



JOURNAL of the PROCEEDINGS of the CITY COUNCIL

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, April 4, 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 April on the 4th day, in the year 2022, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Reishman, and the Pledge of Allegiance was led by Councilmember Pepper. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

**ADAMS
BURTON**

HOOVER

KING

MINARDI

PEPPER

REISHMAN

SNODGRASS

BAYS

CAMPBELL

FAEGRE

JENKINS

KNAUFF

MOORE

PERSINGER

ROBINSON

STEELE

BROWN

CEPERLEY

HAAS

MCKINNEY

OVERSTREET

PHARR

SHEETS

MAYOR GOODWIN

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

Cook and Jones' 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 WVHDF and City Councilmembers.
2. Eric Desmond – Spoke about Sadd Brothers, WVHD, CKHA and TM Management.

CLAIMS

1. A claim of William B Annie, Charleston, WV;
alleges damage to vehicle.
2. A claim of Aaron Tyler-Ludy, Charleston, WV;
alleges personal injury.

PROCLAMATIONS

None

COMMUNICATIONS

None

REPORTS OF COMMITTEES

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. 624-22 Committee Substitute be adopted.

Resolution No. 624-22 - Authorizing the Mayor or City Manager to submit an application to the WV Division of Administrative Services under the Victims of Crime Act (VOCA) grant program for the Charleston Police Crime Victims Specialist in the amount of \$39,850 and administer any funds awarded. These funds will partially reimburse the City for an employee's salary, provide travel/training and bus vouchers for crime victims.

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 Victims of Crime Act (VOCA) grant program for the Charleston Police Crime Victims Specialist in the amount of \$39,850 and administer any funds awarded. These funds will partially reimburse the City for an employee's salary, provide travel/training and bus vouchers for crime victims.

Councilmember Jenkins added that the City has applied for the grant for the past several years. It helps to reimburse the City for a civilian CPD employee that works with crime victims.

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. 624-22 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. 625-22 be adopted.

Resolution No. 625-22 – Whereas, the Land and Water Conservation Fund (“LWCF”) was established by Congress in 1964 to fulfill a bipartisan commitment to safeguard natural areas, water resources, and cultural heritage, as well as to provide recreation opportunities to all Americans;

Whereas, the LWCF is a state and federal partnership program benefiting the State of West Virginia and its political subdivisions;

Whereas, the funding for the program is provided through congressional appropriations to the State & Local Assistance Programs Divisions of the National Park Service;

Whereas, the LWCF program provides matching grants to states for planning, acquiring, developing, or renovating state and local parks;

Whereas, the LCWF grant program may be used to renovate athletic fields, including installing synthetic turf;

Whereas, the City maintains numerous athletic fields that are frequently used by community groups, City Parks & Recreation Department programs, little league organizations, and more;

Whereas, the City has identified the athletic fields that are in the most need of renovation through turf replacement: one little league baseball field at the Kanawha City Community Center, one little league baseball field at the North Charleston Community Center, and two soccer field areas at Cato Park;

Whereas, the estimated cost of turf replacement project is approximately \$2,000,000;

Whereas, the LCWF requires applicants to submit a 50% cash match for any awarded funds; and

Whereas, the Council finds that proceeding with the grant application, including committing to the 50% cash match requirement, is in the best interests of the City and its residents

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

Resolution No. 575-21 is rescinded. The Mayor or City Manager is authorized to submit a grant application to the Land and Water Conservation Fund in the amount of \$2,000,000 to perform athletic field turf renovations to four athletic fields within the City: one little league baseball field at the Kanawha City Community Center, one little league baseball field at the North Charleston Community Center, and two soccer field areas at Cato Park. The Mayor or City Manager is further authorized to commit the City to the 50% cash match grant requirement.

Councilmember Jenkins added that two of the four original fields at Bigley Avenue do not qualify for the funds due to a long-term lease with the Department of Highways. Two fields at Cato Park will be substituted, and American Rescue Plan Act funds (previously earmarked for the Cato Park fields) will be used to upgrade the Bigley Ave fields.

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. 625-22 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. 626-22 be adopted.

Resolution No. 626-22 - Authorizing the Mayor or City Manager to enter into a contract with Affinity IT, LLC, in the amount of \$34,962.54 to perform a 3-year assessment of the City's information technology ("IT") systems, networks, and governing policies.

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 Affinity IT, LLC, in the amount of \$34,962.54 to perform a 3-year assessment of the City's information technology systems, networks, and governing policies. The assessment will include reviewing all City IT policies and procedures and comparing them to the "Cybersecurity Framework" established by the United States Department of Commerce's National Institute of Standards and Technology. Additionally, the assessment will include extensive internal and external network vulnerability testing exercises. The contract is being awarded pursuant to a competitive bidding process, and the contract amount will be paid using grant funds awarded to the City from the West Virginia Department of Homeland Security.

Councilmember Jenkins added that the lowest bid was chosen as the result of a competitive bidding process. The total cost is for three 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. 626-22 adopted.

4. Councilmember Snodgrass motioned to discharge Bill No. 7928 from the Ordinance and Rules Committee. Councilmember Knauff seconded the motion.

Councilmember Snodgrass added that the bill, co-sponsored by Councilmembers Knauff and Persinger, was introduced on September 7, 2021. She had asked the previous Chair of the Ordinance and Rules Committee to place the bill on the agenda multiple times, but due to various unforeseen circumstances, that was never accomplished. She had asked the new Chair of the Committee, Councilmember Robinson, if the bill would be on the agenda and was told there were no plans to do so. A meeting was then later scheduled with the bill on the agenda on a day in which she was not able to attend. She was then told that there would not be a Zoom option. Councilmember Snodgrass added that the bill impacts every Councilmember.

Councilmember Knauff added that earlier that day, Councilmembers received an email from the City Attorney, outlining the process for the motion to discharge. They then received an email notification for an upcoming Ordinance and Rules meeting, which they would only do presuming the motion would fail. Councilmember Knauff spoke in favor of the motion.

Councilmember Robinson added that when he became Chair, he discussed the issues he had with the bill with the City Attorney and others as to how those problems could be corrected. The bill was then placed on the Committee's agenda, adding that he never refused to consider the bill. After hearing of the intent for a motion to discharge, he called the bill's sponsor the previous Friday as he had never heard from them about putting the bill back on the agenda. He offered to call a Committee meeting as soon as possible. Once he confirmed that the bill would not be able to be taken up for a vote at the present Council meeting, he scheduled a meeting for this Thursday (which was the earliest possible date). It is not his intent to force a vote by calling a meeting, as he was doing what he said he would.

Councilmember Snodgrass read an email correspondence between her and Councilmember Robinson after his appointment as Chair stating that he did not have any intention of scheduling a meeting at this time. She added that it doesn't need to go to the Committee now.

Councilmember Pharr confirmed that the bill was placed on a previous Ordinance and Rules agenda, and was removed after being notified by the sponsor that they could not attend. Councilmember Robinson added that he does not prefer to use Zoom for anything. Councilmember Pharr confirmed that if the motion does not pass, the bill remains referred to the Ordinance and Rules Committee.

Councilmember Pepper motioned to Table the motion to discharge Bill No. 7928 from the Ordinance and Rules Committee. He added that there is no entitlement for an introduced bill to

be taken up by the committee. He added that a Committee is useful for drafting bills, and that it isn't ideal for that to happen during Council meetings. Councilmember Pepper withdrew his motion.

Councilmember Minardi confirmed that if the motion passed, the bill will still be referred to Finance Committee.

Councilmember Persinger spoke in favor of the motion.

Councilmember Adams confirmed that if the motion did not pass, it would still be on the next Council agenda, having passed both Committees.

Councilmember Snodgrass added that since the bill effects every Councilmember, they should all be allowed to have that vote.

Councilmember Faegre added that, as the former Chair of Ordinance and Rules Committee, she was under the impression that anything referred to the Committee needed to be seen as soon as possible. She spoke in favor of the motion.

A roll call was taken:

YEAS: Burton, Campbell, Faegre, Knauff, McKinney, Minardi, Overstreet, Persinger, Sheets, Snodgrass

NAYS: Adams, Bays, Brown, Ceperley, Haas, Hoover, Jenkins, King, Moore, Pepper, Pharr, Reishman, Robinson, Steele, Mayor Goodwin

ABSENT: Cook, Jones

With members present recorded thereon as voting in the majority in the negative, with ten (10) Yeas and fifteen (15) Nays, the Mayor declared the motion to Discharge Bill no. 7928 from the Ordinance and Rules Committee as not passed.

REPORTS OF OFFICERS

None

NEW BILLS

Introduced by Councilmember Joseph Jenkins

April 4, 2022:

Bill No. 7954 – A Bill and Order relating to the laying of levies on real, personal and public utility property within the City of Charleston, West Virginia, including excess levies previously provided for in the Official Municipal Budget Document for the fiscal year beginning the first day of July, two thousand twenty-two.

Refer to Finance Committee, Please

Introduced by Councilmembers Becky Ceperley, Bobby Reishman and Brady Campbell

April 4, 2022:

Bill No. 7951 – Amending the Zoning Ordinance by rezoning from an I-2 district to a C-10 district, that certain lot of land at 306 MacCorkle Avenue SE

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

Introduced by Councilmember Bobby Brown

April 4, 2022:

Bill No. 7952 – Amending the Zoning Ordinance by rezoning from an R-6 district to a C-10 district, that certain lot of land at 6600 MacCorkle Avenue SE

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

Introduced by Councilmembers Mary Beth Hoover and Sam Minardi

April 4, 2022:

Bill No. 7953 – Accepting for dedication the entirety of Centre Court Road.

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

Introduced by Councilmembers Bruce King, Pat Jones,

Chuck Overstreet, Larry Moore, Shannon Snodgrass,

Adam Knauff, Caitlin Cook, Jennifer Pharr, Jeanine Faegre and Bobby Brown

April 4, 2022:

Resolution No. 659-22 – Authorizing the Mayor or City Manager to grant American Rescue Plan Act funds to The Healing House, Inc. in the total amount of \$150,000 and to execute appropriate agreements establishing the terms and conditions imposed upon the awardee.

Refer to Finance Committee, Please

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

1. Mayor Goodwin thanked everyone who participated in the previous weekend's Team Up To Clean Up, adding that about fifteen tons of refuse was collected.
2. Councilmember Robinson stated that there will be a Kanawha City Community Association meeting on April 12.
3. Councilmember Minardi stated that the Facilities Committee will meet on April 12.
4. Councilmember Persinger asked for an update on how much of the \$500,00 allotted for paying BDO has been spent. He asked if BDO has a local firm (it was confirmed no).
5. Councilmember Snodgrass welcomed back Councilmember Faegre from her recovery.
6. Councilmember Knauff encouraged everyone to participate in Team Up To Clean Up.
7. Councilmember Pharr stated that some of the organizations that have been recommended to receive American Rescue Plan Act funds are concerned about the length of time it is taking to receive those funds. Some of them have had to pay out of pocket for part of their projects do to time constraints, and wanted Council to keep that in mind when their applications are ultimately in front of them for approval.

ADJOURNMENT

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

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

NAYS:

ABSENT: Cook, Jones

At 7:59 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, April 18, 2022, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk