



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, September 19, 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 September on the 19th day, in the year 2022, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Adams, 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
BURTON
COOK
HOOVER
KING
MINARDI
PEPPER
REISHMAN
SNODGRASS**

**BAYS
CAMPBELL
FAEGRE
JENKINS
KNAUFF
MOORE
PERSINGER
ROBINSON**

**BROWN
CEPERLEY
HAAS
JONES
MCKINNEY
OVERSTREET
PHARR
SHEETS
MAYOR GOODWIN**

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

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.

PUBLIC SPEAKERS

1. Jennifer Bauman – spoke about landlord issues and code violations.
2. Benjamin G. – spoke about economic development.

CLAIMS

1. A claim of Leslie Ann Skidmore, Charleston, WV; alleges damage to vehicle.

PROCLAMATIONS

1.

EXECUTIVE DEPARTMENT CITY OF CHARLESTON PROCLAMATION

- WHEREAS:** "Sickle cell anemia" and "sickle cell disease," refer to a group of inherited disorders in which a person's body produces abnormally shaped red blood cells resembling a crescent or sickle and do not last as long as normal red blood cells, which leads to anemia; and
- WHEREAS:** Sickle cell disease is a chronic condition that can affect any organ; research indicates that patients experience many severe complications, including stroke, infections, and pulmonary embolism, and have a shorter life expectancy than the general population; and
- WHEREAS:** The sickle cells also get stuck in blood vessels and block blood flow, resulting in vaso-occlusive crises, which can cause pain and organ damage; decrease quality of life; cause life-threatening complications, including stroke; are the primary cause of hospitalizations in sickle cell disease; and are associated with increased mortality; and
- WHEREAS:** Sickle cell disease is a genetic disorder where individuals with the disease are born with two sickle cell genes, each inherited from one parent. An individual with only one sickle cell gene has a "sickle cell trait"; and
- WHEREAS:** The United States Centers for Disease Control and Prevention estimates that sickle cell disease affects approximately 100,000 Americans, and it is estimated that close to 200 West Virginians have sickle cell disease; and
- WHEREAS:** Individuals living with sickle cell disease encounter barriers to obtaining quality care—including limitations in geographic access to care, the varied use of effective treatments, the high reliance on emergency care and public health programs, and the limited number of providers with knowledge and experience to manage and treat sickle cell disease; and
- WHEREAS:** While there is no widely available cure for sickle cell disease, one-time gene therapies, including gene editing therapeutic approaches, are being developed and may offer potential cures for some patients.

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

Sickle Cell Disease Awareness Month

In Charleston, West Virginia.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 19th day of September 2022.

A handwritten signature in blue ink, reading "Amy Shuler Goodwin".

Amy Shuler Goodwin, Mayor

COMMUNICATIONS

1.

Amy Shuler Goodwin
Office of the Mayor
City of Charleston



P.O. Box 274
Charleston, WV 25331
(304) 348-8174 Office

TO: MILES CARY
CITY CLERK

FROM: AMY SHULER GOODWIN
MAYOR

RE: MUNICIPAL BEAUTIFICATION COMMISSION

DATE: SEPTEMBER 19, 2022

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

Eleanor Gould – replaces Bobbi Holland with an expiration date of 9-19-25

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

ASG/mls

Councilmember Ceperley motioned to approve the appointments. Councilmember Hoover seconded the motion.

Councilmember Faegre added she believed there were four other members up for renewal. Mayor Goodwin confirmed that three had previously been renewed. Councilmember Faegre added that Holland had been on the Commission for eight years, and wanted to know why her term was not renewed when the others had been. Mayor Goodwin answered that she had done an amazing job, and they wanted to give someone else an opportunity to serve.

A roll call was taken:

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

NAYS: Faegre, Jones, Knauff

ABSENT: Steele

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared the appointment as confirmed.

2.

Amy Shuler Goodwin
Office of the Mayor
City of Charleston



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

TO: MILES CARY
CITY CLERK

FROM: AMY SHULER GOODWIN
MAYOR

RE: CHARLESTON CONVENTION & VISITORS BUREAU

DATE: SEPTEMBER 19, 2022

I recommend the following individual be appointed to the Charleston Convention & Visitors Bureau:

Stephanie Casey, General Manager of the Charleston Marriott Town Center – she is replacing David Hicks. Ms. Casey will be filling one of the board requirements for a Hotel General Manager – Full Service Convention Facility.

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

ASG/mls

Councilmember Faegre confirmed that the appointment will expire in 2024.

Councilmember Ceperley motioned to approve the appointments. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared the appointment as confirmed.

REPORTS OF COMMITTEES

COMMITTEE ON ORDINANCE AND RULES

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

1. Your committee on Ordinance and Rules has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 724-22 as do pass.

Resolution No. 724-22 - Declaring the City Council for the City of Charleston's support for the Kanawha County Schools' 2022 Excess Levy.

WHEREAS, the elected leaders of the City of Charleston recognize the importance of Kanawha County Schools' ability to operate an award-winning, properly funded public school system for the future of our city, county, and state; and

WHEREAS, the Citizens of the City of Charleston have historically supported the Excess Levy, which has been in effect since 1937 and helps provide enough funds for quality facilities, course options, and staffing toward the best education possible for students in our city and county; and

WHEREAS, the Excess Levy provides funds for needed custodians, counselors, and art teachers; important safety and security improvements; and required building maintenance, including roof and air conditioner repairs and replacements; and

WHEREAS, the failure of the Excess Levy would result in the loss of one-fourth of Kanawha County Schools' current operating budget, which would be devastating to our school system, our classrooms, our teachers, and our students; and

WHEREAS, our school system needs these excess levy funds to offer a broad curriculum competitive with our surrounding counties and states, and so that Kanawha County will be able to continue to offer quality classes in well-maintained classrooms in a comfortable and safe learning environment.

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

That the elected leaders of the City of Charleston believe that the Kanawha County Schools Excess Levy is crucial to the successful operation of our schools, we recognize the importance of a strong school system to the long-term success of public-school students in Charleston, and we endorse for approval the Kanawha County Schools Excess Levy election that is on the ballot on November 8, 2022.

Councilmember Robinson added that the resolution will support the levy as described in the resolution.

Councilmember Jones spoke against the levy.

Councilmember Ceperley added that a levy is not being added. It is continuing the levy that has been in effect since 1937. Schools will loose 25% of their budgets if the levy is defeated.

Councilmember Robinson moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting in the majority as affirmative, with at least one (1) recognized Nay from Jones, the Mayor declared Resolution No. 724-22 adopted.

2. Your committee on Ordinance and Rules has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7964 Committee Substitute as amended as do pass.

Bill No. 7964 Committee Substitute as Amended - A BILL to amend the Municipal Code of the City of Charleston, as amended, by adding thereto a new Division consisting of four sections, designated Sections 2-721, 2-722, 2-723, and 2-724, all relating to creating the ~~violence-prevention~~Charleston Victims Assistance Program eCommission; setting forth the composition, terms, and certain procedural requirements; declaring the ~~violence-prevention~~victims assistance commission's powers and duties; providing rule-making authority for the ~~violence-prevention~~victims assistance commission; and requiring an annual report from the ~~violence-prevention~~victims assistance commission.

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

That the Municipal Code of the City of Charleston, as amended, be amended by adding thereto a new Division consisting of four sections, designated Sections 2-721, 2-722, 2-723, and 2-724, all to read as follows:

CHAPTER 2. – ADMINISTRATION.

ARTICLE VII. – BAORDS, COMMITTEES AND COMMISSIONS.

DIVISION 12. – ~~VIOLENCE PREVENTION~~VICTIMS ASSISTANCE COMMISSION.

Sec. 2-721. – ~~Violence Prevention~~Victims Assistance Commission created.

There is hereby created the "City of Charleston ~~Violence-Prevention~~Victims Assistance Commission" and it shall exist as an agency of the city to account for revenues received from transfers from other funds and other available sources, including donations, to be used for ~~victims assistance and~~ violence prevention education efforts and support ~~for victims of violence~~.

Sec. 2-722. - Composition and organization of commission.

(a) Composition. The City of Charleston ~~Violence-Prevention~~Victims Assistance Commission shall consist of seven members, each appointed by the Mayor. Of the seven members, one shall be the Chief of Police, two shall be members of City Council, and four shall be residents of the City who have an expressed interest and history in violence prevention or providing support for victims of violence. Of these four resident members, at least one shall have experience as a social worker or mental health worker and at least one shall be a spiritual leader.

(b) Terms of Service. The appointments of members other than the council members and Chief of Police shall be made such that each appointment is for a 3-year term. Each such member shall serve until their successors are duly appointed and qualified, unless removed from the commission by a majority vote of the commission due to any violation of the rules or by-laws authorized by subsection (d) of this section. Vacancies other than by reason of expiration of term of office shall be filled for the unexpired term only.

The council members of the commission shall serve for a term coextensive with their term as a member of council. The Chief of Police shall serve for a term coextensive with his or her term of Chief of Police.

(c) Service without compensation. All members shall serve without compensation.

(d) Governance. Members of the commission shall select annually from its membership a chair, a vice-chair, and any other officers as it determines necessary for the performance of its duties. The commission may ~~adopt-propose~~ such rules or by-laws as may be necessary for the transaction of its business, including but not limited to a requirement for regular attendance at meetings in order to maintain a seat on the commission, ~~which shall become effective upon approval by City Council.~~

(e) Meetings. Meetings of the commission shall be open to the public and be properly noticed in accordance with the Open Governmental Proceedings Act, West Virginia Code Chapter 6, Article 9A. The commission shall meet monthly, and may meet more frequently if it elects. The Chair shall provide an agenda for meetings of the commission to the City Clerk for posting consistent with the Open Governmental Proceedings Act at least three business days prior to any meeting.

(f) Quorum. A majority of the members of the commission shall constitute a quorum. A majority vote of the members present at a meeting shall be required for any action or decision of the commission.

Sec. 2-723. – Duties and powers.

The ~~violence prevention~~victims assistance commission's duties shall include, but not be limited to:

(1) Coordinating the efforts of the City and community groups for the National Night Out, National Gun Violence Awareness Day, and other violence prevention efforts involving the City of Charleston.

(2) Identifying opportunities to collaborate on educational programs with other organizations and committees with the goal of reducing and preventing violence in the community, ~~including but not limited to collaborating with the State of West Virginia's Victim Assistance Program;~~

(3) Identifying opportunities to support victims of violence in the community, ~~including but not limited to facilitating connections with the State of West Virginia's Victim Assistance Program;~~

(4) Identifying resources that may be used to help fund the efforts of the commission as stated herein, ~~including but not limited to making contact with the State of West Virginia's Victim Assistance Program;~~

(5) Reviewing and recommending approval of applications for funds, as available, related to violence prevention and victim compensation; and

(6) Working with the City of Charleston to identify policy or procedure changes that ~~could-provides assistance to victims of violence and to help prevent violence-or support victims of violence.~~

Sec. 2-724. - Finances and reporting.

The commission shall prepare an annual report of the ~~violence prevention~~victims assistance commission and an annual budget based on the city's fiscal year. The report and budget shall be presented to council annually at the second meeting in December.

Councilmember Robinson added that the bill creates a new Charleston Victims Assistance Commission, setting terms and procedures regarding victim assistance within the City of Charleston. The Commission will mirror the State's.

A roll call was taken:

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

NAYS:

ABSENT: Steele

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7964 Committee Substitute as Amended as passed.

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. 720-22 be adopted.

Resolution No. 720-22 - Authorizing the Mayor or City Manager to submit an application to the Kanawha County Commission under the Kanawha County Public Safety Grant Program in the amount of \$20,000 and administer any funds awarded.

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 Kanawha County Commission under the Kanawha County Public Safety Grant Program in the amount of \$20,000 and administer any funds awarded. These funds will be used by the Charleston Police to purchase two pole cameras and a drone for criminal investigative purposes. These funds will be used by the Charleston Police to purchase two pole cameras and a drone for criminal investigative purposes.

Councilmember Jenkins added that the grant will allow for the purchase of two mobile pole cameras and a drone to assist the CPD in criminal investigations.

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. 720-22 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. 721-22 be adopted.

Resolution No. 721-22 - Authorizing the Mayor or City Manager to purchase sixteen (16) 2023 Ford Interceptors from Stephens Auto Center in the amount of \$681,008.00 to be used by the Charleston Police Department.

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

That the Mayor or City Manager is authorized to purchase sixteen (16) 2023 Ford Interceptors from Stephens Auto Center in the amount of \$681,008.00 to be used by the Charleston Police Department, where twelve (12) vehicles will be used as patrol units, three (3) vehicles will be used as supervisor vehicles, and one (1) vehicle will be used by the Crime Scene Unit. The purchase price was determined through a competitive pouching process administered by the West Virginia State Police.

Councilmember Jenkins added that the resolution is to purchase twelve patrol vehicles, three supervisor vehicles and one vehicle for the Crime Scene Investigation Unit. This is a normal Capital Outlay replacement for those vehicles with the exception of the Crime Scene unit, which will be paid for with Asset Forfeiture Funds.

Councilmember Minardi asked was done with the out-of-service vehicles. Councilmember Jenkins replied that they were either sold at auction, rotated to another division or donated to other organizations, depending on their wear.

Councilmember Snodgrass asked if some of those vehicles could be distributed as take-home cars for Officers. Councilmember Jenkins added that those cars are typically have very high mileages, but under some circumstances some officers do get their own take-home cars as it stands. City Manager, Jonathan Storage added that funds received from the actions go back into the Capital Outlay budget. Additionally, fuels costs, insurance, etc. for take-home vehicles have not been accounted for in the current budget. Councilmember Snodgrass asked if there was an equation followed for replacement of these vehicles. Storage replied that there is not a national or otherwise standard replacement cycle. It is currently done in communication with the Police Department and the maintenance records of each vehicle based on an agreed general average.

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. 721-22 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. 722-22 be adopted.

Resolution No. 722-22 - Authorizing approval of Amendment No. 3 of the FY 2022-2023 General Fund Budget as indicated on the attached list of accounts.

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

That Amendment No. 3 of the FY 2022-2023 General Fund Budget as indicated on the attached list of accounts is approved.

Councilmember Jenkins added that funds will be shifted to Refuse for the purchase of two tipper mechanical units for recycling trucks.

Councilmember Jenkins moved to approve the resolution.

A roll call was taken:

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

NAYS:

ABSENT: Steele

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 722-22 as adopted.

REPORTS OF OFFICERS

1. City Treasurer's Report to City Council Month Ending August 2022.

NEW BILLS

Introduced by Councilmember Sam Minardi

September 19, 2022:

Bill No. 7972 – A Bill to establish a no parking zone on the north side of Ravinia Road located from a point 50 feet west of Zel Road to a point 120 feet west of Zel Road along an area where a guard rail currently is in place and amending the Traffic Control Map and Traffic Control File.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmember Joseph Jenkins

September 19, 2022:

Bill No. 7973 – A Bill granting a non-exclusive franchise to Zayo Group, LLC for the use of the streets and other public rights-of-way for the purposes of constructing, installing and maintaining network facilities for telecommunication services.

Refer to Finance Committee

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

None

ADJOURNMENT

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

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

NAYS:

ABSENT: Steele

At 7:37 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, October 3, 2022, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk