JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, March 7, 2022

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 March on the 7th day, in the year 2022, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Knauff, and the Pledge of Allegiance was led by Councilmember Cook. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

ADAMS	**BAYS**	**BROWN**
	CAMPBELL	**CEPERLEY**
COOK		**HAAS**
HOOVER	**JENKINS**	**JONES**
KING	**KNAUFF**	**MCKINNEY**
MINARDI	**MOORE**	**OVERSTREET**
PEPPER		**PHARR**
REISHMAN	**ROBINSON**	**SHEETS**
SNODGRASS	**STEELE**	**MAYOR GOODWIN**

With twenty-four members being present, the Mayor declared a quorum present.

Burton, Faegre and Persinger's absences were excused by the City Clerk per Resolution No. 582-21.

Pending the reading of the Journal of the previous meeting, the reading thereof was dispensed with and the same duly approved.

PUBLIC SPEAKERS

1. Melinda Hamwi – Spoke about Sadd and CKHA.

2. Eric Desmond – Spoke about Sadd Brothers, CKHA and TM Management.

3. Chris Kessell – Spoke about athletic fields.

4. Nakia Austin – Spoke about the Healing House.

5. Larry Abshire – Spoke about turfing fields.

6. Todd Miller – Spoke about Bream Street parking.

7. Christy Day – Spoke about the Healing House.

8. Bill Carter – Spoke about vaping.

9. Courtney Ferrell – Spoke about the Healing House.

CLAIMS

None

PROCLAMATIONS

1.

Amy Shuler Goodwin
Office of the Mayor
City of Charleston

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

March 7, 2022

Dear Margaret,

As the Program Director for the YWCA of Charleston-Sojourner's for Homeless Women and Families, I commend you on your 37 years of dedicated service and compassionate care for our City's Most vulnerable population.

You've helped heal broken hearts and offered hope to those who believed there was none. You've helped folks take the needed steps toward their goals and celebrated when they achieved success. Your kind spirit and hard work have made a lasting impact on so many and energized those who have worked with you.

You have also played a pivotal role in the success and growth of the YWCA. You assisted in the development of the Alicia McCormick Homes; created the YWCA Sojourner's Education/Job Readiness Center; increased funding through state, federal, foundations, and private sources; and formed lasting community partnerships. Your hard work and leadership have helped bring about much positive change.

It is with great pleasure I recognize your tremendous contributions to our city and her people. I am honored to present you this Key to the City of Charleston.

Sincerely,

Amy Shuler Goodwin
Mayor of Charleston

The Key to the City was presented to Margaret Taylor.

2.

EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION

WHEREAS: The celebration of women's history was first proclaimed by President Jimmy Carter in March 1980, and it has become a tradition to recognize the contributions of women to our history in March of each year; and

WHEREAS: Women of every age, race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS: Women serve in critical economic, cultural, and social capacities—contributing to the labor force, both working inside and outside the home; and

WHEREAS: Women have contributed to volunteer organizations, establishing early charitable, philanthropic, and cultural institutions, and have courageously served our country in the United States military; and

WHEREAS: Women led efforts to secure their own rights of suffrage and equal opportunity, and have been instrumental in movements such as emancipation, industrial labor, civil rights, and the peace movement; to create a more fair and just society for all.

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby designate March 2022 as

Women's History Month

and encourage all residents of Charleston to celebrate the contributions of women throughout our Capital City and join in observing International Women's Day on March 8, 2022.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 7th day of March 2022.

THE CITY OF CHARLESTON WEST VIRGINIA

____
Amy Shuler Goodwin, Mayor

The proclamation was presented to Kim Smith.

3.

EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION

WHEREAS: Our kidneys perform complex and vital functions–filtering blood, controlling the production of red blood cells, helping remove waste, and releasing the hormones that help regulate blood pressure; and

WHEREAS: An estimated 37 million people in the United States have chronic kidney disease (CKD), and as many as 9 in 10 are not aware they have CKD. A diagnosis of CKD means the kidneys aren't working as well as they should; and

WHEREAS: Major risk factors for CKD include diabetes, high blood pressure, a family history of kidney failure and age over 60. Left untreated CKD can lead to kidney failure. Therefore, it is critical that attention be brought to this often-overlooked health issue; and

WHEREAS: The National Kidney Foundation–dedicated to the awareness, prevention, and treatment of kidney disease–encourages people to get tested if they are at risk, and take proactive steps to keep their kidneys healthy; and

WHEREAS: March 10, 2022 is World Kidney Day and the World Kidney Day Joint Steering Committee declared 2022 to be the year of "Kidney Health for All" and is specifically focused on bridging the knowledge gap to better kidney care.

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby designate March 2022 as

National Kidney Month

And encourages all citizens to practice self-care and educate themselves about preventive measures for kidney disease.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 7th day of March 2022.

Amy Shuler Goodwin, Mayor

The proclamation was presented to Holly Turkovic.

4.

EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION

WHEREAS: Problem Gambling Awareness Month is a grassroots effort to bring attention to problem gambling and the availability of prevention, treatment, and recovery services; and

WHEREAS: Problem gambling is defined as all gambling behavior patterns that compromise, disrupt or damage personal, family, or vocational pursuits; and

WHEREAS: Problem gambling affects West Virginians of all ages, races, and ethnic backgrounds—affecting 1 in every 50 West Virginians; and

WHEREAS: Problem gambling is treatable, and treatment is effective in minimizing harm to individuals, their families, and society as a whole; and

WHEREAS: The National Council on Problem Gambling advocates for people and families affected by problem gambling; and

WHEREAS: The Problem Gambling Help Network of West Virginia works to educate the public and healthcare professionals about the warning signs of problem gambling and raise awareness about the help that is available.

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby designate March 2022 as

Problem Gambling Awareness Month

and encourages all citizens to learn about the available resources and better understand the signs of problem gambling.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 7th day of March 2022.

Amy Shuler Goodwin, Mayor

The proclamation was presetned to Maricel Bernardo.

COMMUNICATIONS

None

REPORTS OF COMMITTEES

COMMITTEE ON PLANNING, STREETS AND TRAFFIC

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

1. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7943 Committee Substitute be adopted.

Bill No. 7943 Committee Substitute - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by amending the Land Use Table in Section 3-050 and the Supplemental Regulations Pertaining to the Land Use Table in Section 3-060**.**

Be it Ordained by the Council of the City of Charleston, West Virginia:
The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended as follows:

1) **Sec. 2-020 Definition of Terms**

Kennel, Commercial. A facility for the keeping, boarding, breeding, or maintaining of four or more dogs ~~four~~ three months of age or older ~~that are not owned by the kennel owner~~ for commercial purposes, except for dogs in pet shops or animal hospitals.

2) **Sec. 3-050 Permitted Land Uses**

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	CVD	PMC	I-2	I-4	PUD	SUPP.
Kennel-Commercial								*C*	*P*	*P*								*8~~,29~~*

3) **Sec. 3-060 Supplemental Regulations Pertaining to Land Use Table**

8. ~~**Outdoor kennel and storage areas** shall not be visible from streets and/or adjacent properties. Structures housing animals shall be located a minimum of 100 feet from any dwelling unit.~~

Kennels shall comply with the following:

a. Outdoor kennels, dog runs, and storage areas shall be screened from view by an opaque fence, wall or dense landscaping.
b. The use shall not constitute a nuisance due to noise, odor or other irritant detectable beyond

the property lines.

c. The City-County Health Department shall approve the plans for all kennels prior to the issuance of a Zoning Permit.

~~29. **Kennel**. The City-County Health Department shall approve the plans for all kennels prior to the issuance of a Zoning Permit.~~

Councilmember Hoover added that the bill allows the category of Kennel to be a conditional use permit in C-8 disctrict.

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

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

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7943 Committee Substitute 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. 7944 Committee Substitute be adopted.

Bill No. 7944 Committee Substitute - Amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by creating the definition of "Vape/Smoke Shop" and making it a conditional use permit in the C-8, CVD, and UCD zoning districts.

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

1. The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended as follows:

Sec. 2-020 Definition of Terms

Vape/Smoke Shop. Vape/Smoke Shop means any Retail or Service Establishment that devotes 33% of its floor area to the sale and display of electronic cigarettes, tobacco products, and/or allows vaping on site. An electronic cigarette is any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term "electronic cigarette" includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

2. The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended as follows:

Sec. 3-050 Permitted Land Uses

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CVD	UCD	PMC	I-2	I-4	PUD	SUP P.
Vape/Smoke Shop								*C*	*P*	*P*	*C*	*C*					*56*

Sec. 3-060 Supplemental Regulations Pertaining to Land Use Table

56. **Vape/Smoke Shops** operating under a Conditional Use authorization shall comply with the following:
    a. Shall not be located within 1500 feet of another vape/Smoke shop.
    b. Shall not be located within ~~1000~~1500 feet of an Elementary School, Middle School or High School Educational Facility as defined in Section 2-020 of the Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006.
    c. Shall conform with all Federal, State, and Local laws related to the sale of electronic

cigarettes, tobacco products, and other vape products.

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 defines vape and smoke shops, and makes them a category of Conditional Use in a C-8 Village Commercial District and Urban Corridor District, with Permitted Use in C-12 and C-10 Districts. It also adds spacing and buffering requirements.

Councilmember Hoover proposed and amendment to Bill No. 7944 Committee Substitute (and on behalf of Councilmember Faegre). Councilmember Ceperley seconded.

> On page 1, section 1, by deleting the definition of Vape/Smoke Shop on lines: 13-22 and adding a new definition by inserting "*Vape/Smoke Shop. means a retail store utilized primarily for the sale of tobacco products, electronic cigarettes and vaping products or accessories, and in which the sale of other products is merely incidental.*"

Councilmember Hoover added that the amendment will match how the County defines vape and smoke shops, which is also approved by the Lung Association.

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 610-22 adopted.

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

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

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7944 Committee Substitute as Amended 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. 7947 Committee Substitute be adopted.

Bill No. 7947 Committee Substitute - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by amending the Land Use Table in Section 3-050 and the Supplemental Regulations Pertaining to the Land Use Table in Section 3-060 relating to the operation of home-based businesses.

Be it Ordained by the Council of the City of Charleston, West Virginia:
The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended as follows:

1) Sec. 3-050 Permitted Land Uses

LAND USE		R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD
	UCD	CVD	PMC	I-2	I-4	PUD	SUPP					
Home Based Business-Level I: No impact						P	P	P	P	P	P	P
	P	P	P	P	P	P	P			P	4	
Home Based Business-Level II				C	C	C	C	C	P	P	P	P
	P	CP	CP	P	P			C	4			

2) Sec. 3-060 Supplemental Regulations Pertaining to Land Use Table
4. Home-Based Businesses shall be regulated as follows:
a. Permitting and Enforcement
(1) All Level I and II proposed home-based businesses shall apply to the City Collector for a Municipal License and to the City Planning Department for zoning review. The Planning Director shall determine whether the proposed home-based business meets the level 1 permitted accessory or level 2 conditional use permit home-based business definition and requirements.
(a) Level 1 permitted accessory home-based businesses that meet the requirements set forth shall be approved by the Planning Director. The Planning Director shall endorse the Municipal License Application upon approval.
(b) Level 2 conditional use permit Home-based businesses may be approved after a public hearing for a conditional use permit if the Board of Zoning Appeals determines that the proposed home-based business will not constitute a nuisance or otherwise be detrimental to the neighborhood. The Planning Director shall endorse the Municipal License Application upon approval by the BZA.
(2) Home-based businesses may have their permits revoked for the following reasons:
(a) Any change in use or any modification to the granted home-based business that is not first approved by the Planning Director or the BZA.
(b) Any nuisance, including noise, vibration, smoke, electrical interference, dust, heat, glare, or obnoxious odor, detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily structure.
(c) Failure to pay any annual municipal license fee within thirty days after the due date or to renew the municipal license.

b. Level 1 home-based business uses shall be a permitted accessory use in all residential districts where business activities include, but are not limited to, receiving or initiating correspondence, such as phone calls, mail, faxes, or e-mail; preparing or maintaining business records; word and data processing; and telephone, mail order, and off-premise sales.
(1) Level I permitted accessory home-based businesses shall be distinguished from Level II home-based businesses requiring a conditional use permit in that they shall not be permitted to:
(i) Sell articles or products on the premises.
(ii) Generate any additional pedestrian or vehicular traffic not normally associated with the residential use of the dwelling.
(iii) Receive deliveries to or from the dwelling, except by the occupant, U.S. Mail or by courier, and by no customers or clients.
(iv) Display signs for the business use.
(v) Have employees who are not members of the resident dwelling unit.
c. Level II home-based businesses shall be conditional uses and regulated and monitored to assure that the use does not create any adverse impact on the surrounding area. Applicants must present the following information to the BZA:
(1) The type of business and business activities.
(2) The total number of resident employees.
(3) The location and floor area of the home-based business.
(4) The vehicles used in the home-based business.
(5) The number of expected customer visits per day and at any one time.
d. Level II home-based businesses shall meet the following performance standards:
(1) Hours of operation shall be limited to hours between 8:00 a.m. and 7 p.m.
(2) Employees working at the subject property must be permanent residents of that dwelling.
(3) Delivery vehicles used to deliver goods to the home-based business are limited to passenger vehicles, mail carriers, and express carriers. Deliveries shall be permitted between 8:00 a.m. and 6:00 p.m.
(4) The home-based business shall be limited to the parking/storage of one commercial vehicle on the premises, not exceeding a one-ton capacity.
(5) The home-based business shall not generate traffic in greater volume than would normally be expected in a residential neighborhood.
(6) The home-based business must provide one off-street parking space in addition to the parking requirement for the dwelling.
(7) The home-based business may not create a nuisance due to noise, vibration, smoke, electrical interference, dust, heat, glare, or obnoxious odor. Any noise, vibration, smoke, electrical interference, dust, heat, glare, or obnoxious odor detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily structure, shall constitute a violation of the terms of this provision.
(8) The home-based business shall not increase demand on water, sewer, or garbage collection services to the extent that the combined demand for the dwelling and the home-based business is significantly more than is normal to the use of the property for residential purposes.
(9) The BZA may establish a limit on the number of clients permitted per day or at any one time.
(10) Structural alterations that are not customarily found in a residential structure are prohibited.
(11) Equipment and materials related to the home-based business must be stored in a manner that is out of view to the public.

(12) Signs advertising the home-based business are not permitted.
e. Level II home-based businesses shall include, but not be limited to:
(1) Professional offices such as architects, brokers, counselors, clergy, engineers, insurance agents, real estate agents, lawyers, accountants, editors, publishers, journalists, cleaning services, salespersons, travel agents, and psychologists where some clientele may be required.
(2) Personal services, such as barbershops, beauty parlors, manicure and pedicure shops, catering, chauffeuring services, and physical therapists (no more than 2 people being tended to at any one time).
(3) Instructional services such as music, dance, art and craft classes, and tutoring (no more than 2 people being instructed at any one time).
(4) Repair services for small appliances, computers, watches and clocks, electronic devices.
(5) Workrooms for tailors, dressmakers, milliners, and craft persons, including jewelry making, cabinetry and woodworking.
(6) The BZA shall make the determination whether an unlisted business is similar to a listed permitted use and issue or deny the Level II home-based business conditional use permit.
f. Home-based businesses shall not include dance studios, commercial repair or storage of automobiles, medical or dental clinics or offices where patients are treated, restaurants, bars/nightclubs, mortuary or funeral establishments, boarding/rooming/tourist homes, kennels, stables, veterinarian clinics/hospitals, nor adult uses. Uses not specifically mentioned shall not be permitted when the Planning Director determines that such use is of the same general character as at least one of those stated above.

4. Home-Based Businesses shall be regulated as follows:

All proposed home-based businesses shall apply to the City Collector for a Municipal Business License and to the City Planning Department for zoning review. The Planning Director shall determine whether the proposed home-based business meets the following ‘no impact’ criteria:

1. The business must be secondary to the residential use of the property.
2. The business must be compatible with the residential nature of the area.
3. No activity, equipment, or material associated with the business is visible from the street.
4. Operation of the business will not result in an increase in traffic in the neighborhood beyond that customary to a residence.
5. The business employs no one living outside the home who reports to work at the residential property.
6. Adequate on-site parking is provided.
7. The business must not result in an increase in demand on water, sewer, or garbage collection beyond that customary to a residence.
8. Delivery of goods to the business must be limited to passenger vehicles, mail carriers, and express carriers.

If the proposed home-based business satisfies these criteria, the use shall be treated as a permitted use and the Planning Director shall endorse the Municipal Business License Application.

If the proposed home-based business fails to satisfy any of these criteria, a request for a conditional use permit may be filed. Applicants must provide the following information to the Board of Zoning Appeals for consideration:

1. The type of business and business activities.
2. The total number of employees.
3. The location and floor area of the home-based business.
4. The number of expected customer visits per day and at any one time.
5. The vehicles, equipment, and materials used in the home-based business.
6. The availability of on-site parking.

If the BZA determines at a public hearing that the proposed home-based business will not constitute a nuisance or otherwise be detrimental to the neighborhood, the Planning Director shall endorse the Municipal License Application.

Signage for home-based businesses is prohibited, and the address of the home-based business should not be advertised in such a way that customers or salespersons may be encouraged to visit the property without an appointment.

Retail sales are prohibited, with the exception of products complementary to services provided, and online sales.

Home-based businesses shall not include commercial repair or storage of automobiles, dance studios, medical or dental clinics, restaurants, bars/nightclubs, mortuary or funeral establishments, kennels, stables, veterinarian clinics/hospitals, nor adult uses. Uses not specifically mentioned here shall not be permitted when the Planning Director determines that such use is of the same general character as any stated above.

A license for any home-based business may be revoked if 1) the business becomes a nuisance resulting from but not limited to noise, vibration, smoke, electrical interference, dust, heat, glare, odor, detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily structure; or 2) any change in use or modification to the home-based business not first approved by the Planning Director or Board of Zoning Appeals occurs.

Councilmember Hoover added that the bill simplifies the process to gain approval for an operation of a home-based business where there is no impact on the neighborhood.

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

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

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared Bill No. 7947 Committee Substitute passed.

SELECT COMMITTEE ON INSURANCE RELATIONS – PROPERTY AND CASUALTY

Councilmember Jenkins, Chair of the Select Committee on Insurance Relations – Property and Casualty, submitted the following reports:

1. Your Select Committee on Insurance Relations – Property and Casualty has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 608-22 be adopted.

Resolution No. 608-22 - Whereas, on December 7, 2020, the Mayor created the Select Committee on Insurance Agent Relations – Property & Casualty to draft and issue a solicitation to licensed insurance firms, establish rules for evaluation of the proposals, and make a recommendation to the City Council for the selection of an insurance firm to address the City's insurance needs;

Whereas, following meetings held on July 1 and July 15, 2021, the City Manager, on July 19, 2021, issued a Request for Expressions of Interest for Insurance Broker / Risk Management Consultant Services ("EOI") pursuant to the direction of the Select Committee;

Whereas, the EOI laid out the expectations of qualified firms, established the procedures for shortlisting firms, and established a timeline for the procurement process;

Whereas, on August 23, 2021, the City received responses from four firms, and the Select Committee interviewed each responding firm in September 2021;

Whereas, on September 27, 2021, the Select Committee met to shortlist the responding firms, and three firms were selected to proceed to the next phase of the procurement process: USI, WVCoRP, and RCM&D;

Whereas, on November 5, 2021, the Select Committee met to approve a market allocation plan mutually approved by the three shortlisted firms, dividing up the insurance marketplace among different insurance carriers and lines of insurance coverage;

Whereas, following the market allocation approval, the three shortlisted firms set out to gather information and data from representatives of the City Administration to compile various insurance quotes, plans, and options from suitable carriers to address the City's insurance needs;

Whereas, the representatives of the City Administration spent numerous weeks compiling information and responding to individual requests submitted by the three competing firms;

Whereas, on December 20, 2021, the Select Committee met to approve the evaluation criteria to be used in evaluating any insurance proposal to be received, where the criteria considered categories such as consideration for approach and understanding of the City's needs, client relations and service, and best value insurance options;

Whereas, On February 7, 2022, the City received the proposals from the three competing firms, and the proposals were distributed to the Select Committee members;

Whereas, representatives of the City Administration reviewed and analyzed the proposals and asked clarifying questions of the responding firms in order to prepare a summary of the proposals for the Select Committee to compare the coverage options, limits, self-insured retentions, and premiums and other cost, where a copy of the analysis is attached hereto as Exhibit A;

Whereas, on February 15, 2022, the Select Committee met to evaluate and score the received proposals and invited representatives of the three competing firms to participate in the meeting; and

Whereas, after a thorough and thoughtful review, discussion, and scoring of the various proposals, the Select Committee voted to recommend to the City Council that WVCoRP be awarded the contract.

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

That the Mayor or City Manager is authorized , subject to final review by the City Attorney, to enter into contracts with the West Virginia Counties Group Self Insurance Risk Pool, Inc., DBA West Virginia Communities Risk Pool, at a price of $1,497,770, for the City's Risk Management and Property, Casualty, Cyber, and Workers' Compensation Insurance coverage and including all Third Party Administrator (TPA) Services for the period March 31, 2022 through March 31, 2023, in accordance with the costs referred to as Coverage Option 3 in Exhibit B. Underinsured motorists coverage is specifically rejected. Uninsured motorists coverage with statutory minimum limits of $25,000/$50,000/$25,000 is accepted only.

Councilmember Jenkins added that the City had been with the same insurance company broker for over forty (40) years. This review was to determine what other brokers could provide coverage to the City. The Committee met to develop and approve an Expression of Interest, and those responses were received by August of 2021. Out of the four (4) responses, three (3) were chosen to proceed with bringing proposals to the Committee. The Committee approved and adopted a scoring sheet, which provided for Approach and Understanding (30 points), Client Relations and Service (45 points), Best Value Insurance Option (75 points), Broker Agent Fees (35 points), Stability of the Firm (10 points) and Business or Family Relationship Disclosure (5 points). As stated in the Expression of Interest, the proposals were due February 7, 2022 by 4 pm. The Expression of Interest was looking for the broadest insurance program that adequately and economically protects the City and designated parties. Emphasis was to be placed on completeness and clarity of content. One of the firms was disqualified by the Committee due to being incomplete. The two remaining vendors to be scored were WV Corp and USI. WV Corp won with a score of 180.3 versus USI with a score of 177. The Committee then approved Plan Option #3 from WV Corp's proposal (also referred to as the $300,000 self-insured option), as it was most appropriate in terms of price and consistency with what the City currently has. Councilmember Jenkins added that WV Corp's limits and coverages are better. The aggregates and coverages are more restrictive with the two Travelers (USI) options, as is the umbrella excess liability. WV Corp provides better cyber insurance at a better coverage. WV Corp also had lower self-insured retention. The premiums for WV Corp are about $190,000 less that with USI (Option #1). WV Corp does not have Other Costs (they are all built in), and USI has many additional costs (brokerage costs, taxes, TPA fee and claims fund). Councilmember Jenkins added that ultimately, WV Corp is about $460,000 less than USI, and provides better coverage and self-insured retention. WV Corp uses the WV County Risk Pool, which for the City, means that since Charleston is a self-insured entity, the City would not share in the risk of the pool. So, any catastrophic claims would not be assessed to the City. However, it means that the City would be able to participate in the pool's reinsurance, getting the best price possible. WV Corp would also provide all of the services that the City would require, such as claims management.

Councilmember Knauff, a member of the Committee, spoke against the resolution. Initially, USI did not include quotes for cyber or worker comp insurance when the Committee met to score, which has since been provided.

Councilmember Snodgrass, a member of the Committee, added that the Committee worked diligently. After the Committee scored, they discovered additional information, and wanted the opportunity to rescore. Councilmember Snodgrass spoke against the resolution. She added that WV Corp is Virginia-based with only $23 million is assets. Larger cities etc. in the State use USI. The most important thing in insurance is risk assessment. USI made multiple visits to the City to WV Corp's zero. She added that a risk pool is the wrong decision.

Councilmember Minardi asked why cyber was not included in USI's original proposal.

Councilmember Jenkins replied that USI's preferred cyber provider, AIG, required that the City take certain steps before they would provide a quote. Councilmember Jenkins added there was a similar situation with workers comp. USI has submitted quotes for those after the due date. Councilmember Minardi stated that he was confused as to whether the City would be in the risk pool, as he was hearing conflicting statements. Councilmember Jenkins clarified that the City would not be participating in the risk sharing aspect of the pool due to its self-insured retention.

Councilmember Pharr, a member of the Committee, added that Councilmember Jenkins has Chaired the Committee with the utmost of respect. She felt that Councilmember Reishman's score should have been withdrawn to make the scores 178/177, but she voted to keep them in during a confusing moment due to excessive bickering. Councilmember Pharr added that she is not sure if WV Corp is the right product for the City of Charleston. Councilmember Pharr spoke against the resolution.

Councilmember Jones asked why Councilmember Reishman did not score USI. Councilmember Reishman replied that he thought WV Corp was so much better than USI that he simply eliminated them from his scoring. He did offer to rescind his scores. He is convinced that WV Corp is the best deal for the City, and it would not put the City in any more risk than they already are.

Councilmember Adams added that WV Corp would be capable of handling the City's insurance, as they insure fifty-one out of fifty-five counties in West Virginia. Councilmember Adams spoke in favor of the resolution.

Councilmember King spoke against the resolution. He did not understand how the City could join the risk pool, but not be in it. Councilmember King added that it bothered him that WV Corp did not do any in-person inspection of City property, and added that the City would also be losing B&O tax revenue.

Councilmember Minardi asked what would procedurally happen if the resolution were voted down. Councilmember Jenkins added that this is a unique situation, in that professional services are usual brought to Council from the Administration. Given that the Committee's purpose was to make a recommendation to Council, which they have done, and the deadline involved, then it would likely be up to the Administration to choose an insurance to be taken to Finance and then Council.

Councilmember Steele clarified that the score would be 178/177 if Councilmember Reishman's scores were removed. She asked how the quotes related to local vendor preference. Councilmember Jenkins replied that while he did not have the specific numbers, he did not believe any potential B&O loss would come close to equal the savings in going with WV Corp.

Councilmember Pharr added that the Committee had tentatively decided they could meet on

March 18 if they needed to after tonight's Council meeting.

Councilmember Snodgrass added that USI would still be cheaper than what the City has been paying. She added that she was under the impression that if the resolution did not pass in Council, the Committee would meet again and simply pick a USI policy.

Councilmember Knauff added that the Committee would have enough time to make another recommendation to Council by March 21.

Councilmember Brown asked if the City would be effected if other entities insured by WV Corp losing lawsuits, etc. Councilmember Jenkins replied that it would not, and it would not effect the assessment; it might affect the premiums.

Councilmember Snodgrass added that there are many articles about risk pools going under.

Councilmember King added that he didn't understand how the City would be part of the risk pool but not share in the risk. Councilmember Jenkins replied that the City would not share the risk because they would have a $300,00 self-insured retention. If the City chose lower retention, then they would be sharing in the risk. With the policy chosen, any claim beyond $300,000 would go to AIG.

Councilmember Pharr asked about the protest period. Councilmember Jenkins stated that either party had seven business days to file a protest which would be reviewed by the City Manager.

Councilmember Bays asked how long the contracts would be for. Councilmember Jenkins replied that the EOI stated it was for three years. However, the resolution is written for one year. Councilmember Jenkins added that three years is not required for the risk pool except for the ability to receive a dividend. That would mean that any extra funds would be paid to qualifying members.

Councilmember Snodgrass added that she wasn't sure if the City could deviate from what was stated in the EOI.

Councilmember Campbell thanked Councilmember Jenkins for all the time and effort that he put in during this process.

Councilmember Steele asked if the brokers were in the room during the scoring. Councilmember Jenkins replied that while the Committee was in Executive Session for discussions, any questions asked of the companies and the scoring were done publicly. Councilmember Steele clarified her understanding of the risk pool and the possibility of raising premiums.

Councilmember Jenkins thanked the Committee for their work. He added that he is looking objectively at the data that has and hasn't been provided. The Committee supported going with WV Corp. He added that Charleston would not be unique in going with a risk pool when compared nation-wide as many cities larger than Charleston participate in risk pools. The company that WV Corp uses, AIG, is highly rated and even larger than Travelers. WV Corp gives the City better coverage, better self-insured retentions, and a lower price.

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

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

With members present recorded thereon as voting in a Tie, with twelve (12) Yeas and twelve (12) Nays, the Mayor declared the motion failed and Resolution No. 608-22 not 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. 609-22 Committee Substitute be adopted.

Resolution No. 609-22 Committee Substitute - Authorizing the approval of the American Rescue Plan Act budget as indicated on the attached list of accounts for City Allocations ~~and authorizing the Mayor or City Manager sign all required sub-recipient agreements relating to the American Rescue Plan Act allocations.~~

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

That the American Rescue Plan Act budget as indicated on the attached list of accounts for City Allocations is authorized ~~and the Mayor or City Manager is authorized to sign all required sub-recipient agreements relating to the American Rescue Plan Act allocations.~~

Councilmember Jenkins added that the resolution comes from the recommendation of the American Rescue Plan Act Advisory Committee. Councilmember Jenkins requested for a Division of the Vote such that each individual account be voted on separately. Councilmember Ceperley seconded the motion.

LINE 1 Personal Protective Equipment – City Response Expenses

Councilmember McKinney added that she had concerns over actions tha were taken the previous week regarding the American Rescue Plan Act Funds. She has asked for help in understanding the process and legal duties as a Councilmember. The Funds are an opportunity to ensure the people and the City can rebuild from the pandemic. It is vital that Councilmember's are aware of how these funds are being spent through communication and transparency. Upon revewiibng the Committee minutes, she noticed that there didn't seem to be any vetting or protocols for the application process. Councilmember McKinney added that didn't know that she was not going to be directly about her concerns or how the pandemic effected her Ward. She expressed dissapointment that the Healing House's application was not chosen, and was not was given any additional help from the City. Councilmember McKinney asked why was the process was being rushed, and added that they did not have to vote on it that night.

A roll call was taken:

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

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared LINE 1 Personal Protective Equipment – City Response Expenses as adopted.

LINE 2 COVID-19 Vaccination Incentive – City Response Expenses

A roll call was taken:

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

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared LINE 2 COVID-19 Vaccination Incentive – City Response Expenses
as adopted.

LINE 3 Payroll Costs for Response to COVID-19 – City Response Expenses

A roll call was taken:

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

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared LINE 3 Payroll Costs for Response to COVID-19 – City Response Expenses as adopted.

LINE 4 Revenue Replacement - Charleston Land Reuse Agency

A roll call was taken:

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

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared LINE 4 Revenue Replacement - Charleston Land Reuse Agency as adopted.

LINE 5 Revenue Replacement - Charleston Regatta Commission

A roll call was taken:

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

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared LINE 5 Revenue Replacement - Charleston Regatta Commission as adopted.

LINE 6 Revenue Replacement - Public Safety Center Study

Councilmember Campbell clarified that the amount was up to $1 million for the study. He asked if the amount could be a more reasonable $100,00, and added to later if needed.

Councilmember Snodgrass asked if a company had already been chosen for the study. Mayor Goodwin replied not until the funds were avaliable.

A roll call was taken:

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

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared LINE 6 Revenue Replacement - Public Safety Center Study as adopted.

LINE 7 Revenue Replacement - Athletic Field Turfing and Upgrades

Councilmember Overstreet asked if the fields for turfing and updrades had already been designated. He added that there were concerns about Capital High School's field. Councilmember Robinson added they are currently talking with their Coach about it. The fields involved are: KC Little League Field, KC Softball Field, MLK Center, Bigley Big and Small Fields, NC Small Field, Power Park and the two soccer fields at Cato Park.

Councilmember Robinson added that this is one of the largest economic development projects he has ever seen in Charleston. This project will create community involvment and city-wide investment. The youth of Charleston will greatly benefit from this.

Councilmember Moore confirmed that the big field at NC could not be turfed. It needs to be resurfaced, which is already accounted for in the budget.

Councilmember Cook aggred with Councilmember Robison, and stressed how important for young athletes to the best facilities in their community.

Councilmember Pharr asked what was going on with Capital's Field. Mayor Goodwin answered that it is Kanawha County Schools property, but they have been discussing to possibly partner with them to help.

A roll call was taken:

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

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared LINE 7 Revenue Replacement - Athletic Field Turfing and Upgrades as adopted.

LINE 8 Revenue Replacement - Sidewalk Improvement Program Fund

A roll call was taken:

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

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared LINE 8 Revenue Replacement - Sidewalk Improvement Program Fund
as adopted.

LINE 9 Revenue Replacement Public - Youth Job Opportunities

Councilmember Knauff asked what were some of the programs associated with this line. Mayor Goodwin replied that it is associated with the Summer Youth Job Program to work within the City during the Summer that is also educational.

A roll call was taken:

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

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared LINE 9 Revenue Replacement Public - Youth Job Opportunities as adopted.

LINE 10 Revenue Replacement - Infrastructure and Broadband Upgrades

Councilmember Minardi asked if the funds would be made avaliable to third party providers, in relation to his possible abstention. Mayor Goodwin replied that he would not need to abtain as those guidlines have not been established.

Councilmember Jones motioned to amend the line by removing $2 million from line 10, and create a new line of $2 million for Blaine Boulvard Repair as an infrasturcture project.

Councilmember Robinson asked if it would be better to include a term or definition into Line 10 since it did not have its own line items within to define what amounts of the $7 million would go to specific projects.

Councilmember Knauff spoke in support of the amendment.

Councilmember Steele asked if there was a percentage in mind of what to use for broadband versus infrastructure. Mayor Goodwin replied no, that would be left to Council to determine.

Councilmember Pepper spoke against the amendment. He added that it raises issues and complications to have one part carved out, prioritixed, etc.

Councilemmber Jones added that he was aware that the $2 million would not be enough to repair Blaine Boulvard, but it would enable the City to have some money put aside ready to go if other funding, such as from the State became avalaible.

A roll call was taken:

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

With members present recorded thereon as voting in the majority in the negative, the Mayor declared the amendment to LINE 10 Revenue Replacement - Infrastructure and Broadband Upgrades as not adopted.

A roll call was taken:

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

With members present recorded thereon as voting in the majority in the affirmative, the Mayor declared the amendment to LINE 10 Revenue Replacement - Infrastructure and Broadband Upgrades as adopted.

LINE 11 Revenue Replacement - Grant Matching

A roll call was taken:

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

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared LINE 11 Revenue Replacement - Grant Matching as adopted.

LINE 12 Revenue Replacement - Future Identified Projects

Councilmember King motioned to amend Line 12 by removing $200,000 and creating a new line for Healing House Inc. with $200,000 provided that the application meets all requirements and is complete.

Councilmember King withdrew the amendment.

Councilmember Jones asked for a more specific breakdown of what would qualify as a future identified project. Mayor Goodwin replied that there are no projects identified yet.

Councilmember Jones motioned to amend Line 12 by removing $2 million and adding a new line of $2 million for Blaine Boulvard Repair.

Councilmember Steele confirmed that Council would have the ability to identify these projects in the future.

Councilmember Pharr asked if the Future Identified Projects could include for-profit businesses. Mayor Goodwin replied that would be possible.

A roll call was taken:

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

With members present recorded thereon as voting in the majority in the negative, the Mayor declared the amendment for LINE 12 Revenue Replacement - Future Identified Projects as not adopted.

A roll call was taken:

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

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared LINE 12 Revenue Replacement - Future Identified Projects as adopted.

LINE 13 Administrative Expenses - Implementation Services

Councilmember Snodgrass asked what Line 13 could be used for. Mayor Goodwin replied that it could be used for BDO, legal counsel and/or the Grant Coordinator.

A roll call was taken:

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

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared LINE 13 Administrative Expenses - Implementation Services as adopted.

American Rescue Plan Act Fund Budget - City Allocations

Item	Account No.	Expenditure Category	Account Description	Amount
1	073 022 01 005 5 566	Personal Protective Equipment	City Response Expenses	100,000
2	073 022 01 009 5 566	COVID-19 Vaccination Incentive	City Response Expenses	464,165
3	073 022 01 009 5 566	Payroll Costs for Response to COVID-19	City Response Expenses	250,000
4	073 022 06 001 5 566	Revenue Replacement	Charleston Land Reuse Agency	1,500,000
5	073 022 06 001 5 568	Revenue Replacement	Charleston Regatta Commission	500,000
6	073 022 06 001 2 223	Revenue Replacement	Public Safety Center Study	1,000,000
7	073 022 06 001 4 458	Revenue Replacement	Athletic Field Turfing and Upgrades	6,000,000
8	073 022 06 001 5 566	Revenue Replacement	Sidewalk Improvement Program Fund	500,000
9	073 022 06 001 5 566	Revenue Replacement	Youth Job Opportunities	250,000
10	073 022 06 001 4 458	Revenue Replacement	Infrastructure and Broadband Upgrades	7,445,278
11	073 022 06 001 5 566	Revenue Replacement	Grant Matching	1,250,000
12	073 022 06 001 6 699	Revenue Replacement	Future Identified Projects	5,000,000
13	073 022 07 001 5 566	Administrative Expenses	Implementation Services	1,000,000
			Total	**25,259,443**

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 610-22 be adopted.

Resolution No. 610-22 – Authorizing the Mayor or City Manager to submit an application to the WV Division of Administrative Services under the Violence Against Women Act grant program in the amount of $31,500 and administer any funds awarded. These funds will be used to provide overtime reimbursement to the Charleston Police Department ($21,500) and Kanawha County Sheriff's Office ($10,000) for investigations of violent crimes involving female victims. There is a 25% match requirement that will be met through the unreimbursed salary portion absorbed by the department's salary and wage budgets.

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

That the Mayor or City Manager is authorized to submit an application to the WV Division of Administrative Services under the Violence Against Women Act grant program in the amount of $31,500 and administer any funds awarded. These funds will be used to provide overtime reimbursement to the Charleston Police Department ($21,500) and Kanawha County Sheriff's Office ($10,000) for investigations of violent crimes involving female victims. There is a 25% match requirement that will be met through the unreimbursed salary portion absorbed by the department's salary and wage budgets.

Councilmember Jenkins added that the City has applied for this grant for the past several years.

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. 610-22 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. 612-22 be adopted.

Resolution No. 612-22 - Authorizing the Mayor or City Manager to approve and execute Change Order No. 1 relating to the 2021 CIP Pipe Lining project, in the amount of $12,000.00 to permit additional installation of pipe lining at the Lilly Drive and Sugar Creek Drive intersection, raising the total contract amount to $267,510.00 as the pricing details are indicated on Exhibit A attached hereto.

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

That the Mayor or City Manager is authorized to approve and execute Change Order No. 1 relating to the 2021 CIP Pipe Lining project, in the amount of $12,000.00 to permit additional installation of pipe lining at the Lilly Drive and Sugar Creek Drive intersection, raising the total contract amount to $267,510.00 as the pricing details are indicated on Exhibit A attached hereto.

Councilmember Jenkins added that additional pipe lining is needed to complete the project.

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. 612-22 adopted.

CITY OF CHARLESTON
2021 CIP Pipe Lining

CHANGE ORDER NO. 1

Date of Approval: **February 24, 2022**

Contractor: **Insight Pipe Contracting, LLC.**
232 E. Lancaster Rd.
Harmony, PA 16037

The Contract is changed as follows:

The proposed portions and locations of pipe that were determined unrepairable were left out of the contract and replaced with more qualified portions and locations. There are two 48" CMP pipe (40 LF each) at the Lilly Dr. and Sugar Creek intersection that need repaired. Insight Pipe Contracting has proposed to line them for $62,000.00. With roughly $50,000.00 balance remaining on the contract, only $12,000.00 would be needed for this Change Order.

Description:

- CIP Pipe Line two 48" CMP pipe at Lilly Dr. and Sugar Creek intersection

Totaling...$12,000.00

Original Contract Price:	**$255,510.00**
Total of this Change Order	**$ 12,000.00**
Total of previously approved Change Orders:	**$ 0.00**
Contract Price with all Approved Change Orders:	**$267,510.00**

*Any final remaining balance will remain in the City's account.

Approved by: **Accepted by:**

City of Charleston **Insight Pipe Contracting, LLC.**

Date **Date**

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 613-22 be adopted.

Resolution No. 613-22 - Authorizing the Mayor or City Manager to approve and execute Change Order No. 2 relating to the Concrete Sidewalk and Accessible Ramp Project Agreement – Summer 2021, in the amount of $42,888.00 to permit additional installation of ADA improvements at the MLK Community Center and the Kanawha City Community Center, raising the total contract amount to $536,688.00 as the pricing details are indicated on Exhibit A attached hereto.

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

That the Mayor or City Manager is authorized to approve and execute Change Order No. 2 relating to the Concrete Sidewalk and Accessible Ramp Project Agreement – Summer 2021, in the amount of $42,888.00 to permit additional installation of additional ADA improvements at the MLK Community Center and the Kanawha City Community Center, raising the total contract amount to $536,688.00 as the pricing details are indicated on Exhibit A attached hereto.

Councilmember Jenkins added that this is to include additional ramp projects at the Kanawha City and MLK Community Centers. The changes at MLK are at the request of the Kanawha County Clerk regarding accessibility for the election.

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. 613-22 adopted.

CONCRETE SIDEWALK AND ACCESSIBLE RAMP PROJECT
SUMMER 2021

PROJECT NUMBER E2 06/21-136

Change Order No.2
March 3, 2022

This change order will consist of installing new handicap parking, sidewalk and an ADA accessible ramp at Martin Luther King Center and two ADA accessible ramps and sidewalk at Kanawha City Recreation Center.

Martin Luther King Center

Sidewalk/Ramp and Parking	1550.00 s.f. @ $20.75/s.f.	$ 32,162.50
Detectable Warning Surface	1 ea. @ $200.00	$ 200.00
Signage and Pre-Marking	1 ea. @ $300.00	$ 300.00
Allowance	1 ea. @ $5000.00	$ 5,000.00
	Sub-Total:	$ 37,662.50

Kanawha City Recreation Center

Sidewalk/Ramps	194.00 s.f. @ $20.75/s.f.	$ 4,025.50
Detectable Warning Surfaces	2 ea. @ $200.00	$ 400.00
Signage and Pre-Marking	1 ea. @ $800.00	$ 800.00
	Sub-Total:	$ 5,225.50

Change Order No.2 Total: $ 42,888.00

Original Contract Price...……………... $457,487.50

Change Order No.1 Price…………….....$36,312.50

Change Order No.2 Price………………. $42,888.00

New Contract Price..…………………....$536,688.00

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 614-22 be adopted.

Resolution No. 614-22 - Authorizing the Mayor or City Manager to approve and execute Change Order No. 1 relating to the purchase of Smart Meter Cellular Hardware Upgrades, in the amount of $10,100 to incorporate price increases over the purchase previously approved in Res. No. 589-22 on January 18, 2022 to upgrade existing Civic Smart parking meters to be compatible with modern wireless technology, raising the total contract amount to $76,600.00 as the pricing details are indicated on Exhibit A attached hereto.

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

That the Mayor or City Manager is authorized to approve and execute Change Order No. 1 relating to the purchase of Smart Meter Cellular Hardware Upgrades, in the amount of $10,100 to incorporate price increases over the purchase previously approved in Res. No. 589-22 on January 18, 2022 to upgrade existing Civic Smart parking meters to be compatible with modern wireless technology, raising the total contract amount to $76,600.00 as the pricing details are indicated on Exhibit A attached hereto.

Councilmember Jenkins added that the price did not get locked in on time when previously approved. The company has since increased the amount for the upgrades.

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. 614-22 adopted.

6. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 615-22 be adopted.

Resolution No. 615-22 - Authorizing the Mayor or City Manager to enter into a contract with Studimo Sound Stage and Light in the amount of $33,768.07 for sound and light production services for Live of Levee during the 2022 season.

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 Studimo Sound Stage and Light in the amount of $33,768.07 for sound and light production services for Live of Levee during the 2022 season.

Councilmember Jenkins added that the provider was chosen by a selection committee from received bids.

Councilmember Pepper added that the company does not use Union labor, but the City supplements that.

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. 615-22 adopted.

7. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7950 do pass.

Bill No. 7950 - A BILL authorizing the Mayor or City Manager to execute a Quitclaim Deed for Barlow Drive to the West Virginia Department of Transportation, Division of Highways to finalize its inclusion in the Industrial Access Road Program.

Whereas, the City Council duly adopted Resolution No. 203-19 on June 3, 2019, and Resolution No. 246-19 on September 16, 2019, authorizing applications to the State Development Office to add Barlow Drive to the Industrial Access Road Program; and

Whereas, the City of Charleston's applications for the Industrial Access Road Program were approved and the City of Charleston and the West Virginia Department of Transportation, Division of Highways entered into Legal Division Contract No. 1908094 on April 27, 2020 and Legal Division Contract No. 2006036 on July 6, 2020, to memorialize the terms of the Industrial Access Road Program agreement; and

Whereas, as part of the finalization of the project funded through the Industrial Access Road Program, the City is required to transfer the relevant portion of Barlow Drive to the State of West Virginia to become a part of the State Road System.

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

That the Mayor or City Manager is hereby authorized to execute, acknowledge, and deliver a proper quitclaim deed to the West Virginia Department of Transportation, Division of Highways, conveying any and all right, title and interest of the City of Charleston in and to the portion of Barlow Drive beginning at the state-owned bridge over Elk Twomile Creek and continuing to its intersection with Twilight Drive to finalize its inclusion in the Industrial Access Road Program.

Councilmember Jenkins added that this is the final step in the Barlow Drive project. It will now become a State road, under their responsibility.

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

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

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7950 passed.

REPORTS OF OFFICERS

1. Report from Chief of Police

NEW BILLS

None

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

1. Councilmember Jones stated that the Girls State Basketball Tournament begins tomorrow night.

2. Councilmember Snodgrass stated that she was confused by Mayor Goodwin's response when Councilmember Knauff stated previously during the meeting that there were no City Attorneys present.

3. Councilmember Knauff stated that earlier that day he contacted the City Attorney's Office for assistance in writing amendments for the ARPA funding. He received conflicting advice that what was allowed during that evening's meeting.

4. Councilmember Pharr stated that she was amazed by what the Healing House is doing, and hopefully there is a way the City can help their organization.

ADJOURNMENT

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

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

At 10:50 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, March 21, 2022, 7:00 p.m., in Council Chambers at City Hall.

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Amy Shuler Goodwin, Honorable Mayor

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Miles C. Cary II, City Clerk