



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, December 5, 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 December on the 5th 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 Wesley Baker. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

**BURTON
COOK
HOOVER
KING
MINARDI
PEPPER
REISHMAN
SNODGRASS**

**CAMPBELL
FAEGRE
JENKINS
KNAUFF
MOORE

ROBINSON
STEELE**

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

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

Adams and Bay'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. Austin Smith – introduced themselves as the new Fire Union President.
2. James Elam – spoke about gun violence they have experience.

CLAIMS

1. A claim of Kris Bowyer, Charleston, WV;
alleges damage to property.
2. A claim of Pamela Jones & Lisa Chapman, Charleston, WV;
alleges damage to vehicle.
3. A claim of Brenda Thomas, Charleston, WV;
alleges damage to vehicle.

PROCLAMATIONS

1.

Amy Shuler Goodwin
Office of the Mayor
City of Charleston



P.O. Box 2
Charleston, WV 25
(304) 348-8174 OI

December 5, 2022

Deb Weinstein:

It is with great pleasure I recognize your unwavering commitment to serving and advocating for those in our Capital City.

For nearly four decades you have put the needs of others first—providing refuge and compassion to those seeking a place of safety, identifying solutions to address current needs in our community, empowering others to amplify their voices, and inspiring those around you through compassion and hard work. You have led the charge – helping to grow the YWCA into what it is today and continuing to help women in need. You leave behind a legacy of compassionate service and advocacy – one that will live on through the continued work at the YWCA and through those whom you have worked with throughout the years.

It is with great honor I present to you the Key to the City Award in dedication of your commitment to the City of Charleston and her people.

Sincerely,

A handwritten signature in blue ink that reads "Amy Shuler Goodwin". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Amy Shuler Goodwin
Mayor of Charleston

2.

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: The Salvation Army Charleston Area Command provides critically needed services to individuals across Central West Virginia, serving over 8,000 people each year; and

WHEREAS: Through youth programs, music and the arts, camps, community centers, Boys and Girls Clubs, and other innovative and professional services, The Salvation Army serves the people of Kanawha, Putnam, Roane, Clay, Boone, Logan and Mingo counties; and

WHEREAS: The Salvation Army helps those in our communities through year-round programs which provide food for the hungry, relief for disaster victims, assistance for the disabled, outreach to the elderly and ill, clothing and shelter to neighbors experiencing homelessness and opportunities for underserved children; and

WHEREAS: The Salvation Army loves beyond hunger, homelessness, fear, addiction, loneliness, despair, overdue bills and so much more – loving beyond the circumstances of those they serve, seeing and valuing each person; and

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston do hereby designate the month of December as

Love Beyond Christmas Month

In the City of Charleston and encourage all citizens to learn more about the services and programming provided by The Salvation Army Charleston Command.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 5th day of December 2022.

A blue ink signature of Amy Shuler Goodwin, Mayor of the City of Charleston, is written over a horizontal line. Below the line, the text "Amy Shuler Goodwin, Mayor" is printed.

Amy Shuler Goodwin, Mayor

COMMUNICATIONS

None

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. 746-22 be adopted.

Resolution No. 746-22 - Authorizing the adoption of the Charleston Fire Civil Service Rules, which were amended and approved by the Charleston Fire Civil Service Commission and are attached hereto as Exhibit A.

Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia: That the Charleston Fire Civil Service Rules, attached hereto as Exhibit A, which were amended and approved by the Charleston Fire Civil Service Commission are hereby approved by the Charleston City Council and Mayor.

Councilmember Robinson 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. 746-22 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. 7978 Committee Substitute do pass.

Bill No. 7978 Committee Substitute - A BILL to amend the Municipal Code of the City of Charleston, as amended, by amending and reenacting Section 2-63, relating to updating the quadrennial organization statute to be consistent with the City Charter.

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

That Section 2-63 of the Municipal Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

CHAPTER 2. – ADMINISTRATION.

ARTICLE III. – CITY COUNCIL.

DIVISION 1. – GENERALLY.

Sec. 2-63. – Quadrennial organizational.

(a) At 10:00 a.m. 12:00 noon on the third Monday of June in the year 1999, first Monday of January, unless said Monday is a state holiday, in which case on the Tuesday immediately following said holiday, in the year 2023, and every four years thereafter, the mayor-elect and councilmen-elect councilmembers-elect shall meet in special public session at the council chamber in the city building city hall, or another appropriate location specified by the mayor-elect in the public meeting notice, and shall be called to order by the incumbent city clerk or, in his or her absence, a deputy or assistant city clerk.; and the The mayor-elect, councilmen-elect councilmembers-elect, municipal judge-elect, and treasurer-elect shall then proceed to take the prescribed oath of office, whereupon they shall be deemed to have qualified themselves for the offices to which they, respectively, have recently been elected; provided, that the mayor-elect, municipal judge-elect, and treasurer-elect shall not be deemed to have qualified until he or she shall have given bond as provided in section 25 of the city Charter.

(b) The city council shall then elect a president pro tempore of the council from among the councilmembers, and may then proceed with other business of an organizational nature such as adopting, amending or readopting rules not inconsistent with this Code; filling vacancies in offices for which the appointing authority is the council or the mayor with the approval of the council; the appointment of members of council committees; and other matters relating to the organization of the city government generally. No regular business of city council shall occur at this special public session held once every four years. for the ensuing four-year period.

Councilmember Robinson added that the bill updates the process of how elected officials will be sworn in every four years. The committee substitute added the Municipal Judge and City Treasurer. The swearing in meeting will be at noon on the first Monday in January unless it is a State holiday.

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

A roll call was taken:

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

NAYS: Faegre, Knauff,

ABSENT: Adams, Bays, Persinger

With members present recorded thereon as voting unanimously in the majority as affirmative, the Mayor declared Bill No. 7978 Committee Substitute as passed.

3. 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. 7980 do pass.

Bill No. 7980 - A BILL to amend the Municipal Code of the City of Charleston, as amended, by amending and reenacting Section 65-3 relating to the makeup of the Board of Directors of the Land Reuse Agency.

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

That Section 65-3 of the Municipal Code of the City of Charleston, as amended, is hereby amended and reenacted to read as follows:

Chapter 65. – Land Reuse Agency.

Article 1. – Creation Organization.

Sec. 65-3. Board of Directors.

(a) The Charleston Land Reuse Agency shall operate under the control of a board of directors composed of seven members, as follows:

- (1) The Mayor, or his or her designee;
- (2) The City Manager, or his or her designee;
- (3) The City Attorney, or his or her designee;
- (4) Two members of City Council, appointed by the Mayor, for terms coinciding with their term on City Council; and

(5) Two (4) Three members of the general public, who are residents of Charleston, appointed by the Mayor with the advice and consent of City Council.

(b) The two three members of the general public initially appointed to the Board shall serve initial terms of two and four years, respectively. Thereafter, each term shall be for four years.

(c) The two three members of the general public shall each have expertise in one or more of the following areas:

- (1) Real estate transactions or financing;
- (2) Development of commercial or residential property;
- (3) Establishment, development, management, or use of public lands;
- (4) Land conservation;
- (5) Housing; or
- (6) Public safety.

(d) Each member shall continue in office until a successor is duly appointed, except in the event of a member's removal, death, or delivery of written resignation to Council. In the case of such a vacancy, a new member shall be appointed to serve the remainder of the term. If the Mayor or City Manager, or City Attorney no longer holds that position, then the position they or their designee holds on the Board is immediately declared vacant and filled by the person's duly qualified successor.

(e) Members of the Board shall serve without compensation. Any member of the Board who is an employee of the City may spend regular work hours on matters related to the Board and receive his or her regular salary, as approved by the employee's direct supervisor.

(f) In addition to the voting members of the Board stated in this section, the following persons

shall be non-voting *ex officio* members to provide advice to the Board: The City Attorney, the Planning Director, the Building Commissioner, and the Director of the Mayor's Office of Community and Economic Development. The Board may request assistance from any City department or employee, as necessary.

Councilmember Robinson added that the bill removes the City Attorney from the Board of Directors and adds an additional member of the general public.

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

A roll call was taken:

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

NAYS:

ABSENT: Adams, Bays, Persinger

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7980 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. 744-22 be adopted.

Resolution No. 744-22 - Whereas, the Land and Water Conservation Fund (“LWCF”) was established by Congress in 1964 to fulfill a bipartisan commitment to safeguard natural areas, water resources, and cultural heritage, as well as to provide recreation opportunities to all Americans;

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

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

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

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

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

Whereas, the City’s Administration has identified the North Charleston Community Center football field as a suitable candidate for renovation through turf replacement with the assistance of federal grant funds;

Whereas, the estimated cost of turf replacement project is approximately \$1.2 million;

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

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

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

That the Mayor or City Manager is authorized to submit a grant application to the Land and Water Conservation Fund in the amount of \$1.2 million to perform athletic field turf renovations to the North Charleston Community Center football field. The Mayor or City Manager is further authorized to commit the City to the 50% cash match grant requirement.

Councilmember Jenkins added that the \$500,00 grant requires a 50% match from the City for a total of \$700,000 from the City if the grant is awarded.

Councilmember Faegre confirmed that the grant is exclusively for the North Charleston field.

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. 744-22 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. 745-22 be adopted.

Resolution No. 745-22 - A Resolution authorizing the acceptance of conservation easements from Graff-Lane Properties, LLC, on lands in the Quarry Creek development on the south side of the Kanawha River (the “Conservation Property”), for the purpose of preserving green spaces and enhancing the scenic backdrop to the State Capitol Building and the City of Charleston.

WHEREAS, F.T. Graff Jr., J. Thomas Lane, their company, Graff-Lane Properties, LLC, and predecessor companies, have previously imposed conservation easements on their mountain properties extending from Mission Hollow on the east to South Ruffner on the west and providing a scenic backdrop for the State Capitol and City of Charleston and the proposed conservation easements will enhance and supplement the green spaces and scenic property currently existing in the Quarry Creek development; and

WHEREAS, the State of West Virginia through the Conservation and Preservation Easements Act, W. Va. Code, Chapter 20, Article 12, recognizes the importance and public benefit of conservation easements to protect the natural and scenic resources of the State of West Virginia, and has allowed that such easements may be accepted by municipalities; and

WHEREAS, the Charleston Land Reuse Agency, and formerly the Charleston Land Trust, as agencies of the City of Charleston were created by ordinance, and are charged with managing and maintaining “public trust lands” for preservation of green space and woodlands, and promoting the preservation of scenic green space areas; and

WHEREAS, the Charleston Land Reuse Agency has identified the protection of the Conservation Property as desirable to preserve the wooded setting of the Conservation Property in the Quarry Creek development and has recommended that this Resolution be adopted and that the City of Charleston accept the easements;

THEREFORE, Be It Resolved By The Council Of The City Of Charleston, West Virginia that:

Subject to review, revision and approval of the deeds by the City Attorney, the acceptance of the Deeds for Conservation Easement from Graff-Lane Properties, LLC, is hereby authorized.

Councilmember Jenkins added that the additional properties will preserve the greenspace across from the State Capitol.

Councilmember Snodgrass wanted to confirm that this will not add any additional cost to the City for maintenance, etc.

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. 745-22 adopted.

3. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7979 do pass.

Bill No. 7979 - A BILL to amend and reenact Sec. 2-743 of the Municipal Code of the City of Charleston, as amended, relating to expanding the time period within which a person may claim a refund for overpayment of the City Service Fee.

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

That Sec. 2-743 of the Municipal Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

Sec. 2-743. - Protest; administrative decision; appeal.

(a) Anyone who has paid the fee imposed by this article shall file a claim for refund no later than 30 days three years after the fee is paid over to the city by written notice of such claim with the city collector setting forth with particularity all objections thereto. The burden of proof shall be upon the aggrieved party to show that the fee was paid and is incorrect and contrary to law, in whole or in part. The city collector shall review the refund claim and provide for any necessary hearing, render a decision on the claim and forthwith either notify the protesting party of such decision in writing or direct that a refund be issued, all within a reasonable time. Said decision shall be issued by certified mail, return receipt requested.

(b) If aggrieved by the decision of the city collector, the protesting party may appeal the decision of the city collector to the Circuit Court of Kanawha County within 30 days after service of the city collector's decision.

(1) The appeal shall be taken by the filing of a petition and notice, which petition and notice shall be served upon or accepted by the city collector as an original notice. When the petition and notice is so served it shall, with the return or acceptance thereon, be filed in the Office of the Clerk of the Kanawha County Circuit Court and docketed as other cases, with the aggrieved party as plaintiff and the city collector as defendant.

(2) The filing of the appeal shall not stay the collection of the fee unless the plaintiff shall file with such clerk a bond for the use of the defendant, with sureties approved by the Clerk of the Circuit Court of Kanawha County, the penalty of the bond to be not less than the total amount of the fee, and accumulated penalties to the date of the appeal, and conditioned that the plaintiff shall perform the orders of the Kanawha County Circuit Court; provided, that the judge of the Kanawha County Circuit Court may stay the collection of the fee, and accumulated penalties without the requirement of a bond, upon a proper showing by the plaintiff that the properties of the plaintiff are sufficient to secure performance of the Kanawha County Circuit Court's orders or that the ends of justice will be served thereby.

(3) The Kanawha County Circuit Court shall hear the appeal and determine anew all questions submitted to it on appeal from the decision of the city collector. In such appeal a certified copy of the city collector's fee assessment shall be admissible and shall constitute prima facie evidence of the fee due under the provisions of this article.

(c) The administrative remedies set forth in this section are exclusive. Failure to timely file a refund claim in accordance with this section shall preclude any right to refund with respect to any fee paid to the city prior to the claim. If no appeal is taken pursuant to this section within 30 days after service of the city collector's decision, said decision shall become final and conclusive and not subject to administrative or judicial review. The amount of the fee and accumulated penalties, if any, due the city under such decision shall be due and payable on the day following the date upon which such decision becomes final.

Councilmember Jenkins added that the bill puts the time to claim for refund of overpayment for the City Service Fee in line with what the City has established for B&O taxes of three years.

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

A roll call was taken:

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

NAYS:

ABSENT: Adams, Bays, Persinger

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7979 passed.

4. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7981 do pass.

Bill No. 7981 - A BILL to amend and reenact Section 110-145 of the Municipal Code of the City of Charleston, as amended, relating to expanding the ability of small businesses to obtain consent from the city collector to pay business and occupation taxes on an annual basis.

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

That Section 110-145 of the Municipal Code of the City of Charleston, as amended, to read as follows:

CHAPTER 110 – TAXATION.

ARTICLE II. – BUSINESS AND OCCUPATION TAX.

DIVISION 3. – PAYMENTS, RETURNS, AND RECORDS.

Sec. 110-145. – Interest and penalties.

(a) The tax imposed by this article shall be in addition to all other licenses and taxes levied by law as a condition precedent to engaging in any business, trade, calling or activity. A person exercising a privilege taxable under this article, subject to the payment of all licenses and charges which are a condition precedent to exercising the privilege tax, may exercise the privilege for the current tax year upon the condition that he they shall pay the tax accruing under this article.

(b) *Computation of tax.*

(1) The taxes levied hereunder shall be due and payable in quarterly installments on or before the expiration of one month from the end of the quarter in which they accrue, except as otherwise provided in this subsection. The taxpayer shall, within one month from the expiration of each quarter, make a return reporting the tax for which he/she is liable for such quarter; sign it and mail it, together with any remittance due, in the form required by section 110-82 of the amount of the tax to the office of the city collector. In reporting and remitting the amount of the tax due for each quarter, the taxpayer may deduct one-fourth of the total exemption allowed for the year. When the total tax for which any person is liable under this article does not exceed the sum of \$200.00 \$2,500.00 in any year, the taxpayer may pay the tax quarterly as aforesaid or, with the consent in writing of the city collector in the manner prescribed by regulations promulgated pursuant hereto, on an annual basis at the end of the month next following the close of the tax year.

(2) The city collector, if he deems they deem it necessary, based upon past experience with a taxpayer, based on the past practices of a taxpayer, based on the financial condition of the taxpayer, or based on the size of the contract, in order to insure payment of the taxes levied hereunder, may require return and payment under this section for other than quarterly periods. Furthermore, if the city collector deems it necessary to insure payment of the business and occupation tax, he they may require a deposit to be paid by the taxpayer prior to when the taxes accrue and are otherwise payable. The amount of the deposit shall be determined and/or based upon the taxpayer's projected gross income or gross proceeds of sale for the applicable tax period. This deposit shall be paid to the office of the city collector, at a date and time, and in a manner determined by the city collector.

(3) Every contractor whose principal business location is outside of the city, shall register with the

city collector prior to engaging in the performance of a contract in this city, and the city collector, if he they deems it necessary, based on the past experience with a taxpayer, based on the past practices of a taxpayer, based on the financial condition of the taxpayer, or based on the size of the contract, in order to insure payment of the taxes levied hereunder, may also require the following:

(A) At the time of registration, each contractor shall deposit with the city collector six percent of the amount the contractor is to receive for the performance of the contract, which sum shall be held within a contractor's use tax fund pending the completion of the contract.

(B) In lieu of the six percent deposit, each contractor may request the approval of the city collector to provide, in the alternative, a corporate surety bond to be approved by the city collector as to form, sufficiency, value, amount, stability, and other features necessary to provide a guarantee of payment of the tax due the city.

Councilmember Jenkins added that currently, only business who files taxes less than \$200 can request to pay their taxes annually rather than quarterly. The bill would change the threshold to \$2,500.

Councilmember Pepper that the goal of the bill is to help small businesses address their costs in a way that they prefer. He added that of the 5,300 businesses that file B&O tax, 1,500 fall in the \$200 category. Changing the threshold will allow another 2,200 businesses to choose to file annually if they prefer.

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

A roll call was taken:

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

NAYS:

ABSENT: Adams, Bays, Persinger

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7981 passed.

REPORTS OF OFFICERS

None

NEW BILLS

Introduced by Councilmember Mary Beth Hoover

December 5, 2022:

Bill No. 7977 – A Bill amending the Municipal Planning Commission’s rules of procedures and policy by adding a section relating to ex parte communications.

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

MISCELLANEOUS/UNFINISHED BUSINESS

1. Councilmember Snodgrass introduced a resolution that was referred to the Ordinance and Rules Committee.

Whereas, on occasion, in lieu of hiring full or part-time employees to perform work for the benefit of the City, the City enters into contractual agreements with third-party staffing agencies who hire individuals and temporarily lease the services of those individuals to the City in exchange for payment by the City of an inflated hourly rate for those services; and

Whereas, the City most commonly uses third-party staffing agencies to obtain temporary workers for seasonal work, during emergency situations, for temporary specialized services, or to temporarily fill gaps in service resulting from job vacancies or attrition when creating or filling a new position is not financially feasible or desirable; and

Whereas, although the hourly cost for a worker obtained through a temporary staffing agency is more than what an employee would be paid by the City for performing the same services, temporary use of such workers does not require the City to pay for employee benefits, protects the City from certain types of liability, provides the City an opportunity to evaluate temporary workers without any obligation to offer permanent employment, and typically allows the City, pursuant to its contract with the temporary staffing agency, to offer direct employment after a period of months to a worker who has demonstrated his or her qualifications and value to the City sufficient to warrant permanent employment; and

Whereas, recently the practice of the City using temporary workers obtained through contracts with third-party staffing agencies has been publicly criticized with regard to allegations that: the City has continued to pay for some temporary workers at inflated hourly rates for periods of years instead of months; the City has intentionally paid inflated hourly rates for some temporary workers receiving public employees retirement benefits to accommodate the financial interests of the temporary worker(s) at the expense of the City and the public; the City has overpaid one or more third-party staffing agencies for a significant amount of hours deemed to have been worked by temporary workers when those temporary workers were not actually working due to holidays, personal vacation, sickness, or other reasons (all of which are circumstances that, if true, would not require any payment by City to a third-party staffing agency for hours not actually worked); and given the City lacks sufficient policies, documentation, and oversight related to temporary workers, or some of them; and

Whereas, in order to address and resolve these recent concerns in an expedited manner and to avoid even the appearance of impropriety, it would benefit the City to implement a resolution at least addressing several concerns and since the city of Charleston lacks sufficient controls relating to the purchase of temporary worker services.

Whereas, City Council desires to set controls for the purchase and utilization of temporary services

Whereas, to ensure that City employment guidelines and rules are not circumvented in the future and to maintain a fair and just pay scale for all City employees, City Council agrees as follows:

1. To utilize a temporary worker it MUST be for a budgeted and approved position for the City of Charleston.
2. Duration of the temporary staffing agreement shall not exceed 12 weeks for any temporary worker for the City of Charleston. Any extension of time for a temporary worker MUST have council voted on approval prior to extension.
3. Rate of pay may not exceed 40% over the budgeted position approved by council.
4. The temporary worker may not be hired while collecting benefits from the Public Employees Retirement System for the State of WV, unless the City of Charleston notifies the Public Employees Retirement System in writing of said temporary employment.

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

THE RESOLUTION IS DETERMINED TO BE FISCALLY RESPONSIBLE AND IN THE BEST INTEREST OF SPENDING OF PUBLIC FUNDS AS WELL AS FAIR LABOR PRACTICE OF CITY OF CHARLESTON EMPLOYEES.

REMARKS BY MEMBERS

1. Councilmember Cook recognized Councilmember Hoover's birthday.
2. Councilmember Brown stated that he has appreciated being a Councilmember, and has learned a lot. He urged the future Council it will be crucial for the City to employ more police officer, firefighters and truck drivers, with higher pay. He added that he is earning more money drawing on social security and retirement than what he earned after working for the City for twenty-some years.
3. Councilmember Faegre agreed with Councilmember Brown's remarks. Councilmember Faegre requested to work with the City Manager and Finance Director to give any City employee making \$35,000 or less a \$500 bonus. She stated that there a huge hole on the street on Washington St by the Presbyterian Church, that is a huge traffic hazard despite the cones placed there. She asked why the valet parking spots for a restaurant did not seem to go through a Committee. She asked why the Narcan emergency box recently installed did not go through a Committee, and discovered that it was a QR Code to scan for more information. Councilmember Faegre asked where open positions were listed on the budget.
4. Councilmember Knauff stated that is says a lot that a Councilmember would have to introduce their own bill and read it. One of his bills has been to a Committee and hasn't been heard.
5. Councilmember Snodgrass stated that a Public Safety building would help with recruiting efforts, and wanted a public update for that.

ADJOURNMENT

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

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

NAYS:

ABSENT: Adams, Bays, Persinger

At 7:47 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, December 19 , 2022, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk