations means any establishment or person, as defined herein, including the city and any of its affiliated boards and commissions, or any political or civil subdivision thereof, which offers its services, goods, facilities or accommodations to the general public, but does not include any accommodations which are in their nature private.

Protective hairstyles include, but are not limited to, hairstyles such as braids, locks, and twists.

Purchaser includes any occupant, prospective occupant, lessee, prospective lessee, renter, prospective renter, buyer or prospective buyer.

Real estate broker includes any person, firm or corporation who, for a fee, commission or other valuable consideration, or by reason of a promise or reasonable expectation thereof, lists for sale, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase or rental of real estate or an interest therein, or collects or offers or attempts to collect rent for the use of real estate or solicits for a prospective purchaser, or assists or desists in the procuring of prospects or the negotiation or closing of any transaction which does or is contemplated to result in the sale, exchange, leasing, renting or auctioning of any real estate, or negotiates, offers or attempts or agrees to negotiate a loan secured or to be secured by mortgage or other encumbrance upon transfer of any real estate for others, or any person who, for pecuniary gain or expectation of pecuniary gain, conducts a public or private competitive sale of lands or any interest in lands. In the sale of lots, the term "real estate broker" also includes any person, partnership, association or corporation employed by or on behalf of the owner or owners of lots or other parcels of real estate at a stated salary, or upon a commission, or upon a salary and commission, or otherwise, to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange of any such lot or parcel of real estate. A newspaper engaged in the activity of advertising in the normal course of its business shall not be deemed to be a real estate broker.

Real estate salesman includes any person who, for compensation, valuable consideration or commission, or other thing of value, or by reason of a promise or reasonable expectation thereof, is employed by and operates under the supervision of real estate broker to sell, buy or offer to buy or negotiate the purchase, sale or exchange of real estate, offers or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate for others, or to collect rents for the use of real estate, or to solicit for prospective purchasers or lessees of real estate, or who is employed by a licensed real estate broker to sell or offer to sell lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission, or otherwise, to sell real estate, or any parts thereof, in lots or other parcels.

Real property includes real estate, lands, leaseholds, commercial or industrial buildings and any vacant land offered for sale or rent on which the construction of a housing accommodation, commercial or industrial building is intended, and any land operated as a trailer camp or rented or leased for the use, parking or storage of mobile homes or house trailers.

Rooming house means a house or building where there is one or more bedrooms which the proprietor can spare for the purpose of giving lodgings to such persons as he chooses to receive.

Sexual orientation means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, appearance, or behavior of an individual, with or without regard to the individual's assigned sex at birth.

Unlawful discriminatory practices includes only those practices specified in section 62-81.

Councilmember Faegre requested that former Councilmember Wesley-Plear be allowed to speak regarding the bill as she was its sponsor. Wesley-Plear added that there should never be a reason that anyone be discriminated against based on their hair texture. The bill allows for the Human Rights Commission to govern this.

Councilmember Faegre 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, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Moore, Overstreet, Persinger, Pharr, Robinson, Sheets, Steele, Mayor Goodwin

NAYS:

ABSENT: Reishman, Snodgrass

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7907 passed.

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. 7907 do pass.

Bill No. 7906 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, 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.

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 1st day of January 2006, as amended, is hereby amended by rezoning from an I-2 district to a C-10 district the whole of the following described parcels of land:

Parcel Nos. 122,155 and 157 as shown on Charleston North (District 10) Tax Map No. 10, and Parcel No. 1. Subject parcels commonly known as 312 21st Street, Charleston, West Virginia. Said tax maps are 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 Article 27 of this ordinance.

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

Councilmember Hoover added that this is an appropriate rezoning from an Industrial to Commercial zone, and will better serve the residential properties in North Charleston.

Councilmember Persinger confirmed with Councilmember Hoover that the location is 312 21st Street in North Charleston.

Councilmember Jones added that when he surveyed the twenty-four (24) houses in the area, only two (2) were in favor. The main concern was that there would be more traffic on the one-way street, and that the space would become an alcohol distributor that was near a church and the North Charleston Recreation Center.

Councilmember Faegre confirmed that the church mentioned was Reverend Ealy's, and asked if anyone had spoken to him. It did not appear that anyone had.

Councilmember Cook asked who had requested the change. Councilmember Hoover stated that the property owner came to the Planning Department and spoke with Councilmember Jones.

Councilmember Hoover added that the bill was approved by the Municipal Planning Commission and Planning, Streets and Traffic Committee, and they thought this was a better fit for the neighborhood than an Industrial zone. The property owner told her there is not much they can do with the property as long as it is zoned for Industrial. Changing the property to a Commercial zone, would give them more opportunities, which might include a microbrewery.

Councilmember Campbell spoke in favor of the bill.

Councilmember Faegre spoke against the bill. Councilmember Faegre motioned to Table Bill No. 7906. Councilmember Persinger seconded.

A roll call was taken:

YEAS: Faegre, Haas, Jones, King, Knauff, McKinney, Minardi, Moore, Overstreet, Persinger, Sheets

NAYS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Hoover, Jenkins, Laird, Pharr, Robinson, Steele, Mayor Goodwin

ABSENT: Reishman, Snodgrass

With members present recorded thereon as voting in the majority as negative, with eleven (11) Yeas and fourteen (14) Nays, the Mayor declared the motion to Table Bill No. 7906 not passed.

Councilmember Adams confirmed with Councilmember Hoover that the associated meetings for the Planning Commission and Planning, Streets and Traffic Committees were properly noticed. He also confirmed that there was no opposition from the public at those meetings.

Councilmember Steele asked about the parking requirements if the property was rezoned. Director of Planning, Dan Vriendt replied that the parking requirement is based on the use, and that the property owner does not know exactly what they will do with the property. For example, if it was a bar or restaurant, then the rule would be one space for every 100 square feet of useable floor area.

Councilmember Jones added that the meetings were advertised and were conducted over Zoom, and expressed concerns that was not accessible. Additionally, he represented those that opposed

the bill.

Councilmember Cook asked if the property owner had indicated what they would do if the rezoning wasn't approved. Vriendt replied that an I-2 zoning district is more restrictive as to use, but the applicant had not indicated any plans.

Councilmember McKinney spoke against the bill, and added that it would be reckless to rezone an area without knowing what will go there.

Councilmember Hoover added that, regarding zoning, they cannot approve what could potentially go there, they can only look at the merits of the rezoning as a whole.

Councilmember Minardi asked if the neighbors were objecting to the possibility of alcohol or the rezoning itself. Councilmember Jones replied that more than half seemed against the rezoning itself. He added that it is not an industrial area in that there is a one-way street with houses and a church that are near a recreation center.

Councilmember Cook stated that while she appreciated Councilmember Jones' survey of the neighborhood, she trusts the process of the Committees and spoke in favor of the bill.

Councilmember Faegre spoke against a brewery in a neighborhood.

Councilmember Robinson added, having previously served on the Municipal Planning Commission for fifteen years prior to being a Councilmember, they do not ever approve what an applicant will put in a location. They only approve a zoning request. There has been no formal indication from the applicant as to what they intend to put in that location. Councilmember Robinson confirmed with Vriendt that a similar rezoning had been approved within a few blocks of the area in question. Councilmember Robinson stated that changing to a commercial district will allow for new opportunities in the area.

Councilmember Jenkins added that currently the area is an industrial zone, which means that there could potentially be large warehouses with large trucks coming down that street. It would be more beneficial to change the zoning to Commercial than to let that property go fallow.

Councilmember Faegre stated that even though it had been stated that it was not known what sort of business would be on that property, many people have been mentioning a brewery.

Councilmember McKinney expressed concerns that it is not known what type of business will be on that property, adding that they should listen to the residents.

Councilmember Hoover 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, Hoover, Jenkins, Laird, Persinger, Pharr, Robinson, Steele, Mayor Goodwin

NAYS: Faegre, Haas, Jones, King, Knauff, McKinney, Minardi, Moore, Overstreet, Sheets

ABSENT: Reishman, Snodgrass

With members present recorded thereon as voting in the majority the affirmative, with fifteen (15) Yeas and ten (10) Nays, the Mayor declared Bill No. 7906 passed.

2. 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. 7908 do pass.

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 and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A Bill to establish a 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

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Councilmember Hoover added that the bill was introduced by former Councilmember Wesley-Plear when it was brought to her attention by neighbors on that street. The Committee felt that it was appropriate for the street.

Councilmember Jenkins asked what would be the purpose of changing the street to one-way. Hoover replied that the street in this and the next bill are fairly narrow, and it was deemed safer and provide a better flow than to have them one-way on the narrow road.

Councilmember King asked if the street was going to be changed to a one-way street because the constituents wanted it. Councilmember Hoover added that the request came from former Councilmember Wesley-Plear. Councilmember King noted that the constituents for this bill wanted the change, and the constituents for the previous bill did not want the change, seemingly insinuating that the actions of listening to the constituents involved was inconsistent.

Councilmember Hoover 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, Faegre, Haas, Hoover, Jenkins, King, Knauff, Laird, McKinney, Minardi, Moore, Overstreet, Pharr, Robinson, Sheets, Steele, Mayor Goodwin

NAYS: Jones, Persinger

ABSENT: Reishman, Snodgrass

With members present recorded thereon as voting in the majority in the affirmative with 23 Yeas and 2 Nays, the Mayor declared Bill No. 7908 passed.

3. 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. 7910 do pass.

Bill No. 7910 - 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 and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A Bill to establish a 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

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, like the previous bill, this will change a street to one-way for safety reasons. She added that if the City Traffic Engineer thought this was a bad idea, the Committee would not have supported it.

Councilmember Hoover 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, Faegre, Haas, Hoover, Jenkins, King, Knauff, Laird, McKinney, Minardi, Moore, Overstreet, Pharr, Robinson, Sheets, Steele, Mayor Goodwin

NAYS: Jones, Persinger

ABSENT: Reishman, Snodgrass

With members present recorded thereon as voting in the majority in the affirmative with 23 Yeas and 2 Nays, the Mayor declared Bill No. 7910 passed.

4. 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. 7911 do pass.

Bill No. 7911 - A Bill to establish a no parking anytime in turnaround at the intersection of Iris Drive and Fields 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.

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

Section 1. A Bill to establish a no parking anytime in turnaround at the intersection of Iris Drive and Fields Street

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Councilmember Hoover added that the bill is for a no parking anytime at the intersection of Iris Drive and Fields Street. It was brought to the attention of the Committee by Councilmember Hass, because the current parking made it difficult for traffic flow.

Councilmember Hoover 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, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Moore, Overstreet, Persinger, Pharr, Robinson, Sheets, Steele, Mayor Goodwin

NAYS: NONE

ABSENT: Reishman, Snodgrass

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7911 passed.

5. 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. 7912 do pass.

Bill No. 7912 - A Bill to establish a no parking anytime in the dead end of Daisy Drive located 495 feet in an easterly direction of the intersection of Cosmos Drive and Daisy Drive and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A Bill to establish a no parking anytime in the dead end of Daisy Drive located 495 feet in an easterly direction of the intersection of Cosmos Drive and Daisy Drive

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Councilmember Hoover added that the bill concerns a dead-end area where people were parking, which was not safe for residents or traffic flow.

Councilmember Hoover 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, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Moore, Overstreet, Persinger, Pharr, Robinson, Sheets, Steele, Mayor Goodwin

NAYS: NONE

ABSENT: Reishman, Snodgrass

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7912 passed.

COMMITTEE ON PUBLIC SAFETY

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

1. Your committee on Public Safety has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 472-21 be adopted.

Resolution No. 472-21 - Authorizing the Mayor or City Manager to enter into a Memorandum of Understanding with the Kanawha County Board of Education for continued placement of three Prevention Resource Officers at schools in Charleston – West Side Middle School, Capital High School and George Washington High School.

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 Memorandum of Understanding with the Kanawha County Board of Education for continued placement of three Prevention Resource Officers at schools in Charleston – West Side Middle School, Capital High School and George Washington High School.

Councilmember Steele added that the Public Safety Committee has approved the resolution after meeting the previous week and speaking with the various principals and resource officers involved. She added that she knew there concerns over the generality of the MOU itself, but she was under the impression that was not something that could be taken up by Council, but would instead need to go through the Board of Education.

Councilmember Steele 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. 472-21 adopted.

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. 483-21 be adopted.

Resolution No. 483-21 - A Resolution granting the Woodbridge Homeowner's Association Right-of-Way Privileges for the purpose of installing and maintaining private road signs within the Woodbridge subdivision. Further, the Mayor is hereby authorized to execute the Private Sign on Public Right-of-Way Authorization and Agreement attached as Exhibit A hereto.

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

That the Woodbridge Homeowner's Association is hereby granted Right-of-Way Privileges for the purpose of installing and maintaining private road signs within the Woodbridge subdivision. Further, the Mayor is hereby authorized to execute the Private Sign on Public Right-of-Way Authorization and Agreement attached as Exhibit A hereto.

Councilmember Jenkins added that, similar to what had been approved in the Fox Chase area a few years ago, the resolution would allow the Woodbridge Homeowners Association to purchase nicer poles to display their road signs.

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. 483-21 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. 484-21 do pass.

Resolution No. 484-21 - Authorizing the Mayor or City Manager to submit an application to The Greater Kanawha Valley Foundation under the Charleston West Side Initiative Program in the amount of \$30,000 and administer any funds awarded. These funds will be used for a new park installation to include basketball courts, playground and parking area at the corner of Washington Street West and Beatrice Streets.

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 Greater Kanawha Valley Foundation under the Charleston West Side Initiative Program in the amount of \$30,000 and administer any funds awarded. These funds will be used for a new park installation to include basketball courts, playground and parking area at the corner of Washington Street West and Beatrice Streets.

Councilmember Jenkins added that the resolution is to seek some grant funds to help pay for the cost of a new park on the West Side. He added that it is a CURA owned property that used to be the West Side Market. The objection is to install two basketball courts and a play area.

Councilmember Knauff asked if the property had already been donated to the City by CURA. Mayor Goodwin replied that they are working on an agreement with CURA to lease the property to the City. Councilmember Ceperley added that the lease will be for \$1.

Councilmember Persinger asked what the length of the lease was. Mayor Goodwin replied that it would most likely be for ten (10) years. Councilmember Persinger replied that CURA had owned properties before that was turned over quickly, so he wanted to make sure the City was investing money in something that would not be immediately sold. Councilmember Ceperley added that the proposed lease will also be renewable, so there is not intent by CURA to use the property or sell it.

Councilmember Faegre expressed concerns that the area is frequented by unsavory characters at night.

Councilmember Cook spoke in favor of the resolution.

Councilmember Persinger asked if CURA would still have the property on the market in the City signed a lease for it. City Attorney, Kevin Baker replied that there are options for termination of the lease in the agreement, but it is a ten-year lease with two additional five-years terms thereafter. Councilmember Persinger asked if the City would be reimbursed for any money put

into the property if it were then to be sold. Baker replied that sort of protection is not currently in the draft of the agreement, but that property has also been on the market for ten years without any interest. Baker replied that language could potentially be included in the draft, but in general the City views CURA as a partner.

Councilmember Jones confirmed that the playground will be ADA compliant.

Councilmember Pharr confirmed with Mayor Goodwin that the grant will not cover the entire cost of the park.

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. 484-21 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. 486-21 do pass.

Resolution No. 486-21 - Authorizing the Mayor or City Manager to enter into a contract with Greetings Tour, Inc., in an amount not to exceed \$27,000 for the creation of a unique City of Charleston themed postcard mural to be installed on City property under the supervision of the Director of Public Art.

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 Greetings Tour, Inc., in an amount not to exceed \$27,000 for the creation of a unique City of Charleston themed postcard mural to be installed on City property under the supervision of the Director of Public Art.

Councilmember Jenkins added that the resolution is to hire a nationally known group that creates vintage postcard murals. The mural will go in the Summers Street Garage in a spot that is visible from the street that is under cover.

Councilmember Persinger asked what is the scope of work that the City will receive. The Director of Public Art, Jeff Pierson, added that there are: design (how the mural will look and what it will say), execution and documentation phases. The payment is half up front and the rest after completion. Councilmember Persinger asked if the artist was required to post a performance bond. Mayor Goodwin replied that they were not.

Councilmember Bays confirmed that there will be adequate lighting. She also confirmed with Pierson that the City became aware of this from a citizen who had bought it to another Committee that was then brought to the Public Art Office.

Councilmember Faegre confirmed that there is not currently an art committee within Pierson's Department. There will be a design committee selected for the mural.

Councilmember Steel spoke in favor of the resolution.

Councilmember Minardi asked how the proposed location of the mural was determined. Pierson replied that it was discussed with Parking and the Mayor's Office.

Councilmember McKinney confirmed that the mural will be paid out of the Parking budget, and asked why they didn't consider upcoming local artists that would be less expensive.

Councilmember Persinger asked how much was spent on the recent mural on the Boulevard, and what was the process for that. Pierson replied that it was approved by his office, the Mayor's

Office and a focus group of artists, and cost approximately \$6,000 from the Public Art budget.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting in the majority in the affirmative,* with at least two (2) recognized Nays from McKinney and Persinger, the Mayor declared Resolution No. 486-21 adopted.

*Councilmember Cook was out of the room for the vote.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 487-21 do pass.

Resolution No. 487-21 - Approving, pursuant to Municipal Code § 2-553, a revised schedule of fees, rates, and charges relating to the use of the Charleston Coliseum & Convention Center and the Municipal Auditorium, as recommended by the Charleston Coliseum and Convention Center/Municipal Auditorium Board, and reflected in Exhibit A attached hereto.

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

That, pursuant to Municipal Code § 2-553, the revised schedule of fees, rates, and charges relating to the use of the Charleston Coliseum & Convention Center and the Municipal Auditorium, as recommended by the Charleston Coliseum and Convention Center/Municipal Auditorium Board, and reflected in Exhibit A attached hereto, is approved.

Councilmember Jenkins added that Council had recently approved the removal of the rates from the Code. The resolution contains the proposed rates as recommended by the Charleston Coliseum and Convention Center/Municipal Auditorium Board. It will allow the Convention Center to have flexibility in their rates based on dates, etc.

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. 487-21 adopted.

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 488-21 do pass.

Resolution No. 488-21 - Authorizing the Mayor or City Manager to enter into an agreement with OptumRx to serve as the City's Retiree Plan Pharmacy Benefit Manager for the period of July 1, 2021 through June 30, 2024. The agreement is subject to final review and approval by the City Attorney and annual budgetary appropriations by Charleston City Council. Based on repricing of claims for the period January 2020 through December 2020, the agreement is anticipated to result in an estimated annual savings of \$499,053. The agreement also includes a performance guarantee with applicable penalties should OptumRx not meet the key performance measures as set forth in the agreement.

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 enter into an agreement with OptumRx to serve as the City's Retiree Plan Pharmacy Benefit Manager for the period July 1, 2021 through June 30, 2024. The agreement is subject to final review and approval by the City Attorney and annual budgetary appropriations by Charleston City Council.

Councilmember Jenkins added that the current provider, OptumRx, was chosen to remain as the City's Retiree Plan Pharmacy Benefit Manager, based on the results of a market search. The new plan will save the City approximately \$500,000. The vendor was chosen, despite not being the lowest respondent, because of reasons including less disrupt to the users, lower fixed fees, etc.

Councilmember Overstreet stated that he had received several complaints from retirees about certain medications not being available and expensive prices.

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. 488-21 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. 489-21 do pass.

Resolution No. 489-21 - Authorizing approval of Amendment No. 8 of the FY 2020-2021 General Fund Budget as indicated on the attached list of accounts.

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

That Amendment No. 8 of the FY 2020-2021 General Fund Budget as indicated on the attached list of accounts is approved.

Councilmember Jenkins added that this is the standard end of the year reconciliation that includes an increase in expected medical/life insurance costs for Police, court costs and equipment rentals to hold Council meetings at the Convention Center.

Councilmember Jenkins moved to approve the resolution. 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, Knauff, Laird, McKinney, Minardi, Moore, Overstreet, Persinger, Pharr, Robinson, Sheets, Steele, Mayor Goodwin

NAYS: NONE

ABSENT: King (not in the room during the vote), Reishman, Snodgrass

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 489-21 adopted.

General Fund FY 2021 Budget Amendment No. 8 - June 7, 2021

Account No.	Department	Account Description	Amount
001 750 00 000 1 105	Street Department	Medical & Life Insurance	(150,000)
001 800 00 000 1 105	Refuse & Recycling	Medical & Life Insurance	(150,000)
001 440 93 000 1 105	Regular Retirees	Medical & Life Insurance	900,000
001 700 93 000 1 105	Police Retirees	Medical & Life Insurance	50,000
001 706 93 000 1 105	Fire Retirees	Medical & Life Insurance	(650,000)

To adjust and reallocate various departmental expense accounts to align budgets with actual expenses for medical claims.

001 386 00 0000	Revenue	Insurance Claims	(890,000)
001 417 00 000 2 229	Legal	Court Costs & Damages	890,000

To recognize liability insurance claim expenses and reimbursement from the insurance carrier.

001 699 00 000 5 598	Contingency	Contingency	(7,500)
001 410 00 000 2 219	City Council	Building & Equipment Rents	7,500

To allow for payment to the CCCC for rental space to hold City Council and committee meetings during February - May 2021.

7. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 490-21 do pass.

Resolution No. 490-21 - Authorizing the Mayor or City Manager to enter into a memorandum of understanding with the Raleigh County Solid Waste Authority for services relating to the processing of mixed recyclables for the City of Charleston as detailed in Exhibit A attached hereto.

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 memorandum of understanding with the Raleigh County Solid Waste Authority for services relating to the processing of mixed recyclables for the City of Charleston as detailed in Exhibit A attached hereto.

Councilmember Jenkins added that the agreement will maintain the status quo with the City's current recycling program while other options are being explored. He added that it is still "pay as you go."

Councilmember Persinger stated that voting yes to the resolution is voting to pay to hurt the environment by increasing the carbon footprint from driving the materials to Raleigh County and back. He added that the City should not offer recycling at all with this being the current situation.

Councilmember Bailey added that there would also be costs to having a recycling facility within the City. They are looking into bringing that back to Charleston; however, it is a complicated process.

Councilmember Minardi confirmed it is "pay as you go."

Councilmember Faegre asked Councilmember Persinger what his suggestion would be. Councilmember Persinger replied that the City should stop recycling in the manner in which it has been, and perhaps put away the money that is currently being spent to pay for a recycling center in Charleston. Councilmember Faegre confirmed with Councilmember Bailey that the City takes approximately sixty (60) tons of recycling to Raleigh County every month which costs \$8,000-\$9,000. Councilmember Bailey added that it is standard practice for most facilities to charge a tipping fee, adding that it would cost \$44/ton to throw it away (presumably, in the landfill). A best guess would be that it would take about ten to twelve years of recycling expenses to pay for a new facility. Councilmember Faegre confirmed that the MOU will be considered at least yearly.

Councilmember Steele asked if Raleigh County was obligated to throw any contamination (wet etc.) into their landfill. Councilmember Bailey replied yes, although it doesn't seem to happen

very frequently. Councilmember Steele stated that she was under the impression that Waste Management were required to offer some kind of recycling services. Councilmember Bailey replied that he did not see anything in the contract that required them to handle the recycling.

Councilmember Jenkins agreed that the current system was inefficient, but Raleigh County is the best of available to the City right now because State law required that a city with a population of at least 10,000 has to provide a recycling program.

Councilmember Cook cautioned against the message that stopping the recycling program would send, and spoke in favor of the resolution.

Councilmember Persinger added that the carbon footprint is being increased. The \$96,000/year previously mentioned only includes money paid directly to Raleigh County (not wages, gas, etc.). He added that the City should require Waste Management to recycle in order to operate the City's landfill.

Councilmember Faegre confirmed that other cities in the area that recycle (South Charleston, etc.) also take their recyclables to Raleigh County. The City makes approximately three trips a week to Raleigh County.

Councilmember Jenkins moved to approve the resolution. 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, Laird, Minardi, Moore, Overstreet, Pharr, Robinson, Steele, Mayor Goodwin

NAYS: Knauff, McKinney, Persinger, Sheets

ABSENT: Reishman, Snodgrass

With members present recorded thereon as voting in the majority in the affirmative, the Mayor declared Resolution No. 490-21 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. 491-21 do pass.

Resolution No. 491-21 - Authorizing the Mayor or City Manager to enter into a contract with David Ferrell, Jr., DBA Ferrell Electronics & Pyrotechnics, in the amount of \$27,000 to provide event pyrotechnic effects services for the City of Charleston's 2021 Fourth of July celebration.

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 David Ferrell, Jr., DBA Ferrell Electronics & Pyrotechnics, in the amount of \$27,000 to provide event pyrotechnic effects services for the City of Charleston's 2021 Fourth of July celebration.

Councilmember Jenkins added that the resolution is for fireworks for the 4th of July.

Councilmember Faegre confirmed that the fireworks will begin at sundown for approximately twenty minutes.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting in the majority in the affirmative, with at least one (1) recognized Nay from McKinney, the Mayor declared Resolution No. 491-21 adopted.

REPORTS OF OFFICERS

1. Financial Statements for the 10-month Period Ending April 30, 2021
Received and Filed, Thank You.

NEW BILLS

Introduced by Councilmember Chuck Overstreet

June 7, 2021:

Bill No. 7913 – A Bill to establish a 20 MPH Speed Limit on West Ave from Washington Street West to Park Avenue and amending the Traffic Control Map and Traffic Control File.

Refer to Planning, Streets and Traffic Committee, Please

Introduced by Councilmember Chuck Overstreet

June 7, 2021:

Bill No. 7914 - A Bill to establish a 20 MPH Speed Limit on Park Avenue from Washington Street West to Woodsedge Way and amending the Traffic Control Map and Traffic Control File.

Refer to Planning, Streets and Traffic Committee, Please

MISCELLANEOUS/UNFINISHED BUSINESS

NONE

REMARKS BY MEMBERS

1. Councilmember Bailey promoted the West Virginia Museum of Music located in the Charleston Town Center Mall.
2. Councilmember Faegre, referencing Bill No. 7906, clarified that not any type of business could potentially go in that spot. Councilmember Faegre confirmed that there are only four holidays in which fireworks are permitted, adding that she had received several complaints about fireworks in her Ward. She suggested removing Memorial Day from that list.
3. Councilmember Adams added that there will be a meeting of the Select Committee on Cable Franchise on June 17, 2021.

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, Moore, Overstreet, Persinger, Pharr, Robinson, Sheets, Steele, Mayor Goodwin

NAYS:

ABSENT: Reishman, Snodgrass

At 9:25 p.m., by a motion from Councilmember Hoover, Council adjourned until Tuesday, June 22, 2021, at 7:00 p.m., in Council Chamber at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk