



JOURNAL of the PROCEEDINGS of the CITY COUNCIL

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, March 20, 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 second meeting in the month of March on the 20th day, in the year 2023, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Kerns, and the Pledge of Allegiance was led by Councilmember Annie. 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	
CEPERLEY		
FERRELL	GIANOLA	HAAS
HOOVER	JENKINS	JONES
KERNS	KING	
MOORE	OVERSTREET	PEPPER
PHARR		RUBIO
SALANGO		SOLOMON
STEELHAMMER	TAYLOR	MAYOR GOODWIN

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

Burton, Cook, Faegre, Minardi, Robinson, and Snodgrass'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. Lakiesha Lloyd – Spoke about climate change and sustainability.
2. Nicole Christian – Spoke about the Charleston Roots Initiative.

CLAIMS

1. A claim of JNR Adjustment Co.,
alleges damage to property.
2. A claim of Andrew Mullins, Charleston, WV;
alleges damage to property.
3. A claim of Mary Stewart, Charleston, WV;
alleges damage to vehicle.

PROCLAMATIONS

1.

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: Problem Gambling Awareness Month is a grassroots effort to bring attention to problem gambling and the availability of prevention, treatment, and recovery services; and

WHEREAS: Problem gambling is defined as all gambling behavior patterns that compromise, disrupt or damage personal, family, or vocational pursuits; and

WHEREAS: Problem gambling is a public health issue affecting West Virginians of all ages, races, and ethnic backgrounds – affecting 1 in 50 West Virginians; and

WHEREAS: Problem gambling is treatable, and treatment is effective in minimizing harm to individuals, their families, and society as a whole; and

WHEREAS: Numerous individuals, professionals, and organizations – including the National Council on Problem Gambling and the Problem Gambling Help Network of West Virginia – work to educate the public and healthcare professionals about the warning signs of problem gambling and raise awareness about the help that is available and advocate for people and families affected by problem gambling.

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

Problem Gambling Awareness Month

In Charleston, West Virginia and urge all citizens to learn about the warning signs of problem gambling and the availability of prevention, treatment, and recovery services.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 20th day of March 2023.

A blue ink signature of Amy Shuler Goodwin, written in a cursive style.

Amy Shuler Goodwin, Mayor

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**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

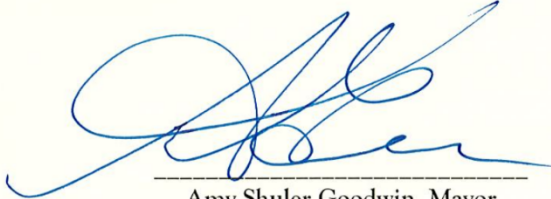
- WHEREAS:** The social work profession is one of the fastest growing careers in the United States, with about 708,000 social workers today and more than 60,000 more social workers expected to enter the profession over the next decade; and
- WHEREAS:** Social workers promote social change, development, cohesion and the empowerment of people and communities; meet people where they are to help them reach the goals they wish to attain; and support the basic needs of all people; and
- WHEREAS:** The positive impacts of social workers can be seen in a variety of places, including schools, hospitals, the military, child welfare agencies, community centers, corporations, and in federal, state and local government; and
- WHEREAS:** The 2023 Social Work Month theme, “Social Work Breaks Barriers” embodies the way in which social workers help empower individuals, families, communities and our society to overcome hurdles that prevent them from achieving better well-being;
- WHEREAS:** Social workers follow a Code of Ethics that call on them to fight social injustice and respect the dignity and worth of all people; and
- WHEREAS:** Social workers advocate for equal rights for all, push for changes that make our communities better places to live, support people coping with death and grief, assist neighborhoods with disaster recovery, help get people into treatment, and so much more.
- NOW THEREFORE, I,** Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby recognize March 2023 as

Social Worker Month

In Charleston, West Virginia and urge all citizens to recognize the contributions made by social workers and support the social work profession.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 20th day of March 2023.




Amy Shuler Goodwin, Mayor

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: Firefighter/Paramedic James W. Spencer has been with the Charleston Fire Department for 7 years; and

WHEREAS: On January 30, 2022, the engine 458 crew noticed smoke coming from a home at 603 Russell Street as they were returning from a call. Upon arrival crew members learned two people were trapped in the residence which was becoming engulfed in fire; and

WHEREAS: Spencer used a ground ladder to enter the second floor of the house—despite the extreme risk to his own personal safety—navigating heavy fire and smoke conditions to rescue the two occupants who were entrapped in a room adjacent to the main body of the fire; and

WHEREAS: On March 11, 2023 Spencer was awarded the West Virginia Medal of Valor for his “heroic and expeditious actions to save the two individuals trapped inside a building engulfed in smoke and fire without regard to the risk of his own serious injury or death,” and

WHEREAS: The West Virginia Medal of Valor was established to recognize firefighters, law-enforcement officers, and emergency medical services personnel who distinguish themselves through actions above and beyond the call of duty; exhibiting exceptional courage, extraordinary decisiveness, and presence of mind; or an unusual swiftness of action, regardless of his or her personal safety, to save or protect human life; and

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

Firefighter/Paramedic James W. Spencer

For his heroic actions to save two individuals trapped inside a burning building.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 20th day of March 2023.

A blue ink signature of Amy Shuler Goodwin, written in a cursive style.

Amy Shuler Goodwin, Mayor

COMMUNICATIONS

None

PUBLIC HEARINGS

1. After duly being published as required, the Mayor declared the floor open for a Public Hearing for 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 for the purpose of constructing, operating, maintaining, repairing, and replacing, as necessary, a handicap accessible ramp and entrance. No person from the public spoke in reference to the Public Hearing. The Mayor declared the Public Hearing CLOSED.

REPORTS OF COMMITTEES

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. 778-23 be adopted.

Resolution No. 778-23 - Authorizing the Mayor or City Manager to submit an application to the FEMA Fire Prevention and Safety Grant Program in the amount of \$46,000 that includes the required 5% cash match and administer any funds awarded. The Charleston Fire Department will use these funds to purchase carbon monoxide and smoke detectors, child-friendly give away items and a fire extinguisher training tool as part of their fire safety community outreach.

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

That the Mayor or City Manager is hereby authorized to submit an application to the FEMA Fire Prevention and Safety Grant Program in the amount of \$46,000 that includes the required 5% cash match and administer any funds awarded. The Charleston Fire Department will use these funds to purchase carbon monoxide and smoke detectors, child-friendly give away items and a fire extinguisher training tool as part of their fire safety community outreach.

Councilmember Jenkins added that the resolution is similar to other grants that the City has applied for from FEMA.

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. 778-23 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. 779-23 be adopted.

Resolution No. 779-23 - Approving the Official Municipal Budget Document for the Fiscal Year 2023-2024, as proposed and included as Exhibit A hereto, inclusive of the Municipal Levy Rates Estimate for Current Expenses and Excess Levy purposes.

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

That the Official Municipal Budget Document for the Fiscal Year 2023-2024, as proposed and included as Exhibit A hereto, inclusive of the Municipal Levy Rates Estimate for Current Expenses and Excess Levy purposes is approved.

Councilmember Jenkins added that there is a substitute for page 8, which corrects some minor typos that does not affect the total balancing of the budget.

Councilmember Kerns asked if the recommendations from the audit from Suttle & Stalnaker about the Mayor's Contingency Fund and temporary workers had been addressed. Mayor Goodwin replied that they had, and the Administration has asked the Auditing Department to make official policies. Chief of Staff, Matt Sutton, added that document will address more than that. The budget does not contain any long-term temporary employees. Councilmember Kerns asked if the Senior Special Events Coordinator position was new. Sutton replied that it has been in the budget for the past three years. Councilmember Kerns asked if Council would have any oversight over the Discretionary Fund. Mayor Goodwin replied that Councilmembers request funding from that account all of the time.

Councilmember Pepper asked if the budget includes resources that would be adequate to engage the community that apply for federal funds under the Inflation Reduction Act. Sutton replied that there was continued funding in the budget for that. Mayor Goodwin replied that the Charleston Green Team was also encouraged to look for federal funding as well or to come to the Administration with a specific project.

Councilmember Solomon asked if there were plans to refill the Green Initiative and Sidewalk Improvement Funds. Mayor Goodwin replied that they are still working on figuring out the best way to allocate money for the Sidewalk Improvement Fund. The Mayor added that Green Team has not expended any money from the Green Initiative Fund. Replacing funds spent can be considered once they have done so. Sutton added that the Green Initiative Fund is outside of the General Fund, so it will not appear in the budget document attached. The fund does appear on the City Treasurer's Report.

Councilmember Overstreet asked if there were less spots on the CARE team. Sutton replied that when Council approved the CARES Fund, which holds all of the funds received from the opioid settlements etc., those employees have been moved under that fund and do not appear in the General Fund budget.

Councilmember Gianola asked why they anticipated the City Service Fee, budgeted for \$7,400,000, would increase so much from FY2022 actual. Finance Director, Andy Wood, replied that there is an increase over the actual because the it only includes one quarter at this point. The increase between the two years is about \$300,000. Wood added that the chart does not represent a comparison to the collections from 2019, which is in line with recovery from the pandemic. Councilmember Gianola added that there was a \$10 million amendment, and what was the likelihood that there would be such an amendment to this budget. Wood replied that there will likely always be a budget amendment to a least true up the fund balance from things that weren't spent, which was the bulk of the \$10 million amendment.

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

A roll call was taken:

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

ABSENT: Burton, Cook, Faegre, Minardi, Robinson, Snodgrass

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 779-23 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. 780-23 be adopted.

Resolution No. 780-23 - Authorizing the Mayor or City Manager to execute Change Order No. 1 with GAI Consultants in an amount of \$5,500 for a total contract price of \$30,000 for additional services related to the Herbert and Gloria Jones Woodland Trail System project detailed on Exhibit A.

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

That the Mayor or City Manager is authorized to execute Change Order No. 1 with GAI Consultants in an amount of \$5,500 for a total contract price of \$30,000 for additional services related to the Herbert and Gloria Jones Woodland Trail System project detailed on Exhibit A.

Councilmember Jenkins added that GAI Consultants will be doing additional work to be able to finish the project.

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. 780-23 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. 781-23 be adopted.

Resolution No. 781-23 - Authorizing the Mayor or City Manager to enter into an Agreement with WesBanco, Inc. for a Standby Letter of Credit in the amount of \$325,000 in favor of Encova for a term starting March 31, 2023 to provide collateral for liability of potential workers' compensation claims under the City's large deductible policy. The letter of credit is subject to review and final approval by legal counsel for the City. Cost of the letter is 0.5% of the amount issued.

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

That the Mayor or City Manager is hereby authorized to enter into an agreement with WesBanco, Inc. for a Standby Letter of Credit in the amount of \$325,000 in favor of Encova for a term starting March 31, 2023 to provide collateral for liability of potential workers' compensation claims under the City's large deductible policy. The letter of credit is subject to review and final approval by legal counsel for the City. Cost of the letter is 0.5% of the amount issued.

Councilmember Jenkins added that the cost of .5% of the amount is approximately \$1,625. This is required as part of the City's deductible policy.

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. 781-23 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. 782-23 be adopted.

Resolution No. 782-23 - A Resolution authorizing the Mayor or City Manager to file application for and, if awarded, accept one forgivable loans from the West Virginia Housing Development Fund (the "Lender") in the original principal amount of up to \$100,000 for the Permanent Gap Financing Program (the "Loans") to be used to expand funding for the owner-occupied housing rehabilitation programs across the entire City of Charleston; and

WHEREAS, in connection with the Loans, the City Of Charleston, if awarded, intends to execute and deliver a promissory note (the "Note") pursuant to which the Lender will extend the Loans to the City of Charleston, and certain other agreements, documents, instruments and certificates in connection with the foregoing, including a credit line deed of trust (the "Deed of Trust") granting the Lender a lien on and security interest (all of the foregoing, including the Note and Deed of Trust, are collectively referred to as the "Loan Documents").

NOW, THEREFORE, BE IT RESOLVED, that the City of Charleston is hereby authorized to enter into and perform all obligations of the City of Charleston pursuant to the application for loan funding and execution of the Loan Documents.

FURTHER RESOLVED, that the Mayor or City Manager be, and hereby is, authorized and directed to make application under the funding programs, negotiate the terms of, and execute, on behalf of the Corporation, the Loan Documents, any amendments, supplements, modifications, extensions and renewals to the Loan Documents and any and all other documents contemplated by the terms of the Loan Documents which the Lender may request or require in connection with the consummation of the Loan.

FURTHER RESOLVED, that any and all actions taken by the Mayor or City Manager and any other properly authorized officers of the Corporation in connection with the application under the funding programs, negotiation, preparation and execution of the Loan Documents prior to the date hereof are hereby ratified, affirmed and approved in all respects.

FURTHER RESOLVED, that the signature of the Mayor or City Manager to any of the application materials or Loan Documents shall be conclusive evidence of the authority of the Mayor or City Manager to execute and deliver such application or Loan Document on behalf of the City of Charleston.

Councilmember Jenkins added that the WV Housing and Development Fund will put up approximately \$100,000. The City will accept applications for housing rehabilitations, which the City will pay for and be reimbursed by HUD. It was last done several years ago, and was successful.

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. 782-23 adopted.

6. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7985 do pass.

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, operating, maintaining, repairing, and replacing, as necessary, a handicap accessible ramp and entrance in compliance with the Americans with Disabilities Act, in the area designated in Exhibit A attached hereto.

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

Subject to the minimum terms and conditions contained herein, the Mayor or City Manager is authorized to execute an easement for a portion of the right of way along Wyoming Street adjacent to 303 Ohio Avenue to Cabin Creek Health Systems, Inc. ("Cabin Creek"):

- (1) Cabin Creek, and its lessees, successors or assigns, are hereby granted an easement in a portion of the right-of-way for the purpose of constructing, operating, maintaining, repairing, and replacing, as necessary, a handicap accessible ramp and entrance in compliance with the Americans with Disabilities Act, in the area designated in Exhibit A, incorporated herein, and made a part hereof. The easement is further defined to be 44 feet long by 5 feet wide running adjacent to the building at 303 Ohio Avenue parallel to Wyoming Street containing approximately 220 square feet, more or less; and
- (2) Cabin Creek, its lessees, successors or assigns, shall indemnify, defend and save the City harmless from and against any damages to any person or property by reason of the construction, operation, maintenance, repair, and replacement, as necessary, of a handicap accessible ramp and entrance in compliance with the Americans with Disabilities Act, by Cabin Creek, its lessees, successors and assigns; and
- (3) Cabin Creek shall maintain general liability insurance in the minimum amount of \$1,000,000.00 and shall name City as an additional insured for purposes of the easement and the indemnity provisions specified in the easement agreement. All applicable policies shall provide primary coverage, shall reflect that Cabin Creek is responsible for any and all deductibles and shall otherwise be in such form and with such endorsements and riders as City shall reasonably specify; and
- (4) Should there become a compelling public need for the area granted in the easement, the parties agree to cooperate in good faith to reach a resolution regarding removal, modification, or replacement of the ramp without the necessity of condemnation proceedings; and
- (5) That upon review and approval by legal counsel for the City, and the City Engineer of the City of Charleston, the Mayor or City Manager of the City of Charleston are hereby authorized to execute an easement agreement and any other documents related hereto for the purpose of

granting an easement for the purpose of constructing, operating, maintaining, repairing, and replacing, as necessary, a handicap accessible ramp and entrance in compliance with the Americans with Disabilities Act upon Cabin Creek, and its lessees, successors or assigns, consistent with paragraphs 1, 2, 3, 4, and 5 of this ordinance, and the payment of Nine Hundred and Fifty dollars and no cents (\$950.00).

Councilmember Jenkins added that it is required for Cabin Creek Health Systems to get ADA accessibility for their building.

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

A roll call was taken:

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

NAYS:

ABSENT: Burton, Cook, Faegre, Minardi, Robinson, Snodgrass

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7985 as passed.

REPORTS OF OFFICERS

1. City Treasurer's Report to City Council Month Ending February 2023.

NEW BILLS

None

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

1. Mayor Goodwin thanked Andy Wood and the team for putting together the budget.
2. Councilmember Pepper thanked the Planning Department for their annual report. He pointed out the meeting attendance as something that should be copied by Council and other meetings.
3. Councilmember Solomon that there will be a tour for Councilmembers at RCCR March 30th.
4. Mayor Goodwin stated that they were thinking about Councilmember Faegre, and were keeping her in their thoughts.
5. Councilmember Taylor stated that the paving memo was very helpful as it is one of the most frequent requests that they receive.
6. Councilmember Overstreet stated that the injury of Captain Hastings shows how dangerous firefighting is. He thanked Tony Harmon and the Building Commission for tearing down dilapidated houses.
7. Councilmember Kerns stated that she is the President of the Ladies Auxiliary for the Fraternal Order of Eagles who raises money for a different charity every month. Two weeks ago she was able to present a check to Fire Chief Matthews for \$1,769 for smoke alarms.

ADJOURNMENT

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

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

ABSENT: Burton, Cook, Faegre, Minardi, Robinson, Snodgrass

At 7:46 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, April 3, 2023, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk