



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, November 1, 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 November on the 1st day, in the year 2021, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Campbell, and the Pledge of Allegiance was led by Councilmember Brown. 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****BURTON****COOK****HOOVER****KING****ROBINSON****STEELE****BAYS****CAMPBELL****FAEGRE****JENKINS****KNAUFF****MOORE****PHARR****SHEETS****MAYOR GOODWIN**

With twenty-four 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. Robbie Queen – spoke about an upcoming drive-through health fair.
2. Richard Ellis – spoke against Bill No. 7898.
3. John Doyle – spoke against Bill No. 7930.
4. Eric Desmond – spoke about Sadd LLC, CKHA and TM Management.
5. Crystal Allen – spoke about homeless in Charleston.
6. Stacy Kay – spoke against Bill No. 7930.
7. Dr. Kelly Jones – spoke against Bill No. 7930.
8. Lill Prosperino – spoke against Bill No. 7930.
9. Stephen Littell – spoke against Bill. No 7930.
10. Dee Smith – spoke against Bill No. 7930.
11. Snow Mitchell – spoke against Bill No. 7930
12. Rick Franke – spoke about the new Mary Price Ratrie Arboretum at the Spring Hill Cemetery.
13. Jared Decker – spoke against Bill No. 7898.
14. Arl Paulzy – spoke against Bill No. 7898.
15. Rachel Rubin – spoke against Bill No. 7930.
16. Thomas Dommer – spoke against Bill No. 7930.
17. Greg Whittington – spoke against Bill No. 7930.
18. Becky Tenney – spoke against Bill No. 7898.
19. Mertec Washington – spoke about Charleston.
20. Jon Hague – spoke against Bill No. 7930.
21. Karan Ireland – spoke in favor of Emmett Pepper
22. Patti Hamilton – gave a Charleston Green Team update.

CLAIMS

1. A claim of James P. Holloran, South Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor, Please.
2. A claim of Mark D. Holmes, Charleston, WV;
alleges damage to property.
Refer to City Solicitor, Please.
3. A claim of Darla Spencer, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor, Please.
4. A claim of Christina Young, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor, Please.

PROCLAMATIONS

None

COMMUNICATIONS

1. NOMINATION OF VACANT AT-LARGE COUNCIL SEAT

The Mayor declared the floor open for nominations to fill the vacancy for the unexpired At-Large seat.

Councilmember Cook made a motion to nominate Emmett Pepper; the motion was seconded by Councilmember Ceperley.

Councilmember Cook added that Pepper and his family are residents of the East End. Since returning, Pepper has worked to improve Charleston in various ways, with an emphasis on energy efficiency, a cleaner environment and better recycling. Councilmember Cook added that Pepper has been serving as Chair of Charleston's Green Team. There is no better person to carry on Councilmember Bailey's passion for a cleaner, better Charleston.

Councilmember Knauff added that since an At-Large vacancy could be filled by anyone within the City, it is an opportunity to hear voices of underserved people. Instead, there has been a nomination for someone within the upper income and not a woman. He added that this is misaligned with their commitment to be inclusive and have diverse backgrounds.

A roll call was taken:

YEAS: Adams, Bays, Brown, Burton, Campbell, Ceperley, Cook, Haas, Hoover, Jenkins, Jones, King, McKinney, Moore, Overstreet, Pharr, Reishman, Robinson, Sheets, Steele, Mayor Goodwin

NAYS: Faegre, Knauff, Snodgrass

ABSENT: Minardi, Persinger

With members present recorded thereon as voting in the majority as affirmative, with twenty-one (21) YEAS and three (3) NAYS, the Mayor declared Emmett Pepper to fill the unexpired At-Large Council seat.

Emmett Pepper came forward and took the oath of office given by Miles C. Cary II, City Clerk.

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

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

RE: COUNCILMAN EMMETT PEPPER COMMITTEE ASSIGNMENTS

DATE: NOVEMBER 1, 2021

I am appointing Councilman Emmett Pepper to serve on the Environment and Recycling and the Ordinance and Rules Committees.

ASG/mls

Received and filed.

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 BEAUTIFICATION COMMISSION

DATE: NOVEMBER 1, 2021

I recommend the following individuals be reappointed to the Municipal Beautification Commission:

Marlene Dial – term expiration date 9-19-24
Amy McLaughlin – term expiration date 9-19-23
Otis Laury – term expiration date 9-19-23
Donna Graham – term expiration date 9-19-23
Bobbi Holland – term expiration date 9-19-22

I recommend the following individuals be appointed to the Municipal Beautification Commission:

Jane Powell – fills a vacant seat with an expiration date of 9-19-24
Brenda Craig Ellis – fills a vacant seat with an expiration date of 9-19-24
Anna Forbes – fills a vacant seat with an expiration date of 9-19-23
Lois Crichton – replaces Thomas Vasale with an expiration date of 9-19-22
Marjorie Cooke – fills a vacant seat with an expiration date of 9-19-22
Susan Shumate – replaces Bruce Severino with an expiration date of 9-19-22

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

ASG/mls

Councilmember Knauff motioned for a Division of the Question, which would separate Lois Crichton to be approved separately. (Note, Councilmember Knauff also mentioned Thomas Vasale in this motion, but that name was not listed on the appointments).

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared the appointments approved.

Councilmember Knauff added that 25314 will be overrepresented with the new appointments, as four out of six reside within that zip code. He added that none of the new appointments are from the greater West Side or Kanawha City. Kanawha City will have no members in the group.

Councilmember Robinson added that, as a representative of Kanawha City, he did not have a problem with any of the appointments. He added that nine of the eleven appointments are females.

Councilmember Ceperley motioned to approve the remaining appointments. Councilmember Hoover seconded. With members present recorded thereon as voting in the majority as affirmative, the Mayor declared the appointments approved.

PUBLIC HEARING

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1. After duly being published as required, the Mayor declared the floor open for a Public Hearing on Resolution No. 550-21 - A Resolution authorizing the City Manager or his designee to enter into a lease renewal for space in 601 Morris Street with Yoga Power LLC. No person from the public spoke in reference to the Public Hearing. The Mayor declared the Public Hearing CLOSED.

REPORTS OF COMMITTEES

COMMITTEE ON PLANNING, STREETS AND TRAFFIC

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

1. Your committee on Planning, Streets and Traffic has had under consideration the following street naming, and reports the same to Council with the recommendation that Streets Naming be adopted.

The Committee has had under consideration a request to name an unnamed alley to Bullock Lane. The Committee finds the name to be in compliance with the E-911 addressing regulations.

Councilmember Hoover added that the street is on the West Side, from Washington Street West to Greendale Drive directly behind the Women’s Health Center. Some property owners needed an address for one area. The proposed name, Bulloch Lane, is their second choice as the first did not comply with E-911 and County regulations.

Councilmember Faegre added that she represents the Ward for this area, and was never informed or contacted concerning this. She has had several citizens contact her to inform her that the two houses that sit on the alley have been there for decades, which has been referred to as Railroad Avenue. Councilmember Faegre stated that she was against the naming as she felt like the process was rushed, as they are actually remaining a street that has already had a name, and has received mail with that name.

Councilmember Snodgrass asked how that name was chosen. Councilmember Hoover replied that the application for renaming was first sent to the Municipal Planning Commission, then to the Planning, Streets and Traffic Committee and then to Council. She added that the Committees base their decision from the application and the 911 regulations. The application was submitted by Bullock Properties.

Councilmember Bays stated that she understood the two houses situated on the alleyway had a Washington Street West address, which would make it difficult for the Fire Department to respond to emergencies as if the numbering for Railroad Ave were to continue, it would be the same number as for Washington Street West.

Councilmember Knauff added that this was a missed opportunity to name the alley after a prominent historical or local name.

Councilmember Hoover added that was a great suggestion, but she wished these suggestions had come up during the Committee meetings.

Director of Planning, Dan Vriendt, added that Tanner and the Bullocks own three properties that abut this alley behind the Women's Health Center. They want to put an additional business in their woodworking shop. However, there are not enough addresses on the address range for Railroad Avenue. The Planning Department noticed that there are two houses with a Greendale address that do not front Greendale. The Metro 911 address regulations require that houses with a shared driveway have a unique name and their own address. Upon learning this, they asked the property owners to suggest some names for that alley. Their second choice met the 911 regulations.

Councilmember Cook added that it would be best if Councilmembers focused their energy on helping their constituents, as a lot of these in-depth discussions are meant to be had during Committee meetings.

Councilmember Knauff motioned to Table the Street Naming.

A roll call was taken:

YEAS: Adams, Faegre, Jones, Knauff, Moore, Overstreet, Snodgrass

NAYS: Bays, Brown, Burton, Campbell, Ceperley, Cook, Haas, Hoover, Jenkins, King, McKinney, Pepper, Pharr, Reishman, Robinson, Sheets, Steele, Mayor Goodwin

ABSENT: Minardi, Persinger

With members present recorded thereon as voting in the majority as negative, with seven (7) YEAS and eighteen (18) NAYS, the Mayor declared the motion to Table the Street Naming not passed.

Councilmember Robison motioned to refer the Street Naming back to the Planning, Streets and Traffic Committee.

A roll call was taken:

YEAS: Adams, Brown, Faegre, Hoover, Jones, King, Knauff, McKinney, Moore, Overstreet, Robinson, Sheets, Snodgrass, Steele

NAYS: Bays, Burton, Campbell, Ceperley, Cook, Haas, Jenkins, Pepper, Pharr, Reishman, Mayor Goodwin

ABSENT: Minardi, Persinger

With members present recorded thereon as voting in the majority as positive, with fourteen (14)

YEAS and eleven (11) NAYS, the Mayor declared the Street Naming referred back to the Planning, Streets and Traffic Committee.

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 the bill not be adopted.

Bill No. 7898 - 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-4 district and an R-6 District to a C-8 district, those certain parcels of land situate at or about 280 Oakwood Road, 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 an R-4 district and an R-6 District to a C-8 district, those certain parcels of land situate at or about 280 Oakwood Road, Charleston, West Virginia the whole of the following described parcels of land:

Parcel Nos. 60 and 62 as shown on Charleston South Annex (District 9) Tax Map No. 10, and Parcel No. 1 as shown on Charleston South Annex (District 9) Tax Map No. 20. Subject parcels commonly known as 280 Oakwood Road, Charleston, West Virginia. Said tax maps are 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 27 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 that concerns a corner of Oakwood Road and the Corridor G intersection near Sherwood Road. The Committee considers what a rezoning could do to the neighborhood. The Committee was concerned that there was the potential for a drive-through in that area. Councilmember Hoover added that the bill was introduced on April 5, 2021, went to the Municipal Planning Commission on April 7, 2021 where they voted to reject the bill unanimously, went to Planning, Streets and Traffic Committee on April 27, 2021 where they postponed the vote to confer with the State Highway. They met again on May 24, 2021 and voted to Table the bill. Recently, the developer requested that the Committee revisit the bill, which they did on October 24, 2021 and the voted to not recommend the bill (3 to 1).

Councilmember Hoover motioned to Withdraw Bill No. 7898. Councilmember Ceperley seconded the motion.

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7898 Withdrawn.

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. 549-21 be adopted.

Resolution No. 549-21 - Authorizing the Finance Director to amend the 2021 Community Development Block Grant budgets as indicated on the accounts listed below.

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

That the Finance Director is hereby authorized and directed to amend the 2021 Community Development Block Grant budgets as indicated on the accounts listed below:

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
009-021-00-054-0-999	Kanawha Valley Senior Services	(9,500.00)
009-021-00-199-0-999	Contingencies	9,500.00
009-021-00-011-0-999	Covenant House – change of scope only	9,000.00

The City proposes to reduce CDBG funding for the Kanawha Valley Senior Service activity originally allocated for a crosswalk. Funds will now be used for two flashing safety signs. In addition, Covenant House has requested a change of scope for a different direct service position and miscellaneous outreach supplies. Written comments regarding the proposed changes may be made to MOECD, 105 McFarland Street, Charleston, WV 25301; fax (304)348-0704 or e-mail MOECD@cityofcharleston.org until 4:00 p.m., November 1, 2021.

Councilmember Jenkins added that the resolution amends the CBGB grants. Kanawha Valley Senior Services had looked into installing a crosswalk, but felt it too cost prohibitive. They are going to instead install various signage, so those funds will be returned back into the Contingencies Fund. Additionally, the same amount of funding will still go to Covenant House, but instead to compensate for a change in their scope for homeless outreach.

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. 549-21 adopted.

A roll call was taken:

YEAS: Adams, Bays, Brown, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, McKinney, Moore, Overstreet, Pepper, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Mayor Goodwin

NAYS: Knauff

ABSENT: Minardi, Persinger

*Councilmember King was out of the room for the vote.

With members present recorded thereon as voting in the majority as positive, with twenty-three (23) YEAS and one (1) NAYS, the Mayor declared Resolution No. 549-21 as 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. 550-21 do pass.

Resolution No. 550-21 – A Resolution authorizing the City Manager or his designee to enter into a lease renewal for space in 601 Morris Street with Yoga Power LLC, for the purpose of operating a yoga studio for a term of five (5) years at a monthly rental amount of \$7,500.00, with an option of a monthly credit of \$1,000.00 in exchange for providing free yoga classes to City employees.

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

That, upon final review and approval of the lease by legal counsel, the City Manager or his designee is hereby authorized to enter into lease for space in 601 Morris Street with Yoga Power LLC, for the purpose of operating a yoga studio for a term of five (5) years at a monthly rental amount of \$7,500.00, with an option of a monthly credit of \$1,000.00 in exchange for providing free yoga classes to City employees.

Councilmember Jenkins added that the resolution is for approval of the renewal of their current lease. All of the terms and conditions of the prior lease will remain in effect.

Councilmember Campbell abstained from voting.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting in the majority in the affirmative, with one (1) abstention, the Mayor declared Resolution No. 550-21 adopted.

*Councilmember King was out of the room for the vote.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 551-21 do pass.

Resolution No. 551-21 – Authorizing “Citizen Appreciation Parking” for November 27, 2021, December 4, 2021, December 11, 2021, December 18, 2021, December 25, 2021, and January 1, 2022. “Citizen Appreciation Parking” shall include the waiving of hourly parking fees at all metered on-street parking spaces. The parking revenue losses will amount to approximately \$1,600 per Saturday.

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

That “Citizen Appreciation Parking” is authorized for November 27, 2021, December 4, 2021, December 11, 2021, December 18, 2021, December 25, 2021, and January 1, 2022. “Citizen Appreciation Parking” shall include the waiving of hourly parking fees at all metered on-street parking spaces. The parking revenue losses will amount to approximately \$1,600 per Saturday.

Councilmember Jenkins added that this annual resolution provides free metered parking on Saturdays during the height of holiday retail shopping.

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. 551-21 adopted.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 552-21 do pass.

Resolution No. 552-21 – Authoring the Mayor or City Manager to approve Change Order No. 1 to the

City's Concrete Sidewalk and Accessible Ramp Project Agreement—Summer 2021— in the amount of \$36,312.50 to permit the installation of new sidewalk in the 1900 block of Washington Street, West, raising the total contract amount to \$493,800.00.

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

That the Mayor or City Manager is authorized to approve Change Order No. 1 to the City's Concrete Sidewalk and Accessible Ramp Project Agreement—Summer 2021— in the amount of \$36,312.50 to permit the installation of new sidewalk in the 1900 block of Washington Street, West, raising the total contract amount to \$493,800.00.

Councilmember Jenkins added that this is a change order to the current contract. The additional amount will go to the construction of a sidewalk on the 1900 block of Washington Street to allow access to Orchard Manor and pedestrian travel to the North Charleston Community Center.

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. 552-21 adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; October 2021.
Received and Filed, Thank You.

2. Update from City Attorney on Redistricting

NEW BILLS

Introduced by Councilmember Becky Ceperley

November 1, 2021:

Bill No. 7932 – A Bill changing the ward boundaries for City Council elections beginning with the 2022 election, as required by federal and state law.

Refer to Planning, Streets and Traffic Committee

MISCELLANEOUS/UNFINISHED BUSINESS

1. Mayor Goodwin stated that Councilmember Haas will be going to the Cleveland Clinic next week, and that the thoughts and prayers of all those in the room are with him.

REMARKS BY MEMBERS

1. Councilmember Snodgrass stated that Rahul Gupta was just appointed by President Biden as the drug czar. Additionally, the CPD is currently down twenty-three officers. Two individuals showed up to the last test.
2. Councilmember Hoover stated that the Planning, Streets and Traffic Committee will meet November 8, 2021 to discuss the redistricting bill.
3. Councilmember Faegre stated that she will always be passionate when it comes to her constituents. Having worked extensively with the homeless, she added that Councilmembers would not intend to decriminalize homelessness. They are trying to respond to the requests of their constituents.
4. Councilmember Robinson stated that the Ordinance and Rules Committee will meet November 9, 2021.

ADJOURNMENT

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

YEAS: Adams, Bays, Brown, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins,

Jones, King, Knauff, McKinney, Moore, Overstreet, Pepper, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Mayor Goodwin

NAYS: None

ABSENT: Minardi, Persinger

At 9:05 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, December 6, 2021, 7:00 p.m., in Council Chamber at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk