



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, May 16, 2022

at 7:00 P.M.

Council Chambers – 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 second meeting in the month of May on the 16th 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 Campbell. 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**

**PEPPER
REISHMAN
SNODGRASS**

**CAMPBELL
FAEGRE
JENKINS
KNAUFF
MOORE**

ROBINSON

BROWN

CEPERLEY

HAAS

JONES

MCKINNEY

OVERSTREET

PHARR

SHEETS

MAYOR GOODWIN

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

Bays, Minardi, Persinger and Steele's absence was 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.

Council observed a moment of silence for lives lost from the Buffalo New York and California shootings at the request of Councilmember Jones.

PUBLIC SPEAKERS

1. Cheko Straughter – Spoke about crime in the City.
2. Melinda Hamwi – Spoke about Sadd Brothers LLC, WVHDF and City inspectors.
3. Eric Desmond – Spoke about the trash under his window and Sadd Brothers LLC.
4. Robbie Hendrick – Spoke in support of Resolution 659-22.
5. Bethe Kerns – Presented the City with historic documents concerning the Charleston Regatta.
6. Jennifer Bauman – Spoke about Franklin Avenue.

CLAIMS

1. A claim of Jessica M Carl, Charleston, WV; alleges damage to vehicle.

PROCLAMATIONS

None

COMMUNICATIONS

None

PUBLIC HEARINGS

1. After duly being published as required, the Mayor declared the floor open for a Public Hearing for Resolutions No. 648-22 & 649-22 - Authorizing the Mayor or City Manager to execute a lease with Carlisle Development Company LLC to allow for a concrete slab on grade and a pad-mounted glycol chiller in an alley adjacent to Brawley Walkway AND to execute a lease with Heavenly Hops, LLC to allow for an outdoor dining area along Brawley Walkway and Summers Street. No person from the public spoke in reference to the Public Hearing. The Mayor declared the Public Hearing CLOSED.

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. 648-22 Committee Substitute be adopted.

Resolution No. 648-22 - Authorizing the Mayor or City Manager to execute a lease with Carlisle Development Company LLC to allow for a concrete slab on grade and a pad-mounted glycol chiller in an alley adjacent to Brawley Walkway according to the terms contained in the attached exhibit.

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

The Mayor or City Manager is authorized to execute a lease with Carlisle Development Company LLC to allow for a concrete slab on grade and a pad-mounted glycol chiller in an alley adjacent to Brawley Walkway according to the terms contained in the attached exhibit.

Councilmember Jenkins added that the lease is for a small section of an alleyway off of Brawley Walkway currently closed to public use. This will allow for the pub to store some of their equipment. It is for a 15-year lease with a one-time payment of \$247.50

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. 648-22 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. 649-22 be adopted.

Resolution No. 649-22 – Authorizing the Mayor or City Manager to execute a lease with Heavenly Hops, LLC to allow for an outdoor dining area along Brawley Walkway and Summers Street according to the terms contained in the attached exhibit.

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

The Mayor or City Manager is authorized to execute a lease with Heavenly Hops, LLC to allow for an outdoor dining area along Brawley Walkway and Summers Street according to the terms contained in the attached exhibit.

Councilmember Jenkins added that this is also for the pub to have an outdoor dining area. The pub will maintain their own fencing, which is to be approved by the City. The lease is \$1,000 for one-year.

Councilmember Faegre asked why the lease amount was so low. Councilmember Jenkins replied that the amount is higher than the prior lease. City Attorney, Kevin Baker, added that the amount is in line with other permits. The lease is for one year in order to give the City time to reevaluate the ordinance.

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. 649-22 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. 650-22 be adopted.

Resolution No. 650-22 - Approving the renewal of that certain lease between the City of Charleston and the YWCA of Charleston, West Virginia, Inc., dated September 19, 2017, relating to the use of the building and property located 1418 Washington Street, East, as a shelter facility for unhoused women and families.

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

That the renewal of that certain lease between the City of Charleston and YWCA of Charleston, West Virginia, Inc., dated September 19, 2017, relating to the use of the building and property located 1418 Washington Street, East, as a shelter facility for unhoused women and families is approved.

Councilmember Jenkins added that the resolution is the renewal of a current lease for five years with the same terms.

Councilmember Pharr abstained from voting due to a pecuniary interest.

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, the Mayor declared Resolution No. 650-22 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. 651-22 be adopted.

Resolution No. 651-22 - Whereas, the City leases various properties from the West Virginia Division of Highways (“WVDOH”) for various purposes;

Whereas, for at least 25 years, the City has maintained at least two lease agreements with the WVDOH relating to the City’s permitted use of areas under the various bridges carrying Interstate 64 in downtown Charleston;

Whereas, the City’s permitted use of the areas under the interstate bridges include storing road salt, heavy machinery, and various equipment & supplies;

Whereas, by letter dated April 8, 2022, the WVDOH advised the City that, due to a large interstate bridge cleaning and painting project, the City may be required to temporarily suspend its use of the leased premises;

Whereas, the City has identified property owned by West Virginia Health Right, Inc., that is suitable for storing equipment, supplies, and salt, should the City be required to temporarily vacate the applicable WVDOH property; and

Whereas, West Virginia Health Right, Inc., is able and willing to lease the property to the City for an 18-month period.

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

That the Mayor or City Manager is authorized to enter into an 18-month lease with West Virginia Health Right, Inc., to occupy all of that certain parcel of land roughly bounded by Morris Street, McDonald Street, Brooks Street, and the railroad tracks in Charleston, West Virginia, as more particularly described as District 11, Map 18, Parcel 21, Kanawha County, West Virginia, and being that same parcel owned by West Virginia Health Right, Inc., pursuant to that certain Deed recorded in the Kanawha County Clerk’s Office at Deed Book 3035, Page 278, where the total rent due under the lease is \$1.00.

Councilmember Jenkins added that the State is doing a large project that involves repainting and upgrading the overpass in the location that the City stores their large Public Works equipment

and salt. West Virginia Health Right is allowing the City to use their property while the project is in progress.

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. 651-22 adopted.

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 652-22 be adopted.

Resolution No. 652-22 - Authorizing the Mayor or City Manager to enter into a contract with HDR Engineering, Inc., in an amount not to exceed \$89,388.67 to perform engineering design and construction management services relating to a project to modify lane configurations and pedestrian crossings at the intersections of Virginia Street, Delaware Avenue, and Central Avenue—known as “Five Corners.”

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 HDR Engineering, Inc., in an amount not to exceed \$89,388.67 to perform engineering design and construction management services relating to a project to modify lane configurations and pedestrian crossings at the intersections of Virginia Street, Delaware Avenue, and Central Avenue—known as “Five Corners.”

Councilmember Jenkins added that this is a continuation of the work at the Five Corners area. The Planning Streets and Traffic Committee has recommended Plan Alternate 1B.

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. 652-22 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. 653-22 be adopted.

Resolution No. 653-22 - Authorizing the Mayor or City Manager to enter into a memorandum of understanding with the City Center Business Improvement District (“CCBID”) to establish a new City position known as the Business Improvement District Ambassador and providing for cost reimbursement to the City from the CCBID’s special revenue fund, as detailed in Exhibit A.

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 memorandum of understanding with the City Center Business Improvement District (“CCBID”) to establish a new City position known as the Business Improvement District Ambassador and providing for cost reimbursement to the City from the CCBID’s special revenue fund, as detailed in Exhibit A.

Councilmember Jenkins added that the BID Board has recommended this MOU with the objective to have the City hire a position that will perform duties such as light maintenance work, coordinate with landowners, etc. This will be fully reimbursed to the City by the BID.

Councilmember Snodgrass confirmed with Baker that the position will be part of Constituent Services, which is overseen by the Chief of Staff.

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. 653-22 adopted.

7. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 655-22 be adopted.

Resolution No. 655-22 - Authorizing the Mayor or City Manager to enter into a contract with Dell Technologies in the amount of \$120,485.20 for the purchase of various equipment and hardware to replace existing City computer serves as part of a scheduled capital replacement, where the contract cost was determined though a competitively sourced statewide contract.

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 Dell Technologies in the amount of \$120,485.20 for the purchase of various equipment and hardware to replace existing City computer serves as part of a scheduled capital replacement, where the contract cost was determined though a competitively sourced statewide contract.

Councilmember Jenkins added that the resolution is for a normal cycle of equipment replacements and upgrades.

Councilmember Snodgrass asked if this would any cyber insurance requirements that was brought to light during the new insurance procurement process. IS Director Adam Cottrell and Finance Director Andy Wood both confirmed that the equipment will be vastly better upgrades. The cyber insurance concerns were not related to equipment, but policies and authentication methods.

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. 655-22 adopted.

8. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 656-22 be adopted.

Resolution No. 656-22 - Authorizing the Mayor or City Manager to grant American Rescue Plan Act (“ARPA”) funds to The Salvation Army in the total amount of \$275,569 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted.

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

That the Mayor or City Manager is authorized to grant American Rescue Plan Act (“ARPA”) funds to The Salvation Army in the total amount of \$275,569 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted.

The grant is approved in full or in part based upon information submitted to the City in the grant recipient’s City of Charleston ARPA grant application, attached hereto as Exhibit A. The City Manager is directed to withhold grant funding to the grant recipient should the City Manager determine that the grant recipient has failed to adhere to the obligations established in the agreement or fails to adhere to applicable local, state, or federal law.

Councilmember Jenkins added that the funds will be used to expand services related to food, rent and utility assistance.

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. 656-22 adopted.

9. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 657-22 be adopted.

Resolution No. 657-22 - Authorizing the Mayor or City Manager to grant American Rescue Plan Act (“ARPA”) funds to Kanawha County Public Library in the total amount of \$49,040 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted.

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

That the Mayor or City Manager is authorized to grant American Rescue Plan Act (“ARPA”) funds to Kanawha County Public Library in the total amount of \$49,040 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted. The grant is approved in full or in part based upon information submitted to the City in the grant recipient’s City of Charleston ARPA grant application, attached hereto as Exhibit A. The City Manager is directed to withhold grant funding to the grant recipient should the City Manager determine that the grant recipient has failed to adhere to the obligations established in the agreement or fails to adhere to applicable local, state, or federal law.

Councilmember Jenkins added that the funds will be used for, in part, a laptop dispenser for use within the library.

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. 657-22 adopted.

10. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 658-22 be adopted.

Resolution No. 658-22 - Authorizing the Mayor or City Manager to grant American Rescue Plan Act (“ARPA”) funds to Capitol Market in the total amount of \$600,000 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted.

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

That the Mayor or City Manager is authorized to grant American Rescue Plan Act (“ARPA”) funds to Capitol Market in the total amount of \$600,000 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted.

The grant is approved in full or in part based upon information submitted to the City in the grant recipient’s City of Charleston ARPA grant application, attached hereto as Exhibit A. The City Manager is directed to withhold grant funding to the grant recipient should the City Manager determine that the grant recipient has failed to adhere to the obligations established in the agreement or fails to adhere to applicable local, state, or federal law.

Councilmember Jenkins added that the funds will be used for upgrades and improvements including upgraded internet.

Councilmember Faegre asked how long it will take for the funds to get to the approved recipients. Wood replied that once the signed agreements are returned, they can begin immediately as the funds are reimbursed in one to two weeks. Wood added that everything they do has to be fully documented.

Councilmember Jenkins motioned to refer Resolution No. 658-22 back to the Finance Committee. He added that the scope of work did not match what was described during the most recent Finance Committee meeting.

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 658-22 referred back to the Finance Committee.

11. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 659-22 be adopted.

Resolution No. 659-22 - Whereas, since February 2019, the City of Charleston has been engaged in the ongoing conversations related to a riverbank and roadway destabilization along Blaine Boulevard;

Whereas, in that time, members of the Goodwin Administration have engaged the U.S. Army Corps of Engineers (“USACE”), the Charleston Sanitary Board, Senator Manchin’s Office, the West Virginia State Conservation Agency, the West Virginia Office of Community Advancement and Development, the West Virginia Infrastructure and Jobs Development Council, and others;

Whereas, members of the Administration and City Council have met with and spoken with Blaine Boulevard residents on multiple occasions;

Whereas, the Administration continues to work with federal leaders – including Senators Joe Manchin and Shelly Moore Capito – to identify all available funding options to address the infrastructure issues along Blaine Boulevard;

Whereas, the Administration has submitted requests under the Congressionally Directed Spending program to seek congressional funding for Blaine Boulevard;

Whereas, the Administration has requested \$900,000 from the USACE’s Energy & Water Investigations program for planning, design, engineering, and evaluation costs to identify and fully engineer the preferred solution and prepare it for implementation/construction;

Whereas, an appropriation of \$900,000 in USACE Energy & Water Investigations funding would cover 65% of this cost, matched by a 35% share or \$485,000 from the City of Charleston; and

Whereas, the Administration seeks to put the City in the best position possible to receive federal funding by requesting that City Council specifically allocate an appropriate amount of City funds to be used as a match for any federal grants the City may receive to address this important issue.

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

That \$485,000 within the “Grant Matching” account line within the American Rescue Plan Act Fund No. 073 is allocated to be used as matching funds relating to the United States Army Corps of Engineer’s Section 14 Emergency Streambank and Shoreline Protection continuing authority program, which includes Energy & Water Investigations funding.

Councilmember Jenkins added that the resolution is to provide 35% in matching funds to conduct a study for options for Blaine Boulevard and the riverbank stability.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion.

A roll call was taken:

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

NAYS: Bays, Cook, Minardi, Persinger, Steele

ABSENT:

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 659-22 adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; April 2022.
2. Municipal Court Report to City Council Month Ending April 2022.
3. City Treasurer's Report to City Council Month Ending March 2022.

NEW BILLS

Introduced by Councilmember Mary Beth Hoover

May 16, 2022:

Bill No. 7959 – A Bill to update parking authorization along Court Street by prohibiting parking along the westerly side of Court Street from Quarrier Street to Kanawha Boulevard and on the easterly side of Court Street from Virginia Street to Quarrier Street; and modifying existing and/or adding necessary traffic control devices and amending the Traffic Control Map and Traffic Control File

Refer to Planning, Streets, & Traffic Committee, Please

Introduced by Councilmembers Bruce King, Chad Robinson and Bobby Brown

May 16, 2022:

Bill No. 7960 – A BILL to amend and reenact Sections of the Municipal Code relating to creating a process for refuse related citations

Refer to Ordinance and Rules Committee, Please

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

1. Councilmember Sheets asked the City Attorney to look into why some of the provisional votes were not accepted during the Primary Canvass.
2. Councilmember Snodgrass stated that last week was National Police Week, and other than two events, she did not see any other activities honoring the CPD.
3. Councilmember Jenkins stated that the Citizen's Police Academy Alumni Association recently received the FBI Director's National Community Leadership Award.
4. Councilmember McKinney stated that June is Gun Violence Awareness Month, and there will be an event on June 3.

ADJOURNMENT

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

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

NAYS: Bays, Cook, Minardi, Persinger, Steele

ABSENT:

At 7:56 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, June 6, 2022, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk