



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, March 6, 2023

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 March on the 6th day, in the year 2023, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Burka, and the Pledge of Allegiance was led by local Girl Scouts and Brownies. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

ANNIE	BURKA	BURTON
CEPERLEY	COOK	FAEGRE
FERRELL	GIANOLA	HAAS
HOOVER	JENKINS	JONES
KERNS	KING	MINARDI
MOORE	OVERSTREET	PEPPER
PHARR	ROBINSON	RUBIO
SALANGO		SOLOMON
STEELHAMMER	TAYLOR	MAYOR GOODWIN

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

Snodgrass'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. Andrea Moore – Spoke about issues on the West Side
2. Nakia Austin – Representing the Healing House, spoke about its programs, etc.
3. Bryan Stephen – Spoke about parking on Greendale Drive.
4. Calvin Chandler and Stephanie Casey – Spoke about WV Grind as its representatives.
5. Mark Jordan - Spoke about parking on Greendale Drive.
6. Nicole Christian – Representing the Charleston Area Alliance, thanked Councilmember Solomon for incubator referral.
7. Margaret Chico-Eddy – Spoke about the Charleston Department Store.

CLAIMS

1. A claim of Zachary Fitchner, Charleston, WV; alleges damage to property.
2. A claim of Bernard Slater Jr., Charleston, WV; alleges damage to vehicle.

PROCLAMATIONS

1.

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: The celebration of women's history was first proclaimed by President Jimmy Carter in March 1980, and it has become a tradition to recognize the contributions of women to our history in March of each year; and

WHEREAS: Women served as early leaders in the forefront of many progressive social change movements – including the civil rights movement, the industrial labor movement and securing the right to vote for women; and

WHEREAS: Women serve in critical economic, cultural, and social capacities – contributing to the labor force, both working inside and outside the home; and

WHEREAS: Women have contributed to volunteer organizations – establishing early charitable, philanthropic, and cultural institutions; have bravely served as police officers, EMS workers, and firefighters; and have courageously served in the United States military; and

WHEREAS: We recognize the courageous women leaders who lobbied, marched, picketed and protested – who never gave up the fight for equality – and those who remain active in the pursuit of equal rights for all; and

WHEREAS: Many West Virginia women have made historic contributions to the growth and strength of our Capital City and our State.

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby recognize March 2023 as

Women's History Month

In Charleston, West Virginia and urge all citizens to celebrate the contributions of women throughout our Capital City and join in observing International Women's Day on March 8, 2023.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 6th day of March 2023.




Amy Shuler Goodwin, Mayor

2 .

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: During American Red Cross Month we celebrate the humanitarian spirit of our neighbors and reaffirm our commitment to helping ensure no one faces a crisis alone; and

WHEREAS: Caring for one another is at the heart of our community and is demonstrated through simple acts of kindness – providing help and hope during people's most difficult moments; and

WHEREAS: Every day, the Red Cross and its volunteers lend a helping hand to make an extraordinary difference for neighbors in need – whether it's providing emergency shelter, food and comfort for families displaced by home fires and other disasters; donating lifesaving blood; supporting military members and veterans, along with their families and caregivers; using vital skills like first aid and CPR to help others survive medical emergencies; or delivering international humanitarian aid and reconnecting loved ones separated by crises around the world; and

WHEREAS: We honor the many community members and volunteers who fulfill Clara Barton's noble words, "You must never think of anything except the need and how to meet it." Their support, volunteerism and generosity are critical to our community's resilience.

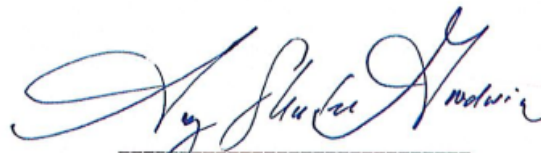
NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby recognize March 2023 as

American Red Cross Month

In Charleston, West Virginia and urge all citizens to learn about the American Red Cross and its humanitarian mission.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 6th day of March 2023.





Amy Shuler Goodwin, Mayor

3.

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: Youth sports are a good way to increase physical activity, develop lifelong habits for good health and encourage confidence; and

WHEREAS: Teamwork and leadership skills developed while playing sports will help our youth communicate and problem solve in school and later in their lives; and

WHEREAS: Coaches not only share their love for the game with our young athletes – they often serve as mentors, offering a listening ear and providing inspiration in a way that guides and shapes the lives of our young athletes; and

WHEREAS: Charleston is home to many youth sports programs – including those that engage athletes of all ages in Kanawha City; and

WHEREAS: The 2nd Grade All Star Team from Kanawha City competed and won the Kanawha Valley Youth Basketball League's Championship – defeating teams from across the Valley.

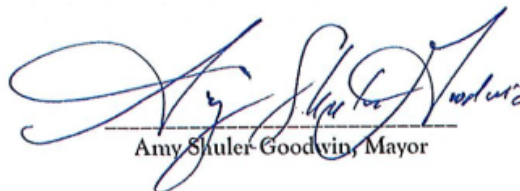
NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby recognize the players and coaches of the

Kanawha City 2nd Grade Youth Basketball Team

For their outstanding achievements and winning the 2023 Championship.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 6th day of March 2023.




Amy Shuler Goodwin, Mayor

COMMUNICATIONS

1.

CITY OF CHARLESTON
OFFICE OF THE MAYOR



TO: MILES CARY
CITY CLERK

FROM: AMY SHULER GOODWIN
MAYOR



RE: COUNCILMAN COMMITTEE ASSIGNMENTS

DATE: MARCH 6, 2023

I am appointing Councilman Sam Minardi as Chair of the Facilities Committee and Councilman Brent Burton as Chair of the Environment and Recycling Committee.

ASG/mls

Received and filed.

2. Pursuant to Sections 5 and 35 of the City Charter, Mayor Goodwin recommended the appointment of Benjamin Mishoe as City Manager. Councilmember Ceperley motioned to approve. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, Benjamin Mishoe came forward to be sworn in office by City Clerk Miles Cary II. Benjamin Mishoe was declared City Manager.

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. 7984 do pass.

Bill No. 7984 - A Bill to Amend and reenact Ordinance 329 to prohibit parking on the easterly side of Greendale Drive from Swarthmore Avenue to Price Street while allowing parking on the westerly side of Greendale Drive from Swarthmore Avenue to Price 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. A Bill to Amend and reenact Ordinance 329 to prohibit parking on the easterly side of Greendale Drive from Swarthmore Avenue to Price Street while allowing parking on the westerly side of Greendale Drive from Swarthmore Avenue to Price Street

Section 2. 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 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Councilmember Hoover added that the bill will allow parking on the westerly side of Greendale Drive. The original ordinance of no parking on either side was enacted in 1959. The Committee reviewed the ordinance and comments from constituents, and determined that the proposed bill will allow for four to five parking spaces of the street. It also makes parking consistent as one drives up Greendale.

Councilmember Faegre spoke in favor of the bill. She added that a citizen who owns an apartment building in this area was initially against the bill, but changed their mind after doing their own research and having discussions. Councilmember Faegre shared a diagram of the area with Councilmembers.

Councilmember Kerns spoke in favor of the bill.

Councilmember Solomon added that that the concerns over the safety of that road are valid. He spoke in favor of the bill as it helps a resident with needs.

Councilmember Jenkins added that this issue highlights the importance of having Ward representatives, and spoke in favor of the bill.

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

A roll call was taken:

YEAS: Annie, Burka, Burton, Ceperley, Cook, Faegre, Ferrell, Gianola, Hoover, Jenkins, Jones, Kerns, King, Minardi, Moore, Overstreet, Pepper, Pharr, Robinson, Rubio, Salango, Solomon, Steelhammer, Taylor, Mayor Goodwin

NAYS: Haas

ABSENT: Snodgrass

With members present recorded thereon as voting in the majority as affirmative, with twenty-five (25) Yeas and one (6) Nay, the Mayor declared Bill No. 7984 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. 775-23 be adopted.

Resolution No. 775-23 - Authorizing the Mayor to sign and submit to the U.S Department of Housing and Urban Development the City of Charleston's HOME-ARP Allocation Plan for the HOME-American Rescue Plan funds and all required certifications and agreements, including Sub-recipient project contracts relating to the HOME-ARP Allocation Plan.

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

That the Mayor is hereby authorized and directed to sign and submit to the U. S. Department of Housing and Urban Development the City of Charleston's HOME-ARP Allocation Plan and all required certifications and agreements, including Sub-recipient project contracts relating to the HOME-ARP Allocation Plan.

Councilmember Jenkins added that these are separate funds from the American Rescue Plan Act funds. With the help of a consultant, the MOECD has created a comprehensive plan that will address affordable housing. Once passed by Council, the plan will go to HUD for approval.

Councilmember Jones stated that most of the ARPA went to non-profit organizations. He added that many residents giving this type of housing are evicted due to behavior. He offered that there should instead be more mental health treatment. He pointed out that approximately \$300,000 is going to Administrative fees.

Councilmember Steelhammer asked if the Administrative fees were associated with Case Management. MOECD, Andy Backus, replied that the Administrative fees will cover the salaries of the MOECD staff that will oversee the program over the next six years. If it is determined later that the total amount of those fees is not needed it can be transferred back to Project Fund, but the reverse can't happen. Councilmember Steelhammer confirmed that none of this funding was going to a low barrier shelter.

Councilmember Faegre confirmed with Backus that there was a 15% cap on Administration fees. The Supportive Services fund is to help people stay in affordable housing. Councilmember Faegre spoke in favor of the resolution.

Councilmember Solomon referenced page 26 of the document that lists the budget. He added that it is not yet determined what groups will get funding, so mental health services can be encouraged to apply. Councilmember Solomon added that the term "low barrier housing" has been frequently demonized. He encouraged Council to look for proactive solutions.

Councilmember King confirmed that the funds would come directly from HUD.

Councilmember Cook spoke in favor of the resolution, adding that there was a problem in the City that people did not have safe places to stay. These funds are a good start to a multi-prong solution.

Councilmember Pharr added that Administration costs are very common in these types of grant applications. She added that many people come to shelters due to unfavorable circumstances, such as domestic violence. Councilmember Pharr stated that she could not judge anyone's circumstance, but she could be a supportive, responsible citizen.

Councilmember Moore asked if the groups would expand or add new spots. Backus replied that there would have to be an application period for those groups to determine the type of housing and where they would potentially be. He acknowledged there was a need for single-family rentals.

Councilmember Ferrell how would people in the community be altered to new buildings, and how would they determine the residents. Backus replied that it would depend on the process of the individual applicant for the grant money.

Councilmember Gianola Confirmed with Backus that the resolution would bind the City in any way as to how the funds were spent. The applications would still have to be filed once the City received the grant money.

Councilmember Jenkins 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. 775-23 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. 776-23 be adopted.

Resolution No. 776-23 - Proclaiming that the Council for the City of Charleston acknowledges and accepts the terms and conditions of the West Virginia statewide settlement agreements with Walgreens, Bypass Pharmacy, Rhonda Pharmacy, The Pharmacy, Clendenin Pharmacy, and Fruth Pharmacy, Inc. and affirming the Mayor's authorization to execute the exhibits acknowledging and agreeing to such terms, which is attached to, and incorporated in, the settlement agreement.

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

That the Council for the City of Charleston proclaims that it acknowledges and accepts the terms and conditions of the West Virginia statewide settlement agreements with Walgreens, Bypass Pharmacy, Rhonda Pharmacy, The Pharmacy, Clendenin Pharmacy, and Fruth Pharmacy, Inc. relating to opioid-related claims made on behalf of the State of West Virginia and its political subdivisions, and affirms the Mayor's authorization to execute the exhibit acknowledging and agreeing to such terms, which is attached to, and incorporated in, the state-wide settlement agreements as an exhibit.

Councilmember Jenkins added that last year Council had approved an MOU that established the framework for the opioid settlement. The resolution approves the settlement with the listed pharmacies with the funds to be allocated according to the MOU.

Councilmember Faegre asked what the City was paying in attorney fees. Councilmember Jenkins relied that the court will approve a certain fee based on attorneys representing the entire group. The panel of attorneys come from areas all over for a contingency fee.

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. 776-23 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. 777-23 Committee Substitute be adopted.

Resolution No. 777-23 Committee Substitute - Authorizing the Mayor or City Manager to enter into contract with Encova Insurance for workers' compensation insurance coverage for a premium of \$265,448, including surcharges, and with an additional claims handling charge of 10% of paid claims, and authorizing leaving the WV self-insurance system, as detailed in Exhibit A: Provided, That this contract does not include any commission to the City's broker of record, USI Insurance Services LLC;

Authorizing the Mayor or City Manager to enter into contract with USI Insurance Services LLC ("USI") for insurance broker, risk management, and loss control services related to the City's property, liability, and workers' compensation insurance coverages for a cost of ~~\$100,000~~\$75,000 as detailed in Exhibit B; and

Authorizing the Mayor or City Manager to enter into contract with the West Virginia Counties Group Self Insurance Risk Pool, Inc, D/B/A West Virginia Communities Risk Pool ("WVCorp"), for Third Party Administration (TPA) services related to legacy claims incurred while the City was self-insured for workers' compensation at a fee not to exceed \$35,000 as detailed in Exhibit C.

This procurement is based on the results of a competitive insurance quote review process and the Memorandum of Understanding among the City, USI, and WVCorp entered into under Resolution No. 617-22.

The effective dates of the policies/contracts above will be from March 31, 2023 through March 31, 2024.

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

That the Mayor or City Manager is authorized (1) to enter into contract with Encova Insurance for workers' compensation insurance coverage for a premium of \$265,448, including surcharges, and with an additional claims handling charge of 10% of paid claims, and authorizing leaving the WV self-insurance system, as detailed in Exhibit A: Provided, That this contract does not include any commission to the City's broker of record, USI Insurance Services LLC; (2) to enter into contract with USI Insurance Services LLC for insurance broker, risk management, and loss control services related to the City's property, liability, and workers' compensation insurance coverages for a cost of ~~\$100,000~~\$75,000 as detailed in Exhibit B; and (3) to enter into contract with the West Virginia Counties Group Self Insurance Risk Pool, Inc, D/B/A West Virginia Communities Risk Pool, for Third Party Administration (TPA) services related to legacy claims incurred while the City was self-insured for workers' compensation at a fee not to exceed \$35,000 as detailed in Exhibit C, all to be effective from March 31, 2023 through March 31, 2024.

Councilmember Jenkins added that USI had submitted a quote from Encova that was highly competitive and won over WV Corp. Encova is a local company that focuses on workers' compensation. This means that the City will switch from self-insured to a large-deductible policy. Councilmember Jenkins added that it would not be beneficial for the City to choose this option only to switch back after a few years.

Councilmember Burton abstained from voting due to a potential pecuniary interest.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting in the majority as affirmative, with one (1) Abstain from Burton, the Mayor declared Resolution No. 777-23 Committee Substitute adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; January 2023.
2. Report of the City of Charleston Payroll Variance Analysis; February 2023.
3. Municipal Court Report to City Council Month Ending February 2023.

NEW BILLS

Introduced by Councilmember Becky Ceperley

March 6, 2023:

Bill No. 7985 – A Bill granting Cabin Creek Health Systems, Inc. an easement in a portion of the right-of-way of the City of Charleston along Wyoming Street adjacent to the building commonly referred to as 303 Ohio Avenue for the purpose of constructing a handicap accessible ramp and entrance in compliance with the Americans with Disabilities Act.

Refer to Finance Committee, Please

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

None

ADJOURNMENT

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

YEAS: Annie, Burka, Burton, Ceperley, Cook, Faegre, Ferrell, Gianola, Haas, Hoover, Jenkins, Jones, Kerns, King, Minardi, Moore, Overstreet, Pepper, Pharr, Robinson, Rubio, Salango, Solomon, Steelhammer, Taylor, Mayor Goodwin

NAYS: NONE

ABSENT: Snodgrass

At 8:32 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, March 20, 2023, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk