



JOURNAL of the PROCEEDINGS of the CITY COUNCIL

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, April 5, 2021

at 7:00 P.M.

* – Charleston Coliseum and Convention Center, West Hall 1 –
Charleston, West Virginia

OFFICIAL RECORD

Amy Shuler Goodwin
Mayor

Miles C. Cary II
City Clerk

CALL TO ORDER*

The Council met at 7:00 P.M., for the first meeting in the month of April on the 5th day, in the year 2021, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Knauff and the Pledge of Allegiance was led by Councilmember Minardi. 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.

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

PUBLIC SPEAKERS

Before the public speakers were announced, Mayor Goodwin stated there were twenty-two (22) public speakers. There were no objections.

1. Sarah Stone
2. Betsy and Emily Sokolosky
3. Robin Pollini
4. Cathy Kuntel
5. Ruth Zitia
6. Jessica Horsley
7. Ashley Copen
8. Patterson Lyles
9. Greg Whittington
10. Victor Ureki
11. Christy Day
12. W. Michael Ferrell
13. Robert E. Easley, Jr.
14. Dan Lauffer
15. Cathy Clemp
16. Shelda Martin

17. Pastor Marlon Collins

18. Hunter Starks

19. Greg Shavers

20. Jon Davis

21. Martec Washington

22. Crystal Good

CLAIMS

1. A claim of Simon M Bailey III, Charleston, WV;
alleges damage to property.
Refer to City Solicitor, Please.
2. A claim of William G Bumpus, Charleston, WV;
alleges personal injury.
Refer to City Solicitor, Please.
3. A claim of Perry Hoffman, Charleston, WV;
alleges personal injury.
Refer to City Solicitor, Please.
4. A claim of Phillip R O'Dell, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor, Please.
5. A claim of Letari Thompson, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor, Please.

PROCLAMATIONS

None

COMMUNICATIONS

1.

Amy Shuler Goodwin
Office of the Mayor
City of Charleston



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

TO: MILES CARY
CITY CLERK

FROM: AMY SHULER GOODWIN
MAYOR

RE: CHARLESTON CONVENTION & VISITORS BUREAU BOARD

DATE: APRIL 5, 2021



I recommend Eric Althaus be appointed to the Charleston Convention & Visitors Bureau Board with an initial term to expire on April 5, 2024. He is filling the seat a vacant seat.

I respectfully request City Council's approval of this recommendation.

ASG/mls

Councilmember Ceperley motioned to approve the appointment. Councilmember Wesley-Plear seconded. With members present recorded thereon as voting unanimously in the affirmative, the appointment was confirmed.

2.

Amy Shuler Goodwin
Office of the Mayor
City of Charleston



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

TO: MILES CARY
CITY CLERK

FROM: AMY SHULER GOODWIN
MAYOR

RE: CHARLESTON COLESIUM AND CONVENTION CENTER BOARD

DATE: APRIL 5, 2021

I recommend Councilwoman Mary Beth Hoover be appointed to the Charleston Coliseum and Convention Center Board with a term that coincides with her City Council term. She is filling the seat a vacant seat created by the resignation of that seat by Councilman Sam Minardi.

I respectfully request City Council's approval of this recommendation.

ASG/mls

Councilmember Ceperley motioned to approve the appointment. Councilmember Wesley-Plear seconded. With members present recorded thereon as voting unanimously in the affirmative, the appointment was confirmed.

MISCELLANEOUS RESOLUTIONS

NONE

REPORTS OF COMMITTEES

COMMITTEE ON PARKS AND RECREATION

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

1. Your committee on Parks and Recreation has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 446-21 be adopted.

Resolution No. 446-21 - Honoring the life and legacy of Patrolman Robert Edward Easley, Sr. by dedicating and naming the western wing of the Martin Luther King, Jr. Community Center, which is dedicated to afterschool programming, the “Robert Edward Easley, Sr. Annex”.

Whereas, Robert E. Easley, Sr. was a native of Charleston, West Virginia, and served honorably in the Charleston Police Department; and

Whereas, Robert E. Easley, Sr. was one of only a few Black Charleston Police Department members during the Civil Rights Movement of the 1950s and 1960s; and

Whereas, Robert E. Easley, Sr. was known as the “peacemaker” for his ability to find solutions to problems while transcending race, color, religion, gender, and creed; and

Whereas, Robert E. Easley, Sr. was given the 1963 Officer of the Year Award, earned the medal of valor, and received multiple Officer of the Month recognitions; and

Whereas, Robert E. Easley, Sr. helped organize The Canteen—a youth center in the Triangle District of Charleston, also known as the Block, that provided supervised activities for young people; and

Whereas, Robert E. Easley, Sr. spent countless hours volunteering his time at The Canteen in an effort to keep the youth of the community off the street and out of trouble by engaging them with drum corps, drill corps, dances, basketball games, ping-pong matches, tutoring, and much more with the assistance of other local community leaders, teachers, and volunteers; and

Whereas, Robert E. Easley, Sr.’s tireless efforts for the youth of Charleston and his commitment to The Canteen earned him the moniker of “Father of Afterschool Programs”; and

Whereas, Robert E. Easley, Sr. was beloved by the community and is fondly remembered by everyone who spent time at The Canteen and heard Officer Easley’s motivational and inspirational slogan, “Striving to Excel”; and

Whereas, Robert E. Easley, Sr. passed away in 1997 and was posthumously honored by the State

of West Virginia’s Human Rights Commission as a West Virginia Civil Rights Day honoree in 2010; and

Whereas, the City of Charleston owes a debt of gratitude to Robert E. Easley, Sr. for both his distinguished service to the City as a member of the Charleston Police Department and his dedication to the people of Charleston through his volunteer service at The Canteen and throughout the community.

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

That the City of Charleston hereby honors the life and legacy of Patrolman Robert Edward Easley, Sr. and expresses its thanks for Officer Easley’s dedicated service as both an employee of the City and a committed community volunteer with The Canteen and other community engagement.

And that the City of Charleston dedicates the western wing of the Martin Luther King, Jr., Community Center in honor of Patrolman Robert Edward Easley, Sr.—the Father of Afterschool Programs—and hereby names the western wing, which is dedicated to afterschool programming, the “Robert Edward Easley, Sr. Annex” in his memory.

Councilmember Cook added that the resolution would honor the life, legacy and commitment that Patrolman Robert Edward Easley, Sr. gave to the City of Charleston. He served the City as one of its few black officers during the 1950s and 1960s. Councilmember Cook added that he was known as the “Peacemaker.” During the last meeting of the Parks and Recreation Committee, a colleague of his noted that Mr. Easley had an impact on juveniles in the criminal justice system. He has left his mark on the City as an afterschool mentor, known as the “Father of the Afterschool Program.” The western wing of the Martin Luther King Center will be renamed in his honor.

Councilmember Cook moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 446-21 adopted.

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. 7896 do pass.

Bill No. 7896 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from an R-O district to a C-8 district that certain Parcel 11 as shown upon Charleston South Annex Corp. Map No. 11 situate near 931 Oakhurst Drive and 112 Mullins Road, Charleston, West Virginia, and rezoning from an R-6 district to a C-8 district, those seven certain parcels of land situate at and around 112 Mullins Road and 931 Oakhurst Drive, Charleston, Kanawha County, West Virginia, more specifically described as follows: A part of Parcel No. 11.1 (Parcel 11, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; Parcel No. 11.2 (Parcel 11, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel Number 14 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 14.1 (Parcel 14, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11; A part of Parcel 14.2 (Parcel 14, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11; Parcel 16 as shown upon Charleston South Annex Corp. Map No. 11; Parcel 15.1 (Parcel 15, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted on the 1st day of January 2006, as amended, is hereby amended by rezoning from an R-6 district to a C-8 district the whole of the following described parcels of land:

Parcel No. 11.2 (Parcel 11, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11;

Parcel Number 14 as shown upon Charleston South Annex Corp. Map No. 11;

Parcel 14.1 (Parcel 14, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11;

Parcel 15.1 (Parcel 15, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11;

Parcel 16 as shown upon Charleston South Annex Corp. Map No. 11.

A part of Parcel 11.1 (Parcel 11, Sub Parcel 1) as shown upon Charleston South Annex Corp. Map No. 11;

A part of Parcel 14.2 (Parcel 14, Sub Parcel 2) as shown upon Charleston South Annex Corp. Map No. 11.

2. The Zoning Ordinance of the City of Charleston, West Virginia, enacted on the 1st day of January

2006, as amended, is hereby amended by rezoning from an R-O district to a C-8 district the whole of the following described parcels of land:

Parcel 11 as shown upon Charleston South Annex Corp. Map No. 11.

3. The Zoning Map, attached to and made a part of the Zoning Ordinance, is hereby amended in accordance with Article 27 of this ordinance.

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

Councilmember Hoover added that the bill concerns a piece of property behind the new Kroger Fuel Center on 119. This is an appropriate rezoning on a property that probably wouldn't have been developed otherwise.

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

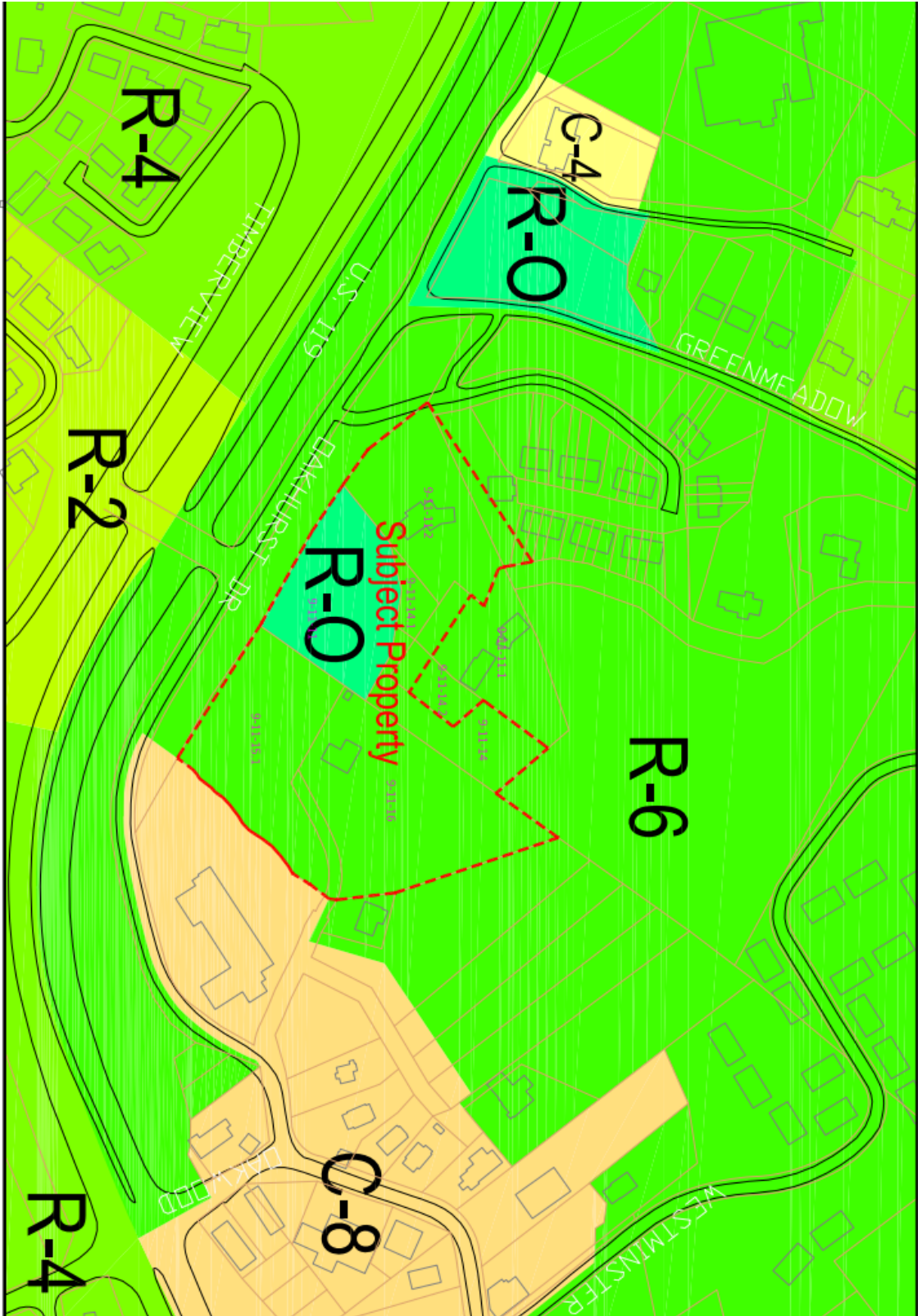
NAYS: NONE

ABSENT: NONE

With the votes of members present recorded unanimously in the affirmative, the Mayor declared Bill No. 7896 passed.



REZONING FROM R-6 & R-O TO C-8



COMMITTEE ON PUBLIC SAFETY

Councilmember King, Member of the Council Committee on Public Safety, submitted the following reports:

1. Your committee on Public Safety has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7893 Committee Substitute do pass.

Bill No. 7893 Committee Substitute - A BILL to amend and reenact Sections 78-381, 78-382, and 78-383 of the Municipal Code of the City of Charleston and to repeal Sections 78-396 and 78-397 of said Code, all relating to requiring any distribution of hypodermic needles within the City of Charleston to be performed by persons or entities that have a certification as a Harm Reduction Program from the State of West Virginia in addition to any required state license; creating certain requirements for Harm Reduction Programs operating within the City; eliminating the ability for the Chief of Police to provide exceptions, and establishing penalties for violations.

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

That Sections 78-381, 78-382, and 78-383 of the Municipal Code of the City of Charleston is amended and reenacted, and that Sections 78-396 and 78-397 of said Code are repealed, all to read as follows:

Subdivision II. - ~~Sale, Marketing, and~~ Distribution of Hypodermic Needles and Syringes

Sec. 78-381. - ~~Sale, marketing and distribution~~ Distribution of hypodermic needles; state license certification required.

It shall be unlawful for any person or persons as principal, clerk, agent, ~~or~~ servant or otherwise acting individually or on behalf of any entity, organization or group to sell, market, or distribute any hypodermic syringes, needles and other similar objects used or designed for injecting substances into the human body, without obtaining and having certification as a Harm Reduction Program from the West Virginia Bureau for Public Health within the West Virginia Department of Health and Human Resources and any and all licenses required under state law to do so: ~~except that, items distributed by or exchanged at a needle exchange program sponsored or approved by the Chief of Police of the Charleston Police Department, as provided by Subdivision III herein, are thereby approved and are not unlawful.~~

Sec. 78-382. - Compliance with state law and regulations.

Every person, entity, organization, or group certified or licensed to sell, market, or distribute hypodermic needles shall comply with all applicable state law and regulations. In addition, every Harm Reduction Program operating within the City of Charleston shall (1) receive one returned syringe for every syringe it distributes; (2) maintain a confidential list of the number of syringes dispensed and returned by the program participant for every visit; (3) individually mark each syringe it dispenses with identifying information that clearly and unambiguously allows for the identification of each syringe dispensed by the

program that dispensed it; and (4) document at every visit that each participant was offered medical services, including mental, behavioral health, and drug treatment services, by a licensed or certified health care provider.

~~Subdivision III. – Needle Exchange Program~~

~~Sec. 78-383. - Penalty.~~

~~Any person violating any provision of this subdivision shall, if convicted, be guilty of a misdemeanor and be fined not less than five hundred ten dollars nor more than one thousand five hundred dollars for the first offense and succeeding offenses. Each day that such violation shall continue shall be deemed a separate and distinct offense.~~

~~Sec. 78-396. – Needle exchange program authorized.~~

~~The City of Charleston, by and through its Chief of Police, may sponsor, approve, or participate in a program or programs within the City of Charleston for the distribution or exchange of hypodermic syringes, needles and other similar objects used or designed for injecting substances into the human body.~~

~~Sec. 78-397. – Rules and regulations; Chief of Police authorized.~~

~~The Chief of Police of the City of Charleston Police Department is authorized to promulgate reasonable rules or regulations deemed necessary to implement and administer a program within the City of Charleston provided for in Section 78-396 for the distribution or exchange of hypodermic syringes, needles and other similar objects used or designed for injecting substances into the human body.~~

Councilmember King added that the Bill and Committee Substitute came to be as a result of the City's current ordinance being deemed unenforceable. He added that there was also a survey conducted of the City's Police, Fire, Public Grounds and Refuse Departments to gain feedback as to how they felt about syringe services within the City. The Public Safety Committee approved a Committee Substitute to the introduced bill that requires each harm reduction program operating within the City receive one syringe returned for every syringe it distributes, and requires a label for each needle to identify the program. Councilmember King added that it also requires that every harm reduction program participant see someone from a mental health/behavioral health/drug treatment services at every visit. He added that the bill strikes a balance between the needs of the community and the needs of an intravenous drug user. This will help people get into recover, as well as provide accountability to the program and participant so that it doesn't affect the community.

Councilmember Adams added that Senate Bill 334, establishing license application process for needle exchange programs, was passed at the House Judiciary April 2, 2021. The legislative session will adjourn April 10, 2021. He added that in the next 5 days, there will likely be clarity on this issue at the State level.

Councilmember Adams motioned to postpone Bill No. 7893 Committee Substitute until April 19, 2021. Councilmember Ceperley seconded.

Councilmember Minardi spoke against the postponement.

Councilmember Snodgrass spoke against the postponement.

Councilmember King spoke against the postponement.

Councilmember Bailey spoke in favor of the postponement.

Councilmember Pharr spoke against the postponement.

Councilmember Robinson spoke in favor of the postponement.

Councilmember Laird spoke in favor of the postponement.

Councilmember Steele spoke in favor of the postponement.

Councilmember Snodgrass again spoke against the postponement.

Councilmember King again spoke against the postponement.

Councilmember Faegre spoke against the postponement.

Councilmember Persinger motioned for the previous question. The previous question having been demanded by at least three members of Council, the Mayor then put the question before the Council: "Shall the main question be put?", a roll call was taken:

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

NAYS: Jones, Knauff, McKinney, Pharr

ABSENT: NONE

So, a majority of members present and voting having voted in the affirmative with 23 Yeas and 4 Nays, the Mayor declared that debate was at an end.

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

YEAS: Adams, Bailey, Bays, Ceperley, Cook, Hoover, Jenkins, Laird, McKinney, Reishman, Robinson, Sheets, Steele, Wesley-Plear, Mayor Goodwin

NAYS: Burton, Campbell, Faegre, Haas, Jones, King, Knauff, Minardi, Overstreet, Persinger, Pharr, Snodgrass

ABSENT: NONE

So, a majority of members present and voting having voted in the affirmative with 15 Yeas and 12 Nays, the Mayor declared Bill No. 7893 Committee Substitute postponed until April 19, 2021.

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. 447-21 be adopted.

Resolution No. 447-21 - Authorizing the Mayor or City Manager to purchase one Hyundai HL940A-TM Tool Master Wheel Loader from West Virginia Tractor Company in the amount of \$126,500.00 for the Street Department. The purchase price was determined through a competitive bidding process, and the awarded bidder qualified for local vendor preference.

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

That the Mayor or City Manager is authorized to purchase one Hyundai HL940A-TM Tool Master Wheel Loader from West Virginia Tractor Company in the amount of \$126,500.00 for the Street Department. The purchase price was determined through a competitive bidding process, and the awarded bidder qualified for local vendor preference.

Councilmember Jenkins added the purchase is under the budgeted and normal maintenance cycle for the Street Department.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 447-21 adopted.

Wheel Loader			
Project No. 2021-008			
Bid Opening: March 15, 2021			
	WV Tractor	Leslie Equipment	State Equipment
	241 Virginia Street West	19 Goff Crossing Drive	560 New Goff Mountain Road
	Charleston WV 25302	Cross Lanes WV 25313	Cross Lanes WV 25313
	P: (304) 346-5301	P: (304) 204-1818	P: (304) 776-4405
	wvtractor@msn.com	danielpaul@lec1.com	jcook@stateequipment.com
Wheel Loader	\$126,500.00	\$149,900.00	\$156,600.00
Local Vendor Preference (4%)	(\$5,060) \$121,440.00	(\$5,996) \$143,904.00	(\$6,264) \$150,336.00
Successful Bidder	✓		

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 448-21 do pass.

Resolution No. 448-21 - Authorizing the Mayor or City Manager to purchase a boom arm mower attachment with installation in the amount of \$28,980.00 from State Equipment. The purchase price was determined through a competitive bidding process, and the awarded bidder qualified for local vendor preference.

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

That the Mayor or City Manager is authorized to purchase a boom arm mower attachment with installation in the amount of \$28,980.00 from State Equipment. The purchase price was determined through a competitive bidding process, and the awarded bidder qualified for local vendor preference.

Councilmember Jenkins added that the purchase was determined through a competitive bidding process.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 448-21 adopted.

Boom Arm and Installation for Kubota Mower		
Project No. 2021-007		
Bid Opening: March 16 , 2021		
	State Equipment	
	560 New Goff Road	
	Cross Lanes, WV 25313	
	P: (304) 776-4405	
	jcook@stateequipment.com	
	Total	
Chipper Body Tuck	\$28,980.00	
Local Vendor Preference (4%)	(\$1,159.20) \$27,820.80	
Successful Bidder		

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 449-21 do pass.

Resolution No. 449-21 - Authorizing the Mayor or City Manager to purchase one chipper body truck from West Virginia Tractor Company in the amount of \$101,400.00. The purchase price was determined through a competitive bidding process, and the awarded bidder qualified for local vendor preference.

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

That the Mayor or City Manager is authorized to purchase one chipper body truck from West Virginia Tractor Company in the amount of \$101,400.00. The purchase price was determined through a competitive bidding process, and the awarded bidder qualified for local vendor preference.

Councilmember Jenkins added that the purchase falls under the regular maintenance and replacement schedule for the Public Works Department.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 449-21 adopted.

Chipper Body Truck		
Project No. 2021-006		
Bid Opening: March 16 , 2021		
	West Virginia Tractor	
	PO BOX 473	
	Charleston, WV 25322	
	P: (304) 346-5301	
	wvtractor@msn.com	
	Total	
Chipper Body Tuck	\$101,400.00	
Local Vendor Preference (4%)	(\$4,056.) \$97,344.00	
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. 450-21 do pass.

Resolution No. 450-21 - Authorizing the Mayor or City Manager to purchase a LIEFEPAK 15 V4 Heart Monitor / Defibrillator and associated equipment from Stryker Corporation in the amount of \$26,419.65, where the purchase price represents a \$5,000 trade-in value credit on a retired device and the purchase price adheres to federal GSA contract pricing.

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

That the Mayor or City Manager is authorized to purchase a LIEFEPAK 15 V4 Heart Monitor / Defibrillator and associated equipment from Stryker Corporation in the amount of \$26,419.65, where the purchase price represents a \$5,000 trade-in value credit on a retired device and the purchase price adheres to federal GSA contract pricing.

Councilmember Jenkins added that this will replace compatible equipment under GSA contract pricing as required.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 450-21 adopted.

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 451-21 do pass.

Resolution No. 451-21 - Authorizing the Mayor or City Manager to purchase three tow behind leaf collectors from Infrastructure Solutions Group in the total amount of \$154,333.02. The purchase will be made pursuant to a competitively sourced multi-state contract.

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

That the Mayor or City Manager is authorized to purchase three tow behind leaf collectors from Infrastructure Solutions Group in the total amount of \$154,333.02. The purchase will be made pursuant to a competitively sourced multi-state contract.

Councilmember Jenkins added that residents appreciate the leaf collecting services provided by the Public Works Department. Two of the devices are a different price due to an available discount.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 451-21 adopted.



Infrastructure Solutions Group
8383 Old Richford Road Mechanicsville, Va. 23116
1-804-730-4040

Proposal: 020720AC-01 Sourcewell Contract # 41217-ODB

Date: 3/1/2021
Charleston,

For: WV

Sourcewell Member ID 45335

Quote # 020720AC-01

Contact: Al Clary
Office: 804-730-4040 Fax: 804-730-4242
Cell: 804-380-2869 Email: al@weareisg.com

Customer: City of Charleston
200 Baker Lane Charleston, WV 25302

Product: MSRP
XV600.JD74 Xtreme Vac by ODB Model LCT600 Tow Behind Leaf Collector \$ 47,520.06
JD74P Powered by John Deere 4045TFC03 diesel 4 cyl. engine rated for 74 HP Final Tier 4 ** \$ 8,874.13
Rubber suction hose in lieu of rubber
30" diameter suction impeller with six 3/8" thick T-1 steel blades *JD
4-groove power band belt drive for suction impeller
16" diameter x 120" rubber suction hose with steel nozzle
16" diameter x 48" long rubber exhaust hose
Hydraulic hose boom powered by an electric/hydraulic pump
13" clutch assembly with a 2.25" diameter PTO shaft
Boxed perforated pleated radiator screen
44-gallon polyethylene fuel tank
Electronic engine controls with engine safety shut down system
1/4" thick trailer deck with channel members on the ends
Single 6,000 pound rubber Torflex axle with EZ lube hubs
ST225-75-R15 radial tires mounted on steel wheels and steel fenders
Electric brakes with break-away actuator
LED type DOT lights and oval LED amber flasher light at rear
HD height adjustable pintle eye with three quick release pins
PTO Safety engagement system
Parking jack with 5" swivel castor wheel
All components pre-painted prior to assembly - standard color is white

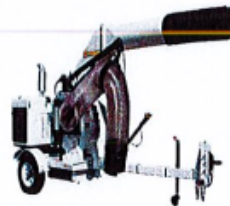


MSRP: \$ 56,394.19
Sourcewell 7.5% Discount: \$ 4,229.56
ISG Stock Order DCL discount 10%: \$ 5,639.42
Net Equipment Cost: \$ 46,525.21
Dealer Training \$ 500.00
Dealer PDI \$ 273.00
Delivery cost to Charleston \$ 1,748.00
Transportation cost to Dealer: \$ 185.00

Total Delivered Cost Per Unit: \$ 49,231.21

Contract #041217-ODB

Lead Time is approximately 5 to 10 days



x2 Devices



Infrastructure Solutions Group
8383 Old Richfood Road Mechanicsville, Va. 23116
1-804-730-4040

Proposal: 020720AC-02 Sourcewell Contract # 41217-ODB

Date: 3/1/2021
Charleston,

For: WV

Sourcewell Member ID 45335

Quote # 020720AC-02

Contact: Al Clary
Office: 804-730-4040 Fax: 804-730-4242
Cell: 804-380-2869 Email: al@weareisg.com

Customer: City of Charleston
200 Baker Lane Charleston, WV 25302

Product:	MSRP
XV600.JD74 Xtreme Vac by ODB Model LCT600 Tow Behind Leaf Collector	\$ 47,520.06
JD74P Powered by John Deere 4045TFC03 diesel 4 cyl. engine rated for 74 HP Final Tier 4 **	\$ 8,874.13
Rubber suction hose in lieu of rubber 30" diameter suction impeller with six 3/8" thick T-1 steel blades *JD 4-groove power band belt drive for suction impeller 16" diameter x 120" rubber suction hose with steel nozzle 16" diameter x 48" long rubber exhaust hose Hydraulic hose boom powered by an electric/hydraulic pump 13" clutch assembly with a 2.25" diameter PTO shaft Boxed perforated pleated radiator screen 44-gallon polyethylene fuel tank Electronic engine controls with engine safety shut down system 1/4" thick trailer deck with channel members on the ends Single 6,000 pound rubber Torflex axle with EZ lube hubs ST225-75-R15 radial tires mounted on steel wheels and steel fenders Electric brakes with break-away actuator LED type DOT lights and oval LED amber flasher light at rear HD height adjustable pintle eye with three quick release pins PTO Safety engagement system Parking jack with 5" swivel castor wheel All components pre-painted prior to assembly - standard color is white	



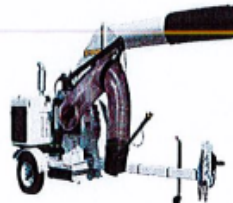
MSRP: \$ 56,394.19
Sourcewell 7.5% Discount: \$ 4,229.56
 Net Equipment Cost: \$ 52,164.60
 2021 ODB Steel Surcharge \$ 1,000.00
 Dealer Training \$ 500.00
 Dealer PDI \$ 273.00
 Delivery cost to Charleston \$ 1,748.00
 Transportation cost to Dealer: \$ 185.00

Total Delivered Cost Per Unit: **\$ 55,870.60**

1 Device

Contract #041217-ODB

Lead Time is approximately 5 to 10 days



6. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 452-21 do pass.

Resolution No. 452-21 - Authorizing the Mayor or City Manager to purchase two refuse packer trucks from West Virginia Tractor Company in the total amount of \$282,000.00. The purchase price was determined through a competitive bidding process, and the awarded bidder qualified for local vendor preference.

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

That the Mayor or City Manager is authorized to purchase two refuse packer trucks from West Virginia Tractor Company in the total amount of \$282,000.00. The purchase price was determined through a competitive bidding process, and the awarded bidder qualified for local vendor preference.

Councilmember Jenkins added that the purchase is budgeted as a normal replacement of the packer trucks. Typically, the newer ones will be used for recycling because of the mileage traveling to Raleigh County, while the older ones are retired.

Councilmember Persinger asked if the vehicles will have equipment that could be used for tipping cans. Councilmember Jenkins confirmed that they are standard models, similar to the models currently in use. Councilmember Persinger asked if this purchase aligned with the suggestions made by the consultants for the recycling study. Councilmember Jenkins replied that he wasn't sure since the consultants were only hired to address recycling, not refuse collection as a whole. He added that he did not believe the trucks provide some of the automation that was recommended by the consultants. Councilmember Persinger asked why they would not be taking the advice of the consultants. Councilmember Adams added that the consultants did identify that all of the trucks currently used by the City had the ability to be modified to be fitted with tippers. He added that their first recommendation before anything would be a rate study.

Councilmember Persinger added that the City can purchase a hopper for every unit for \$300,000, with minor future costs. He added that the hoppers would serve as a dumpster, eliminating the need for trash bags. Councilmember Minardi asked what would be the cost associated with retrofitting the City's trucks for tipping. Councilmember King added that some parts of the City are not feasible for the fully automated trucks, so it would be better to retrofit the current trucks.

Councilmember Bailey added that "hoppers" are also referred to as "carts." The easiest version of the technologies for the City to adopt would be to add machinery that would assist workers in lifting cans to the back of the City's existing standard, rear-loading garbage trucks. The other version is more automated with only one operator as the driver. Councilmember Persinger added that he would want one of those vehicles to have an assisted tipper as described by

Councilmember Bailey.

Councilmember Bailey motion to postpone the resolution until April 19, 2021. Councilmember Persinger seconded.

Councilmember Pharr spoke against the postponement.

With no objection from Council, the Director of Refuse, Jered Lanham, added that the semi-automated vehicles require a standardized cart and compliance. The proposed trucks allow for a high degree of customer service (picking up loose trash piles, etc.).

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

YEAS: Adams, Bailey, Bays, Campbell, Jenkins, Jones, King, Laird, McKinney, Minardi, Persinger, Sheets, Snodgrass, Steele

NAYS: Burton, Ceperley, Cook, Faegre, Haas, Hoover, Knauff, Overstreet, Pharr, Reishman, Robinson, Wesley-Plear, Mayor Goodwin

ABSENT: NONE

So, a majority of members present and voting having voted in the affirmative with 14 Yeas and 13 Nays, the Mayor declared Resolution No. 452-21 postponed until April 19, 2021.

7. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 453-21 do pass.

Resolution No. 453-21 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA AUTHORIZING THE FILING OF CIVIL ACTIONS FOR THE CONDEMNATION OF PROPERTY FOR SANITARY SEWER EASEMENTS NECESSARY FOR THE SANITARY BOARD OF THE CITY OF CHARLESTON, WEST VIRGINIA TO CONSTRUCT, INSTALL AND COMPLETE PHASE II OF ITS WOODWARD BRANCH SEWER REPLACEMENT AND REHABILITATION PROJECT

WHEREAS, the Sanitary Board of the City of Charleston, West Virginia (the “Sanitary Board”) has presented a Resolution requesting the City Council of the City of Charleston, West Virginia to authorize the City of Charleston (the “City”) to file civil actions in the Circuit Court of Kanawha County for the condemnation of property for sanitary sewer permanent easements, temporary easements, temporary construction access easements, and temporary access easements necessary for the Sanitary Board to construct, install and complete Phase II of its Woodward Branch Sewer Replacement and Rehabilitation Project (the “Project”);

WHEREAS, the City, in accordance with the provisions of Chapter 16, Article 13 of the Code of West Virginia, 1931, owns the sewerage system, both within and without the corporate limits of the City, consisting of a sewage treatment plant or plants and its collecting, intercepting and outlet sewers, lateral sewers, drains, force mains, conduits, pumping stations and ejector stations and all other appurtenances, extensions, improvements and betterments necessary, appropriate, useful, convenient or incidental for the collection, treatment, purification and disposal in a sanitary manner of liquid and solid waste, sewage and industrial waste (the “System”);

WHEREAS, the Sanitary Board, created by Ordinance of the City Council adopted March 17, 1952, is a separate entity from the City;

WHEREAS, by Ordinance of the City Council adopted June 16, 1952, custody, administration, operation and maintenance of the System were placed under the supervision and control of the Sanitary Board;

WHEREAS, due to statutory provisions under which the City owns the System, it is necessary for the City to file civil actions for the condemnation of property for easements necessary for the System;

WHEREAS, the Sanitary Board is pursuing the Project in the areas of the City including, but not limited to, Larchmont Drive; Spring Drive; Thompson Circle; Ledge Hill Drive; an unnamed alley between Savary Drive and Zabel Drive; and streets intersecting Woodward Drive including Blackwell Drive; Savary Drive; Zabel Drive; and Diana Court, which is necessary to correct older, failing sewer collection lines and is necessary for the health and welfare of the citizens of the City;

WHEREAS, the Project includes the replacement and/or rehabilitation of approximately 14,500 linear feet (approximately 2.7 miles) of sewer lines, and numerous permanent easements and temporary construction easements are necessary to undertake and complete the Project;

WHEREAS, the Sanitary Board and its right-of-way agents have diligently sought easement agreements for

such necessary easements from the affected property owners and have received and recorded many signed easement agreements;

WHEREAS, due to numerous factors including, but not limited to, out-of-state property owners, properties held in heirships with numerous heirs, some whose location is unknown, and uncooperative or uncommunicative property owners, the Sanitary Board has been unable to obtain by negotiation and agreement all of the necessary sewer easements; and

WHEREAS, the Sanitary Board has no choice but to request the City to authorize the filing of civil actions for the acquisition, pursuant to the City's power of eminent domain, certain property interests in order to obtain the necessary sewer easements for the Project; now, therefore,

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

Section 1. To accomplish construction of the Project in the aforesaid areas of the City necessary for the health and welfare of the citizens of the City, the Sanitary Board must obtain easements across and through certain properties as set forth on Exhibit A to this Resolution.

Section 2. The Sanitary Board requests the Council of the City to authorize the City, on behalf of and by and through the Sanitary Board and its counsel to file civil actions for the acquisition for the Sanitary Board, pursuant to the power of eminent domain, of the property interests set forth on Exhibit A and to take such other and further action as may be reasonably necessary to acquire the property rights for easements necessary to construct, install, operate, maintain, repair, replace, rehabilitate, line and remove sewer lines and appurtenances thereto.

Section 3. The Council of the City hereby authorizes the City, on behalf of and by and through the Sanitary Board and its counsel to file civil actions for the acquisition for the Sanitary Board, pursuant to the power of eminent domain, of the property interests set forth on Exhibit A as needed and to take such other and further action as may be reasonably necessary to acquire the property rights for easements necessary to construct, install, operate, maintain, repair, replace, rehabilitate, line and remove sewer lines and appurtenances thereto.

Councilmember Jenkins added that the resolution id for Phase II of the Woodward Branch Sewer Replacement Project. The Sanitary Board is working to obtain the easements for approximately seventeen (17) parcels. This will give the authority to file for condemnation should they need to access the property as a last resort.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 453-21 adopted.

8. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 454-21 do pass.

Resolution No. 454-21 - Authorizing the Mayor or City Manager to enter into an agreement with The Thrasher Group, Inc. in the amount of \$38,500 for additional scope of work services relating to the Slack Plaza Project, where the additional scope of work includes additional design, architecture, permitting, and bidding services that exceed the scope of work contained in the master consultant agreement between the company and the West Virginia Division of Highways for the same project.

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

That the Mayor or City Manager is authorized to enter into an agreement with The Thrasher Group, Inc. in the amount of \$38,500 for additional scope of work services relating to the Slack Plaza Project, where the additional scope of work includes additional design, architecture, permitting, and bidding services that exceed the scope of work contained in the master consultant agreement between the company and the West Virginia Division of Highways for the same project.

Councilmember Jenkins added that the resolution is to approve an amount that is beyond the original grant funding for the design project of Slack Street Plaza. It is hopeful that the winning bidder will be chosen in May, will completion of the project by the end of the year.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 454-21 adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; March 2021.
Received and Filed, Thank You.
2. Financial Statements for the 8-month Period Ending February 28, 2021
Received and Filed, Thank You.

NEW BILLS

Introduced by Councilmember Joseph Jenkins

April 5, 2021:

Bill No. 7900 – A Bill and Order relating to the laying of levies on real, personal and public utility property within the City of Charleston, West Virginia, including excess levies previously provided for in the Official Municipal Budget Document for the fiscal year beginning the first day of July 2021.

Refer to Finance Committee, Please

Introduced by Councilmember Courtney Persinger

April 5, 2021:

Bill No. 7898 - Amending the Zoning Ordinance of the City of Charleston by rezoning to a C-8 district parcels of land situate at or about 280 Oakwood Road.

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

Introduced by Councilmembers Caitlin Cook and Chad Robinson

April 5, 2021:

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

Refer to Parks and Recreation Committee and Finance Committee, Please

Introduced by Councilmember Bobby Reishman

April 5, 2021:

Bill No. 7902 – A BILL to amend and re-enact Sections of the Municipal Code of the City of Charleston, all relating to reducing the Business and Occupation tax on products manufactured within the City; reducing the rate of taxation to zero on wholesale sales of products manufactured within the City; and clarifying the calculation of such taxes on the manufacturing classification.

Refer to Finance Committee, Please

April 5, 2021

MISCELLANEOUS/UNFINISHED BUSINESS

1. The Mayor announced that Team Up To Clean Up will begin on April 24, 2021. There will be a second round of the Small Business Investment Grants.

REMARKS BY MEMBERS

1. Councilmember Jones stated his displeasure that Bill No. 7893 Committee Substitute was postponed after several meetings and research. He added that they had a longer discussion over the purchase of refuse trucks than the bill.
2. Councilmember McKinney stated that there had been a lot of confusion with a recent issue concerning AEP, and she had made a suggestion that interested parties walk the area in question. She added that she received an email that such a walk had happened that she was not informed of, and she felt disrespected as this had happened multiple times. Councilmember McKinney stated that she has spoken about the needs of the West Side many times, and there has been nothing done on the West Side to better the community, including the West Side Community Renewal Plan. The gun violence and its victims are never mentioned. Councilmember McKinney asked if they are working and doing right by the people.
3. Councilmember Faegre described a scathing letter she received from the Charleston Professional Firefighters' Association Local 317 concerning a vote to table a bill regarding needles, adding that some Councilmembers were excluded from the letter. Additionally, she mentioned a letter that lists 36 businesses within the City voicing their opinion regarding a needle exchange program.
4. Councilmember Wesley-Plear stated that a public speaker had commented "don't reduce my quality of life because you want to help increase that of others." She added that is very important to consider all sides. Councilmember Wesley-Plear added that she is thankful for the extra patrols on the West Side, but she did not want people to feel like they were being harassed.

5. Councilmember Pharr stated that it is frustrating when Council is stopped from having discussion, regardless of how long it lasts. She added that, concerning the harm reduction on the West Side, very few people were going that looked like her. Councilmember Pharr added that they have to put in the work to be able to serve their community.
6. Councilmember Snodgrass commended Shiloh Baptist Church for their music and message.
7. Councilmember King stated that, in reference to the postponement of Bill No. 7893 Committee Substitute, there was a ton of research done for the bill. There is no guarantee that the state bill will pass.
8. Councilmember Overstreet stated that they should have voted on Bill No. 7893 Committee Substitute. He agreed with Councilmember Pharr in that not many of the people involved in the harm reduction program looked like him.

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 9:25 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, April 19, 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