



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, November 7, 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 first meeting in the month of November 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 Campbell, and the Pledge of Allegiance was led by Councilmember Overstreet. 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**

**CAMPBELL
FAEGRE
JENKINS
KNAUFF
MOORE**

**ROBINSON
STEELE**

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

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

Bay's, Cook's and Snodgrass' 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. Lori Conn – Spoke about Big Brothers and Big Sisters.

CLAIMS

None

PROCLAMATIONS

1.

EXECUTIVE DEPARTMENT CITY OF CHARLESTON PROCLAMATION

WHEREAS: The City of Charleston joins the Charleston Area Alliance, Charleston Main Streets, Downtown Charleston Association, and neighborhood associations throughout Charleston in celebrating small businesses and their contributions to our city's culture, economy and character; and

WHEREAS: Locally owned, small businesses are the backbone of our community – creating jobs and boosting our economy while also providing residents and visitors with exceptional, one-of-a-kind experiences that foster relationships and contribute to the distinct character of our Capital City; and

WHEREAS: Local business owners invest in our City through their commitment to the wellbeing and future of our workforce and residents, their involvement in local government and key development decisions, and their contributions to local not-for-profit organizations; and

WHEREAS: We remain committed to supporting local businesses throughout the year and bringing greater awareness of their importance to our communities on Small Business Saturday and during Shop Local Month.

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston do hereby proclaim November 26, 2022, as

SMALL BUSINESS SATURDAY

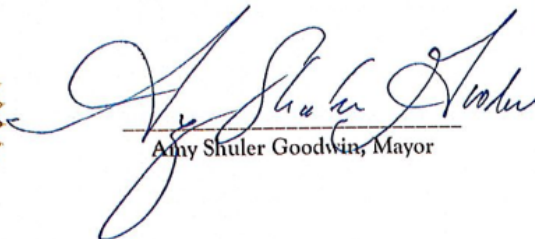
And November 23 – December 23, 2022, as

SHOP LOCAL MONTH

In Charleston, West Virginia and urge all citizens to celebrate our local businesses by shopping local this holiday season and throughout the year.

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




Amy Shuler Goodwin, Mayor

2.

EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION

- WHEREAS:** Approximately 1 in 5 children and 2 in 5 adults in the U.S. have obesity, with 1 in 2 adults living with a chronic disease and about half of this group having two or more chronic diseases; and
- WHEREAS:** Only half of adults and one quarter of youth get the recommended amounts of aerobic physical activity they need to help reduce and prevent chronic diseases—60 minutes or more of moderate to vigorous intensity physical activity each day for children ages 6 – 17 and at least 150 minutes a week of moderate intensity activity such as brisk walking for adults ages 18 and older; and
- WHEREAS:** Physically active people generally live longer and are at less risk for serious health problems like heart disease, type 2 diabetes, obesity, and some cancers; and for people with chronic diseases, physical activity can help manage these conditions and complications; and
- WHEREAS:** The Centers for Disease Control and Prevention (CDC) is leading Active People, Healthy Nation, an initiative to help 27M Americans become more physically active by 2027; and
- WHEREAS:** The City of Charleston is committed to supporting a thriving, vibrant, and healthier community for residents of all ages and abilities, and recognizes the importance of providing access to safe and convenient places to be physically active; and
- WHEREAS:** Through the creation of new facilities – the skatepark and Beatrice Street Park, and updates to existing facilities – courts at the King Center, FitLot at the East End Community Park, upgrades at Cato Park, and the turfing of 10 sports fields, Charleston continues to prioritize the creation of and enhance access to places for physical activity.

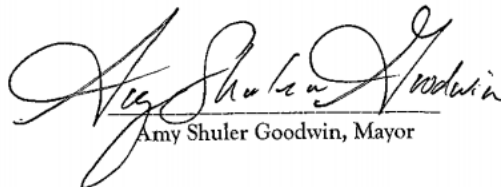
NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston do hereby proclaim November 2022, as

Healthy People, Healthy Nation Month

In Charleston, West Virginia and encourage citizens to learn more about and visit the city's public parks, trails, fitness and recreational facilities and other places that provide opportunities to become more physically active.

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




Amy Shuler Goodwin, Mayor

3.

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: The armistice ending World War I went into effect on November 11, 1918; and

WHEREAS: President Wilson proclaimed November 11, 1919 as the first commemoration of Armistice Day; and

WHEREAS: Congress passed a resolution on June 4, 1926 officially recognizing the end of World War I and calling for the observance of November 11 with appropriate ceremonies; and

WHEREAS: In May 13, 1938 an Act was approved making November 11 a legal holiday known as Armistice Day; and

WHEREAS: In 1954, at the urging of Veterans Service Organizations, the 83rd Congress amended the Act of 1938 by striking out the word “Armistice” and inserting “Veterans” so appropriate homage could be paid to the veterans of all wars; and

WHEREAS: President Dwight Eisenhower issued the first Veterans Day Proclamation; and

WHEREAS: On Veterans Day we honor the many generations of military men and women who have served our country with honor and distinction – both in times of peace and conflict; and

WHEREAS: We thank our Veterans for their courageous and loyal service to our State and Nation and their continued commitment to serving others in their communities through Veterans Service Organizations and other organizations which support our veterans and their families; and

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston do hereby proclaim November 11, 2022, as

VETERANS DAY

In Charleston, West Virginia and urge all citizens to honor our veterans and their contributions to our communities, our State and our Nation.

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

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

Amy Shuler Goodwin, Mayor

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. 7974 Committee Substitute do pass.

Bill No. 7974 Committee Substitute - A Bill to name a public alley, located between the opening that begins at Mountain Rd between 1339 and 1337 Mountain Rd and terminates between 1339 and 1321 Mountain Rd., as Ivory Lane henceforth.

WHEREAS, the E911 Addressing Regulations require access roads to have unique street names for emergency services purposes and postal delivery purposes; and

WHEREAS, the Article IV of Chapter 102 requires the Municipal Planning Commission to recommend to the City Council a name for any proposed new street or public way.

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

1. The Traffic Control Map is hereby amended by naming a certain public alley between the opening that begins at Mountain Rd between 1339 and 1337 Mountain Rd and the terminus between 1339 and 1321 Mountain Rd as Ivory Lane henceforth. The drive is shown on Exhibit 1.

~~2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 29 of this ordinance.~~

~~3.2.~~ All prior ordinances, or parts of ordinances, inconsistent with this Ordinance, are hereby repealed to the extent of said inconsistency.

Councilmember Hoover added that that the alley is located between the opening of Mountain Road between 1339 and 1337, terminating between 1339 and 1321 Mountain Road. The proposed name is Ivory Lane. The petition has been approved by all of the property owners. This will make deliveries easier.

Councilmember Hoover moved to approve the bill. 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, Persinger, Pharr, Reishman, Robinson, Sheets, Steele, Mayor Goodwin

NAYS:

ABSENT: Bays, Cook, Minardi, Snodgrass

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7974 Committee Substitute as 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. 7975 do pass.

Bill No. 7975 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from a C-4 district to a C-10 district, that certain lot or parcel of land located at 3406 Chesterfield Ave in the City of Charleston, Kanawha County, State of West Virginia, by petitioner Scott Martin.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 21st day of November, 2005, as amended, is hereby amended by rezoning from a R-4 district to a R-O district the whole of the following described lot or parcel of land:

Parcel No. 1 as shown upon Kanawha City Tax Map 23. Subject Parcel commonly known as 3406 Chesterfield Ave, West Virginia. Said tax map is of record in the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 29 of this ordinance.

3. All prior ordinances, or parts of ordinances, inconsistent with this Ordinance, are hereby repealed to the extent of said inconsistency.

Councilmember Hoover added that the bill changes 3406 Chesterfield Avenue from a C-4 to a C-10 district, which is consistent with the surrounding areas.

Councilmember Hoover moved to approve the bill. Councilmember Ceperley seconded the motion.

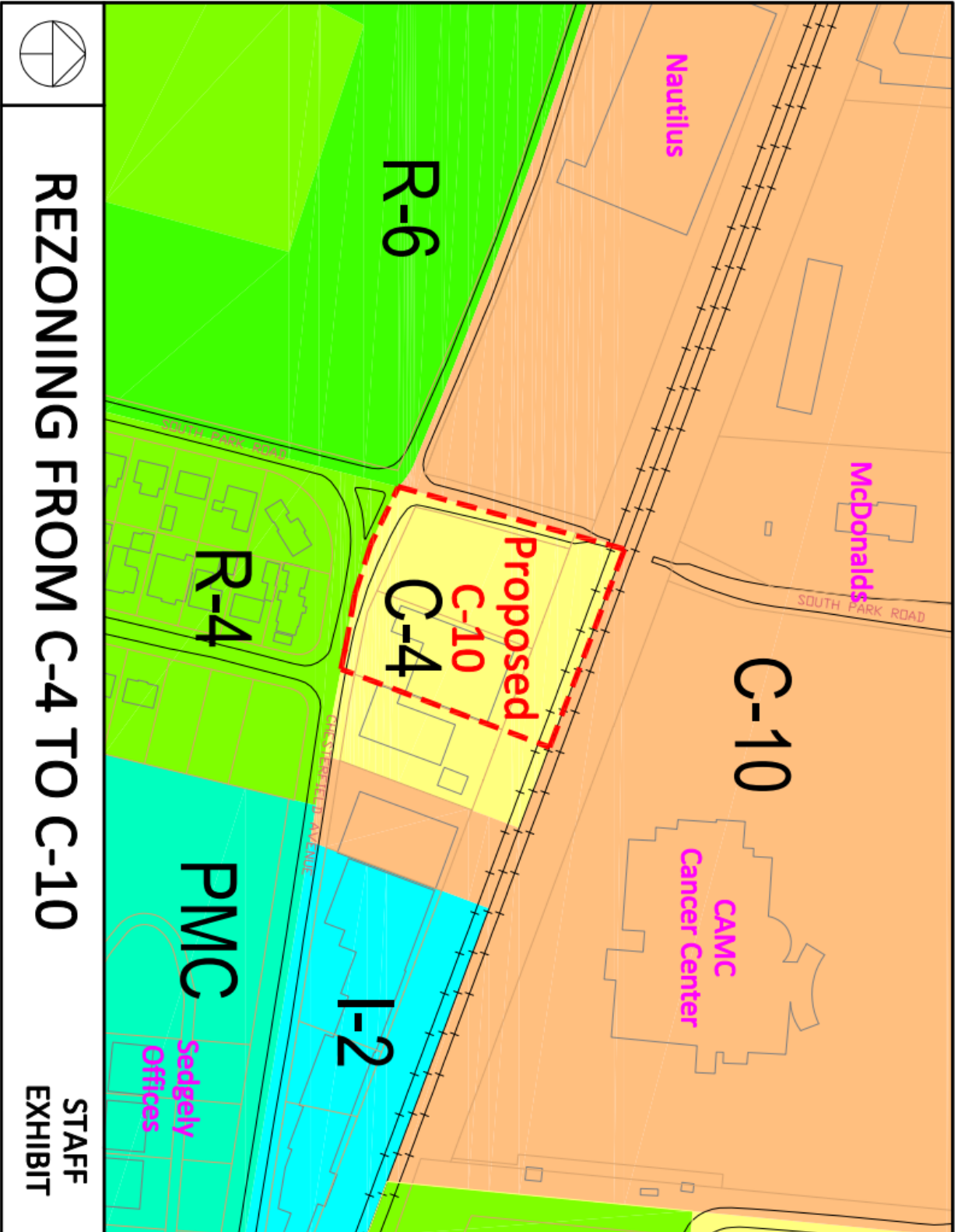
A roll call was taken:

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

NAYS:

ABSENT: Bays, Cook, Minardi, Snodgrass

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7975 as 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. 7976 do pass.

Bill No. 7976 - A Bill to amend and reenact ordinance 7968 to remove the handicap parking zone on the southerly side of 6th Street from a point 52 feet west of Russell Street to a point 118 feet west of Russell Street, maintain the established handicapped parking zones on the southerly side of 6th Street from Russell Street to a point 52 feet west of Russell Street, establish a handicapped parking zone on the westerly side of Russell Street from a point 88 feet south of 6th Street to a point 110 feet south of 6th Street, establish a handicapped parking zone on the southerly side of 6th Street from a point 233 feet west of Russell Street to a point 289 feet west of Russell Street, and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. Ordinance 7968 is hereby amended and reenacted to remove the handicap parking zone on the southerly side of 6th Street from a point 52 feet west of Russell Street to a point 118 feet west of Russell Street, while maintaining the established handicapped parking zones on the southerly side of 6th Street from Russell Street to a point 52 feet west of Russell Street.

Section 2. There is hereby established a handicapped parking zone on the westerly side of Russell Street from a point 88 feet south of 6th Street to a point 110 feet south of 6th Street.

Section 3. There is hereby established a handicapped parking zone on the southerly side of 6th Street from a point 233 feet west of Russell Street to a point 289 feet west of Russell Street

Section 4. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 5. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Councilmember Hoover added that the bill cleans up another bill that was passed several weeks ago where some locations of the handicapped spots were in the wrong locations.

Councilmember Hoover moved to approve the bill. 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, Persinger, Pharr, Reishman, Robinson, Sheets, Steele, Mayor Goodwin

NAYS:

ABSENT: Bays, Cook, Minardi, Snodgrass

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7976 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. 731-22 be adopted.

Resolution No. 731-22 - Authorizing the Mayor or City Manager to enter into a contract with Waterline Systems Inc. in the amount of \$549,260.00 for the purchase of a boat for the Charleston Fire Department, where the purchase price was determined through a competitive bidding process and will be paid for, in part, with federal grant funds.

Now, therefore, 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 Waterline Systems Inc. in the amount of \$549,260.00 for the purchase of a boat for the Charleston Fire Department, where the purchase price was determined through a competitive bidding process and will be paid for, in part, with federal grant funds. Resolution No. 598-22, adopted February 7, 2022, is rescinded.

Councilmember Jenkins added that the purchase had been previously approved by Council, but the awarded vendor would not honor that price. He added that this boat is needed, and the Fire Department has been trying to acquire it for 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. 731-22 adopted.

Charleston Fire Department Boat
Procurement No. 2022-21

		US Watercraft	Silver Ships Inc
Item	Quantity	Price	Price
Lake Assault Fire Boat (or equal)	1.00	\$549,260.00	\$631,080.00
1 Items	Totals		

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 732-22 be adopted.

Resolution No. 732-22 - Authorizing the General Manager of the Charleston Coliseum & Convention Center to enter into a contract with Hooten Equipment Company LLC in the amount of \$86,447.06 for the purchase of 14 coolers to be used for easy access concessions distribution, where the purchase price was determined through a competitive bidding process.

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

That the General Manager of the Charleston Coliseum & Convention Center is authorized to enter into a contract with Hooten Equipment Company LLC in the amount of \$86,447.06 for the purchase of 14 coolers to be used for easy access concessions distribution, where the purchase price was determined through a competitive bidding process.

Councilmember Jenkins added that the Board has approved this purchase as the coolers will be a source of increased revenue due to the convenience of concession sells they provide.

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. 732-22 adopted.

		Hooten Equipment Company LLC	
Item	Quantity	Price	Extension
Grab-N-Go Coolers	14	\$6,174.79	
1 Items	Totals		\$86,447.06

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 733-22 be adopted.

Resolution No. 733-22 - Authorizing the Mayor or City Manager to enter into one or more agreements for the purchase of E-10 Gasoline and Diesel Fuel through bids to be received by City Purchasing Director on November 15, 2022. The bid prices for E-10 Gasoline and Diesel Fuel shall remain in effect for a 24-hour period following the bid opening; therefore, the Mayor or City Manager is authorized to exercise discretion in accepting or rejecting such bid proposals as he or she determine to be in the best interest of the City and to report the same to the Finance Committee and Council at the next scheduled meeting.

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

That the Mayor or City Manager is authorized to enter into one or more agreements for the purchase of E-10 Gasoline and Diesel Fuel through bids to be received by City Purchasing Director on November 15, 2022. The bid prices for E-10 Gasoline and Diesel Fuel shall remain in effect for a 24-hour period following the bid opening; therefore, the Mayor or City Manager is authorized to exercise discretion in accepting or rejecting such bid proposals as he or she determine to be in the best interest of the City and to report the same to the Finance Committee and Council at the next scheduled meeting.

Councilmember Jenkins added that this would be one of the rare instances in which Council grants prior approval of a purchase before knowing the full cost due to the fact that the bid prices are only held for twenty-four (24) hours. The prices will be set for one (1) year.

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. 733-22 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. 734-22 be adopted.

Resolution No. 734-22 - Authorizing settlement of pending disputed claims against the City in the matter known as *Deanna M. Petty v. City of Charleston*, Civil Action No. 21-C-180 in the Circuit Court of Kanawha County, West Virginia, as recommended by the City Solicitor.

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

That the City Council hereby authorizes and approves the settlement of pending disputed claims against the City by Deanna M. Petty, as contained in Civil Action No. 21-C-180 in the Circuit Court of Kanawha County, West Virginia, in the amount of \$105,000, as recommended by the City Solicitor. The City Council authorizes the City Solicitor and City Manager to take all necessary steps to finalize resolution of the claims.

Councilmember Jenkins added that the resolution is part of the on-going nationwide opioid lawsuits. The resolution specifically includes five pharmacy entities for \$312 million that will go to the State and be divided according to the preciously approved MOU.

Councilmember Jenkins added that Ms. Petty was walking across the parking area underneath the interstate bridge next to the Martin Luther King Jr. Community Center. Ms. Petty tripped and fell over a wire that had fallen from a fence that was on the ground covered by dirt, suffering serious injuries. He added that the wire and fencing has since been cleaned. Through lengthy mediation and advice of outside counsel, the proposed agreement was reached. Councilmember Jenkins added that the City leases that area for use from the State, and will not be admitting the City is liable for injuries.

Councilmember Faegre confirmed with City Attorney, Kevin Baker, that the wiring was part of a fence that had fallen loose. Ms. Petty's medical bills were approximately \$150,000. The plaintiff's attorney was Tim DiPiero.

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. 734-22 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. 735-22 be adopted.

Resolution No. 735-22 - Authorizing the Mayor or City Manager to grant American Rescue Plan Act (“ARPA”) funds to East End Resource Center Inc. in the total amount of \$150,000 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.

Now, therefore, 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 East End Resource Center Inc. in the total amount of \$150,000 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 East End Resource Center had appropriately filed their application.

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. 735-22 adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; September 2022.
2. Municipal Court Report to City Council Month Ending October 2022.

NEW BILLS

None

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

1. Councilmember Sheets wished all candidates good luck in the upcoming General Election.
2. Mayor Goodwin congratulated Councilmember Haas on his 53rd wedding anniversary.

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, Persinger, Pharr, Reishman, Robinson, Sheets, Steele, Mayor Goodwin

NAYS:

ABSENT: Bays, Cook, Minardi, Snodgrass

At 7:29 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, November 21, 2022, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk