



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, July 17, 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 July on the 17th 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 Snodgrass. City Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

**ANNIE
CEPERLEY
FERRELL
HOOVER
KERNS
MOORE**

**COOK
GIANOLA
JENKINS
KING
OVERSTREET**

**BURTON
FAEGRE
HAAS
JONES
MINARDI**

**SALANGO
STEELHAMMER**

**SNODGRASS
TAYLOR**

**RUBIO
SOLOMON
MAYOR GOODWIN**

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

Burka's, Pepper, Pharr 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. Perry Bryant – Spoke in favor of bike lanes.
2. Karen Williams – Spoke about the recent Juneteenth celebration.
3. Chris Burchett – Spoke in favor of bike lanes.
4. Ryan Hough – Spoke in favor of bike lanes.
5. Ryan Harlow – Spoke in favor of bike lanes.

*With unanimous consent from Council, Councilmember Snodgrass spoke during the Public Speakers section, and requested an independent investigation into allegations involving the conduct of the Chief of Police.

CLAIMS

1. A claim of Brian Collins, Charleston, WV alleges damage to property.

PROCLAMATIONS

None

COMMUNICATIONS

None

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. 842-23 be adopted.

Resolution No. 842-23 - Authorizing the Mayor or City Manager to enter into a renewal of the Agreement with Suttle and Stalnaker to conduct a Single Audit for the City of Charleston for Fiscal Year 2023 in the amount of \$86,400 in accordance with Federal OMB Circular A-133. This amount includes \$80,000 to Suttle & Stalnaker for the audit contract and \$6,400 to the West Virginia State Auditor's Office for a processing fee.

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 a renewal of the Agreement with Suttle and Stalnaker to conduct a Single Audit for the City of Charleston for Fiscal Year 2023 in the amount of \$86,400 in accordance with Federal OMB Circular A-133. This amount includes \$80,000 to Suttle & Stalnaker for the audit contract and \$6,400 to the West Virginia State Auditor's Office for a processing fee.

Councilmember Jenkins added that the resolution is for the third year of a three-year contract previously approved by Council that requires reauthorization each year.

Councilmember Kerns confirmed with City Manager, Ben Mishoe, that the one correction as well as the recommended actions from last year have either been implemented or there is a plan in place to do so.

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. 842-23 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. 843-23 be adopted.

Resolution No. 843-23 - Authorizing the Mayor or City Manager to purchase an annual renewal of the Charleston Police Department's record management software from Trittech Software Systems for \$76,543.55.

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

That the Mayor or City Manager is hereby authorized to purchase an annual renewal of the Charleston Police Department's record management software from Trittech Software Systems for \$76,543.55.

Councilmember Jenkins added that the resolution is a necessary renewal for CPD's records management software.

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. 843-23 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. 844-23 be adopted.

Resolution No. 844-23 - Authorizing the Mayor or City Manager to purchase a fire engine for the Charleston Fire Department from Atlantic Emergency Solutions in an amount up to \$1,048,179, where the purchase price is through a competitively sourced government contract with HGAC. This unit is a scheduled replacement in regular rotation.

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

That the Mayor or City Manager is authorized to purchase a fire engine for the Charleston Fire Department from Atlantic Emergency Solutions an amount up to \$1,048,179 as part of a scheduled replacement in regular rotation.

Councilmember Jenkins added that there is a four-year lead time for the purchase of these vehicles. There is a possibility that they will be able to get the engine sooner with a different type of motor, which is slightly less expensive.

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. 844-23 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. 845-23 be adopted.

Resolution No. 845-23 - Proclaiming that the Council for the City of Charleston acknowledges and accepts the terms and conditions of the settlement agreements with Amneal Pharmaceuticals, Inc. and Mylan Pharmaceuticals, Inc. as part of the West Virginia statewide opioid settlement agreements relating to opioid-related claims made on behalf of the State of West Virginia and its political subdivisions, and authorizing the Mayor or City Manager to execute the West Virginia Local Government Election and Release Forms acknowledging and agreeing to such terms, which are attached to, and incorporated in, the settlement agreements.

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 settlement agreements with Amneal Pharmaceuticals, Inc. and Mylan Pharmaceuticals, Inc. as part of the West Virginia statewide opioid settlement agreements relating to opioid-related claims made on behalf of the State of West Virginia and its political subdivisions, and authorizes the Mayor or City Manager to execute the West Virginia Local Government Election and Release Forms acknowledging and agreeing to such terms, which are attached to, and incorporated in, the settlement agreements.

Councilmember Jenkins added that the resolution is for the approval of two settlements as part of the West Virginia opioid settlement agreements. These funds will be paid to the City pursuant to the previously approved MOU.

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. 845-23 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. 846-23 be adopted.

Resolution No. 846-23 - Authorizing the Mayor or City Manager to purchase twenty-five (25) Automated External Defibrillator (AED) from Stryker Medical in the amount of \$33,014.25 for the Charleston Fire Department, where the purchase is pursuant to a competitively bid State contract.

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

That the Mayor or City Manager is authorized to purchase twenty-five (25) Automated External Defibrillator (AED) from Stryker Medical in the amount of \$33,014.25 for the Charleston Fire Department where the purchase is pursuant to a competitively bid State contract.

Councilmember Jenkins added that the resolution is to replace outdated defibrillators throughout City buildings, and to install new ones where they are needed.

Mayor Goodwin thanked Councilmember Faegre for brining her concerns about this to Council.

Councilmember Faegre thanked the Administration for listening, as it will save a life one day.

Councilmember Overstreet asked if there would be training for these devices. Captain Hodges confirmed that there would be training, as well as CPR training, etc.

Councilmember Cook conformed that there will be child-compliant pads included.

Councilmember Solomon added that he was encouraged this would add momentum for ONEBoxes to be placed throughout the City.

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. 846-23 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. 847-23 be adopted.

Resolution No. 847-23 - Authorizing the Mayor or City Manager to purchase one mini-packer refuse collection truck from West Virginia Tractor Company in the total amount of \$135,000.00, where the purchase price was determined through 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 purchase one mini-packer refuse collection truck from West Virginia Tractor Company in the total amount of \$135,000.00, where the purchase price was determined through a competitive bidding process.

Councilmember Jenkins added that the Refuse Department uses these mini trucks to get into areas where the bigger trucks cannot go.

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. 847-23 adopted.

7. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 848-23 be adopted.

Resolution No. 848-23 - Authorizing settlement of pending disputed claims against the City in the matter known as Darrell Mullins v. City of Charleston, Civil Action No. 21-C-761 in the Circuit Court of Kanawha County, West Virginia, as recommended by the City Solicitor.

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

That the City Council hereby authorizes and approves the settlement of pending disputed claims against the City by Darrell Mullins, as contained in Civil Action No. 21-C-761 in the Circuit Court of Kanawha County, West Virginia, in the amount of \$125,000.00, as recommended by the City Solicitor. The City Council authorizes the City Solicitor and City Manager to take all necessary steps to finalize resolution of the claims.

Councilmember Jenkins added that after a claim of excessive force by a Police Officer was filed against the City, the City Attorney has recommended that the matter be settled out of court after mediation was concluded.

Councilmember Snodgrass added that the previous Administration only settled two cases beyond the \$20,000 mark. It seems like a lot of cases against the City's law enforcement are settled, which is troublesome as it sets a precedent.

Councilmember King spoke in favor of the resolution. He added that 99% of cases are settled, which is preferable to risking a million-dollar verdict in trial.

Councilmember Taylor added that he is familiar with both sides' counsel, and recommended that the settlement be approved.

Councilmember Faegre spoke in favor of the resolution, as the City could risk spending millions in punitive damages.

Councilmember Ferrell asked Councilmember Snodgrass what she meant by the settlement being a precedent. Councilmember Snodgrass replied that she was worried that more cases are settled now than they were in the past.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting in the majority as affirmative, the Mayor declared Resolution No. 848-23 adopted.

8. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 849-23 be adopted.

Resolution No. 849-23 - Authorizing approval of Amendment No. 1 of the FY 2023-2024 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. 1 of the FY 2023-2024 General Fund Budget as indicated on the attached list of accounts is approved.

Councilmember Jenkins added that this amendment is for funds that weren't spent to be carried over to the next fiscal budget. This includes equipment that has been approved for purchase.

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

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

NAYS:

ABSENT: Burka, Pepper, Pharr, Robinson

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 849-23 as adopted.

General Fund FY 2023-2024 Budget Amendment No. 01 - July 17, 2023

Revenues and Fund Balances					
Account No.	Department	Account Description	Current Amount	Increase/ (Decrease)	Amended Amount
001 295 0	Fund Balance	Non-Spendable Fund Balance	-	206,931	206,931
001 305 01 0000	Revenue	Business & Occupation Tax	47,800,000	(206,931)	47,593,069
Net Increase/(Decrease) to Revenues				-	
Expenditures					
Account No.	Department	Account Description	Current Amount	Increase/ (Decrease)	Amended Amount
					-
Net Increase/(Decrease) to Expenditures				-	
Description:					
Nonspendable Fund Balance - To recognize nonspendable fund balances for Prepaid Insurance expenses.					

Revenues and Fund Balances					
Account No.	Department	Account Description	Current Amount	Increase/ (Decrease)	Amended Amount
001 296 0	Fund Balance	Restricted Fund Balance - Debt Service	-	337,437	337,437
001 305 01 0000	Revenue	Business & Occupation Tax	47,593,069	(337,437)	47,255,632
Net Increase/(Decrease) to Revenues				-	
Expenditures					
Account No.	Department	Account Description	Current Amount	Increase/ (Decrease)	Amended Amount
					-
Net Increase/(Decrease) to Expenditures				-	
Description:					
Restricted Fund Balance - To recognize funds restricted for Ball Park Debt Service.					

Revenues and Fund Balances					
Account No.	Department	Account Description	Current Amount	Increase/ (Decrease)	Amended Amount
001 298 0	Fund Balance	Assigned Fund Balance	-	6,567,377	6,567,377
Net Increase/(Decrease) to Revenues				6,567,377	
Expenditures					
Account No.	Department	Account Description	Current Amount	Increase/ (Decrease)	Amended Amount
001 975 00 436 4 459	Capital Outlay - General Government	Building Commission - Equipment	42,000	84,208	126,208
001 975 00 439 4 459	Capital Outlay - General Government	Information Systems - Equipment	248,500	41,478	289,978
001 976 00 700 4 459	Capital Outlay - Public Safety	Police - Equipment	1,011,700	638,445	1,650,145
001 976 00 706 4 459	Capital Outlay - Public Safety	Fire - Equipment	1,944,000	3,865,100	5,809,100
001 977 00 750 4 459	Capital Outlay - Streets	Streets - Equipment	1,214,000	283,852	1,497,852
001 978 00 800 4 459	Capital Outlay - Health & Sanitation	Refuse - Equipment	230,000	1,553,927	1,783,927
001 979 00 900 4 459	Capital Outlay - Culture & Recreation	Parks & Recreation - Equipment	50,000	100,367	150,367
Net Increase/(Decrease) to Expenditures				6,567,377	
Description:					
Assigned Fund Balance - To recognize the assigned balance for items approved by Council and ordered but not delivered before the end of the FY 2023.					

9. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 851-23 be adopted.

Resolution No. 851-23 - Authorizing the Mayor or City Manager to enter into a contract with McClanahan Construction Company, LLC, in the amount of \$1,012,818.00 for the 2023 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 \$1,012,818.00 for the 2023 Concrete Sidewalk & Accessible Ramp Project pursuant to a competitive bidding process.

Councilmember Jenkins added that the resolution is for the continuing compliance for ADA ramps.

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. 851-23 adopted.

REPORTS OF OFFICERS

1. City Treasurer’s Report to City Council Month Ending June 2023.
2. Report of the City of Charleston Payroll Variance Analysis; June 2023.
3. Municipal Court Report to City Council Month Ending June 2023.
4. Proclamation rescinding the state of emergency.
5. General Fund Financial Statements for the Eleven-Month Period ending April 30, 2023.
6. Coliseum & Convention Center Financial Statements for the Ten-Month Period ending April 30, 2023.
7. Parking Fund Financial Statements for the Ten-Month Period ending April 30, 2023.

NEW BILLS

None

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

1. Mayor Goodwin congratulated Council Pepper on the birth of his second child. The Mayor thanked Councilmember Moore for organizing the event last weekend. The Women Making a Difference event will be this Thursday.
2. Councilmember Ceperley stated that Councilmembers should be using the City's database system to help facilitate citizen inquires and concerns. This will ensure that they are helped efficiently.
3. Councilmember Moore thanked the Administration for helping with the event.
4. Councilmember Rubio invited the women of Council to do a video for the Women Making a Difference event.

ADJOURNMENT

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

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

NAYS:

ABSENT: Burka, Pepper, Pharr, Robinson

At 8:15 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, August 3, 2023, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk