



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Tuesday, September 7, 2021

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Amy Shuler Goodwin
Mayor

Miles C. Cary II
City Clerk

CALL TO ORDER*

The Council met at 7:00 P.M., for the first meeting in the month of September on the 7th day, in the year 2021, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Campbell, and the Pledge of Allegiance was led by Councilmember Jones. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

ADAMS**BROWN****CEPERLEY****HAAS****JONES****MCKINNEY****OVERSTREET****REISHMAN****SNODGRASS****BAILEY****BURTON****COOK****HOOVER****KING****MINARDI****PERSINGER****ROBINSON****STEELE****CAMPBELL****FAEGRE****JENKINS****KNAUFF****MOORE****PHARR****SHEETS****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. Ralph Miller – Spoke about a proposed STEAM Center project.
2. James Reese – Spoke about a proposed STEAM Center project.
3. Melinda Hamwi – Spoke about SADD’s Management and the WV Housing Development Fund.
4. Erik Desmond - Spoke about SADD’s Management and the WV Housing Development Fund.
5. Susie Salisbury – Spoke about the We Love Our Community awards.

CLAIMS

1. A claim of Terry Bartley, Foster, WV;
alleges damage to vehicle.
Refer to City Solicitor, Please.
2. A claim of Carlos Nichols, Muncie, IN;
alleges personal injury.
Refer to City Solicitor, Please.
3. A claim of Robert F Hedson, Charleston, WV;
alleges damage to property.
Refer to City Solicitor, Please.
4. A claim of Sara K Telisko, Charleston, WV;
alleges damage to property.
Refer to City Solicitor, Please.
5. A claim of Angela G Turkleson, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor, Please.

PROCLAMATIONS

1.



The Proclamation was presented to Councilmember Cook. Councilmember Cook added that she is the Director of Advocacy and Public Policy for Mountaineer Food Bank, which serves 48 counties in West Virginia. Too many of our neighbors struggle with hunger, many of which are children. The pandemic has made getting food to people more difficult. Councilmember Cook thanked the City for the recognition, and asked that anyone who is able, volunteer.

2.

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: Charleston is home to people of all backgrounds—including those who were not born here but now call it home. Welcoming Week brings neighbors together across lines of difference to build relationships and work together on shared goals; and

WHEREAS: Engaged community members—both long-time and new—bring innovative ideas to the table, start businesses, serve in civic roles, work in critical industries, and contribute to the vibrant diversity we value in our City; and

WHEREAS: Our community must strive to create a culture of inclusiveness, which includes addressing disparities, understanding history and countering hate. It is time to come together and build communities where every resident can thrive and contribute; and

WHEREAS: By fostering a welcoming environment for all immigrants, races, ethnicities, incomes, gender identities, sexual orientations, differing abilities, ages, and other factors, we enhance the health, economic prosperity, and well-being of our City and State for current and future generations; and

WHEREAS: The City of Charleston is committed to ensuring residents and visitors feel like they are seen, embraced, welcomed, and included in our community.

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby proclaim September 10-19, 2021, as

WELCOMING WEEK

in Charleston, West Virginia and urge all citizens to come together in the spirit of unity across differences—belonging begins with us.

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




Amy Shuler Goodwin, Mayor

COMMUNICATIONS

3.

Amy Shuler Goodwin
Office of the Mayor
City of Charleston



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

TO: MILES CARY
CITY CLERK

FROM: AMY SHULER GOODWIN
MAYOR

RE: CHARLESTON LAND REUSE AGENCY

DATE: SEPTEMBER 7, 2021

A handwritten signature in blue ink, appearing to be "ASG", is written over the "FROM" line of the memo.

I recommend Councilman John Kennedy Bailey be appointed to the Charleston Land Reuse Agency. Councilman Bailey is filling the vacant seat previously held by Councilman Will Laird. Councilman Bailey's term will expire at the end of his Council term.

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

ASG/mls

Councilmember Ceperley moved to approve the appointment. Councilmember Hoover seconded that motion. By unanimous vote, the appointment was confirmed.

4.

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: MUNICIPAL PLANNING COMMISSION

DATE: SEPTEMBER 7, 2021

I recommend Aric Margolis, Adam Krason, Shawn Taylor and Lisa Fischer-Casto be reappointed to the Municipal Planning Commission. Aric Margolis's term will expire July 1, 2022. Adam Krason's term will expire July 1, 2022. Shawn Taylor's term will expire July 1, 2023. Lisa Fischer-Casto's term will expire July 1, 2024.

In addition, I recommend Corey Stout, Shannon Ferri and Justin Marlow be appointed to the Municipal Planning Commission. Corey Stout is filling a vacant seat and her term will expire July 1, 2022. Shannon Ferri is filling the seat previously held by Teresa Moore and his term will expire July 1, 2024. Justin Marlow is filling the seat previously held by Braxton Broady and his term will expire July 1, 2024.

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

ASG/mls

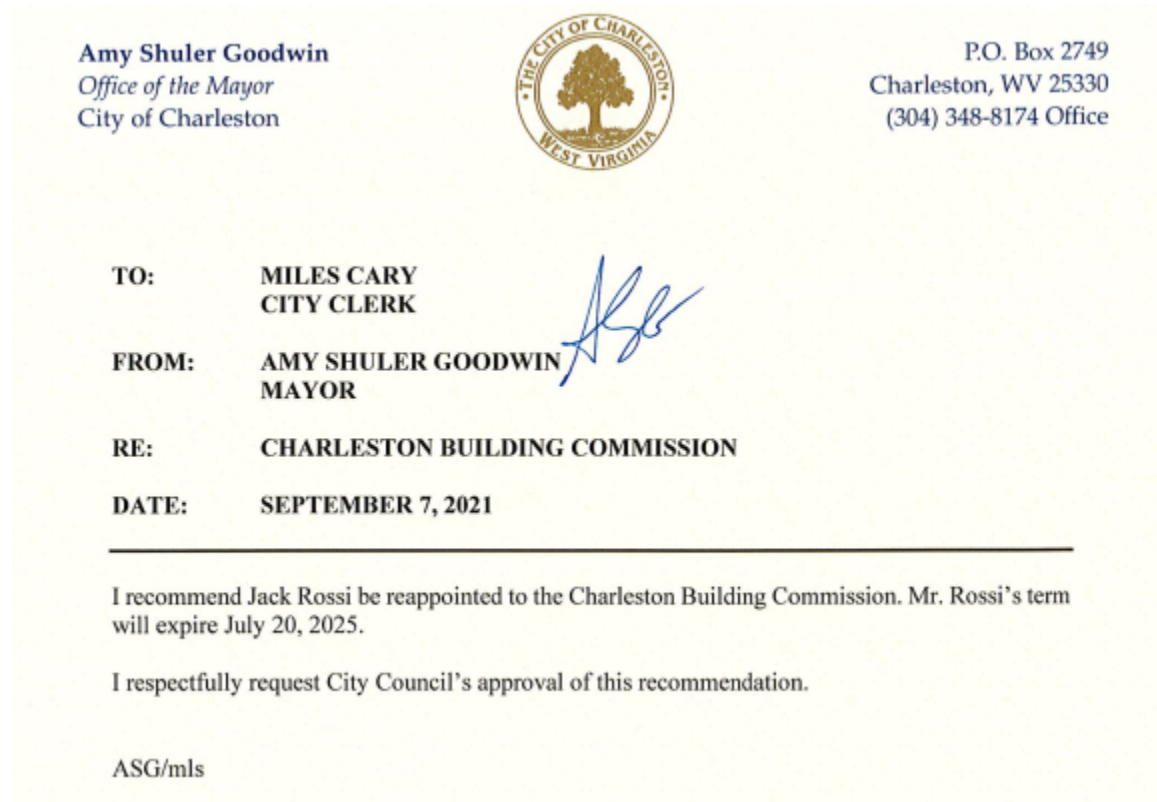
Councilmember Ceperley moved to approve the appointment. Councilmember Hoover seconded that motion. By unanimous vote, the appointment was confirmed.

5.

Amy Shuler Goodwin <i>Office of the Mayor</i> 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:	SPRING HILL CEMETERY PARK COMMISSION	
DATE:	SEPTEMBER 7, 2021	
I recommend Angus Peyton be reappointed to the Spring Hill Cemetery Park Commission. Mr. Peyton's term will expire April 6, 2026.		
I respectfully request City Council's approval of this recommendation.		
ASG/mls		

Councilmember Ceperley moved to approve the appointment. Councilmember Hoover seconded that motion. By unanimous vote, the appointment was confirmed.

6.



Councilmember Ceperley moved to approve the appointment. Councilmember Hoover seconded that motion. By unanimous vote, the appointment was confirmed.

7.

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: CENTRAL WV REGIONAL AIRPORT AUTHORITY

DATE: SEPTEMBER 7, 2021

I recommend Norman Shumate III be reappointed to the Central WV Regional Airport Authority.
Mr. Shumate's term will expire June 30, 2023.

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

ASG/mls

Councilmember Ceperley moved to approve the appointment. Councilmember Hoover seconded that motion. By unanimous vote, the appointment was confirmed.

8.

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: BOARD OF ZONING APPEALS

DATE: SEPTEMBER 7, 2021

I recommend Mary Jo Cleland be reappointed to the Board of Zoning Appeals. Ms. Cleland's term will expire January 1, 2022.

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

ASG/mls

Councilmember Ceperley moved to approve the appointment. Councilmember Hoover seconded that motion. By unanimous vote, the appointment was confirmed.

9.

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: MUNICIPAL PLANNING COMMISSION

DATE: SEPTEMBER 7, 2021

I recommend Terri Allen, City of Charleston – Parking System Director, be appointed as the Administration's representative to the Municipal Planning Commission.

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

ASG/mls

Councilmember Ceperley moved to approve the appointment. Councilmember Hoover seconded that motion. By unanimous vote, the appointment was confirmed.

10.

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: SELECT COMMITTEE ON INSURANCE AGENT RELATIONS

DATE: SEPTEMBER 7, 2021

Councilwoman Becky Ceperley is appointed to the Select Committee on Insurance Agent Relations. Councilwoman Ceperley will take the place of former Councilman Will Laird.

ASG/mls

Councilmember Hoover moved to approve the appointment. Councilmember Ceperley seconded that motion. By unanimous vote, the appointment was confirmed.

PUBLIC HEARING

1. After duly being published as required, the Mayor declared the floor open for a Public Hearing on Bill No. 7923 as Amended – A BILL to amend the Municipal Code of the City by adding thereto a new Article relating to creating the City Center Business Improvement District

- Will Carter spoke in favor of the bill.
- Susie Salisbury spoke in favor of the bill.
- Nancy Bruns spoke in favor of the bill.

The Mayor declared the Public Hearing CLOSED.

REPORTS OF COMMITTEES

COMMITTEE ON ORDINANCE AND RULES

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

1. Your committee on Ordinance and Rules has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 529-21 Committee Substitute do pass.

Resolution No. 529-21 Committee Substitute - Amending Rules No. 3 and No. 13 of the Rules of Council to require that appointment recommendations from the Mayor to City Council be filed with the clerk by 12:00 noon on Friday immediately preceding the day of the meeting considering the recommendation; and that each recommendation be made individually and voted on individually; ~~and that each recommendation state whether the person has a familial relationship with the Mayor, any Member of Council, and any member of the Mayor's Administration.~~

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

That Rules No. 3 and No. 13 of the Rules of Council be amended, all to read as follows:

Rule No. 3. - Filing of papers to be introduced at city council meetings, and action thereon by clerk of council.

In order to promote the orderly conduct of the business of the city council and the timely preparation of an accurate agenda, the following rules are hereby established:

(a) All bills, resolutions, petitions, committee reports, communications, appointments, and other documents for consideration by the city council must be filed in the office of the clerk of the council not later than 12:00 noon on Friday immediately preceding the day of the meeting at which it is intended they be considered; provided that this restriction shall not apply to the mayor or the mayor's designated deputy; provided, however, that any written mayoral recommendation or communication for the appointment of any individual to a position, board, or seat that requires the consent of Council may not contain more than one individual appointee and shall be filed by 12:00 noon on Friday immediately preceding the day of the meeting ~~and such recommendation or communication shall include a statement disclosing any familial relationships the recommended appointee has to the Mayor, any Member of Council, and any member of the Mayor's Administration. For the purposes of this rule, "Mayor's Administration" means any employee of the City of Charleston who holds a position of influence, including~~

but not limited to the City Manager, City Solicitor, Department Directors, or assistants to the Mayor.

(b) Nothing herein shall be construed to prohibit any member of the city council, at the proper order of business, from introducing or submitting any bill, resolution, petition, committee report or communication during any regular meeting.

(c) The clerk of the council shall assign a serial number to each bill and resolution introduced and shall have authority to edit and correct them as to form.

(d) No bill or resolution shall be filed with the clerk of the council or introduced from the floor unless it bears the signature of at least one member of the city council as sponsor. Any member of the city council, for this purpose, may verbally authorize the clerk of the council or any of the clerk's deputies to sign the member's name thereto.

Rule No. 13. - Call for a division of a question.

Any member of the city council may call for a division of any question before a vote is taken thereon if it comprehends propositions in substance so distinct that, if one proposition be taken away, another substantive proposition remains for decision by the city council; but a member of the city council calling for a division of a question shall state in what manner the question shall be divided. Notwithstanding the foregoing, every vote regarding the appointment of a person to any position, board, or seat shall be taken individually, identifying each proposed appointment for its own separate vote, and under no circumstances may multiple proposed appointments be combined for a single vote.

Councilmember Faegre added that during their meeting, a Committee Substitute was made which removed language requiring that familial relationships with the Administration and Council be listed. The Committee on Ordinance and Rules has recommended passage of the resolution, Councilmember Faegre moved for passage of Resolution No. 529-21 Committee Substitute.

Councilmember Persinger motioned to amend the resolution, herein known as the "Persinger Amendment," adding he was the only Nay for the final vote at the Ordinance and Rules Committee meeting. Councilmember Snodgrass seconded.

On line 28, insert the following language:

and such recommendation or communication shall include a statement disclosing any familial relationships the recommended appointee has to the Mayor, any Member of Council, and any member of the Mayor's Administration. For the purposes of this rule, "Mayor's Administration" means any employee of the City of Charleston who holds a position of influence, including but not limited to the City Manager, City Solicitor, Department Directors, or assistants to the Mayor.

Additionally, on line 4, remove "and" that proceeds "that each recommendation" And on line 5, insert "; and that each recommendation state whether the person has a familial relationship with the Mayor, any Member of Council, and any member of the Mayor's Administration."

Councilmember Cook clarified with Councilmember Persinger that his amendment would take the resolution back to its original form as first introduced.

Councilmember Minardi clarified with Councilmember Persinger that the amendment would not prohibit the appointment of family members, but only require that familial relationships be disclosed for transparency.

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

YEAS: Campbell, Faegre, Jenkins, Jones, Knauff, McKinney, Minardi, Overstreet, Persinger, Snodgrass

NAYS: Adams, Bailey, Brown, Burton, Ceperley, Cook, Haas, Hoover, King, Moore, Pharr, Reishman, Robinson, Sheets, Steele, Mayor Goodwin

ABSENT: Bays

With members present recorded thereon as voting in the majority in the negative, with ten (10) Yeas and sixteen (16) Nays, the Mayor declared the Persinger Amendment as not passed.

Councilmember Robinson spoke in opposition to the resolution as it is reactionary due to appointments made a few meetings ago. He added it was mentioned in the Ordinance and Rules Committee meeting that the resolution's sponsor was interested in the topic for a long time, but the resolution was not introduced until those recent appointments were made. Councilmember Robinson added that appointments are made by any current Mayor/Governor at their will and pleasure. The job of City Council is to confirm those appointments, just like the State Senate. They are the body to confirm those appointments, not set additional restrictions or requirements on an elected official to appoint members to Committees/Boards. Councilmember Robinson added that he works with the Governor's Office to make recommendations for appointments for three State boards. Concerning the Board of Chiropractic and the Board of Physical Therapy, the only process required by the Governor is a simple one-page application. Councilmember Robinson added that it is almost impossible to get people to volunteer for these positions. He added that at any time during the approval process Councilmembers could ask questions, consider it at a later time or vote against. It is ridiculous to make more restrictions of the Mayor than is on the Governor.

Councilmember Pharr clarified that if the resolution passed are presented, each individual appointment would have to be read and voted on separately, using the previous fourteen (14) appointments as an example. Councilmember Pharr spoke against the resolution.

Councilmember McKinney added that she would appreciate getting notice of appointments by the Friday before a meeting.

Councilmember Snodgrass stated that she never thought the issue was a big deal, and that it is

the decision of the Mayor to appoint whomever they see fit. She didn't understand why anyone would care if prior notice was given out of courtesy to Council. Relatives should also be noted for full disclosure and transparency as it doesn't take away the Mayor's ability to make appointments.

Councilmember Ceperley added that if a Councilmember had a concern over voting individually on appointments, they may request a division of the vote with the current rules. Additionally, she added that the appointments are also posted on CivicClerk when they are received.

Councilmember Minardi asked if removing the section of the proposed resolution that pertained to voting individually would impact the perceived goal of transparency. Councilmember Knauff replied that it would depend. He added that Councilmembers would not know to request a division of the vote if they only received the names just before the meeting. The requirement to receive the appointments by noon is the same as any other bill or resolution.

Councilmember Reishman added that there is nothing in the resolution that can't already be done without enacting legislation, meaning they can already call for individual votes, lay it over until they can get more information and they can request that appointments are received earlier.

Councilmember Pharr confirmed with the Clerk's Office that the appointments are attached to the agenda on CivicClerk as they are received. Councilmember Pharr added that she was struggling to understand the motivation of the resolution, particularly since she was not aware of any opposition to past appointments with the previous Administration. She added that it seemed like the resolution was written to be specific to the current Administration. Councilmember Pharr spoke against the resolution.

Councilmember Cook agreed with Councilmembers Pharr and Ceperley. Councilmember Cook spoke against the resolution.

Councilmember Persinger stated that however long ago, it was made a rule that the Mayor's appointments had to be approved by Council. When there is a responsibility of having to vote on something, it is nice to have as much information as possible.

Councilmember Minardi motioned to amend Resolution No. 529-21 Committee Substitute, herein known as the Minardi Amendment. Councilmember Knauff seconded. He added that the amendment would leave in place the objective of having appointments posted by noon the Friday before Council meetings, and eliminate the unnecessary burden of reading each appointment individually.

On page 1 line 4, remove "and that each recommendation be made individually and voted on individually."

On page 1 line 26, remove “may not contain more than one individual appointee”
On page 2 line 17, remove “Notwithstanding” through “vote.”

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

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

With members present recorded thereon as voting in the majority in the affirmative, with twenty-one (21) Yeas and five (5) Nays, the Mayor declared the Minardi Amendment as passed.

The question being on the adoption of Resolution No. 529-21 Committee Substitute as Amended, a roll call was taken:

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

With members present recorded thereon as voting in the majority in the affirmative, with sixteen (16) Yeas and ten (10) Nays, the Mayor declared Resolution No. 529-21 Committee Substitute as Amended as passed.

COMMITTEE ON PLANNING, STREETS AND TRAFFIC

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

1. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7917 do pass.

Bill No. 7917 – A Bill 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 a R-4 Single Family Residential District to a R-6 Medium Density Residential District, that certain parcel of land located at 808 Hendrix Avenue being Charleston West District, Map 10, Parcel 117, Charleston, West Virginia.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from a R-4 Single Family Residential District to a R-6 Medium Density Residential District whole of the following described parcels of land:

Parcel No. 117 as shown upon West Charleston Tax Map No. 10. Subject Parcel commonly known as 808 Hendrix Avenue, Charleston, West Virginia. Said tax map is of record in the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 29 of this ordinance.
3. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilmember Hoover added that is a rezoning that went through the Municipal Planning Commission and the Planning, Streets and Traffic Committee with no opposition. It is adjacent to a property that was approved for rezoning in 2019, and the petitioner intends to consolidate those properties to utilize.

Councilmember Adams added that he serves on the Board of the non-profit applicant seeking rezoning, and abstained from voting.

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

YEAS: Bailey, Brown, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Minardi, Moore, Overstreet, Pharr, Reishman, Sheets, Steele, Mayor Goodwin

NAYS: Jones, King, Knauff, McKinney, Persinger, Robinson, Snodgrass

ABSENT: Bays

ABSTAIN: Adams

With members present recorded thereon as voting in the majority in the affirmative with eighteen (18) YEAS, seven (7) NAYS one (1) abstention, the Mayor declared Bill No. 7917 as 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. 7918 do pass.

Bill No. 7918 – A Bill 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 the R-6: Medium Density Residential to the R-4: Single Family Residential zoning district three district areas within and adjacent to the Woodbridge Subdivision, as shown on the attached maps included as Exhibits A, B, & C, Charleston, West Virginia.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from R-6: Medium Density Residential to the R-4: Single Family Residential whole of the following described parcels of land:

Those certain zoning district areas being within and adjacent to the Woodbridge Subdivision, as shown on the attached map included as Exhibits A, B, & C, Charleston, West Virginia.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 29 of this ordinance.
3. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilmember Hoover added that the bill is a rezoning in the Woodridge subdivision to clean up confusing zoning lines. No opposition was heard from the neighbors at either meeting, and it was also approved by the Home Owner's Association.

Councilmember Snodgrass added that the area is in her Ward, and she appreciated the hard work she went into cleaning up the zoning in the area.

Councilmember Pharr clarified with Councilmember Hoover that the bill would not impact street parking, etc. Councilmember Pharr asked if there were any other accounts about the parking situation in the area. Councilmember Hoover replied that they had not heard anything in two years.

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

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

NAYS: None

ABSENT: Bays

With members present recorded thereon as voting unanimously in the majority, Mayor declared Bill No. 7918 as passed.

3. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7920 do pass.

Bill No. 7920 – A BILL to amend and reenact Section 114-559 of the Municipal Code of the City of Charleston, as amended, relating to prohibiting parking in a turnaround, cul-de-sac, or similar portion of a street.

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

That Section 114-559 of the Municipal Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

ARTICLE VII. STOPPING, STANDING AND PARKING.

Section 114-559. Stopping, standing or parking prohibited in specified places.

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic control device, in any of the following places:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within 30 feet of an intersection.
- (4) Within 15 feet of a fire hydrant.
- (5) On a crosswalk, or within ten feet of a crosswalk not at an intersection.
- (6) Within 20 feet of a crosswalk at an intersection.
- (7) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.
- (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone unless a different length is indicated by signs or markings.
- (9) Within 50 feet of the nearest rail of a railroad crossing.
- (10) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance (when properly signposted).
- (11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- (14) At any place where official traffic control signs prohibit stopping.
- (15) Within 20 feet of any mail receptacle served regularly by a carrier using a motor vehicle for daily deliveries, if such parking interferes with or causes delay in the carrier's schedule.
- (16) Upon any controlled-access highway.
- (17) At any place on any highway where the safety and convenience of the traveling public is endangered.

(18) In front of the entrance to any school, hospital, church, hotel, theater, assembly hall or place of amusement.

(19) In a turnaround, including but not limited to Hammerheads, 3-point sides, cul-de-sacs, and 3-point wyes.

(b) No person shall move a vehicle not lawfully under his their control into any such prohibited area or away from a curb such distance as is unlawful.

Councilmember Hoover added that the bill concerns parking in culs-de-sac areas since a lot of them have no parking signs.

Councilmember Jenkins asked how would the bill impact people that needed to park in their cul-de-sac due to insufficient parking. Councilmember Hoover replied that problems would be handled on a case-by-case basis as the Streets and Traffic Committee received complaints.

Councilmember Faegre added that there is also a cul-de-sac in her Ward that several houses park on due to lack of driveways, adding that her daughter and grandchildren live there. She confirmed that decisions on parking would be on a case-by-case basis. Director of Parking, Matt Hartline added that the bill would also allow emergency vehicles and snow plows to have better access.

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

YEAS: Adams, Bailey, Brown, Burton, Ceperley, Cook, Haas, Hoover, King, Knauff, McKinney, Minardi, Moore, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Mayor Goodwin

NAYS: Campbell, Faegre, Jenkins, Jones, Overstreet, Persinger

ABSENT: Bays

With members present recorded thereon as voting in the in the majority in the affirmative with twenty (20) YEAS and six (6) NAYS, Mayor declared Bill No. 7920 as passed.

4. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7921 do pass.

Bill No. 7921 – A Bill to repeal Ordinance 7301, which created a No Parking Anytime Tow-Away Zone on Hunters Ridge Road from a point 150 feet north of Buckhorn Road to a point 150 Feet south of Buckhorn 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. A Bill to repeal Ordinance 7301, which created a No Parking Anytime Tow-Away Zone on Hunters Ridge Road from a point 150 feet north of Buckhorn Road to a point 150 Feet south of Buckhorn 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 used to be a problem, but it is not anymore.

Councilmember Campbell added that there is a new Home Owner's Association in Hunter's Ridge that feels like they have better communication with the residents, and they do not like all of the existing signs. Their Board has also voted to approve this.

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

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

NAYS: None

ABSENT: Bays

With members present recorded thereon as voting unanimously in the majority, Mayor declared Bill No. 7921 as passed.

5. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7922 do pass.

Bill No. 7922 – A Bill to establish a no parking zone from 7:00am – 7:00pm on the westerly side of Bream Street from the intersection of Bream Street and 7th Street to a point 165 feet south to alley way and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A Bill to establish a no parking zone from 7:00am – 7:00pm on the westerly side of Bream Street from the intersection of Bream Street and 7th Street to a point 165 feet south to alley way

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 is in front of a learning center, so it will be better for parents dropping of their kids for safety.

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

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

NAYS: None

ABSENT: Bays

With members present recorded thereon as voting unanimously in the majority, Mayor declared Bill No. 7922 as passed.

6. 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. 7923 as Amended do pass.

Bill No. 7923 as Amended – A BILL to amend the Municipal Code of the City of Charleston, as amended, by adding thereto a new Article consisting of sections 2-711, 2-712, 2-713, 2-714, 2-715, and 2-716, all relating to creating the City Center Business Improvement District; detailing the terms, method of appointment, and powers and duties of the district boardmembers; creating the City Center BID Fund; stating the maximum rate of any annual fees that may be imposed upon the commercial properties in the district and the manner in which the rate will be imposed; generally stating the intention of the City to increase services within the district with the fees collected; summarizing the proposed services to be provided within the district and a reasonable estimate of the attendant cost; describing the boundaries of the district; and stating requirements for continuation or dissolution of the City Center BID.

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

That the Municipal Code of the City of Charleston, as amended, is amended by adding thereto a new Article, consisting of sections 2-711, 2-712, 2-713, 2-714, 2-715, and 2-716 all to read as follows:

ARTICLE VII. – BOARDS, COMMITTEES AND COMMISSIONS.

DIVISION 11. – CITY CENTER BUSINESS IMPROVEMENT DISTRICT.

Sec. 2-711. – Creation of the City Center Business Improvement District.

Pursuant to West Virginia Code Chapter 8, Article 13A, a group of owners of commercial property in the City of Charleston submitted a Petition to initiate a Business Improvement District to the City Clerk. Following the appointment of a district planning committee by City Council, members of the committee timely submitted a written report to City Council requesting the creation of the City Center Business Improvement District. The written report is titled City Center Business Improvement District FY2021 BID Work Plan and Budget.

The City Council of the City of Charleston, having held a public hearing on the matter, hereby determines that it is advisable and in the public interest to establish the City Center Business Improvement District. Accordingly, upon the adoption of this ordinance, the City Center Business Improvement District, which is sometimes referred to as the City Center BID, is created.

Sec. 2-712. – Board Members Terms, Appointment, Powers, and Duties.

(a) The City Center BID Board shall consist of seven members, appointed by the Mayor with the approval of City Council. The initial appointments shall be staggered such that two members are appointed for 5-year terms, one member is appointed for a 4-year term, two members are appointed for 3-year terms, one member is appointed for a 2-year term, and one member is appointed for a 1-year term.

After the initial appointments, all subsequent appointments shall be for terms of 5 years. At all times, a majority of City Center BID Board members shall be owners of commercial property situated within the boundaries of the City Center BID. Members of the Board may not receive compensation, either directly or indirectly, for service on the Board.

(b) The City Center BID Board shall have the following powers and duties:

(1) Oversee the operations of the City Center BID;

(2) Adopt bylaws to govern the procedures of the City Center BID;

(3) Adopt an annual budget;

(4) To prepare spending requests to be submitted to the City Manager, or his or her designee, who shall act as the fiscal agent for the City Center BID;

(5) Calculate and provide to the City Collector the annual amount due by each commercial property owner within the City Center BID within 30 days of the adoption of this ordinance and by July 1 May 15 of each subsequent year;

(6) Coordinate and plan the Clean and Safe line of business within the City Center BID;

(7) Coordinate and plan the Entertainment and Recreation line of business for the City Center BID;

(8) Coordinate and plan the Beautification and Image line of business within the City Center BID;

(9) Collaborate on efforts for the City Center BID with the City of Charleston and other community partners; and

(10) Submit an annual report on or before May 15, 2022, and by May 15 each year thereafter to City Council that includes, at a minimum, the following:

(A) An itemized statement of its receipts and disbursements for the preceding fiscal year;

(B) A description of its activities for the preceding fiscal year;

(C) A recommended program of services to be performed or provided within the district for the coming fiscal year; and

(D) A proposed budget to accomplish its objectives.

(c) Meetings of the City Center BID Board are subject to the West Virginia Open Governmental Proceedings Act, West Virginia Code Chapter 6, Article 9A. Members of the City Center BID are subject to the West Virginia Governmental Ethics Act, West Virginia Code Chapter 6B.

Sec. 2-713. – Creation of Fund; Rate and Manner of Fees.

(a) There is hereby created a special revenue fund within the city treasury to be known as the City Center BID Fund, along with any subaccounts deemed necessary by the district board.

(b) The City Center Business Improvement District FY2021 BID Work Plan and Budget sets the rate of annual fees for the City Center BID on each private for-profit property owner at the equation of (total land lot size square footage x .075) + (total building square footage x .03325). The maximum rate of any annual fees that may be imposed upon a single commercial property in the City Center BID, as calculated by the aforementioned formula, will be \$25,000 annually. It is anticipated that cumulative revenue from the initial annual fee will be \$100,000.

(c) The fees assessed by the City Center BID upon the property owners shall be collected through the City of Charleston's City Collector in conjunction with the assessment, notice, billing, and collection

process for the City's fire service fee on a monthly basis. If this collection is impractical, the City Collector may send out a separate bill, under separate cover, that clearly states it is assessing fees for the City Center BID. All funds collected from the fees shall be placed in the City Center BID Fund created by this section. The City Center BID Fund may also receive other voluntary contributions.

Sec. 2-714. – Services within the City Center Business Improvement District.

(a) All revenues generated from assessments for the City Center Business Improvement District shall be used to maintain, enhance, promote, market and otherwise increase services to the City Center Business Improvement District and may not be used to reduce, replace, or supplant existing funds or services. In particular, the increased services provided within the City Center Business Improvement District may include, but are not limited to, the following:

(1) Beautification of the district, by means such as landscaping and construction and erection of fountains, shelters, benches, sculptures, signs, lighting, decorations and similar amenities;

(2) Provision of special or additional public services, such as sanitation, security for persons and property and the construction and maintenance of public facilities including sidewalks and other public areas;

(3) Making principal or interest payments on bonds issued by the municipality for public improvements located within and designated to improve the economic viability of the district;

(4) Providing financial support for public transportation and vehicle parking facilities open to the general public;

(5) Constructing, operating and maintaining parking facilities;

(6) Developing plans for the general architectural design of public areas and developing plans and programs for the future development of the district;

(7) Developing, promoting and supporting community events and activities open to the general public;

(8) Providing the administrative costs for a district management program; and

(9) Providing any other services which the municipality or district board is authorized to perform and which the municipality does not also perform to the same extent on a municipality-wide basis.

(b) At the outset of the City Center BID, the board is focused on three lines of business with the following proposed services and reasonable estimate of cost:

(1) Clean and Safe: by spending \$60,000 on an ambassador/safety/cleaning program and \$5,000 on materials and supplies;

(2) Beautification and Image: by spending \$15,000 on conceptual master planning, \$10,000 on greenery, \$20,000 on master plan implementation, and \$10,000 on marketing/branding; and

(3) Entertainment and Recreation: by spending \$5,000 on Slack Plaza equipment and \$10,000 on Slack Plaza public art/lighting.

Other expected initial funds are for project management services or unallocated.

Sec. 2-715. – Description of boundaries of the City Center Business Improvement District.

The City Center Business Improvement District boundary is shown in Appendix A to the City Center Business Improvement District FY2021 BID Work Plan and Budget, currently consisting of thirty-seven commercial properties that are owned by taxable entities.

The City Center Business Improvement District boundary is further described as follows: Beginning at the intersection of the Virginia Street and Court Street centerlines; Thence following said centerline of Court Street northeasterly to the intersection of the Court Street and Washington Street, East centerlines; Thence southeasterly along the centerline of Washington Street, East to a point perpendicular with the southerly side of the Summers Street right-of-way; Thence southwesterly along the Summers Street right-of-way to the northern most corner of land owned by SNIVLAC LLC (Deed Book 2396, Page 672 and known in Kanawha County as District 11, Map 9, Parcel 84); Thence with said property line southeasterly to the eastern most corner of said land; Thence continuing southwesterly with said property line to a point extending to the centerline of Lee Street, East; Thence northwesterly along the Lee Street, East, centerline to point perpendicular with the westerly most property line of land owned by REALCO LLC (Deed Book 2446, Page 949 and known in Kanawha County as District 11, Map 8, Parcel 45); Thence with said property line southwesterly across an unnamed alley to a point perpendicular with land owned by CARLISLE DEVELOPMENT COMPANY LLC (Deed Book 3051, Page 317 and known in Kanawha County as District 11, Map 8, Parcels 44 and 43); Thence with said property line southeasterly to the western most corner of said land; Thence along said property line southwesterly and continuing across the Brawley Walkway right-of-way to a point on the division line between two parcels of land owned by DUPONT HOTEL LLC (Deed Book 3051, Page 178 and known in Kanawha County as District 11, Map 8, Parcel 41) and the CITY OF CHARLESTON (Court Order Book 94, Page 968 also recorded at Deed Book 2365, Page 743 and known in Kanawha County as District 11, map 8, Parcel 42); Thence southeasterly along the Brawley Walkway right-of-way to a point on the northerly side on an unnamed alley; Thence southwesterly along said right-of-way to a point on the division line between two parcels of land owned by the CITY OF CHARLESTON/CHARLESTON URBAN RENEWAL AUTHORITY (Court Order Book 94, Page 968 also recorded at Deed Book 2365, Page 743 AND partial conveyance recorded at Deed Book 2397, Page 249 and known in Kanawha County as District 11, Map 9, Parcel 38) and 209 CAPITOL LLC (Deed Book 2713, Page 205 and known in Kanawha County as District 11, Map 8, Parcel 63); Thence continuing southwesterly along the property line of land owned by the CITY OF CHARLESTON/CHARLESTON URBAN RENEWAL AUTHORITY (Court Order Book 94, Page 968 also recorded at Deed Book 2365, Page 743 AND partial conveyance recorded at Deed Book 2397, Page 249 and known in Kanawha County as District 11, Map 9, Parcel 38) and continuing across the Quarrier Street right-of-way to a point on the land owned by the KANAWHA COUNTY PUBLIC LIBRARY (Deed Book 1415, Page 517 and known in Kanawha County as District 11, Map 7, Parcel 28); Thence southeasterly along said property to the intersection of the Quarrier Street and Capitol Street right-of-way; Thence continuing along said property lines for four calls to point at the intersection of the land owned by KANAWHA COUNTY PUBLIC LIBRARY (Deed Book 1415, Page 517 and known in Kanawha County as District 11, Map 7, Parcel 28) and the MIDWINTER INVESTMENT GROUP LLC (Deed Book 2575, Page 327 and known in Kanawha County as District 11, Map 7, Parcel 29); Thence southwesterly of said property line to a point at the centerline of the Virginia Street right-of-way; Thence northwesterly along said centerline to the point of the beginning, containing 27.37 acres more or less.

Sec. 2-716. – Continuation or Dissolution and Other Provisions.

(a) Pursuant to West Virginia Code § 8-13A-15(b), the City Center BID may not exist for a period beyond ten years unless it is reinstated pursuant to state code. In order for the City Center BID to be continued beyond July 1, 2031, the City Council shall adopt a bill amending this section of Code during calendar year 2031 that sets forth findings in the title of the bill declaring that the City Center BID has

complied with all of the requirements and procedures set forth in this article and in West Virginia Code Chapter 8, Article 13A during the initial ten years of existence and therein amend this section to set a new deadline for reauthorization no further than ten years thereafter.

(b) Dissolution of the City Center BID, along with any other provisions not stated in this article, shall be governed by the provisions of West Virginia Code Chapter 8, Article 13A. Pursuant to West Virginia Code § 8-13A-15, upon dissolution of the City Center BID any amounts remaining in the City Center BID Fund shall be transferred to the General Maintenance Fund for the benefit of the area included within the City Center BID.

Councilmember Hoover added that the bill is exciting and long overdue.

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

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

NAYS: None

ABSENT: Bays

With members present recorded thereon as voting unanimously in the majority, Mayor declared Bill No. 7923 as Amended as passed.

7. 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. 518-21 be adopted.

Resolution No. 518-21 – Authorizing the City Manager or the Parking System Director to enter into a five-year parking lease agreement with the Supreme Court of Appeals of West Virginia for certain parking spaces located along Venable Avenue and California Avenue, where the terms of such lease are attached hereto.

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

That the City Manager or the Parking System Director is authorized to enter into a five-year parking lease agreement with the Supreme Court of Appeals of West Virginia for certain parking spaces located along Venable Avenue and California Avenue, where the terms of such lease are attached hereto.

Councilmember Hoover added that this will be the first time they will be paying for the parking spaces. Thanks to research done by the Director of Parking, Terri Allen, the Committee determined that the amount is fair market value.

Councilmember King spoke against the resolution as the Capital Complex has so many spaces there. However, there are few spots for the public, so those spaces should be left for that.

Councilmember Jones asked what was the going rate for parking spaces in the City. Allen replied that the lease is not new, just the fact that the City will now be charging for them. She added that parking spaces downtown typically range from \$30 to \$80.

Councilmember Hoover added that the spaces were \$40 a month each. She also added that is it a good idea to be a good neighbor, and would be a good thing to have a positive relationship with the state legislature.

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

YEAS: Adams, Bailey, Brown, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, McKinney, Moore, Overstreet, Pharr, Reishman, Sheets, Steele, Mayor Goodwin

NAYS: Jones, King, Knauff, Minardi, Persinger, Robinson, Snodgrass

ABSENT: Bays

With members present recorded thereon as voting unanimously in the majority, Mayor declared Resolution No. 518-21 as 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. 530-21 be adopted.

Resolution No. 530-21 - Authorizing the Mayor or City Manager to submit an application to the Kanawha County Commission under the Kanawha County Public Safety Grant Program in the amount of \$19,900 and administer any funds awarded. These funds will be used by the Charleston Police Department to purchase two pole cameras for criminal investigation purposes in high crime areas around the city.

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

That the Mayor or City Manager is hereby authorized to submit an application to the Kanawha County Commission under the Kanawha County Public Safety Grant Program in the amount of \$19,900 and administer any funds awarded. These funds will be used by the Charleston Police Department to purchase two pole cameras for criminal investigation purposes in high crime areas around the city.

Councilmember Jenkins added that resolution is requesting approval for an application to a grant program to receive funds to purchase mobile camera poles that will be moved based on the current investigative needs and high crime areas around the City.

Councilmember McKinney asked how the movement of the poles would work. Councilmember Jenkins replied that they can be placed inconspicuously on utility poles through an agreement with either the phone company or power company. They would be placed in areas to be determined by the Police Department.

Councilmember Cook asked what the threshold would be to defining a high crime area. Councilmember Jenkins added that it would be based on the CPD's current investigative needs. Deputy Chief Scott Dempsey added that these would be two new camera poles.

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. 530-21 adopted.

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 531-21 do pass.

Resolution No. 531-21 – Authorizing the Mayor or City Manager to enter into a contract with Tempo Construction LLC in the amount of \$235,023.84 to construct a new city park located at the corner of Beatrice Street and Washington Street, West, as the result of a competitive bidding process.

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

That the Mayor or City Manager is authorized to enter into a contract with Tempo Construction LLC in the amount of \$235,023.84 to construct a new city park located at the corner of Beatrice Street and Washington Street, West, as the result of a competitive bidding process.

Councilmember Jenkins added that this goes with the prior approval to enter into a long-term lease with CURA to construct a park on the West Side. The construction of the park will include a small parking area, a playground, and two basketball courts.

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. 531-21 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. 532-21 do pass.

Resolution No. 532-21 – Authorizing approval of Amendment No. 2 of the FY 2021—2022 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 Amendment No. 2 of the FY 2021—2022 General Fund Budget as indicated on the attached list of accounts is approved.

Councilmember Jenkins added that the budget amendment proposes to increase the yearly allowance for the “boot allowance” from \$100 to \$150 for those that work generally on the streets, such as Refuse and the Street Department. Additionally, the budget amendment would reflect the \$500 Vaccine Incentive to City employees. Councilmember Jenkins added that it is a good example to set since many employees work directly with the public.

Councilmember Persinger asked how many City employees are currently vaccinated. Director of Human Resources Mandi Carter replied that an exact number is not known due to people being able to go their primary care physician, Walgreens, etc. to receive vaccines. The estimated number is thought to be 40-50%. Mayor Goodwin clarified that the incentive is to encourage employees to get vaccinated as well as incentivize those who got the vaccine and continue to work in the City. Councilmember Persinger confirmed that elected officials would be disqualified, but would count for all full and part-time employees. Seasonal employees would be included.

Councilmember Snodgrass motioned to amend Resolution No. 532-21, herein known as the Snodgrass Amendment, to increase the vaccine incentive to be \$1,000 for employees of the Police Department, Fire Department and Refuse Department and \$500 for all other employees and amending the accounts listed to reflect that. Councilmember Knauff seconded. Councilmember Snodgrass added that those Departments were not able to limit their work schedules or socially distance to limit their exposure to Covid-19. They are frontline workers that gave 100% to the City before a vaccine was even available.

Councilmember Pharr stated that they had just had a lengthy conversation about receiving adequate notice to be able to digest information, and requested a short intermission to look over the amendment.

Councilmember Robinson added that they had just discussed transparency and common courtesy

about giving Councilmembers time to digest appointments. Since Councilmembers just received a printed copy of the amendment as it was received, it was obviously done well before the meeting.

With the majority of the present having voted in favor of recessing for five (5) with at least one (1) recognized NAY from Robinson, Council recessed for five (5) minutes.

The Mayor declared the meeting to be back from recess.

Councilmember Jones spoke against the amendment, adding that they are being pitted against the Public Grounds and Street Departments. He added that everyone should get the same, and possibly exclude Department Heads.

Councilmember Burton agreed that an across-the-board incentive would be the best.

Councilmember McKinney agreed with Councilmember Jones and Councilmember Burton.

Councilmember Faegre agreed as well.

Councilmember King added that while he agrees with Councilmember Jones, he also didn't think that a vaccine incentive should be needed. He added that a lot of employees in the City should be paid more, so he is happy to give them a bonus.

Councilmember Pharr added that she has heard from City employees that are excited about the incentive. She added that it is hypocritical for the amendment to be presented in this manner considering the discussing on transparency they just had.

Councilmember Bailey confirmed with City Attorney, Kevin Baker, that those who disagree with the amendment could vote no. Then, additional amendments could be presented.

Councilmember Snodgrass added that the purpose of the amendment was that City Hall was closed to the public for almost a year with employees working split schedules. Those Departments are the frontline workers that did not get to work split shifts, even working double shifts in some cases. Additionally, this would provide an extra incentivize for what is probably the lowest vaccination rates amongst City Departments.

Councilmember Jenkins agreed with Councilmember Jones, and added that the Departments included in the amendment have received Hero Pay with the CARES Act Funding for being frontline workers. He added that he believed these types of incentives to be effective, and perhaps a second incentive could be given if the vaccination percentage reaches a certain milestone.

Councilmember Knauff added that they could vote to approve this amendment, and then present additional amendments to include whatever Departments they would want to be additionally included.

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

YEAS: Knauff, Pharr, Reishman, Robinson, Steele, Mayor Goodwin

NAYS: Adams, Bailey, Brown, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, McKinney, Minardi, Moore, Overstreet, Persinger, Sheets, Snodgrass

ABSENT: Bays

With members present recorded thereon as voting in the majority in the negative, with four (4) Yeas and twenty-two (22) Nays, the Mayor declared the Snodgrass Amendment as not passed.

Councilmember Persinger asked about State Code and incentive pay. Baker replied that the funds will come from the American Rescue Plan Act, and vaccine incentives are permitted within those guidelines. The overall incentive of the resolution fits within the guideline of the law. Councilmember Persinger expressed concern that those rules were constantly changing. City Manager, Jonathan Storage added that this aspect of the ARP Act will not change as it is contained within its Code.

Councilmember Jones motioned to amend Resolution No. 532-21, herein known as the Jones Amendment, to increase the vaccine incentive to be \$750 for all full and part time employees and amending the accounts listed to reflect that. Councilmember Snodgrass seconded.

Storage clarified that bonuses are not allowed under State Law. The proposed resolution is for a personnel management incentive authorized WV§8-5-12 as it is a public health initiative.

Councilmember Snodgrass asked what would happen to the money if 100% was not used. Storage replied that the money will not actually go into the Department accounts and was shown that way for illustrative purposes.

Councilmember Persinger asked if the money would be part of regular payroll. Storage replied that employees could choose a payroll payment or employees with Plan C could have it deposited into their HAS account. Councilmember Persinger asked why it would be subject to tax. Storage replied that it is income.

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

YEAS: Adams, Bailey, Brown, Burton, Campbell, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Moore, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Mayor Goodwin

NAYS: None

ABSENT: Bays, Ceperley (out of the room)

With members present recorded thereon as voting in the unanimously the affirmative, the Mayor declared the Jones Amendment as passed.

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

YEAS: Adams, Bailey, Brown, Burton, Campbell, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Moore, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Mayor Goodwin

NAYS: None

ABSENT: Bays, Ceperley (out of the room)

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 532-21 adopted as Amended.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 533-21 do pass.

Resolution No. 533-21 - Authorizing the Mayor or City Manager to enter into a contract with Pickering Associates, Inc., in the amount of \$30,000 to provide engineering services for HVAC renovations for the Martin Luther King, Jr. Community Center and the North Charleston Community Center, where the contract includes services relating to technical system design, bidding administration, and construction administration.

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 Pickering Associates, Inc., in the amount of \$30,000 to provide engineering services for HVAC renovations for the Martin Luther King, Jr. Community Center and the North Charleston Community Center, where the contract includes services relating to technical system design, bidding administration, and construction administration.

Councilmember Jenkins added that the resolution is to approve design services to review the HVAC renovations and systems with Martin Luther King Jr. Community Center and the North Charleston Community Center will the objective of receiving a design that can be used to bid out for a replacement of those aging systems.

Councilmember King confirmed that the resolution is for the engineering services to design and plan replacements. Storage added the he would not recommend this be done as a design-build project.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 533-21 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. 534-21 do pass.

Resolution No. 534-21 - Authorizing the Mayor or City Manager to purchase 12 police interceptor SUVs from Stephens Auto Center in the amount of \$398,796.00, where the purchase price was determined through a competitively sourced statewide contract.

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

Authorizing the Mayor or City Manager to purchase 12 police interceptor SUVs from Stephens Auto Center in the amount of \$398,796.00, where the purchase price was determined through a competitively sourced statewide contract.

Councilmember Jenkins added that the purchase is on the normal Capital Outlay schedule of replacement. The order is being placed earlier than normal due to the significant delays in supplies.

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. 534-21 adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; August 2021.

Received and Filed, Thank You.

2. Municipal Court Report to City Council Month Ending August 2021.

Received and Filed, Thank You.

NEW BILLS

Introduced by Councilmember Adam Knauff

September 7, 2021:

Bill No. 7924 – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia by rezoning from a Light Industrial District to a Village Commercial District, that certain parcel of land located at 1313 Bigley Avenue.

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

Introduced by Councilmember Keeley Steele

September 7, 2021:

Bill No. 7927 – A BILL to amend the Municipal Code of the City of Charleston related to reorganizing certain city commissions; creating the public art commission; eliminating the beautification commission and wayfinding commission; setting forth the composition, terms, and certain procedural requirements of the public art commission; declaring the public art commissions powers and duties; providing rule-making authority for the public art commission; and requiring an annual report from the public art commission.

Refer to Ordinance and Rules Committee, Please

Introduced by Councilmembers Shannon Snodgrass, Adam Knauff, Bruce King and Courtney Persinger

September 7, 2021:

Bill No. 7928 – A BILL to amend and reenact Section 2-138 of the Municipal Code of the City of Charleston, as amended, relating to updating restrictions on municipal officers and employees eligibility for certain grant funds; creating exceptions; and creating criminal and other penalties for violation.

Refer to Ordinance and Rules Committee and Finance Committee, Please

MISCELLANEOUS/UNFINISHED BUSINESS

1. Mayor Goodwin thanked Council for supporting City employees. Mayor Goodwin also added that she welcomes Council's advice on appointments.

REMARKS BY MEMBERS

1. Councilmember Jones thanked Jared Lanham, the Refuse Department, Bill Tate and the Street Department. Councilmember Jones inquired about any litter laws in City Code, adding that there is a trash problem along Leon Sullivan Way. Councilmember Jones asked if there could be a study about creating A Public Safety building.
2. Councilmember Cook state that she is glad that Council chose to fairly incentivize all City employees. Councilmember Cook added that while the amendment was presented at the last minute, there was press release immediately given to the press upon its vote. She added it is ridiculous to insinuate that Council does not support its first responders because they wanted to treat City employees fairly.
3. Councilmember Pharr stated that, referring the resolution concerning appointments, members that have been on Council for decades never had an opposition to the previous Mayor. She found it disgusting that a resolution came about that concerned women that looked like her. The Mayor had made the statement that she wanted to be more inclusive, particularly with women of color with expertise, one of whom happened to run for Council. Not once during the previous Administration were objections raised when someone with familiar ties was appointed to Committees, etc. Councilmember Pharr added that the resolution was brought on by implicit bias.

ADJOURNMENT

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

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

NAYS: None

ABSENT: Bays

At 9:58 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, September 20, 2021, 7:00 p.m., in Council Chamber at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk