



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, June 3, 2019

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Amy Shuler Goodwin
Mayor

Miles C. Cary II
City Clerk

CALL TO ORDER

The Council met in the Chambers of the City Building at 7:00 P.M., for the first meeting in the month of June on the 3rd day, in the year 2019, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Adams and the Pledge of Allegiance was led by Councilmember Knauff. 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****WESLEY-PLEAR****BAYS****CEPERLEY****HAAS****JONES****OVERSTREET****REISHMAN****SNODGRASS****MAYOR GOODWIN**

With twenty-six 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. Chris McComas – spoke against Bill No. 7819
2. Sharon Lewis – spoke in favor of Bill No. 7819
3. Missy Ciccarello – spoke against Bill No. 7819
4. Katie Quinones – spoke in favor of Bill No. 7819
5. Danielle Workman – spoke against Bill No. 7819
6. Margaret Chapman Pomponio – spoke in favor of Bill No. 7819
7. Phil Chatting – spoke against Bill No. 7819
8. Stacey Kay – spoke in favor of Bill No. 7819
9. Tranae Mathis – spoke against Bill No. 7819
10. Delegate Mike Pushkin - spoke in favor of Bill No. 7819

CLAIMS

1. A claim of Margaret Ann Ball, 3615 4th Ave, Huntington, WV;
alleges personal injury.
Refer to City Solicitor.

2. A claim of Bobby Brown, 315 71st SE, Charleston, WV;
alleges personal injury.
Refer to City Solicitor.

PROCLAMATIONS

1.

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

- WHEREAS:** Protecting public safety in our communities is one of our top priorities; and
- WHEREAS:** Our law enforcement officers and public officials know our communities best and are positioned to understand how to keep their citizens safe; and
- WHEREAS:** On April 23, 2014, Tymel McKinney, son of Councilwoman Deanna McKinney and a teenager from Charleston, was shot and killed as he sat on the porch of his Sixth Street home; and
- WHEREAS:** To help honor Tymel—and the 100 Americans whose lives are cut short and the countless survivors who are injured by shootings every day—a national coalition of organizations designated the first Friday in June, as National Gun Violence Awareness Day; and
- WHEREAS:** The color orange is a color that symbolizes the value of human life, anyone can join this campaign by pledging to Wear Orange on June 7th, the first Friday in June in 2019; and
- WHEREAS:** We renew our commitment to reduce gun violence and encourage responsible gun ownership to help keep our children safe.

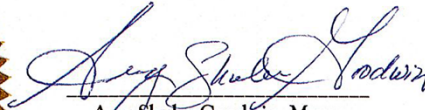
NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby proclaim Friday, June 7, 2019, as

GUN VIOLENCE AWARENESS DAY

in Charleston, West Virginia and encourage all citizens to help raise awareness about gun violence and honor the lives of gun violence victims and survivors.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 3rd day of June 2019.




Amy Shuler Goodwin, Mayor

The Mayor presented the proclamation to Councilmember McKinney.

COMMUNICATIONS

NONE

REPORTS OF COMMITTEES

COMMITTEE ON PLANNING, STREETS AND TRAFFIC

Councilmember Hoover, Chair of the Council Committee on Planning, Streets and Traffic, submitted the following reports:

1. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7813 do pass.

Bill No. 7813 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by permitting beekeeping as an accessory use in all zoning districts and providing supplemental regulations to ensure public safety and compatibility with neighboring properties.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA

The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended as follows: by permitting beekeeping as an accessory use in all zoning districts and providing supplemental regulations to ensure public safety and compatibility with neighboring properties.

Sec. 2-020 Definitions of Terms shall be amended by as follows:

Agriculture, Urban (Urban Agriculture). An umbrella term that describes a range of food growing practices that may include the keeping of chickens ~~and/or bees~~, but does not include other livestock.

~~Apiary (Bee Keeping). The keeping or propagation of honeybee colonies for collection of honey or other bee products.~~

Beekeeping. The establishment and maintenance of one or more colonies of the common domestic honeybee. Colony shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood. A hive shall mean a structure intended for the housing of a honeybee colony.

Sec. 3-050 Permitted Land Uses shall be amended by adding the following:

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CB-D	UC-D	PM-C	I-2	I-4	PU-D	SUP-P
<u>Beekeeping</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>13</u>

Sec. 3-060 Supplemental Regulations Pertaining to Land Use Table shall be amended by adding the following:

13. ~~Reserved.~~ Beekeeping shall be regulated as follows:

- a. On lots measuring up to 10,000 square feet in area, a maximum of 2 colonies are permitted. On lots measuring 10,001-20,000 square feet in area, a maximum of 4 colonies are permitted. On lots measuring 20,001-40,000 square feet in area, a maximum of 6 colonies are permitted. On lots larger than 40,000 square feet, a maximum of 12 colonies are permitted.
- b. Beekeeping shall occur only in rear yards of single-family residential properties. On commercial properties, beekeeping may occur in rear yards and on rooftops. Beekeeping is prohibited on multi-family properties.
- c. Hives must be located at least 5 feet from any property line.
- d. Where a hive is closer than 25 ft to a shared property line, the owner shall establish and maintain a flyway barrier parallel to the property line at least 6 ft in height and extending 10 ft beyond the colony in each direction. The flyway barrier may consist of a solid wall, fence, dense vegetation, or a combination thereof. If the yard is bordered by a 6 ft privacy fence, no additional flyway barrier is required. This flyway barrier requirement shall not apply if hives are located 25 ft or more from the closest property line or on the roof of a commercial property.
- e. No commercial use or retail sales of bees, honey, honey comb, or other bee products or beekeeping products shall be permitted from any residential property.
- f. The use shall not constitute a nuisance due to aggressive behavior, excessive noise or odor.

Sec. 3-060 Supplemental Regulations Pertaining to Land Use Table shall be further amended by striking the following:

51. Urban Agriculture in any district shall be regulated as follows:

- g. ~~Honeybees may be kept on residential properties only. Ownership, care and control of the honeybees shall be the responsibility of a resident of the dwelling~~

~~on the lot. A maximum of three (3) colonies may be kept on lots smaller than one acre (although health regulations may further limit the number and/or manner of keeping of bees on lots). Structures for honeybees are subject to accessory structure setback requirements. Honeybees and beekeeping materials are not permitted in front yards.~~

The section shall then be renumbered as appropriate.

Councilmember Hoover added that the bill is an extension of the urban agriculture bill. It provides standards and best practices from a variety of other communities regarding keeping bees in the City. It promotes urban agriculture, farm to table, and is environmentally friendly.

Councilmember Hoover moved to approve the bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Laird

With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Bill No. 7813 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. 7817 do pass.

Bill No. 7817 - A Bill to establish a 15 minute parking zone on Hunters Ridge Road from a point 120 feet north of Saddlehorn Road to a point 220 feet north of Saddlehorn Road 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. 15 minute parking zone on Hunters Ridge Road from a point 120 feet north of Saddlehorn Road to a point 220 feet north of Saddlehorn Road

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 this bill addresses a mountainous area in South Hills where townhouses sit. This will allow residents to unload their cars instead of having to go up a large, steep light of stairs.

Councilmember Hoover moved to approve the bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Laird

With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Bill No. 7817 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. 202-19 do pass.

Resolution No. 202-19 - “Authorizing the Mayor to enter into a Memorandum of Understanding (MOU) with other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT), consistent with Attachment A hereto, that assists the Charleston area offices of the Drug Enforcement Administration, the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives to achieve maximum cooperation in combined law enforcement efforts to address drug and related violent crime offenses in Charleston and surrounding communities. The MOU is in effect for a one year period starting July 1, 2019, and ending June 30, 2020.”

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

That the Mayor is hereby authorized and directed to enter into a Memorandum of Understanding, consistent with Attachment A hereto, with other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT) that assists the Charleston area offices of the Drug Enforcement Administration, the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives to achieve maximum cooperation in combined law enforcement efforts to address drug and related violent crime offenses in Charleston and surrounding communities. The MOU is in effect for a one year period starting July 1, 2019, and ending June 30, 2020.

Councilmember Steele added that the MOU will allow MDENT to continue for another year. The MOU as written is nearly identical to previous years, but does adjust the language related to federal forfeiture to recognize that the Department of Justice’s rules were changed.

Councilmember Steele moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 202-19 adopted.

MEMORANDUM OF UNDERSTANDING

The following agencies hereby enter into this Memorandum of Understanding (MOU) as of the date this MOU is signed by the agency's representative. The effective date of this MOU is July 1, 2019.

City of Charleston
City of St. Albans
City of Dunbar
City of Nitro
City of South Charleston
City of Hurricane
Putnam County Sheriff's Department
Kanawha County Sheriff's Department
West Virginia State Police
Federal Bureau of Alcohol, Tobacco, and Firearms
U. S. Attorney's Office for the Southern District of WV

PURPOSE: the purpose of this MOU is to memorialize the operating terms under which this task force, named the Metropolitan Drug Enforcement Network Team (MDENT), develop and enhance cooperation and information exchange between the parties to this MOU and to achieve maximum effective and efficient law enforcement efforts to address drug and violent crime related offenses in the Kanawha County, Putnam County, and Charleston, West Virginia, area.

DEFINITIONS: When used in this MOU, the following words shall be defined as:

1. AHIDTA—Appalachian High Intensity Drug Trafficking Act Program
2. Control Board – The oversight board for MDENT.
3. DCJS – The West Virginia Division of Criminal Justice Services
4. Employing agency – The law enforcement agency that hired, employs, and pays the applicable salary and benefits of the law enforcement officer assigned to MDENT.
5. Federal Agencies – The Federal Bureau of Investigations, the Drug Enforcement Agency and the Bureau of Alcohol, Tobacco and Firearms.
6. Grantee – The agency that prepares, submits, and oversees administration of funding applications on behalf of MDENT. For the purposes of this MOU the grantee is the City of Charleston.
7. Local Agencies – The City of Charleston, the City of Dunbar, the City of Nitro, the City of South Charleston, the City of St. Albans, the City of Hurricane, the Kanawha County Sheriff's Department, and the Putnam County Sheriff's Department.
8. MDENT – Metropolitan Drug Enforcement Network Team
9. MOU – Memorandum of Understanding
10. Operating Account – Monies maintained in an interest-bearing account by the grantee to be used to pay expenses incurred by MDENT in pursuit of its stated purpose. These monies come from funds lawfully secured as a result of forfeiture of money and property from drug related seizures and monies contributed to MDENT by other entities.
11. Participating agencies – All of the federal and local agencies that are parties to this MOU.
12. PCNEU – Putnam County Narcotics Enforcement Unit.
13. PCSD – Putnam County Sheriff's Department.
14. Policy Board – West Virginia Drug Policy and Violent Crime Control Policy Board.

The participating agencies agree to the following terms:

1. **FEDERAL JURISDICTION:** The authority and participation in any investigation under the terms of this MOU by the Federal Agencies shall be pursuant to, and limited by, the jurisdictional laws of each respective federal agency. Because of statutory and policy considerations, the assigned federal personnel will not investigate crimes outside of the jurisdiction of their respective agency. The Federal Agencies shall follow the appropriate policies and guidelines of their respective agencies. Federally initiated cases will follow appropriate guidelines of the lead federal agency concerning case management.

2. **LOCAL AGENCY REPRESENTATION:** The representative authorized to sign this MOU for each of the participating agencies will appoint one individual to serve as a member on the Control Board, which will be the agencies' chief law enforcement officer or his/her designee. That individual will act on behalf of and represent the designating agency's interests concerning the operation of MDENT. The Mayor of the grantee, or his or her designee, shall serve as the Chairperson of the Control Board. The Chairperson shall appoint the MDENT Commander.

3. **CONTROL BOARD:** The Control Board shall meet on a regular basis as set by the grantee in accordance with DCJS requirements. Five members present shall constitute a quorum of the Control Board. Each member of the Control Board, or his or her alternate, shall have one vote and, subject to the terms herein, general issues shall require a majority vote of members present. However, actions by MDENT on the following matters shall be decided by unanimous vote of voting members of the Control Board:

- a. Approval/disapproval of cases to be investigated by MDENT officers;
- b. Amount of and use of funds to be authorized for specific case investigations and operation of the unit;
- c. Key decisions critical to the management of case investigations;
- d. Acquisition of real or personal property, including equipment;
- e. Addition of law enforcement agencies as members of MDENT; and
- f. Approval of officers to be assigned to MDENT from participating agencies.

Federal agencies, in compliance with all applicable ethical and regulatory DOJ/Treasury guidelines, will abstain from voting on funding issues that conflict with their department's guidelines.

4. **ADMINISTRATION OF GRANT FUNDS; AGENCY RESOURCES:** Each of the participating agencies shall cooperate with the grantee concerning the administration of grant funds awarded from DCJS or other entities and in the overall operation of MDENT. Additionally, each participating agency will provide whatever resources are available to that agency, in the reasonable opinion of its Chief Law Enforcement Officer or designee, to specific cases as appropriate and as approved by the Control Board to facilitate efficient and effective investigations.

5. **AGENCY WITHDRAWAL FROM OR APPLICATION TO MOU:** Participation in the multi-agency investigative efforts of MDENT is voluntary. If a participating agency desires to withdraw from this MOU, written notification of such withdrawal will be provided to each participating agency thirty days prior to withdrawal. Such withdrawal does not absolve the participating agency of any financial responsibilities incurred prior to the withdrawal. Additional agencies wishing to become members of MDENT may do so upon written application to and approval by the Control Board. Such new agencies must execute an addendum agreeing to the terms of the MOU in effect at the time of approval by the Control Board.

6. **COMPLIANCE WITH FEDERAL GUIDELINES:** Participating agencies agree to follow procedures relating to case management, reporting requirements, fiscal guidelines, and other appropriate policies as adopted by the Control Board and that are consistent with the Anti-Drug Abuse Act of 1986, subtitle K – State and Local Law Enforcement Assistance Act of 1986 and/or the Policy Board and DCJS.

7. **OWNERSHIP AND USE OF MDENT EQUIPMENT:** Equipment and other personal property purchased with Operating Account funds and utilized for fulfilling the purpose of MDENT will be retained by grantee after the requirements of all applicable DCJS grants have been satisfied or have expired. Grantee's retention of any such equipment or property will be made in accord with established policies and practices set by the Policy Board and the DCJS. It is further agreed that participating agencies may request use of this equipment and property, consistent with each agency's guidelines, at any future time so long as such request or use does not inconvenience or otherwise negatively impact grantee.

8. **REAL PROPERTY PURCHASED, OWNED, OR LEASED FOR THE USE AND BENEFIT OF MDENT:**

- a. If any real property is purchased by one of the participating agencies on behalf of MDENT to be used as office space or any other MDENT purpose, such purchase will be paid for with Operating Account funds.
- b. Any real property so purchased, donated, or leased for the use and benefit of MDENT as office space or other MDENT use, will be maintained with Operating Account funds. The Control Board shall have the oversight and responsibility of making the timely loan, lease, or other payments on the property, paying for all repairs and improvements, utilities, taxes, fees, insurance, and all other costs associated with the real property including any improvements thereto and/or appurtenances thereof. If at any time there are insufficient funds in the Operating Account for these expenses when due, such expenses will be shared by the participating local agencies in MDENT at the time such expenses are incurred. Each local agency will be responsible and liable for an amount equal to the amount of the shortfall divided by the number of local agency officers assigned to MDENT multiplied by the number

of officers each local agency has assigned at the time of the shortfall.

- c. If any real property owned for the use and benefit of MDENT is sold, the proceeds shall either be used to secure other office space for MDENT or placed in the Operating Account.
- d. If at any time MDENT is dissolved, any real property owned for the use and benefit of MDENT shall be sold. The proceeds will be placed in the Operating Account and the funds will be handled as set forth in paragraph number nine (9) of this MOU.

9. MDENT DISSOLUTION: In the event that MDENT is dissolved, the Control Board will ensure that all applicable financial responsibilities of MDENT are paid from the Operating Account. Any remaining balance in the Operating Account after all financial responsibilities are met, excluding any federal funds, shall be distributed to the local agencies participating in MDENT at the time of its dissolution. If there are insufficient funds in the Operating Account to satisfy all financial responsibilities or liabilities, any remaining financial responsibilities and liabilities will be divided among these same local agencies. The formula for the distribution of assets or liabilities shall be the total applicable amount divided by the number of local agency officers assigned to MDENT multiplied by the number of officers each local agency has assigned at the time of dissolution.

10. SALARY, BENEFIT, AND OVERTIME REIMBURSEMENT:

- a. Reimbursement to local agencies for officers assigned to MDENT will be made for base salary and benefits as set by the Policy Board, but such reimbursement shall not exceed \$28,000. Unless specifically authorized by grant award, reimbursement will not be made for overtime earned by officers assigned to MDENT.
- b. Federal Agencies will not receive reimbursements, including any reimbursement for salary, benefits, or overtime.
- c. For overtime reimbursement for officers authorized by a grant award, each local agency will be limited to the overtime hours or amounts authorized by the award.
- d. Monies awarded for overtime reimbursement will be distributed upon submission of applicable documentation to the grantee in an amount not to exceed the limit set by the Policy Board.
- e. Any AHIDTA overtime funds awarded for compensation shall be reimbursed in accordance with the policies and guidelines of that program.

11. FORFEITURES: Forfeitures will be administratively processed pursuant to the following terms:

- a. Forfeitures may be utilized as approved by the Control Board to meet MDENT's stated purpose.
- b. The participating Federal Agencies do not receive any share of assets secured by direct forfeiture or by an "open bid" sale in most state and local cases. In any case where a Federal Agency elects to receive a share of the forfeiture, the Federal Agency will process the forfeiture pursuant to federal guidelines. It shall be the responsibility of each participating local agency that desires to seek a portion of the federally forfeited property to complete a United States Department of Justice DAG-71 Application for Transfer of Federally Forfeited Property. If a Federal Agency processes the forfeiture, then the provisions of subparagraph (f.) of this paragraph eleven (11) do not apply.
- c. Forfeitures conveyed to local agencies through equitable sharing or pursuant to a completed DAG-71 are to be utilized for law enforcement purposes only, consistent with federal and Policy Board forfeiture guidelines.
- d. Real or personal property forfeited to MDENT that cannot be directly used to meet the stated purpose of MDENT will either be sold by an "open bid" process or disposed of in a manner approved by the Control Board in accordance with established federal and Policy Board guidelines for such forfeitures. Any monies secured by the sale of such property that are not processed federally will be deposited in the Operating Account, as required by subparagraph (e.) of this paragraph eleven (11).
- e. Cash, either directly forfeited or secured by the sale of real or personal property, that are not processed federally will be maintained in the Operating Account until spent for MDENT purposes or distributed to the local agencies consistent with this paragraph. The Policy Board sets a required minimum percentage of forfeited funds, less

administrative costs, that must be used to cover the day-to-day operations of a drug task force during each grant award period. For the term of this MOU the Policy Board has MDENT's minimum percentage at forty (40) percent. The Policy Board also permits each drug task force to establish a percentage greater than the set minimum. As of January 1, 2003, the Control Board established a minimum of fifty (50) percent of all monies secured as a result of forfeitures, after administrative costs have been removed, be held in the Operating Account to be used for day-to-day operations, with the remaining fifty (50) percent to be distributed among the local agencies as consistent with subparagraph (f.) of this paragraph eleven (11).

f. Forfeited funds that are not processed by a Federal Agency shall be distributed as follows:

1. 50% of all such non-federal forfeited funds, after payment of any administrative costs, shall be deposited in the Operating Fund. The remaining amount will be distributed to each local agency participating at the time of the seizure by dividing the total applicable amount by the number of local agency officers assigned to MDENT at the time of the seizure multiplied by the number of officers each local agency has assigned at the time of the seizure, not including any officers assigned to the Interdiction Team.
2. For seizures made by the Interdiction Team, 50% of all such non-federal forfeited funds, after payment of any administrative costs, shall be deposited in the MDENT Operating Fund. The remaining amount will be distributed to each local agency which have officers assigned to the Interdiction Team at the time of the seizure by dividing the total applicable amount by the number of officers assigned to the Interdiction Team at the time of the seizure multiplied by the number of officers each local agency has assigned to the Interdiction Team at the time of the seizure.

12. PROTOCOL FOR INTERACTION WITH THE NEWS MEDIA:

- a. The Control Board shall set policy and procedures for media releases and/or press conferences.
- b. All media releases shall be made in the name of MDENT. Each release shall name all of the participating agencies.
- c. Unless special circumstances exist, individual MDENT officers will not be identified or photographed.
- d. No information about MDENT operations or individual investigations will be released to the media until approved by the official with applicable prosecutorial authority.
 1. If jurisdiction involves a federal prosecution, the United States Attorney of the Southern District of West Virginia must approve any release of information to the media.
 2. If jurisdiction involves a state prosecution, the Prosecuting Attorney in the county where the case will be prosecuted must approve any release of information to the media.

13. REPLACEMENT/REMOVAL OF OFFICERS ASSIGNED TO MDENT:

- a. All employing agencies will allow officers assigned to MDENT to complete all material assignments prior to the officer's removal from, or replacement on, MDENT, unless conditions involving willful misconduct or other extenuating circumstances exist which would adversely affect MDENT operations and/or reputation if such removal is delayed.
- b. If any MDENT officer engages in misconduct, conduct unbecoming an officer, or any activity which requires an administrative investigation to determine the propriety of disciplinary action, the employing agency shall be solely responsible for any and all disciplinary action. The Task Force Commander shall immediately notify the Control Board members and the employing agency of any such behavior of which he or she becomes aware. Notwithstanding, the Control Board may remove any officer from MDENT upon reasonable belief that the officer engaged in misconduct, conduct unbecoming, or any other improper behavior or of activities. The employing agency shall be notified of any decision by the Control Board to remove an assigned officer and the employing

agency may submit the name of a replacement officer for the Control Board's consideration and approval.

14. LIABILITY AND INSURANCE OBLIGATIONS:

- a. Each employing agency shall be solely responsible for the negligent acts, omissions, and/or wrongdoing of its officers, whether alleged or established, and for any and all claims of liability related thereto. As between the parties to this MOU, unless otherwise agreed in writing, each employing agency shall be solely responsible for defending against any claim against its officer, and for payment of any and all resulting fees, costs, or damages related thereto.
- b. Unless otherwise agreed in writing, no employing agency shall be responsible for defending against or paying for any civil liability arising out of negligent acts, omissions, and/or wrongdoing of officers or other personnel assigned to MDENT from another employing agency. For the purpose of this MOU, civil liability includes, but is not limited to, damages of any kind, attorney fees, and any and all costs and/or expenses incident to any civil lawsuit or administrative claim filed by any person, business, corporation, partnership organization, or government entity, or otherwise related to any administrative or judicial proceeding, finding, judgment, or settlement in compromise of any claim.
- c. The employing agencies to this MOU agree that each officer assigned to MDENT is solely an employee of his or her employing agency. The parties to this MOU further agree that each employing agency shall be solely responsible for providing workers compensation coverage and unemployment coverage to each and every officer assigned to MDENT by that employing agency.
- d. Each employing agency shall maintain liability insurance coverage in an amount of at least \$1,000,000 to satisfy the liability obligations herein related to claims arising from the alleged negligent acts, omissions, and/or wrongdoing of its officers/employees assigned to MDENT, and such insurance policy shall include coverage for damage to the assigned officer/employee's vehicle and claims resulting from the assigned officer/employee's operation thereof, regardless of which agency actually owns the vehicle. In other words, and by example only, each agency shall be responsible for insuring, defending against and paying every claim or civil liability arising out of the conduct of its officer/employee, regardless of where the incident giving rise to the claim or civil liability arose and regardless of who owned any vehicle or equipment involved. Provided: That the parties recognize that the Federal Tort Claims Act shall be applicable to all liability issues relating to the actions of the officers assigned to MDENT from federal agencies.
- e. As between the parties to this Agreement, the agency employing any officer/employee assigned to MDENT will be solely responsible for any damage to property caused by the intentional or other conduct by the employing agency's officer/employee which results in any denial of insurance coverage.

15. PARTICIPATING AGENCIES: Effective July 1, 2019, the Task Force is composed of 23 officers as follows:

7 from Charleston Police Department

2 from St. Albans Police Department

1 from Nitro Police Department

1 from Dunbar Police Department

2 from South Charleston Police Department

1 from Hurricane Police Department

3 from Kanawha County Sheriff's Department

3 from Putnam County Sheriff's Department

1 from West Virginia State Police

1 from the US Drug Enforcement Agency

1 from Homeland Security

These officers will work directly with the agents from the Charleston area offices of the participating Federal Agencies.

16. FUNDING TERM. For the purpose of funding obtained through the DCJS, the term of this agreement shall be for the fiscal year covering the period of July 1, 2019, through June 30, 2020. Subsequent contract renewal with the DCJS for similar continued funding will serve to extend this agreement.

17. SUPERSEDING AGREEMENT. This MOU supersedes any and all prior MOU's implemented and agreed to by the participating agencies.

This MOU is hereby entered into by the participating agencies on pages 9 and 10 of this MOU, which may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

BY: _____
Amy Goodwin
Mayor (City of Charleston)

DATE: _____

BY: _____
Scott James
Mayor (City of St. Albans)

DATE: _____

BY: _____
Dave Casebolt
Mayor (City of Nitro)

DATE: _____

BY: _____
William Cunningham
Mayor (City of Dunbar)

DATE: _____

BY: _____
Frank Mullens
Mayor (City of South Charleston)

DATE: _____

BY: _____
Scott Edwards
Mayor (City of Hurricane)

DATE: _____

BY: _____
Michael Y. Rutherford
Sheriff of Kanawha County

DATE: _____

BY: _____
Steve DeWeese
Sheriff of Putnam County

DATE: _____

BY: _____
Colonel J.L. Cahill
Superintendent WV State Police

DATE: _____

BY: _____
Mike Stewart U. S. Attorney
U.S. Attorney, Southern District of WV

DATE: _____

BY: _____
Alcohol, Tobacco, and Firearms

DATE: _____

BY: _____
Federal Bureau of Investigation

DATE: _____

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. 7819 Committee Substitute do pass.

Bill No. 7819 Committee Substitute - A BILL to amend the Code of the City of Charleston, by adding thereto a new section within Chapter 78, Article IV, designated 78-235, relating to access to health care facilities and picketing activities at health care facilities; preserving a right to protest; protecting patients from obstructions to their entry or exit from a health care facility; creating misdemeanor offenses for certain violations; and preserving a private right of action in addition to the criminal penalties.

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

That the Code of the City of Charleston be amended by adding thereto a new section within Chapter 78, Article IV, designated 78-235, to read as follows:

CHAPTER 78. – OFFENSES AND MISCELLANEOUS PROVISIONS.

ARTICLE IV. – OFFENSES INVOLVING PUBLIC PEACE AND ORDER.

DIVISION 3. – PICKETING.

Sec. 78-235. Protecting passage to and from health care facilities; preserving rights of picketers; offense and penalties.

(a) The City ~~Council of Charleston~~ recognizes that access to health care facilities for the purpose of obtaining medical counseling and treatment is imperative; ~~that the exercise of a person's First Amendment rights must be protected by the City subject to content-neutral time, place, and manner regulation~~; that the exercise of a person's right to protest or counsel ~~for or against~~ ~~certain~~ medical procedures must be balanced against another person's right to obtain medical counseling and treatment in an unobstructed manner; ~~that the City, through the Charleston Police Department, has an interest in protecting the safety of individuals seeking wide-ranging health care services and individuals exercising their right to protest~~; that the City has an interest in ~~protecting access to health care services and the privacy of those obtaining health care services~~; that the Charleston Police Department has an interest in ~~clear guidelines unrelated to the content of the any person's speech~~; and that preventing the willful obstruction of a person's access to medical counseling and treatment at a health care facility is a matter of public concern.

The City Council therefore declares that it is appropriate to enact an ordinance that prohibits a person from knowingly obstructing another person's entry to or exit from a health care facility.

(b) A person who knowingly obstructs, detains, hinders, impedes, or blocks another person's entry to or exit from a health care facility or a health care facility's dedicated parking facility is guilty of a misdemeanor offense and, upon conviction, may be confined for up to 30 days or fined up to \$500, or both confined and fined.

(c) No person shall knowingly approach another person within eight feet of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education, or counseling with such other person in the public right-of-way or sidewalk area within a radius of 100 feet from any entrance door to a health care facility. Any person who violates this subsection (c) is guilty of a misdemeanor offense and, upon conviction, may be confined for up to 30 days or fined up to \$500, or both confined and fined.

(d) For the purposes of this section, "health care facility" means any entity operating within the City that is licensed, certified, or otherwise authorized or permitted by law to administer health care services, medical treatment, or behavioral or mental health services as a health care provider in West Virginia.

(e) In addition to, and not in lieu of, the penalties set forth in this section, a person is entitled to recover civil damages and obtain injunctive relief from any person who violates the provisions of this section or incites others to violate the provisions of this section. A criminal conviction under this section is not a condition precedent to maintaining a civil action pursuant to this subsection.

(f) Any provision of the Code of the City of Charleston that is in conflict with this section is hereby repealed and the provisions of this section shall apply with respect to any such conflict.

Councilmember Faegre requested the City Attorney give a summary of the Bill and Committee Substitute.

The following Councilmembers spoke concerning the Bill and Committee Substitute: Councilmember Cook, Councilmember Persinger and Councilmember Campbell.

Councilmember Campbell motioned to Table Bill No. 7819 Committee Substitute. With a majority of members present voting in the negative, the Mayor declared the motion to Table not passed.

The following Councilmembers spoke concerning the Bill and Committee Substitute: Councilmember Jones, Councilmember Reishman, Councilmember Minardi, Councilmember Snodgrass, Councilmember McKinney, Councilmember Sheets, Councilmember King, Councilmember Bailey, Councilmember Overstreet, Councilmember Pharr, Councilmember Campbell, Councilmember Persinger, Councilmember Cook, Councilmember Snodgrass and Councilmember Faegre.

Councilmember Faegre moved to approve the bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, King, McKinney, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Steele, Wesley-Plear, Mayor Goodwin

NAYS: Campbell, Jones, Knauff, Minardi, Snodgrass

ABSENT: Laird

With a majority of members present recorded thereon as voting in the affirmative, with twenty-one (21) YEAS five (5) NAYS, the Mayor declared Bill No. 7819 Committee Substitute 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. 198-19 do pass.

Resolution No. 198-19 - Authorizing approval of the FY 2019- 2020 Civic Center Budget as indicated on the attached list of accounts.

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

That the FY 2019- 2020 Civic Center Budget as indicated on the attached list of accounts is hereby approved.

Councilmember Jenkins added that the budget has increased because of the increase in conventions and other conferences.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. A roll call was taken:

Councilmember Adams how much the City supplements the Convention Center on a regular basis. Mayor Goodwin answered that it was 1.8 million annually. It is to supplement their operating and supplemental to debt service budgets.

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Laird

With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution No. 198-19 adopted.

CITY OF CHARLESTON

Municipal Budget **Fiscal Year Ending June 30, 2020**

Section 8

Coliseum & Convention Center Budget

CITY OF CHARLESTON
Coliseum & Convention Center Budget
Fiscal Year Ending June 30, 2020

Schedule of Revenues

Account	Revenue Category	2017-18 Actual Received	2018-19 Council Approved	2018-19 Revisions (thru Mar.)	2018-19 Revised Budget	2018-19 Received (thru Mar.)	2019-20 Admin Proposed
358-00-0302	Rent	899,089	1,150,000	-	1,150,000	872,111	1,290,000
358-00-0304	Commissions	132,818	150,000	-	150,000	50,438	265,000
358-00-0307	Parking - Buildings & Lots	99,956	100,000	-	100,000	82,977	113,000
358-00-0311	Distinctive Gourmet	174,086	300,000	-	300,000	96,425	659,000
358-00-0312	Patron Services	169,212	185,000	-	185,000	110,012	170,000
358-00-0313	Security	62,985	50,000	-	50,000	48,041	69,000
358-00-0314	Advertising	246,775	333,000	-	333,000	286,875	375,000
358-00-0315	Spotlight Rental	6,265	6,000	-	6,000	5,640	8,000
358-00-0316	Power Usage	59,458	55,000	-	55,000	40,449	58,000
358-00-0317	Table Covers/Drapes	27,808	20,000	-	20,000	13,539	36,000
358-00-0318	Rent - PA System	8,385	8,000	-	8,000	8,615	15,000
358-00-0319	Staging	10,295	9,000	-	9,000	15,467	23,000
358-00-0320	Booth Rental	59,461	60,000	-	60,000	42,304	72,000
358-00-0321	Interest	4,083	1,500	-	1,500	6,851	5,000
358-00-0322	Piano Rental	3,040	1,500	-	1,500	750	1,500
358-00-0323	Table Rental	26,351	26,000	-	26,000	18,542	30,000
358-00-0324	Miscellaneous	17,252	19,000	-	19,000	12,933	19,000
358-00-0325	Building Damages	-	2,000	-	2,000	3,474	2,000
358-00-0326	Telephone Rental	11,747	12,000	-	12,000	6,368	7,000
358-00-0327	Audio/Visual Equipment	167,799	130,000	-	130,000	147,431	224,000
358-00-0328	Teletix	2,942	1,000	-	1,000	-	1,500
358-00-0329	Carpet Rental	11,847	15,000	-	15,000	8,051	22,000
358-00-0330	Drayage	1,502	2,000	-	2,000	1,200	2,000
Total Operating Revenue		2,203,156	2,636,000	-	2,636,000	1,878,493	3,467,000
358-00-0331	CC Capital Improvement Fee	84,738	-	-	-	31,603	-
358-00-0341	Trf In/Gen. Fund - Debt Svc	542,602	576,683	-	576,683	470,478	615,000
358-01-0341	Trf In/Gen. Fund - Health Care	322,915	269,906	-	269,906	101,193	212,000
358-02-0341	Trf In/Gen. Fund - Other	978,534	835,564	(42,183)	793,381	560,000	973,000
358-00-0342	Transfers In/Coal Severance	139,226	135,025	42,183	177,208	122,438	135,025
358-00-0343	Transfers In/Cap. Imp. Fund	22,713	-	-	-	-	-
358-00-0344	Transfers In/Cap. Cont.	1,518	-	-	-	-	-
358-00-0368	Transfers from Other Entities	-	-	-	-	-	-
358-00-0379	Gain/Loss from Sale of Assets	-	-	-	-	5,393	-
365-00-0000	Federal Grant Revenues	-	-	-	-	-	-
366-00-0000	State Grant Revenues	-	-	-	-	-	-
381-11-0000	Energy Rebates	18,265	100,000	-	100,000	129,463	123,000
Total Non-Operating Revenue		2,110,510	1,917,178	-	1,917,178	1,420,567	2,058,025
Total Civic Center Revenue		\$ 4,313,666	\$ 4,553,178	\$ -	\$ 4,553,178	\$ 3,299,060	\$ 5,525,025

CITY OF CHARLESTON
Coliseum & Convention Center Budget
Fiscal Year Ending June 30, 2020

Schedule of Expenses

402 Civic Center
910 Administrative
01

	2017-18 Expended	2018-19 Council Approved	2018-19 Revisions (thru Mar.)	2018-19 Revised Budget	2018-19 Expended (thru Mar.)	2019-20 Admin Proposed
Operating Expenses						
000-1 Personal Services						
000-1-103 Salaries & Wages	1,268,894	1,564,953	12,763	1,577,716	1,022,597	1,588,226
000-1-104 FICA	92,178	119,719	976	120,695	74,473	121,499
000-1-105 Medical & Life Insurance	283,269	266,304	6,341	272,645	82,344	392,644
000-1-106 Retirement	113,156	121,995	1,276	123,271	81,112	124,323
000-1-111 Dental/Optical Insurance	7,479	14,072	335	14,407	6,285	13,517
000-1-112 Insurance - Payroll Deduction	(51,097)	(59,688)	(1,421)	(61,109)	(39,041)	(58,360)
001-1-113 OPEB - Current	20,000	20,000	-	20,000	-	20,000
Total Personal Services	1,733,879	2,047,355	20,270	2,067,625	1,227,771	2,201,849
000-2 Contractual Services						
000-2-211 Telephone	39,291	42,240	-	42,240	42,468	50,185
000-2-212 Printing	9,254	8,000	-	8,000	10,129	10,000
000-2-213 Utilities	733,336	800,000	(10,966)	789,034	466,595	770,000
000-2-214 Travel	8,186	9,000	-	9,000	3,848	8,150
000-2-215 Maint. & Repair - Bldg/Ground	12,932	34,000	-	34,000	32,297	40,000
000-2-216 Maint. & Repair - Equipment	57,779	35,000	-	35,000	34,393	40,000
000-2-218 Postage	120	700	-	700	189	700
000-2-219 Bldg. & Equipment Rents	153,848	100,000	-	100,000	135,680	180,000
000-2-220 Advertising/Legal Publications	6,874	45,000	-	45,000	2,219	45,000
000-2-221 Training	54	4,000	-	4,000	125	3,000
000-2-222 Dues & Subscriptions	4,730	2,400	-	2,400	955	1,825
000-2-226 Insurance - WC and UC	14,308	29,217	696	29,913	10,137	28,087
000-2-227 Insurance	66,258	64,165	-	64,165	89,604	130,000
000-2-230 Contracted Services	556,440	494,000	-	494,000	486,921	761,595
Total Contractual Services	1,663,409	1,667,722	(10,270)	1,657,452	1,315,561	2,068,542
000-3 Commodities						
000-3-341 Material & Supplies	169,245	150,000	(10,000)	140,000	109,865	140,000
000-3-343 Gas, Oil & Tires	1,882	2,000	-	2,000	1,696	2,000
000-3-345 Uniforms	2,664	4,500	-	4,500	2,763	5,000
Total Commodities	173,792	156,500	(10,000)	146,500	114,325	147,000
000-4 Capital Outlay						
000-4-458 Capital Outlay - Major Imp.	22,713	-	-	-	-	-
000-4-459 Capital Outlay - Equipment	-	-	-	-	-	-
000-4-461 Capital Outlay - Lease Purchase	-	-	-	-	-	-
Total Capital Outlay	22,713	-	-	-	-	-
000-5 Transfers & Contributions						
000-5-566 Transfers to Other Funds	87,738	-	-	-	12,364	-
Total Contributions	87,738	-	-	-	12,364	-
Total Operating Expenses	\$ 3,681,530	\$ 3,871,577	\$ -	\$ 3,871,577	\$ 2,670,021	\$ 4,417,391

CITY OF CHARLESTON
Coliseum & Convention Center Budget
Fiscal Year Ending June 30, 2020

Schedule of Expenses

402 Civic Center
910 Administrative
01

		2017-18 Actual Expended	2018-19 Council Approved	2018-19 Revisions (thru Mar.)	2018-19 Revised Budget	2018-19 Expended (thru Mar.)	2019-20 Admin Proposed
000-6	Non-Operating Expenses						
000-6-670	Other Interest	-	-	-	-	-	-
000-6-671	Principal Maturities - Bonds	490,000	510,000	-	510,000	510,000	530,000
000-6-672	Interest on Bonds	179,837	166,800	-	166,800	107,076	143,780
001-6-672	Interest Bond Discount Amort.	30,108	30,108	-	30,108	20,072	30,108
000-6-674	Bond Service Charge	2,754	4,800	-	4,800	2,633	4,800
	Total Non-Operating Expenses	702,698	711,708	-	711,708	639,781	708,688
	Total Expenses	\$ 4,384,228	\$ 4,583,285	\$ -	\$ 4,583,285	\$ 3,309,801	\$ 5,126,079

CITY OF CHARLESTON
Coliseum & Convention Center Budget
Fiscal Year Ending June 30, 2020

Schedule of Cash

	Cash Basis
Total Operating Revenues	3,467,000
Total Non-Operating Revenues	<u>2,058,025</u>
Total System Revenues	5,525,025
Total Operating Expenses	4,417,391
Total Non-Operating Expenses	<u>708,688</u>
Total System Expenses	5,126,079
Excess Revenues over Cash Expenses	398,946

Schedule of Non-Cash Expenses

	2019-20 Estimate
Depreciation	4,411,135
OPEB Long Term	<u>400,000</u>
Total Non-Cash Expenses	4,811,135

CITY OF CHARLESTON
Coliseum & Convention Center Budget

Fiscal Year Ending June 30, 2020

Coliseum & Convention Center Schedule of Authorized Positions

CURRENT			PROPOSED		
Position	Grade/ Class	FY 19 # Emp	Position	Pay Grade	FY 20 # Emp
Executive Director	132	1	Executive Director	132	1
Assistant Director of Civic Center	124	1	Assistant Director of Civic Center	124	1
Sales and Marketing Manager	121	1	Sales and Marketing Manager	121	1
Facility Superintendent	116	1	Facility Superintendent	116	1
Business Manager Civic Center	115	1	Business Manager Civic Center	115	1
Senior Event Coordinator	114	1	Senior Event Coordinator	114	1
Safety & Security Coordinator	112	1	Safety & Security Coordinator	112	1
Events Coordinator	112	1	Events Coordinator	112	1
Technology Services Coordinator	113	1	Technology Services Coordinator	113	1
Box Office Manager	111	1	Box Office Manager	111	1
Engineering Assistant	111	1	Engineering Assistant	111	1
Maintenance Technician	109	7	Maintenance Technician	109	7
Administrative Assistant I	109	1	Administrative Assistant I	109	1
Office Support Specialist	107	1	Office Support Specialist	107	1
Accounting Clerk	106	1	Accounting Clerk	106	1
Facility Support Technician	106	7	Facility Support Technician	106	7
Box Office Assistant	105	1	Box Office Assistant	105	1
Total		<u><u>29</u></u>			<u><u>29</u></u>

CITY OF CHARLESTON
Coliseum & Convention Center Budget
Fiscal Year Ending June 30, 2020
Civic Center Schedule of Wages & Salaries

CURRENT		PROPOSED	
Department/Wage Type	Amount	Department/Wage Type	Amount
<u>Civic Center (402)</u>		<u>Coliseum & Convention Center (402)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	1,180,716	Regular Wages & Salaries	1,191,226
Irregular Part Time (IPT)	345,000	Irregular Part Time (IPT)	345,000
Overtime	52,000	Overtime	52,000
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>1,577,716</u>		<u>1,588,226</u>

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 199-19 do pass.

Resolution No. 199-19 - Authorizing approval of Amendment No. 10 in the FY 2018- 2019 General Fund Budget as indicated on the attached list of accounts.

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

That the approval of Amendment No. 10 in the FY 2018- 2019 General Fund Budget as indicated on the attached list of accounts.

Councilmember Jenkins added that the budget amendment shifts health care money around, because the City can only estimate at the beginning of the year how much coverage will be needed.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Laird

With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution No. 199-19 adopted.

General Fund FY 2018-2019 Budget Amendment No. 10 - June 3, 2019

Account No.	Department	Account Description	Amount
001 412 50 000 1 105	City Manager - Construction	Medical Claims	(8,000)
001 706 00 000 1 105	Fire - Uniform	Medical Claims	(340,000)
001 706 93 000 1 105	Fire - Uniform - Retiree Health Benefits	Medical Claims	(1,813,000)
001 712 00 000 1 105	Traffic	Medical Claims	(83,000)
001 750 00 000 1 105	Street	Medical Claims	(130,000)
001 409 00 000 1 105	Mayor's Office	Medical Claims	30,000
001 410 00 000 1 105	City Council	Medical Claims	175,000
001 412 00 000 1 105	City Manager - Administrative	Medical Claims	87,000
001 413 00 000 1 105	City Treasurer	Medical Claims	27,000
001 414 00 000 1 105	City Collector	Medical Claims	120,000
001 415 00 000 1 105	City Clerk	Medical Claims	25,000
001 416 00 000 1 105	Municipal Court	Medical Claims	70,000
001 417 00 000 1 105	Legal	Medical Claims	42,000
001 418 00 000 1 105	Accounting	Medical Claims	42,000
001 420 00 000 1 105	Engineering	Medical Claims	60,000
001 420 01 000 1 105	Engineering - Stormwater Management	Medical Claims	33,000
001 421 00 000 1 105	MOECD	Medical Claims	60,000
001 422 00 000 1 105	Human Resources	Medical Claims	70,000
001 431 00 000 1 105	Mail Room	Medical Claims	17,000
001 436 00 000 1 105	Building Commission	Medical Claims	120,000
001 437 00 000 1 105	Planning	Medical Claims	60,000
001 439 00 000 1 105	Information Systems	Medical Claims	33,000
001 440 00 000 1 105	City Hall	Medical Claims	60,000
001 440 93 000 1 105	Regular Retiree Health Benefits	Medical Claims	400,000
001 442 00 000 1 105	Strategy Management	Medical Claims	20,000
001 566 00 000 1 105	Public Works	Medical Claims	25,000
001 567 00 000 1 105	Public Grounds	Medical Claims	17,000
001 567 01 000 1 105	Public Grounds - Carriage Trail	Medical Claims	17,000
001 700 00 000 1 105	Police - Uniform	Medical Claims	130,000
001 700 01 000 1 105	Police - Civilian	Medical Claims	225,000
001 700 93 000 1 105	Police - Uniform - Retiree Health Benefits	Medical Claims	140,000
001 706 01 000 1 105	Fire - Civilian	Medical Claims	17,000
001 716 00 000 1 105	Homeland Security - Emergency Services	Medical Claims	17,000
001 800 00 000 1 105	Refuse & Recycling	Medical Claims	68,000
001 900 00 000 1 105	Parks & Recreation	Medical Claims	93,000
001 906 01 000 1 105	Public Arts	Medical Claims	8,000
001 910 00 000 1 105	Municipal Auditorium	Medical Claims	26,000
001 952 00 000 1 105	Spring Hill Cemetery	Medical Claims	40,000

To adjust and reallocate various departmental expense accounts due to overruns on medical costs.

Reportable: To Maintain compliance with the budgetary guidelines of the State of West Virginia

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 200-19 do pass.

Resolution No. 200-19 - A Resolution granting Appalachian Power Company, a unit of American Electric Power a supplemental easement and right of way across City property adjacent to the Spring Hill Cemetery in connection with the permanent easement authorized by Resolution No. 026-18, adopted by Council on April 2, 2018, and authorizing the City Manager to execute the supplemental easement and right of way, attached hereto as Exhibit A.

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

That Appalachian Power Company, a unit of American Electric Power (“AEP”) was granted a permanent transmission easement across City property adjacent to Spring Hill Cemetery by Resolution No. 026-18, adopted by Council on April 2, 2018, for a payment of \$1,640.00 for the value of the easement.

That following recordation of the easement in Book 2997, Page 209 in the Recorder’s Office of Kanawha County, West Virginia, AEP and the City determined that there was an existing building belonging to the City within the limits of the right of way and easement.

That the City may continue to use the existing building, but if it is removed or destroyed then the City will not construct, reconstruct, or relocate the building within the limits of the right of way and easement.

That these terms are more fully described in the supplemental easement and right of way, attached hereto as Exhibit A, and the City Manager is authorized to execute the supplemental easement and right of way on behalf of the City.

Councilmember Jenkins added that this will allow the City to keep the shed/workshop under the powerlines. If it is ever removed, nothing else can be built in that space.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 200-19 adopted.

AEP Legal 910848.1

02/14/2014 14:25:02

Line Name: Bullitt Street – Chesterfield Line No.: TLN150:1195 Easement No.: 22

SUPPLEMENTAL EASEMENT AND RIGHT OF WAY

THIS SUPPLEMENTAL EASEMENT AND RIGHT OF WAY made by and between The City of Charleston, whose address is PO Box 2749, Charleston, West Virginia 25330 (“Grantor”), whether one or more persons, and Appalachian Power Company, a Virginia corporation, being a unit of American Electric Power, whose principal business address is 1 Riverside Plaza, Columbus, Ohio 43215 (“AEP”). WHEREAS, AEP is the owner of a right of way and easement under the terms of the following agreements recorded in the Recorder’s Office of Kanawha County, West Virginia by and between the Grantor and Appalachian Electric Power Company, a predecessor in title to AEP, dated April 3, 2018 and recorded in Book 2997, Page 209 (the “Original Easement”); and WHEREAS, Grantor is the successor in interest to all or part of the lands affected by the Original Easement; and WHEREAS, Grantor does however reserve the right to use the existing building as now located within the limits of the above described right of way and easement as shown on Exhibit “A” attachment, but if aforementioned building is removed or destroyed by any means, Grantor shall not be permitted to construct, reconstruct or relocate any portion of the building within the limits of the right of way and easement. NOW, THEREFORE, in consideration of the sum of Ten and NO/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which Grantor hereby acknowledges, the Grantor hereby grants and conveys and warrants to AEP this Supplemental Easement and Right of Way ("Easement") for electric transmission, distribution, and communication lines and appurtenant equipment and fixtures to modify the Original Easement

AEP Legal 910848.1

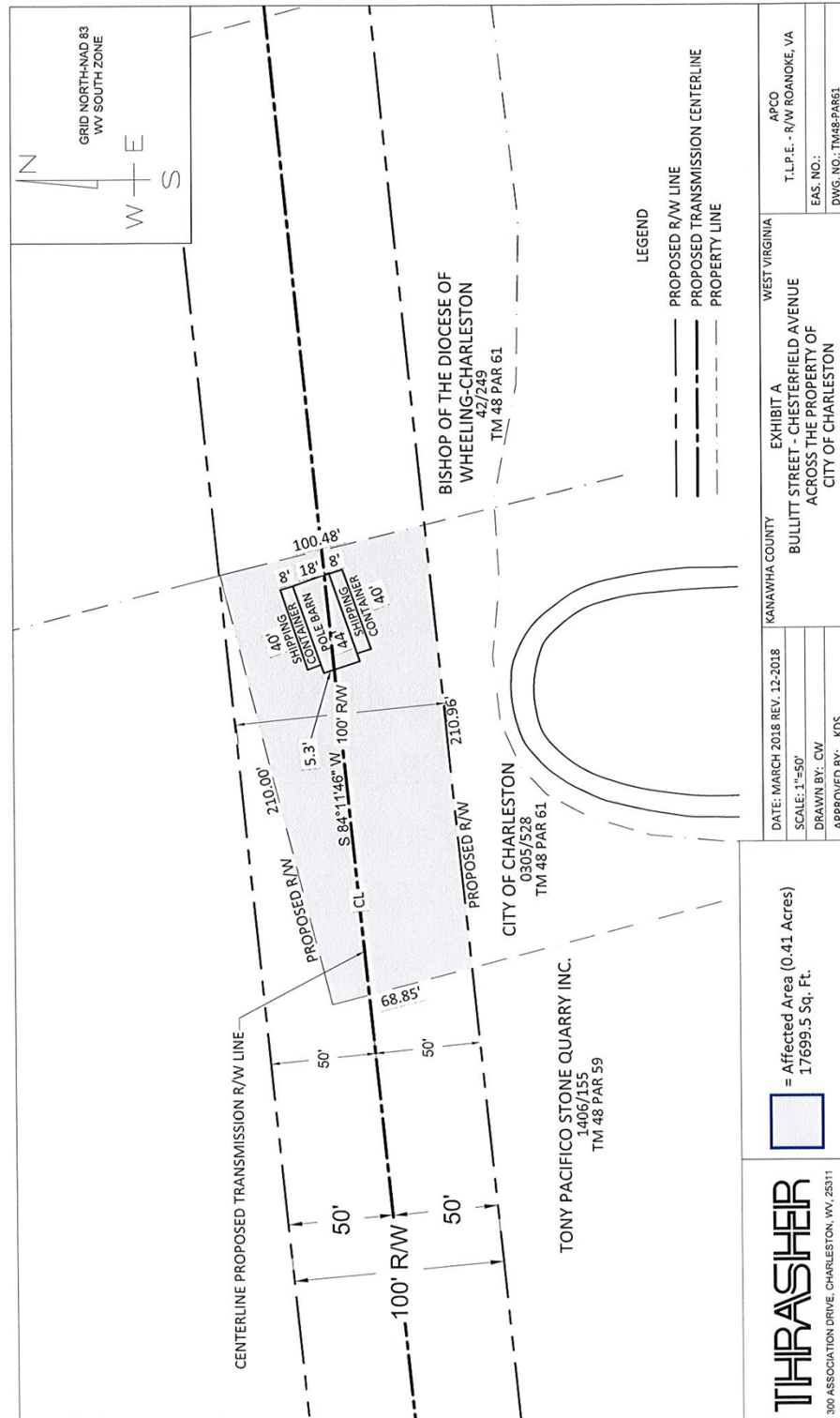
02/14/2014 14:25:02

[insofar as it encumbers property of the Grantor situated in a tract of land known as being in Kanawha County, State of West Virginia, adjoining, on the northeast boundary, Spring Hill Cemetery of said City of Charleston, numbered 6, 7, 8 and 9 as more described in Document dated September 1, 1926 in Volume 305, Page 528. (Parcel No. 10 48006100000000)], as follows: The Easement Area shall be more fully described and depicted on Exhibit “A”, a copy of which is attached hereto and made a part hereof (“Easement Area”).

Except as supplemented and amended herein, the Original Easement shall remain in full force and effect. The Original Easement, as supplemented and amended herein, contains the complete agreement, express and implied between the parties herein and shall inure to the benefit of and be binding on their respective successors, assigns, heirs, executors, administrators, lessees, tenants, and licensees.

This Easement may be executed in counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same instrument.

Any remaining space on this page left intentionally blank. See next page for signatures.



4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 201-19 do pass.

Resolution No. 201-19 - Authorizing the Mayor or City Manager to enter into a renewal agreement with Safety National Insurance Company/Commercial Insurance Service, at the rate of 0.6292% of wages, equating to a deposit premium of \$232,663.65 based on wages of \$36,775,377, for the City Excess Workers' Compensation Insurance for the period July 1, 2019 to June 30, 2020.

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

That the Mayor or City Manager is hereby authorized and directed to enter into a renewal agreement with Safety National Insurance Company/Commercial Insurance Service, at the rate of 0.6292% of wages, equating to a deposit premium of \$232,663.65 based on wages of \$36,775,377, for the City Excess Workers' Compensation Insurance for the period July 1, 2019 to June 30, 2020.

Councilmember Jenkins added that this is a renewal continuing the same coverage as previous.

Councilmember Burton abstained as the agency he works for helped place this program.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative, with one abstention from Councilmember Burton, the Mayor declared Resolution 201-19 adopted.

Excess Workers' Compensation Insurance Quotation

City of Charleston**7-1-2019/2020 Renewal**

CONTRACT TERMS	EXPIRING 2017-2018	EXPIRING 2018-2019	RENEWAL QUOTE 2019-2020
Based on Annual Payroll of:	\$35,275,708	\$36,937,643	\$36,775,377
Employer's Liability Limit	\$1,000,000 Per Occurrence and Aggregate	\$1,000,000 Per Occurrence and Aggregate	\$1,000,000 Per Occurrence and Aggregate
Aggregate Excess Limit	\$1,000,000	\$1,000,000	\$1,000,000
Specific Excess Limit	Statutory	Statutory	Statutory
Self-Insured Retention	\$600,000 All Other \$1,000,000 USLH	\$600,000 All Other \$1,000,000 USLH	\$600,000 All Other \$1,000,000 USLH
Estimated Aggregate Retention	\$2,362,545	2 Year Est = \$4,402,926 (can't show as 2 one year retentions)	
Premium Rate (per \$100 Payroll)	0.6292	0.6292	0.6292
Deposit Premium	\$221,955	\$232,412	\$231,391
0.55% WV Surcharge	\$1,220.75	\$1,278.27	\$1,272.65
Total Annual Premium (Incl. Tax)	\$223,175.75	\$233,690.27	\$232,663.65

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 203-19 do pass.

Resolution No. 203-19 – Authorizing the Mayor or City Manager to submit an application to the State Development Office to add Barlow Drive to the Industrial Access Road Program, where, upon approval of the application, Barlow Drive will become a part of the State Road System and will be improved to better accommodate commercial activity.

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

The Mayor or City Manager is authorized to submit an application to the State Development Office to add Barlow Drive to the Industrial Access Road Program, where, upon approval of the application, Barlow Drive will become a part of the State Road System and will be improved to better accommodate commercial activity.

Councilmember Jenkins that this is a great program with the state to fix problems with Barlow Drive. With upgrades, there is the potential that it could spur more industrial development.

Councilmember Knauff asked if any other kind of public notice was given. Jonathan Storage answered that the administration worked with representatives at the industrial park as well as Shaffer Equipment who strongly support it. There is also support from the DOT and County Commission.

Councilmember Sheets stated that business has been lost because of the condition of the road. This would be of great benefit to the businesses on that road as well as the City because the road is eroding away.

Councilmember Campbell asked what the application process for this is like. Jonathan Storage answered that it would need to be submitted by the end of June to be considered. Financial information is compiled from the impacted businesses. The City will have to demonstrate the number of jobs that can be created and any capital improvements. The other part of the application requires a consideration of what it would take to standards for commercial activity, which the City Engineer has been reviewing. Councilmember Campbell asked who will own the riverbank between the road and the river. Kevin Baker answered that at one point it was most likely owned by the railroad, and is now only the City's road because of the maintenance that has been done for more than twenty (20) years, although there is no record of it being transferred to the City.

Councilmember Bailey recommended incorporating bike signage/bike friendly component to the application since the road ends up at Coonskin Park.

Councilmember Wesley-Plear asked if there are many residents

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 203-19 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. 204-19 do pass.

Resolution No. 204-19 - Authorizing the Mayor or City Manager to submit an application in the amount of \$200,000 to the WV Department of Health and Human Resources Quick Response Team (QRT) grant program and to administer any funds awarded. These funds will provide salary reimbursement for the project manager, recovery coaches and police and fire personnel overtime costs. There are no matching funds needed for this award.

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 in the amount of \$200,000 for the QRT to provide funds necessary for the program and to administer any funds awarded.

Councilmember Jenkins added that this is similar to a grant that was submitted earlier in regards to DHHR grant funding that did not make an award to any city that had sought funds for QRT for that municipality, however this grant is specific to Quick Response Teams. The City is seeking the grant to assist with the opioid epidemic.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 204-19 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. 205-19 do pass.

Resolution No. 205-19 - Authorizing the Mayor or City Manager to submit an application in the amount of \$600,000 to the Department of Justice, Office of Justice Programs for the Quick Response Team (QRT) and to administer any funds awarded. These funds will provide salary reimbursement for the project manager, research partner and recovery coaches and overtime costs for police and fire personnel, along with travel/training funds. There are no matching funds needed for this award.

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 in the amount of \$600,000 to provide necessary funds for the QRT and to administer any funds awarded.

Councilmember Jenkins added that this is another funding source for the Quick Response Team that would add a more stable funding source as it will be spread over three (3) years.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 205-19 adopted.

REPORTS OF OFFICERS

1. City of Charleston, WV – Financial Statements, for the ten-month period ending April 30, 2019.

Received and Filed.

NEW BILLS

Introduced by Councilmember Tiffany Wesley-Plear on June 3, 2019:

Bill No. 7820 - A Bill to establish a Handicapped parking zone on south side of Central Avenue from a point 48 feet east of Hunt Avenue to a point 121 feet east of Hunt Avenue and amending the Traffic Control Map and Traffic Control File.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmembers Mary Beth Hoover, Naomi Bays, Becky Ceperley, Will Laird, Jennifer Pharr, Chad Robinson and Adam Knauff on June 3, 2019:

Bill No. 7818 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by adding and modifying definitions and creating land use categories relating to the growing, processing, and distribution of medical cannabis.

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

MISCELLANEOUS/UNFINISHED BUSINESS

1. Councilmember Knauff invited those present to the next Team Up To Clean Up event for the greater Bigley/Westmoreland area on June 8 at 10:00 am.
2. Councilmember McKinney invited those present to Magic Island June 9 from 3-5 pm to support the victims of gun violence.
3. Councilmember Sheets thanked the Mayor for participating in the Charity Drag Race. He noted the she is the first Mayor who has participated.
4. Councilmember Wesley-Plear mentioned that Charleston's biggest block party happened over the weekend and that it was a wonderful, positive event.

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

NAYS: NONE

ABSENT: Laird

At 8:49 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, June 17, 2019, at 7:00 p.m., in the Council Chamber in City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary, City Clerk