



JOURNAL of the PROCEEDINGS of the CITY COUNCIL

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, August 1, 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 August on the 1st 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 Faegre. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

ADAMS**COOK****HOOVER****KING****PEPPER****REISHMAN****SNODGRASS****BAYS****CAMPBELL****FAEGRE****KNAUFF****MOORE****PERSINGER****BROWN****CEPERLEY****HAAS****JONES****OVERSTREET****SHEETS****MAYOR GOODWIN**

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

Burton, Jenkins, Pharr, Steele and Robinson'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. Benjamin Green – Spoke about applying for the open Constituent Services position.
2. Eric Desmond – Spoke about WVHDF, CKHA, TM Management, CKHA and Chris Sadd.
3. Jennifer Trimble – Spoke about their business, Beauty and Beastmode.

CLAIMS

1. A claim of Mary B Johnson, Charleston, WV;
alleges damage to vehicle.
2. A claim of Linda Meszaros, Charleston, WV;
alleges damage to property.
3. A claim of Reginald Neary, Charleston, WV;
alleges damage to property.
4. A claim of Jan Oldaker, Charleston, WV;
alleges damage to vehicle.
5. A claim of The Administration Trust, Hurricane, WV;
alleges damage to property.

PROCLAMATIONS

1.

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: At 91 years young, Mrs. Beatrice Walker has been and continues to be a lifetime resident of the North Charleston community; and

WHEREAS: Through her service on the Parent Teacher Association for her children's school and being an active member of her church, Mrs. Walker has demonstrated her passion for her community and her commitment to the people of North Charleston; and

WHEREAS: In the 1960's Mrs. Walker became the first black woman cashier at the Diamond Department Store's fifth floor cafeteria which served more than 1,200 people a day; and

WHEREAS: We recognize and celebrate Mrs. Walker's 57 consecutive years of residency in North Charleston, her contributions to our Capital City, and her family and community who are ensuring her legacy is shared and honored.

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby recognize

Beatrice Walker

As one of the oldest residents in the North Charleston community and encourage all our citizens to celebrate the many generations of Charlestonians who have helped make our Capital City the vibrant community it is today.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 1st day of August 2022.

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

Amy Shuler Goodwin, Mayor

The Proclamation was presented to Beatrice Walker by Mayor Goodwin and Pat Jones.

2.

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: The National Association of Town Watch (NATW) sponsors a national community-building campaign on Tuesday, August 2, 2022, entitled “National Night Out”; and

WHEREAS: The National Night Out campaign provides an opportunity for neighbors in Charleston to join over 38 million neighbors across 16 thousand communities from all 50 states, U.S. territories and military bases worldwide; and

WHEREAS: National Night Out is an annual community-building campaign that promotes strong police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, more caring places to live and work; and

WHEREAS: Neighbors in Charleston assist the Charleston Police Department through joint community-building efforts and support National Night Out 2022; and

WHEREAS: It is essential that all neighbors of Charleston come together with police and work together to build a safer, more caring community; and

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby recognize Tuesday, August 2, 2022, as

National Night Out

And upon all neighbors of Charleston to join the Charleston Police Department and National Association of Town Watch to support our communities’ efforts against crime.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 18th day of June 2022.

A handwritten signature in blue ink, which appears to read "Amy Shuler Goodwin".

Amy Shuler Goodwin, Mayor

The Proclamation was presented to Deputy Chief Garten.

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. 7962 as do pass.

Bill No. 7962 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by adding a notation to Supplemental Regulation 31 pertaining to the entry "Livestock or Poultry, Keeping of (Non-Commercial)" in the Supplemental Regulations Pertaining to Land Use Table contained of Section 3-060, two conditional use districts for "Personal Service Establishment" in the Land Use Table of Section 3-050, and a notation of a supplemental regulation to the entry "Dwelling, Accessory" in the Land Use Table of Section 3-050.

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) In Article 3, Establishment of Zoning Districts and Map:

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

31. Livestock or poultry, keeping of (non-commercial) shall comply with the following (except in such instances that comply with supplemental regulation 51 as it relates to Urban Agriculture and the keeping of 6 or less hens)\:

- a. A minimum site of one acre shall be required.
- b. Use shall not constitute a nuisance due to noise or odor.

- 2) In Article 3, Establishment of Zoning Districts and Map:

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.
Personal Services					<u>C</u>	<u>C</u>	P	P	P	P	P	P	P					

Establishment																	
---------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

3) In Article 3, Establishment of Zoning Districts and Map:

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.
Dwelling, Accessory	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>												<u>54</u>

Councilmember Hoover added that the bill corrects three minor text amendments, and provides clarification for several issues. It adds additional language to prevent conflict between various regulations for keeping hens within the City. It also corrects an error that permitted conditional use for a personal services establishment in an R-10 or R-O district. Lastly, it corrects an error that omitted a reference to the related supplemental regulation.

Councilmember Hoover motioned to approve the bill. Councilmember Ceperley seconded.

A roll call was taken:

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

NAYS:

ABSENT: Burton, Jenkins, McKinney, Minardi, Pharr, Robinson, Steele

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7962 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. 697-22 be adopted.

Resolution No. 697-22 - Authorizing approval of Amendment No. 1 of the FY 2022—2023 Coal Severance 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. 1 of the FY 2022-2023 Coal Severance budget is approved as indicated on the attached list of accounts.

Councilmember Reishman added that resolution recognizes the difference in the coal severance budget.

Councilmember Reishman motioned to approve the resolution. Councilmember Ceperley seconded.

A roll call was taken:

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

NAYS:

ABSENT: Burton, Jenkins, McKinney, Minardi, Pharr, Robinson, Steele

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 697-22 adopted.

Coal Severance Fund FY 2022-2023 Budget Amendment No. 1 - August 1, 2022**Revenues and Fund Balances**

Account No.	Department	Account Description	Current Amount	Increase/ (Decrease)	Amended Amount
002 298 0	Assigned Fund Balance	Coal Severance Tax - Balance on Hand	20,000	44,494	64,494
Net Increase/(Decrease) to Revenues				44,494	

Expenditures

Account No.	Department	Account Description	Current Amount	Increase/ (Decrease)	Amended Amount
002 000 00 000 5 566	Transfers	Contributions to Other Funds	100,000	44,494	144,494
Net Increase/(Decrease) to Expenditures				44,494	

Description:

To recognize coal severance tax receivable to establish the beginning balance for FY 2023

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 700-22 be adopted.

Resolution No. 700-22 - Authorizing approval of Amendment No. 2 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. 2 of the FY 2022-2023 General Fund budget is approved as indicated on the attached list of accounts is approved.

Councilmember Reishman added that the resolution is allocating the funds from the previous coal severance budget amendment.

Councilmember Reishman motioned to approve the resolution. Councilmember Ceperley seconded.

A roll call was taken:

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

NAYS:

ABSENT: Burton, Jenkins, McKinney, Minardi, Pharr, Robinson, Steele

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 700-22 adopted.

General Fund FY 2022-2023 Budget Amendment No. 2 - August 1, 2022

Revenues and Fund Balances

Account No.	Department	Account Description	Current Amount	Increase/ (Decrease)	Amended Amount
Net Increase/(Decrease) to Revenues				-	-

Expenditures

Account No.	Department	Account Description	Current Amount	Increase/ (Decrease)	Amended Amount
001 910 01 000 5 566	Coliseum and Convention Center	Debt Service Subsidy	578,000	(44,494)	533,506
001 436 00 000 2 230	Building Commission	Contracted Services	500,000	44,494	544,494
Net Increase/(Decrease) to Expenditures				-	

Description:

To align Coliseum Debt Services Subsidy with current estimates and reallocate the balance available to the Building Commission for demolitions.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 701-22 be adopted.

Resolution No. 701-22 - Authorizing the Mayor or City Manager to renew an annual software maintenance contract with Trittech Software Systems (DBA “CentralSquare”) in the amount of \$72,898.61 for the provision of a records management system for 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 renew an annual software maintenance contract with Trittech Software Systems (DBA “CentralSquare”) in the amount of \$72,898.61 for the provision of a records management system for the Charleston Police Department.

Councilmember Reishman added that this is a renewal for software used for record management by the Police Department.

Councilmember Reishman 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. 701-22 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. 702-22 be adopted.

Resolution No. 702-22 - Authorizing the Mayor or City Manager to enter into task force or other cooperative agreements with federal law enforcement agencies of the United States of America.

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

That the Mayor or City Manager is authorized to enter into task force or other cooperative agreements with federal law enforcement agencies of the United States of America, provided that any such agreements are approved as to form by the City Solicitor and approved by the Chief of Police. This authorization will expire at 11:59 p.m. on July 31, 2023.

Councilmember Reishman added that the resolution refers to reimbursable agreements.

Councilmember Reishman 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. 702-22 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. 703-22 be adopted.

Resolution No. 703-22 - Authorizing the Mayor or City Manager to enter into a contract with Sustainable Strategies DC, LLC, in an amount not to exceed \$90,000 per year for the provision of funding advocacy and grant writing services.

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 Sustainable Strategies DC, LLC, in an amount not to exceed \$90,000 per year for the provision of funding advocacy and grant writing services, as detailed in Exhibit A, attached.

At the request of Councilmember Reishman, City Manager Jonathan Storage, added that the company is a well-known grant services firm that has assisted many cities, etc. to receive federal and state grants. In the order to vet the company, the Administration has previously used them to write the City's DoT grant application, submit requests for congressionally directed spending allocations, and a few other tasks. The firm has currently helped the City to secure \$10 million in grants. An additional \$15.5 is currently pending. The resolution would authorize hiring the firm on an ongoing retainer basis not to exceed \$90,000 during a year.

Councilmember Reishman 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. 703-22 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. 704-22 be adopted.

Resolution No. 704-22 - Authorizing the Mayor or City Manager to grant American Rescue Plan Act (“ARPA”) funds to Hope Community Development Corporation in the total amount of \$500,000 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 Hope Community Development Corporation in the total amount of \$500,000 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 Faegre confirmed some information contained in the application with Pastor Watts. Councilmember Faegre asked if his organization had been earmarked for Federal Funds in 2022. Pastor Watts replied that they have requested such funds, but have not received notification that they were approved. Councilmember Faegre added that apparently \$500,00 was earmarked on Senator Mansion’s Congressional request for funds for this organization. City Manager, Jonathan Storage, added that the original application was for \$1.4 million. Once they became aware that earmarked funds might be available, it was determined that partnering with a governmental organization would make it more likely that the organization would receive those funds. That is why the amount of the ARPA fund was reduced from the original request. Councilmember Faegre added that she did not ever remember that information being presented before Council. Mayor Goodwin recalled that it was discussed during the ARPA Committee meetings.

Councilmember Snodgrass asked if they had finalized an agreement with Cabin Creek Clinic. Pastor Watts replied that they had, and have been working on a number of projects related to health and health education.

Councilmember Jones asked what makes Hope Community Development Corporation different from other health-based organizations such as Health Right. Pastor Watts replied that their organization is not to provide healthcare, but uniquely works with others for education, job

training, economic development and social services coordination.

Councilmember Cook added that the organization is a social services connector that addresses the root causes of poverty, and it would be more accurate to describe them as a wellness center than using the term healthcare. Councilmember Cook that this is an unprecedented opportunity to make up for investments that have not been made on the West Side. She added that it is very common for non-profits to find a government entity to submit a congressional direct spending request on their behalf.

Councilmember Reishman motioned to approve the resolution. Councilmember Ceperley seconded.

A roll call was taken:

YEAS: Adams, Bays, Brown, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jones, Moore, Overstreet, Pepper, Reishman, Sheets, Mayor Goodwin

NAYS: King, Knauff, Persinger, Snodgrass

ABSENT: Burton, Jenkins, McKinney, Minardi, Pharr, Robinson, Steele

With members present recorded thereon as voting in the majority affirmative, with sixteen (16) Yeas and four (4) Nays, the Mayor declared Resolution No. 704-22 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. 705-22 be adopted.

Resolution No. 705-22 - Authorizing approval of Amendment No. 1 of the FY 2022—2023 Coliseum & Convention Center / Municipal Auditorium 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. 1 of the FY 2022-2023 Coliseum & Convention Center / Municipal Auditorium budget is approved as indicated on the attached list of accounts is approved.

Councilmember Reishman added that that this is related to the first two Finance resolutions.

Councilmember Reishman motioned to approve the resolution. Councilmember Ceperley seconded.

A roll call was taken:

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

NAYS:

ABSENT: Burton, Jenkins, McKinney, Minardi, Pharr, Robinson, Steele

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 705-22 adopted.

CCCC Revenue Fund FY 2022-2023 Budget Amendment No. 1 - August 1, 2022

Revenues and Fund Balances

Account No.	Department	Account Description	Current Amount	Increase/ (Decrease)	Amended Amount
402 358 00 0342	CCCC Revenue	Transfers in from Coal Severance	100,000	44,494	144,494
402 358 00 0341	CCCC Revenue	Tfrs. in from General Fund - Debt Service	578,000	(44,494)	533,506
Net Increase/(Decrease) to Revenues				-	

Expenditures

Account No.	Department	Account Description	Current Amount	Increase/ (Decrease)	Amended Amount
Net Increase/(Decrease) to Expenditures				-	

Description:

To align sources of transfer-in revenues with estimated coal severance revenue.

7. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 706-22 be adopted.

Resolution No. 706-22 - Authorizing the Mayor or City Manager to enter into a contract with McClanahan Construction Company, LLC, in the amount of \$536,337.00 for Phase 2 of the 2022 Summer Concrete Sidewalk & Accessible Ramp Project pursuant to a competitive bidding process.

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 McClanahan Construction Company, LLC, in the amount of \$536,337.00 for Phase 2 of the 2022 Summer Concrete Sidewalk & Accessible Ramp Project pursuant to a competitive bidding process.

Councilmember Reishman 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. 706-22 adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; June 2022.
2. Report from the City Manager.

NEW BILLS

Introduced by Councilmember Pat Jones

August 1, 2022:

Bill No. 7963 – A Bill amending the Zoning Ordinance of the City of Charleston by rezoning from a R-4 district to a C-10 district, parcels of land located at 1704, 1706, and 1708 5th Avenue in the City of Charleston, Kanawha County, State of West Virginia, owned by C W PROPERTIES LLC and petitioned for by Mitch Rashid.

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

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

1. Councilmember Snodgrass stated that the Environment and Recycling Committee recently heard from a company, Gorilla Recycling, about setting up a recycling center in Charleston, and added that they have not had much discussion with the County about it. During the meeting, they mentioned that they had a few possible sites in mind. Councilmember Snodgrass requested to know where those potential sites were located. She also requested to know if the City was going to be purchasing or donating this land.
2. Councilmember Cook stated that the goal of the meeting was for the company to present the project as an opportunity to the City. There was no intent to withhold any information.
3. Councilmember Ceperley stated that the Clerk's Office send a link to the video of that meeting to all members of Council.
4. Councilmember Jones stated that the City was short twelve Police Officers.

ADJOURNMENT

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

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

NAYS:

ABSENT: Burton, Jenkins, McKinney, Minardi, Pharr, Robinson, Steele

At 8:09 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, August 15, 2022, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk