



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, February 1, 2021

at 7:00 P.M.

* – 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 February on the 1st day, in the year 2021, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Campbell and the Pledge of Allegiance was led by Mayor Goodwin. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

ADAMS	BAILEY	BAYS
BURTON	CAMPBELL	CEPERLEY
COOK	FAEGRE	HAAS
HOOVER	JENKINS	JONES
KING	KNAUFF	LAIRD
MCKINNEY	MINARDI	OVERSTREET
PERSINGER	PHARR	REISHMAN
ROBINSON	SHEETS	SNODGRASS
STEELE	WESLEY-PLEAR	MAYOR GOODWIN

With twenty-seven 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.

*In response to the COVID-19 pandemic, the meeting of Council was conducted electronically. The City Clerk and Mayor Goodwin were physically present, while the remaining members of Council attended via conference call. The meeting was made available to the public as a live stream via Zoom and CivicClerk (per the agenda).

PUBLIC SPEAKERS

Before the public speakers were announced, Mayor Goodwin stated that the Clerk's Office allowed public speakers to sign up between 3pm and 6pm by phone, per the posted agenda. There were no objections.

1. Joshua Cordwell – spoke in favor of SOAR
2. Rachael Rubin – spoke in favor of SOAR
3. James Atkins – spoke about the homeless issue and businesses being targeted

CLAIMS

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

PROCLAMATIONS

NONE

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 resolution, and reports the same to Council with the recommendation that Resolution No. 415-21 be adopted.

Resolution No. 415-21 - A resolution to establish an honorary street in the memory and service of Patrolman Cassie Johnson along the full length of Garrison Avenue.

WHEREAS, Patrolman Cassie Johnson was tragically wounded in the line of duty while responding to an incident on Garrison Avenue; and

WHEREAS, Patrolman Cassie Johnson was a member of D shift; and

WHEREAS, Cassie Johnson was sworn into the CPD in January 2019 at 26-years-old, fulfilling her dream of becoming a police officer; and

WHEREAS, Cassie Johnson served with valor, dignity, and integrity; and

WHEREAS, Cassie Johnson was a lifelong Charleston resident, an exemplary public servant, and a consummate professional, serving first as a humane officer for the City of Charleston, prior to her service as a Charleston police officer; and

WHEREAS, Cassie Johnson grew up in and around Garrison Avenue; and

WHEREAS, Patrolman Cassie Johnson ultimately succumbed to her wounds on December 3, 2020 that were sustained while in the line of duty while protecting the Garrison Avenue neighborhood.

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

That the full length of Garrison Avenue is hereby established as an honorary street in the memory and service of Patrolman Cassie Johnson who lost her life in the line of duty while responding to an incident on Garrison Avenue.

Councilmember Hoover added that Patrolman Cassie Johnson was a selfless servant to Charleston and her own neighborhood of Garrison Avenue. This request came from Councilmember Snodgrass and Lieutenant Noland in the D-Shift. Patrolman Johnson made the ultimate sacrifice serving her community.

Councilmember Faegre added that she would prefer that it read Patrolwoman.

Councilmember Snodgrass added that this request started when Lt. Jamie Noland and D-Shift contacted her. She added that everyone on D-Shift signed the petition as it was important to them to honor their fallen sister. Councilmember Snodgrass was honored to assist them.

Lt. Nolan thanked everyone involved in the process, adding that it is a wonderful way for the members of D-Shift to pay tribute. Patrolman Johnson worked and grew up in this area.

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

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

NAYS: Burton, Jones, Knauff, Persinger, Snodgrass, Wesley-Plear

ABSENT: NONE

With the votes of members present recorded as unanimously in the affirmative, the Mayor declared Resolution No. 415-21 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. 420-21 be adopted.

Resolution No. 420-21 - Authorizing the Mayor or City Manager to enter into a construction contract with RK Construction, Inc. in the amount of \$428,624.13 for the repair of Barlow Drive as part of the West Virginia Division of Highways' Industrial Road Access Grant Program, where the contract is being awarded following a competitive bidding process.

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

That the Mayor or City Manager is authorized to enter into a construction contract with RK Construction, Inc. in the amount of \$428,624.13 for the repair of Barlow Drive as part of the West Virginia Division of Highways' Industrial Road Access Grant Program, where the contract is being awarded following a competitive bidding process.

Councilmember Jenkins added that there had been discussion over the past year regarding Barlow Drive and how the Elk River is eating away at it. The City was able to apply for and receive \$510,000 in grant funding to repair this damage. The recommended bid is less than that amount, so any potential overages should be covered as well.

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

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

NAYS: NONE

ABSENT: NONE

With a majority of members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 420-21 adopted.

			Thaxton Construction Company, Inc. P.O. Box 13279 Charleston, WV 25360 P: (304) 984-2299		K & N Contracting, Inc. P.O. Box 607 Elkview, WV 25701 P: (304) 965-9088 kncontract@gmail.com		Rock Forge Bridge Co., LLC P.O. Box 60 Amma, WV 25005 P: (304) 565-3007 eric.gregory@mciwv.com		Alan Stone Company Inc. 5519 Suite A State Route 339 Vincent, Ohio 45784 P: (304) 375-6484 blake@alanstonecompany.com		RK Construction, Inc. 47 Omers Drive Frametown, WV 26623 P: (304) 364-2815 rkyerconstruct@aol.com			
Item	Unit	Estimated Quantity	Price per Unit	Total Cost	Price per Unit	Total Cost	Price per Unit	Total Cost	Price per Unit	Total Cost	Price per Unit	Total Cost		
Item No. 3.01 Mobilization	LS	1	\$999.00	\$999.00	\$44,292.00	\$44,292.00	\$43,945.00	\$43,945.00	\$37,500.00	\$37,500.00	\$5,887.08	\$5,887.08		
Item No. 3.02 Predrilled Soldier Pile HP12X53	LF	3100	\$104.00	\$322,400.00	\$138.96	\$430,776.00	\$125.00	\$387,500.00	\$81.00	\$251,100.00	\$64.23	\$199,113.00		
Item No. 3.03 Predrilled Soldier Pile HP10x42	LF	350	\$90.00	\$31,500.00	\$207.60	\$72,660.00	\$250.00	\$87,500.00	\$125.00	\$43,750.00	\$160.84	\$56,294.00		
Item No. 3.04 Steel Wale HP10x42	LF	410	\$90.00	\$36,900.00	\$131.82	\$54,046.20	\$80.00	\$32,800.00	\$100.00	\$41,000.00	\$32.89	\$13,484.90		
Item No. 3.05 Concrete Lagging 8x24x57	EA	400	\$100.00	\$40,000.00	\$469.06	\$187,624.00	\$160.00	\$64,000.00	\$600.00	\$240,000.00	\$199.20	\$79,680.00		
Item No. 3.06 Tieback Anchor	LF	400	\$50.00	\$20,000.00	\$76.81	\$30,724.00	\$495.00	\$198,000.00	\$200.00	\$80,000.00	\$131.57	\$52,628.00		
Item No. 3.07 HDPE Storm Sewer	LF	60	\$100.00	\$6,000.00	\$278.29	\$16,697.40	\$475.00	\$28,500.00	\$400.00	\$24,000.00	\$114.12	\$6,847.20		
Item No. 3.08 Guardrail	LF	400	\$28.00	\$11,200.00	\$27.39	\$10,956.00	\$40.00	\$16,000.00	\$40.00	\$16,000.00	\$31.09	\$12,436.00		
Item No. 3.09 Traffic Control	LS	1	\$1.00	\$1.00	\$38,083.00	\$38,083.00	\$20,655.00	\$20,655.00	\$20,000.00	\$20,000.00	\$2,253.95	\$2,253.95		
TOTAL PROJECT COST			\$469,000.00		\$885,858.60		\$878,900.00		\$753,350.00		\$428,624.13			
Local Vendor Preference (4%)			(\$18,760) \$ 450,240.00		(\$35,434.34) \$850,424.26		submitted but blank		submitted but blank		(\$17,144.97) \$411,479.16			

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 421-21 do pass.

Resolution No. 421-21 - Authorizing the global settlement of pending disputed claims against the City by the Estate of Heather Ross and the minor children of Heather Ross, as alleged in Kanawha County Circuit Court Civil Action No. 20-C-683, pursuant to the recommendation of the City Solicitor.

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

That the City Council hereby authorizes and approves the global settlement of all pending disputed claims against the City by the Estate of Heather Ross and the minor children of Heather Ross, as alleged in Kanawha County Circuit Court Civil Action No. 20-C-683, in the amount of \$1,150,000.00, pursuant to the recommendation of the City Solicitor. The City Council authorizes the City Solicitor and City Manager to take all necessary steps to finalize resolution of the claims.

Councilmember Jenkins added that that the resolution is for a settlement to a civil action that resulted in the tragic death of a mother in front of her two children during a police chase. The suspect being chased had crashed and hit her. Councilmember Jenkins added that the Finance Committee had determined this to be a fair and reasonable settlement. If approved by Council, it would go to the Court for final approval, and the global settlement would cover the wrongful death of the estate as well as the children's claims. The Plaintiffs' attorneys and the Court would work to ensure the disbursement of the funds.

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

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

NAYS: NONE

ABSENT: NONE

With a majority of members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 421-21 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. 422-21 do pass.

Resolution No. 422-21 - Authorizing the Mayor or City Manager to purchase a rear-loading miniature refuse collection truck for the Charleston Refuse Department from West Virginia Tractor Company in the amount of \$91,975.00 as the result of a competitive bidding process.

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

That the Mayor or City Manager is authorized to purchase a rear-loading miniature refuse collection truck for the Charleston Refuse Department from West Virginia Tractor Company in the amount of \$91,975.00 as the result of a competitive bidding process.

Councilmember Jenkins added that the resolution is for the purchase of a miniature refuse collection truck that will cut down on trips and allow the truck to get into narrower, tighter spaces around the area.

Councilmember Persinger stated that the recycling reported had just been distributed that morning. He stated that he opposed buying any trucks after reading the report, adding that the report recommends buying automated trucks, etc. He recommended not making any purchases until the report could be fully absorbed and there is a plan to dig out of the City's recycling and refuse hole.

Refuse Director, Jered Lanham, added that their department would be giving up the purchase of two open top trucks for this purchase. The benefits of the proposed purchase would be that the refuse workers would be able to load the bags at waist level instead of throwing them over their heads. He added that it will also help to prevent bags from falling out of the trucks while moving.

Councilmember Overstreet stated that he is for anything that helps to keep the workers safe, and is against automation.

Councilmember Persinger confirmed that Lanham has read the report, and asked his opinion on automation. Lanham stated he did not think it would work for the City, and would be able to take the Councilmember around the City and discuss it further.

Councilmember Wesley-Plear added that perhaps they should wait until they are able to fully read the report and discuss things further with Director Lanham.

Councilmember Bailey invited Councilmember Persinger to attend the next Environment and

Recycling Committee meeting that Wednesday where the consultants will make their presentation.

Councilmember Minardi agreed with Councilmember Wesley-Plear.

Councilmember Persinger stated the importance of not confusing Waste Management trucks with City owned trucks.

Councilmember Faegre added that the terrain of the City should be considered. She stated that proposed vehicle purchase is for worker safety and that one worker's compensation claim would most likely equal to the cost of the vehicle.

Councilmember Jenkins motioned to postpone the resolution until the next City Council meeting. Councilmember Minardi seconded the motion. With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 422-21 postponed until the next Council meeting.

Rear Loading Mini Refuse Collection Truck

Project No. 2021-002

Bid Opening: January 19, 2021 @ 11:00am

	West VirginiaTractor
	PO Box 473
	Charleston, WV 25322
	P: (304) 346-5301
	wvtractor@msn.com
Rear Loading Mini Refuse Collection Truck	\$91,975.00
Local Vendor Preference (4%)	(\$3,679) \$88,296.00
Successful Bidder	

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 423-21 do pass.

Resolution No. 423-21 - Authorizing the Mayor or City Manager to enter into a contract with McNeil Fence Company in the amount of \$ 69,992.00 for the construction of fencing and gates for new City dog parks located at Cato Park and Dunbar Street. The purchase price was determined through a competitive bidding process where McNeil Fence Company was the sole bidder.

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

That the Mayor or City Manager is authorized to enter into a contract with McNeil Fence Company in the amount of \$ 69,992.00 for the construction of fencing and gates for new City dog parks located at Cato Park and Dunbar Street. The purchase price was determined through a competitive bidding process where McNeil Fence Company was the sole bidder.

Councilmember Jenkins added that the purchase is for fencing for two new City dog parks at Cato Park and Dunbar Street. He added that the Cato dog park will be in memory of Patrolman Cassie Johnson.

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

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

NAYS: NONE

ABSENT: NONE

With a majority of members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 423-21 adopted.

Fencing for Dog Parks				
Project No. 2021-001				
Bid Opening: January 19, 2021 @ 11:00am				
McNeil Fence				
3002 8th Avenue				
Charleston, WV 25387				
P: (304) 744-8051				
robb.chriswell@pro-safetysupply.com				
<u>Project Total</u>				
Description	Unit	Quantity	Unit cost	
Item 1 – 48" Dog Park Fencing and Gates	LF	1300	\$53.84	\$69,992.00
Local Vendor Preference (4%)				(\$2,799.68) \$67,192.32
Total Project Cost				\$69,992.00
Successful Bidder				✓

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 424-21 do pass.

Resolution No. 424-21 - Authorizing the Mayor or City Manager to submit an application to the FEMA Assistance to Firefighter Grant Program in the amount of \$325,939 that includes the required 10% cash match and administer any funds awarded. The Charleston Fire Department will use these funds to purchase 33 sets of bunker gear, 84 pairs of boots, 155 pairs of gloves, 155 hoods, 49 helmets, 3 gear washers and 9 dryers.

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

That the Mayor or City Manager is authorized to submit an application to the FEMA Assistance to Firefighter Grant Program in the amount of \$325,939 that includes the required 10% cash match and administer any funds awarded. The Charleston Fire Department will use these funds to purchase 33 sets of bunker gear, 84 pairs of boots, 155 pairs of gloves, 155 hoods, 49 helmets, 3 gear washers and 9 dryers.

Councilmember Jenkins added that the price includes the 10% match.

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

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

NAYS: NONE

ABSENT: NONE

With a majority of members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 424-21 adopted.

REPORTS OF OFFICERS

NONE

NEW BILLS

Introduced by Councilmember Brady Campbell

February 1, 2021:

Bill No. 7892 – Amending the Zoning Ordinance by rezoning from a R-4 Single Family Residential District to a Residential-Office District, that certain parcel of land located at 1133 Oakhurst Drive.

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

Introduced by Councilmember Chuck Overstreet

February 1, 2021:

Bill No. 7895 - A BILL to amend and reenact Section 54-41 of the Municipal Code of the City of Charleston, as amended, relating to updating the names of the fire department's divisions.

Refer to Ordinance and Rules Committee, Please

MISCELLANEOUS/UNFINISHED BUSINESS

1. Mayor Goodwin stated that beginning February 16, 2021, Council will again meet in person at the Coliseum and Convention Center. Councilmember Bays asked if they would have the option to attend via Zoom, and the Mayor replied that it was not likely although they may speak about it.
2. Councilmember King motioned to withdraw (or discharge) Resolution No. 419-21 from the Public Safety Committee. Councilmember Snodgrass seconded the motion.

Councilmember King added that that there is an urgency to gather information from first responders and the Refuse Department regarding harm reduction. He would like to be able to start the survey before any bill on the topic.

Councilmember Ceperley spoke against discharging the Resolution.

Councilmember Faegre spoke against discharging the Resolution.

Councilmember Snodgrass spoke in favor of discharging the Resolution.

Councilmember Robinson motioned for the previous question. A roll call was taken:

YEAS: Adams, Bays, Ceperley, Cook, Hoover, Jones, King, Knauff, Laird, Minardi, Reishman, Robinson, Sheets, Snodgrass, Steele, Mayor Goodwin

NAYS: Bailey, Burton, Campbell, Faegre, Haas, Jenkins, McKinney, Overstreet, Persinger, Pharr, Wesley-Plear

ABSENT: NONE

With a majority of members present recorded thereon as voting in the affirmative with 16 Yeas and 11 Nays, the Mayor declared the motion passed.

The question being the passage of the motion to discharge, the clerk called the roll.

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

NAYS: NONE

ABSENT: NONE

With a majority of members present recorded thereon as voting in the negative with 9 Yeas and 18 Nays, the Mayor declared the motion not passed.

REMARKS BY MEMBERS

NONE

ADJOURNMENT

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

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

NAYS: NONE

ABSENT: NONE

At 8:18 p.m., by a motion from Councilmember Ceperley, Council adjourned until Tuesday, February 16, 2021, at 7:00 p.m., in West Hall 1 at the Coliseum and Convention Center.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk