



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, July 6, 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 July on the 6th day, in the year 2021, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Knauff, and the Pledge of Allegiance was led by Councilmember Haas. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

ADAMS**COOK****HOOVER****KING****MCKINNEY****OVERSTREET****REISHMAN****BAILEY****CAMPBELL****FAEGRE****JENKINS****KNAUFF****MINARDI****ROBINSON****STEELE****BAYS****CEPERLEY****HAAS****JONES****MOORE****SHEETS****MAYOR GOODWIN**

With twenty-two 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. Robin Godfrey – Spoke against a parking pad near Valley Rd.
2. Josh McGrath - Spoke against a parking pad near Valley Rd.
3. Eric Condon - Spoke against a parking pad near Valley Rd.
4. Eric Wilson - Spoke against a parking pad near Valley Rd.
5. Cynthia Keely - Spoke against a parking pad near Valley Rd.
6. Lydia McKee - Spoke against a parking pad near Valley Rd.
7. Patricia Durham - Spoke against a parking pad near Valley Rd.
8. Mary Ellen O’Farrell - Spoke against a parking pad near Valley Rd.
9. Steve Kawash – Spoke about the McGee Foundation.
10. Morgan Robinson – Represented the Clay Center.
11. Tim Brady – Represented the Charleston Visitors Bureau.

CLAIMS

1. A claim of Alfred Crow, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor, Please.

PROCLAMATIONS

None

COMMUNICATIONS

None

MISCELLANEOUS RESOLUTIONS

Resolution No. 498-21 - Requesting that Amtrak restore daily service of the Cardinal Train and declaring that the City Council of the City of Charleston wholeheartedly supports United States Senator Joe Manchin's and Senator Shelley Moore Capito's efforts to restore daily Amtrak service of the Cardinal Train through Charleston and urges the United States Congress to work with President Joe Biden and the U.S. Department of Transportation to provide for daily train service to Charleston.

WHEREAS, the City of Charleston is a vibrant and welcoming city, the Capital City of West Virginia, and a travel destination for countless visitors to Appalachia; and

WHEREAS, the Amtrak Cardinal Train currently stops in Charleston three days a week on Sunday, Wednesday, and Friday; and

WHEREAS, the Amtrak Cardinal Train eastbound to Washington DC and New York City stops at 8:21 a.m. and westbound to Cincinnati and Chicago stops at 8:29 p.m. on those days; and

WHEREAS, the Amtrak Cardinal Train passes through the New River Gorge National Park and Preserve and connects tens thousands of passengers annually to Charleston and our region; and

WHEREAS, daily Cardinal Train service would allow travelers much greater flexibility in planning their trips and greatly increase the number of annual passengers to Charleston and our region, thereby providing increased tourism; and

WHEREAS, daily Cardinal Train service would also connect West Virginia's two largest cities—Charleston and Huntington—with daily train service for the first time in decades; and

WHEREAS, the City of Charleston thanks Amtrak and United States Senators Joe Manchin and Shelley Moore Capito for the recent Charleston station improvements and upgrades, as well as restoring the station agent position; and

WHEREAS, the City of Charleston thanks Senator Manchin for his recent success in including a study for daily Cardinal Train service in the pending Surface Transportation Investment Act legislation;

WHEREAS, the City of Charleston calls on local, state, and national leaders who represent areas served by the Cardinal Train to reach out to Amtrak and the U.S. Department of Transportation to advocate for daily Cardinal service.

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

That the City Council of the City of Charleston hereby requests that Amtrak restore daily service of the Cardinal Train.

That the City Council of the City of Charleston wholeheartedly supports United States Senator Joe

Manchin's and Senator Shelley Moore Capito's efforts to restore daily Amtrak service of the Cardinal Train through Charleston and urges the United States Congress to enact the transportation legislation that would support a restoration of daily Amtrak service on the Cardinal Train.

That the City Council of the City of Charleston encourages President Joe Biden and the U.S. Department of Transportation to undertake the preparations, actions, and investments needed to provide for daily Amtrak train service to Charleston.

That the City Council of the City of Charleston hereby directs that the Clerk of the City of Charleston send an official copy of this resolution to Amtrak, West Virginia's Congressional Representatives, and President Joe Biden.

Councilmember Bailey added that Charleston is fortunate to have Amtrak Service, specifically, the Cardinal Train, that currently runs three times a week from New York to Chicago. The resolution asks the managers of Amtrak and the Biden Administration to consider adding daily service to increase traffic into Charleston, and make it easier for people to travel.

Councilmember Bailey 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. 498-21 adopted.

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 resolution, and reports the same to Council with the recommendation that Resolution No. 492-21 be adopted.

Resolution No. 492-21 - Authorizing the Mayor or City Manager to enter into a lease agreement with Charleston Urban Renewal Authority (“CURA”) for the City to construct community basketball courts and other related community park infrastructure on property situated on the southeast corner of the intersection of Washington Street West and Beatrice Street at the City’s expense. The terms of the lease agreement are attached hereto.

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 lease agreement with Charleston Urban Renewal Authority (“CURA”) for the City to construct community basketball courts and other related community park infrastructure on property situated on the southeast corner of the intersection of Washington Street West and Beatrice Street at the City’s expense. The terms of the lease agreement are attached hereto.

Councilmember Cook added that the resolution is for a much-needed park on Washington Street West. The City Attorney has worked with CURA to ensure that the City’s investment is protected.

Councilmember Cook 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. 492-21 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. 499-21 be adopted.

Resolution No. 499-21 - Authorizing the Mayor or City Manager to enter into a contract with Martin Marietta to purchase various classes and sizes of aggregate stone at the prices listed in Exhibit A, attached hereto, pursuant to a competitive bidding process, where the prices will remain fixed for one year.

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 Martin Marietta to purchase various classes and sizes of aggregate stone at the prices listed in Exhibit A, attached hereto, pursuant to a competitive bidding process, where the prices will remain fixed for one year.

Councilmember Jenkins added that this is an annual contract that is put out to bid. The stone is to be purchased as needed.

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. 499-21 adopted.

	Martin Marietta 300 Star Ave. Ste: 312 Parkersburg WV, 26101 304-485-6994 joseph.mccallister@martinmarietta.com	Shamblin Stone Inc. 70 Dunbar Ave Dunbar WV, 25064 304-766-7318 tmattox@wvpaving.com	
Item	Price per Unit		
River Gravel			
River Gravel #57	\$25.95 (\$24.91)	\$29.70 (\$28.51)	
Masonry Sand	\$25.25 (\$24.24)	\$27.15 (\$26.06)	
Dry Bed	\$17.60 (\$16.89)	\$23.95 (\$22.99)	
Limestone			
#2	No Bid	No bid	
#3	\$26.95 (\$25.87)	\$27.55 (\$26.44)	
#57	\$26.95 (\$25.87)	\$27.55 (\$26.44)	
#67	No bid	\$28.25 (\$27.12)	
1 1/2 Crusher Run	\$22.50 (\$21.60)	\$27.05 (\$25.15)	
#467	No bid	\$27.55 (\$26.44)	
4" x6"	\$34.25 (\$32.88)	\$29.40 (\$28.22)	
Local Vendor Preference (4%)	YES- 4% is calculated above in parenthesis	YES - 4% is calculated above in parenthesis	

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 500-21 do pass.

Resolution No. 500-21 - WHEREAS, the McGee Foundation established the City of Charleston Donor Designated Fund (“Fund”) with The Greater Kanawha Valley Foundation (“TGKVF”) as of December 31, 2020, a copy of said TGKVF Fund Agreement and Joinder (“Fund Agreement”) is attached hereto as Exhibit A and incorporated herein by reference;

WHEREAS, the McGee Foundation provided a donation in the amount of \$250,000 to the TGKVF Fund for designated projects and purposes relating to the West Side of the City of Charleston; specifically to be used to create a master plan for improving the lives of all people of every age living and working on the West Side of the City of Charleston and to restore the economic vitality of the West Side Community; and

WHEREAS, the Fund Agreement calls for the City to expend funds in furtherance of the stated purpose of the McGee Foundation’s donation and provides that TGKVF will distribute monies from the TGKVF Fund to the City consistent with the terms and conditions of the Fund Agreement; and

WHEREAS, the McGee Foundation has expressed its full support and confidence in the City Administration to expend the donated funds in conformity with the TGKVF Fund Agreement; and

WHEREAS, the TGKVF Fund Agreement the City to engage a third-party organization with a track record of proven results in similar efforts in other cities to coordinate and manage the creation of the master plan; and

WHEREAS, having completed a detailed proposal review and evaluation process, the City Administration recommends the hiring of Jackson/Clark Partners to coordinate, manage, develop, and implement the master plan.

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 one or more contracts for services with Jackson/Clark Partners to coordinate, manage, develop, and implement the master plan, including the retention of other competent persons or firms to provide services or materials & supplies in furtherance of plan implementation; provided that TGKVF will distribute monies from the TGKVF Fund pursuant to the terms of the TGKVF Fund Agreement to the City of Charleston and that the authorization made by this resolution may not exceed the cumulative sum of \$250,000.

Councilmember Jenkins added that the McGee Foundation has donated \$250,000 for a survey, study and report with a master plan for the West Side (North of the Kanawha River and West of the Elk River). It is looking at a comprehensive plan that will be grass roots (going door to door, etc.) to get a real feel from the community as to what is wanted and needed. The McGee Foundation is showing a commitment to Charleston in that they plan for this to be a long term

project of ten to fifteen years.

Councilmember Knauff motioned to refer Resolution No. 500-21 to the Urban Renewal and Economic Development Committee. Councilmember Overstreet seconded.

Councilmember Ceperley spoke against the referral.

Councilmember Faegre asked what the reason for the motion was. Councilmember Knauff stated that he wanted to know the time frame of the project as that might affect the ability to get money for projects from other sources. Additionally, he would like to know who will be on the Steering Committee, and thought it was appropriate for these questions to be addressed through the Urban Renewal and Economic Development Committee. Councilmember Faegre asked if the “designated projects and purposes” had already been determined. Mayor Goodwin replied that they had not been determined; the study and Steering Committee would help to determine that.

Councilmember McKinney confirmed with Mayor Goodwin that the resolution was for an assessment.

Councilmember Reishman called for the Previous Question. The previous question having been demanded by at least three members of Council, those being Reishman, Jenkins and Robinson, the Mayor then put the question before the Council: “Shall the main question be put.” So, a majority of members present and voting having voted in the affirmative, the Mayor declared that debate was at an end.

The question being on the adoption of the referral, a roll call was taken:

YEAS: Bailey, Campbell, Faegre, Jones, Knauff, McKinney, Overstreet

NAYS: Adams, Bays, Ceperley, Cook, Haas, Hoover, Jenkins, King, Minardi, Moore, Reishman, Robinson, Sheets, Steele, Mayor Goodwin

ABSENT: Burton, Laird, Persinger, Pharr, Snodgrass

So, a majority of members present and voting having voted in the negative with 7 Yeas and 15 Nays, the Mayor declared the referral as not passed.

Councilmember King asked if the City was in charge of the fund or had a say in how the money was spent. Mayor Goodwin confirmed that the money was given directly to the City to conduct an assessment of projects. While the Administration and Councilmembers will have input, the residents will have the most input. Councilmember King confirmed that the income from the \$250,00 will be distributed to the designated projects. Mayor Goodwin added that the McGee Foundation has stated that this is the first of many projects/allocations, and they are in Charleston for the long haul. Councilmember Jenkins added that the Greater Kanawha Valley

Foundation will administer the funds. The resolution, specifically, is for the hiring of the consultants to do the community-based survey assessment report. The City is involved in order to have some sort of ownership of the plan. Once the assessment is complete, they will work together to implement what the residents have shown what they want.

Councilmember Moore confirmed that Wards 1-7 would be involved in the project.

Councilmember Faegre confirmed that there will be a Steering Committee.

The question being on the adoption of the referral, a roll call was taken:

YEAS: Adams, Bailey, Bays, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Moore, Overstreet, Reishman, Robinson, Sheets, Steele, Mayor Goodwin

NAYS: None

ABSENT: Burton, Laird, Persinger, Pharr, Snodgrass

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 500-21 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. 501-21 do pass.

Resolution No. 501-21 - Authorizing the Mayor or City Manager to enter into a contract with Hanson Ready Mix for the purchase of approximately 1,000 cubic yards of portland cement pursuant to a competitive bidding process, where the prices to be charged are included in Exhibit A, attached hereto, and the prices will be fixed for one year.

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 Hanson Ready Mix for the purchase of approximately 1,000 cubic yards of portland cement pursuant to a competitive bidding process, where the prices to be charged are included in Exhibit A, attached hereto, and the prices will be fixed for one year.

Councilmember Jenkins added that the resolution is for an annual contract.

Councilmember Campbell asked if there was a reason why the City only received one bid response. Director of the Streets Department, Bill Tate, added that they received two bid the previous year, and one of those was disqualified. Councilmember Campbell asked if they are required to enter into a year long contract as prices may change drastically. Tate replied that they have found that the best price usually is with a year long contract. He added that the City's price is approximately 20% less than most customers.

Councilmember Jenkins added that the contract also has a "30-day out clause" if the price drastically changes.

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, the Mayor declared Resolution No. 501-21 adopted.

	Hanson Ready Mix 1105 9th St Vienna Wv, 26105 304-485-2191 bradley.rucker@lehighhanson.com
Item	Price per Unit
(a) Full Load (unload in 30 min or less, per cu. yard, delivered	
Class A 3500# Concrete (per cubic yard)	\$140 (\$134.40)
Class B 3000# (per cubic yard)	\$140 (\$134.40)
Class C 2500# (per cubic yard)	\$135 (\$129.60)
Class D 2000# (per cubic yard)	\$129 (\$123.84)
Controllable Low Strength Material (per cubic yard)	\$111 (\$106.56)
(b) Partial Load Charge (if applicable)	\$125 (\$120.00)
Unloading charge past 30 minutes (hour)	\$100 (\$96)
Cost of adding Fiber to Concrete (per cubic yard)	\$7.75 (\$7.44)
Fuel Surcharge (per load)	\$15.00 (\$14.40)
Local Vendor Preference (4%)	YES- deduction is taken above in parenthesis

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 502-21 do pass.

Resolution No. 502-21 - Authorizing the Mayor or City Manager to enter into a contract with Compass Minerals for the purchase of approximately 6,000 tons of road salt at a rate of \$79.84 per ton pursuant to a competitive bidding process, where the price will remain fixed for one year.

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 Compass Minerals for the purchase of approximately 6,000 tons of road salt at a rate of \$79.84 per ton pursuant to a competitive bidding process, where the price will remain fixed for one year.

Councilmember Jenkins added that the purchase will lock in the price of road salt for one year. The listed tonnage is an estimate based on previous years, but the City will only purchase what is needed.

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. 502-21 adopted.

	Morton Salt 444 West Lake Street, Ste: 3000 Chicago, IL 60606 855-665-4540 bids@mortonsalt.com	Compass Minerals 99000 W 109th St Overland Park KS 800-323-1641 highwaygroup@compassminerals.com	Cargill Incorporated 24950 Country Club Boulevard North Olmstead OH 44070 800-600-7258 salt_customer@careroadsafety@cargill.com
Item	Price per Unit	Price per Unit	Price per Unit
1. Price Per Ton	\$94.73	\$79.84	\$89.55
Local Vendor Preference (4%)	Did not apply	(\$3.19) \$76.65	Did not apply

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 503-21 do pass.

Resolution No. 503-21 - Authorizing the Mayor or City Manager to enter into a contract with McClanahan Construction for concrete sidewalk & accessible ramp project construction services for \$457,487.50, pursuant to a competitive bidding process.

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 McClanahan Construction for concrete sidewalk & accessible ramp project construction services for \$457,487.50, pursuant to a competitive bidding process.

Councilmember Jenkins added that CDGB funds will be used for the continuing upgrades of sidewalks and ramps to make them more accessible.

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. 503-21 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. 504-21 do pass.

Resolution No. 504-21 - Authorizing the Mayor or City Manager to enter into a service contract with Suttle & Stalnaker, PLLC to conduct the City's single audit for FY 2021 in the amount of \$82,080 in accordance with Federal OMB Circular A-133, where the cost includes \$76,000 to Suttle & Stalnaker for the audit contract and \$6,080 to the WV State Auditor's Office for a processing fee and where Suttle & Stalnaker, PLLC was selected through an evaluation process prescribed by the WV State Auditor's Office.

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 service contract with Suttle & Stalnaker, PLLC to conduct the City's single audit for FY 2021 in the amount of \$82,080 in accordance with Federal OMB Circular A-133, where the cost includes \$76,000 to Suttle & Stalnaker for the audit contract and \$6,080 to the WV State Auditor's Office for a processing fee and where Suttle & Stalnaker, PLLC was selected through an evaluation process prescribed by the WV State Auditor's Office.

Councilmember Jenkins added that the Audit Committee that was formed to evaluate potential auditors for the annual City Audit graded Suttle & Stalnaker, the current auditors, higher than the other firm. He added that they were also the less expensive option as well as having the highest score.

Councilmember Faegre confirmed that the Audit Committee was appointed by the Mayor and approved by Council.

Councilmember Campbell abstained from voting as he had a pecuniary interest in the outcome of the vote.

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 one (1) abstention from Campbell, the Mayor declared Resolution No. 504-21 adopted.

REPORTS OF OFFICERS

1. Financial Statements for the 11-month Period Ending May 31, 2021
Received and Filed, Thank You.

2. Municipal Court Report to City Council Month Ending June 2021.
Received and Filed, Thank You.

NEW BILLS

Introduced by Councilmembers Jennifer Pharr and John Kennedy Bailey

July 6, 2021:

Bill No. 7916 – A BILL to amend the Municipal Code of the City of Charleston relating to energy benchmarking.

Refer to Facilities Committee and Environment and Recycling Committee, Please

MISCELLANEOUS/UNFINISHED BUSINESS

1. Mayor Goodwin added that Live on the Levee will begin on July 9, 2021 and run through October 1, 2021. There will be a drive-in movie night on Patrick Street on July 7, 2021.

REMARKS BY MEMBERS

1. Councilmember Cook recognized the passing of Councilmember Pharr's niece, Fawn Washington, who was a star athlete and a kind and intelligent person and friend.
2. Councilmember Knauff invited all to the dedication of Honorary Patrolman Cassie Johnson Avenue on July 7, 2021.
3. Councilmember Faegre stated that, as a member of the Park and Recreation Committee, they had discussed the walking/biking trail that was to go in Cato Park. However, they had never discussed the addition of a parking pad by Valley Road per the public speakers.
4. Councilmember Sheets stated that Councilmembers had received a letter from a citizen concerning the fireworks on the East End after 11:00 pm. He agreed that it was disturbing and excessive, especially so close to a hospital.

ADJOURNMENT

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

YEAS: Adams, Bailey, Bays, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Moore, Overstreet, Reishman, Robinson, Sheets, Steele, Mayor Goodwin

NAYS: None

ABSENT: Burton, Laird, Persinger, Pharr, Snodgrass

At 8:03 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, July 19, 2021, at 7:00 p.m., in Council Chamber at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk