



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, November 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 November 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 Overstreet, and the Pledge of Allegiance was led by Councilmember Jones. 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**

**BURKA

GIANOLA
JENKINS**

**BURTON
FAEGRE

JONES**

**KERNS
MOORE
PHARR
SALANGO
STEELHAMMER**

**OVERSTREET
ROBINSON
SNODGRASS
TAYLOR**

**PEPPER
RUBIO
SOLOMON
MAYOR GOODWIN**

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

All 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. Mary Ellen O’Farrell – Spoke about an assault on Randolph Street.
2. Erin Noon – Spoke about Charleston Roots.
3. Tommy Wingo – Spoke about the Veterans Day Parade.
4. Kimberly Evans – Spoke about the American Legion Homeless Project.
5. Monica Willis – Spoke about the Veterans Day Parade.
6. Connie Jones – Spoke about the Fox Trot Run for Parkinson’s Research.

CLAIMS

1. A claim of Herman J. Duiguid, Charleston, WV alleges damage to property.
2. A claim of Jandon Elkins, Charleston, WV alleges damage to vehicle.

PROCLAMATIONS

1.

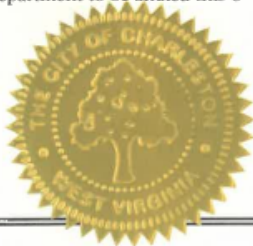
EXECUTIVE DEPARTMENT CITY OF CHARLESTON PROCLAMATION

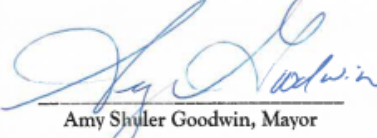
- WHEREAS:** The Citizens Police Academy Alumni Association (CPAAA) is a volunteer group of people who helps the Charleston Police Department (CPD) in fulfilling its mission and supporting our Capital City; and
- WHEREAS:** The CPAAA plays a key role in organizing community events – including Trick-or-Treat, Christmas toy drives, and the Lights of Love Boat Parade which allows children at CAMC Women and Children's to enjoy holiday celebrations from their room; and
- WHEREAS:** Their efforts to inspire and elevate our youth are further demonstrated by their sponsorship and assistance with CPD's Junior Police Academy, attendance at community events with McGruff, and through fundraising efforts for projects like the remodel of the 2nd Avenue Recreation Center for which the group raised approximately \$30,000 in private donations; and
- WHEREAS:** The CPAAA helps CPD officers and their families when they become injured or ill; they plan and host the annual Jerry A Jones Officer of the Year Award Banquet; and they prioritize celebrating CPD officers at various times throughout the year; and
- WHEREAS:** In 2022 the FBI Pittsburgh Field Office announced the CPAAA as the recipient of the FBI Director's Community Leadership Award; and
- WHEREAS:** In September of this year, the National Citizens Police Academy Association Board of Directors unanimously voted to recognize the CPAAA with the National Alumni Association of the Year Award for the group's positive impact on the community, and the strong working relationship with CPD; and
- NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby recognize the**

Citizens Police Academy Alumni Association

For the group's continued volunteerism, hard work and commitment to the Charleston Police Department and our Capital City.

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




Amy Shuler Goodwin, Mayor

2.

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: William Ward Huffman II, known by most as “Bill,” was born on June 1, 1944; and

WHEREAS: During his sophomore year at West Virginia Wesleyan College Huffman met Karen Rutter who he married the following May; and

WHEREAS: Together, they had four children – Amy Lewis, Rebecca Huffman, Cary Charbonniez, and William Ward Huffman III; and

WHEREAS: Huffman was active in politics and served on Charleston City Council from 1987 – 1999 – serving on the Finance Committee; and

WHEREAS: Huffman’s son Will, recounts going to City Council meetings when he was growing up and sitting in the back of Council Chambers; and

WHEREAS: In June of 1999, during Mayor Jay Goldman’s tenure, Huffman was appointed as Vice Mayor for the City of Charleston; and

WHEREAS: In his free time, Huffman enjoyed golfing, jogging, and writing; and

WHEREAS: Huffman passed away on September 13, 2023; and is remembered by his children and grandchildren as a free-spirit father who always made life fun and entertaining.

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

William Ward Huffman II

in memory of his service as a Charleston City Council Member, as the Vice Mayor, and for his commitment to serving the people of the Capital City.

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

A handwritten signature in blue ink, appearing to read 'Amy Shuler Goodwin', is written over a horizontal line.

Amy Shuler Goodwin, Mayor

COMMUNICATIONS

1.

Amy Shuler Goodwin
Office of the Mayor
City of Charleston



P.O. Box 2749
Charleston, WV 25330
(304) 348-8174 Office

**TO: MILES CARY
CITY CLERK**

**FROM: AMY SHULER GOODWIN
MAYOR**

RE: PUBLIC ARTS COMMISSION

DATE: NOVEMBER 6, 2023

I recommend Pat Bibbee be appointed to the Public Arts Commission. Ms. Bibbee's term will expire February 7, 2027.

I respectfully request City Council's approval of this recommendation.

ASG/mls

Councilmember Ceperley motioned to approve the appointments Councilmember Pharr seconded. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared the appointment as approved.

2.

Amy Shuler Goodwin
Office of the Mayor
City of Charleston



P.O. Box 2749
Charleston, WV 25330
(304) 348-8174 Office

**TO: MILES CARY
CITY CLERK**

**FROM: AMY SHULER GOODWIN
MAYOR**

RE: CITY CENTER BUSINESS IMPROVEMENT DISTRICT BOARD

DATE: NOVEMBER 6, 2023

I recommend the following individual be reappointed to the Charleston City Center Business Improvement District Board:

Leslie Deel – term expiration date 10-4-28

I respectfully request City Council's approval of this recommendation.

ASG/mls

Councilmember Ceperley motioned to approve the appointments Councilmember Pharr seconded. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared the appointment as approved.

REPORTS OF COMMITTEES

COMMITTEE ON PLANNING, STREETS AND TRAFFIC

Councilmember Pharr, Vice 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. 8016 do pass.

Bill No. 8016 - A Bill to create a NO PARKING ANYTIME zone on the northerly side of Franklin Ave on the paved area of the public right-of-way northwest of the sidewalk consisting of the approximately triangular area between a point 160 feet north of Quarrier to a point 195 feet north of Quarrier, which is also 680 feet west of Greenbrier Street, then continuing to a point 645 feet west of Greenbrier Street and returning to the original point 160 feet north of Quarrier 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 create a NO PARKING ANYTIME zone on the northerly side of Franklin Ave on the paved area of the public right-of-way northwest of the sidewalk consisting of the approximately triangular area between a point 160 feet north of Quarrier to a point 195 feet north of Quarrier, which is also 680 feet west of Greenbrier Street, then continuing to a point 645 feet west of Greenbrier Street and returning to the original point 160 feet north of Quarrier.

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 Pharr added that the bill will help an area where trash trucks have been an issue with the parking space on the north side of Franklin Avenue.

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

A roll call was taken:

YEAS: Annie, Burka, Burton, Ceperley, Faegre, Ferrell, Gianola, Jenkins, Jones, Kerns, Moore, Overstreet, Pepper, Pharr, Robinson, Rubio, Salango, Snodgrass, Solomon, Steelhammer,

Taylor, Mayor Goodwin

NAYS:

ABSENT: Cook, Haas, Hoover, King, Minardi

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 8016 as passed.

2. 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. 8016 do pass.

Bill No. 8017 - A Bill to establish an ALL-WAY STOP at the intersection of Virginia Avenue S.E. and 40th Street S.E. by placing a stop sign on the right-hand side of each access to the intersection 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. Establish an ALL-WAY STOP at the intersection of Virginia Avenue S.E. and 40th Street S.E. by placing a stop sign on the right-hand side of each access to the intersection.

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 Pharr added that the bill creates an all-way stop at the intersection of Virginia Avenue SE and 40th Street SE in Kanawha City. The request came from the neighborhood.

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

A roll call was taken:

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

NAYS:

ABSENT: Cook, Haas, Hoover, King, Minardi

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 8017 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. 898-23 be adopted.

Resolution No. 898-23 - Authorizing “Citizen Appreciation Parking” for every Saturday from Thanksgiving to New Year’s Day, specifically November 25, 2023, December 2, 2023, December 9, 2023, December 16, 2023, December 23, 2023, and December 30, 2023. “Citizen Appreciation Parking” shall include the waiving of hourly parking fees at all metered on-street parking spaces. The parking revenue losses will amount to approximately \$2,100.00 per Saturday.

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

That “Citizen Appreciation Parking” is authorized for November 25, 2023, December 2, 2023, December 9, 2023, December 16, 2023, December 23, 2023, and December 30, 2023. “Citizen Appreciation Parking” shall include the waiving of hourly parking fees at all metered on-street parking spaces. The parking revenue losses will amount to approximately \$2,100.00 per Saturday.

And, therefore, that the Mayor or City Manager is hereby authorized to enter into any necessary documents to effectuate the transfer of the 9 parcels to the Charleston Land Reuse Agency in exchange for receipt of 8 parcels from the same.

Councilmember Jenkins added this has been done for many years. It helps support businesses during the Holiday Season.

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. 898-23 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. 899-23 be adopted.

Resolution No. 899-23 - Authorizing the Mayor or City Manager to submit a Letter of Intent to the Kanawha County Commission Public Safety Grant Program in the amount of \$10,000 and administer any funds awarded. These funds will be used by the Charleston Fire Department to purchase two hard diving helmets.

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 Letter of Intent to the Kanawha County Commission Public Safety Grant Program in the amount of \$10,000 and administer any funds awarded. These funds will be used by the Charleston Fire Department to purchase two hard diving helmets.

Councilmember Jenkins added that the application is for a grant to purchase two hard diving helmets for the Charleston Fire Department.

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. 899-23 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. 900-23 be adopted.

Resolution No. 900-23 - Authorizing the Mayor or City Manager to apply to the Kanawha County Commission under the Kanawha County Public Safety Grant Program in the amount of \$25,000 and administer any funds awarded. These funds will be used by the Charleston Police to purchase safety equipment for the Hybrid Unit officers including first aid kits, polarized sunglasses, repelling gear and safety vests.

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

That the Mayor or City Manager is authorized to apply to the Kanawha County Commission under the Kanawha County Public Safety Grant Program in the amount of \$25,000 and administer any funds awarded. These funds will be used by the Charleston Police to purchase safety equipment for the Hybrid Unit officers including first aid kits, polarized sunglasses, repelling gear and safety vests.

Councilmember Jenkins added that the application is for a grant to purchase various safety equipment for the Hybrid Unit.

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. 900-23 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. 901-23 be adopted.

Resolution No. 901-23 - Authorizing the Mayor or City Manager to enter into a contract with Advantage Technology to provide and install hardware and software necessary to upgrade the City's network backbone located in City Hall, and to provide and install fiberoptic OM4 throughout City Hall to replace the existing OM1 cable, all as outlined in the attached Phase 1, Phase 2A, and Phase 2B proposals, for a total cost of \$217,675.42, where Advantage Technology was chosen following an expression of interest interview and selection process.

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 a contract with Advantage Technology to provide and install hardware and software necessary to upgrade the City's network backbone located in City Hall, and to provide and install fiberoptic OM4 throughout City Hall to replace the existing OM1 cable, all as outlined in the attached Phase 1, Phase 2A, and Phase 2B proposals, for a total cost of \$217,675.42.

Councilmember Jenkins added that the resolution is for a major upgrade that will replace and modernize the network within City Hall that is over twenty years old. This is the beginning phase for many other upgrades that are planned.

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. 901-23 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. 902-23 be adopted.

Resolution No. 902-23 - Authorizing the Mayor or City Manager to enter into a Reimbursement Agreement, and any other necessary or related documents, with The West Virginia Department of Health and Human Resources' Office of the Chief Medical Examiner to allow the City to purchase and facilitate the construction of a concrete pad along with the purchase and installation of four Columbaria at Spring Hill Cemetery, as detailed in the attached exhibit, for the purposes set forth in West Virginia Code § 61-12-15, where the agreement requires the State to reimburse the City for all expenditures made in connection with this project.

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

The Mayor or City Manager is authorized to enter into a Reimbursement Agreement, and any other necessary or related documents, with The West Virginia Department of Health and Human Resources' Office of the Chief Medical Examiner to allow the City to purchase and facilitate the construction of a concrete pad along with the purchase and installation of four Columbaria at Spring Hill Cemetery, as detailed in the attached exhibit, for the purposes set forth in West Virginia Code § 61-12-15, where the agreement requires the State to reimburse the City for all expenditures made in connection with this project.

Councilmember Jenkins added that this is a follow-up resolution for the storage of unknown/unclaimed remains from the Chief Medical Examiner. The columbaria must be purchased by a cemetery, and the cost will be reimbursed by the State.

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. 902-23 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. 903-23 be adopted.

Resolution No. 903-23 - Authorizing the Mayor or City Manager or Director of Transportation, Parking and Traffic, notwithstanding any other provision in City Code in relation to rates or fees, to enter an agreement with Worley Group, Inc., to provide up to 120 monthly parking spaces in Municipal Parking Building #2 for a duration of 36 months without cost to the employees of Worley Group, Inc., which is not currently operating in the City, provided the entity commits to establishing new operations for a minimum Seven-year lease in a downtown facility, and where any parking above the maximum amount contained herein and beyond the 36-month period will be paid at the standard parking rates for the building.

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

That the Mayor or City Manager or Director of Transportation, Parking and Traffic, notwithstanding any other provision in City Code in relation to rates or fees, is authorized to enter an agreement with Worley Group, Inc., to provide up to 120 monthly parking spaces in Municipal Parking Building #2 for a duration of 36 months without cost to the employees of Worley Group, Inc., which is not currently operating in the City, provided the entity commits to establishing new operations for a minimum Seven-year lease in a downtown facility, and where any parking above the maximum amount contained herein and beyond the 36-month period will be paid at the standard parking rates for the building.

Councilmember Jenkins added that the Whorley Group will move approximately 170 employees to Laidley Tower. The resolution is something small that the City can do to invite educated professionals to the City that encourages economic development. The parking agreement would not affect any current parkers.

Councilmember Jones spoke against the resolution. He added that there were a lot of companies downtown that would like to have such an arrangement.

Councilmember Faegre confirmed that the monthly parking fee for that garage is \$35. She expressed concern about other employees making less than \$50,000 having to pay for their own parking.

Councilmember Gianola confirmed that the facility in Elkview would be moving to Laidley Tower. Approximately fifty are new jobs.

Councilmember Ceperley added that this is a wonderful opportunity for the City that will bring people downtown. Existing businesses will benefit from having these new employees downtown.

Councilmember Jenkins added that the agreement is for up to 120 parking spots, and lasts for

thirty-six months. As a result, the company must sign a minimum 7-year lease in a downtown facility.

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

A roll call was taken:

YEAS: Annie, Burka, Burton, Ceperley, Ferrell, Gianola, Jenkins, Kerns, Moore, Overstreet, Pepper, Pharr, Robinson, Rubio, Salango, Snodgrass, Solomon, Steelhammer, Taylor, Mayor Goodwin

NAYS: Faegre, Jones

ABSENT: Cook, Haas, Hoover, King, Minardi

With members present recorded thereon as voting in the majority as affirmative, with twenty (20) Yeas and two (2) Nays, the Mayor declared Resolution No. 903-23 as 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. 904-23 be adopted.

Resolution No. 904-23 - Authorizing the Mayor or City Manager to enter into a Memorandum of Understanding (“MOU”) with Kanawha Valley Collective, Inc. (“KVC”) for the purpose operating warming and cooling centers in the City of Charleston, with up to \$100,000 in costs being reimbursable by the City, as allocated through the CARE Office’s Contracted Services in the City’s fiscal year 2024 budget, and pursuant to the terms and conditions set forth in the attached MOU.

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 a Memorandum of Understanding (“MOU”) with Kanawha Valley Collective, Inc. (“KVC”) for the purpose operating warming and cooling centers in the City of Charleston, with up to \$100,000 in costs being reimbursable by the City, as allocated through the CARE Office’s Contracted Services in the City’s fiscal year 2024 budget, and pursuant to the terms and conditions set forth in the attached MOU.

Councilmember Jenkins added that \$100,000 was put into the budget to help Kanawha Valley Collective to run warming/cooling centers. They are eligible for reimbursement when the temperature is below 20 degrees and when the National Weather Service has issued a heat advisory.

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. 904-23 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. 905-23 be adopted.

Resolution No. 905-23 - Authorizing the Mayor or City Manager to enter into one or more agreements for the purchase of E-10 Gasoline and Diesel Fuel through bids to be received by the Kanawha Valley Regional Transportation Authority ("KRT") on November 15, 2023. The bid prices for E-10 Gasoline and Diesel Fuel shall remain in effect for a 24-hour period following the bid opening; therefore, the Mayor or City Manager is authorized to exercise discretion in accepting or rejecting such bid proposals as he or she determine to be in the best interest of the City and to report same to the Finance Committee and Council at the next scheduled meeting.

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

That the Mayor or City Manager is authorized to apply to enter into one or more agreements for the purchase of E-10 Gasoline and Diesel Fuel through bids to be received by the Kanawha Valley Regional Transportation Authority ("KRT") on November 15, 2023. The bid prices for E-10 Gasoline and Diesel Fuel shall remain in effect for a 24-hour period following the bid opening; therefore, the Mayor or City Manager is authorized to exercise discretion in accepting or rejecting such bid proposals as he or she determine to be in the best interest of the City and to report same to the Finance Committee and Council at the next scheduled meeting.

Councilmember Jenkins added that the bid must be accepted/rejected within 24 hours, which is why the price is not listed.

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. 905-23 adopted.

9. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 906-23 be adopted.

Resolution No. 906-23 - Proclaiming that the Council for the City of Charleston acknowledges and accepts the terms and conditions of the Settlement Agreement with Masters Pharmaceutical, LLC f/k/a Masters Pharmaceutical, Inc., d/b/a River City Pharma and River City Pharma, LLC, and affirming the Mayor's authorization to execute Exhibit C to that agreement acknowledging and agreeing to such terms, which is attached to, and incorporated in, the settlement agreement and titled Masters Pharmaceutical Settlement Participation 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 Settlement Agreement with Masters Pharmaceutical, LLC f/k/a Masters Pharmaceutical, Inc., d/b/a River City Pharma and River City Pharma, LLC, relating to opioid claims made on behalf of the City of Charleston, and affirms the Mayor's authorization to execute the Exhibit C – Masters Pharmaceutical Settlement Participation Agreement, acknowledging and agreeing to such terms, which is attached to, and incorporated in the settlement agreement as an exhibit.

Councilmember Jenkins added that the resolution is similar to the previous opioid settlements. The settlement is small, but falls under the same terms as the others.

Councilmember Snodgrass confirmed with City Attorney Kevin Baker that the resolution was just to accept the money, not spend.

Councilmember Kerns that the total for the country was \$3.8 million.

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. 906-23 adopted.

10. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 8018 as passed.

Bill No. 8018 - A BILL to amend the Municipal Code of the City of Charleston, as amended, by adding thereto a new section, designated Sec. 54-107, relating to creating a Charleston Fire Department sick leave pool for uniformed employees; vesting the Human Resources Department with the authority to administer the sick leave pool; setting forth certain eligibility criteria and requirements for utilizing and administering the sick leave pool; creating the CFD Sick Pool Eligibility Committee; and vesting the CFD Sick Pool Eligibility Committee with authority to make final decisions with respect to applicant eligibility for sick pool benefits.

WHEREAS, the Charleston WV Professional Firefighters IAFF Local 317 has operated a sick coverage pool for an unknown period of time wherein members cover shifts for eligible employees, but where such practice has hindered the ability of employees to obtain short-term disability benefits; and

WHEREAS, the Charleston WV Professional Firefighters IAFF Local 317, the Charleston Fire Department leadership, and the City of Charleston Human Resources Department agree that ceasing operation of the sick coverage pool and formalizing within the City of Charleston a sick pool for professional fire fighters is in the best interest of the City and the employees of the Charleston Fire Department; and

WHEREAS, the City Council for the City of Charleston believes that the Uniformed Fire Sick Leave Pool policy should be codified and authority for management of the pool should be vested in the City's Human Resources Department.

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

That the Municipal Code of the City of Charleston, as amended, is hereby amended by adding thereto a new section, designated Sec. 54-107, to read as follows:

CHAPTER 54. – FIRE PREVENTION AND PROTECTION.

ARTICLE II. – FIRE DEPARTMENT.

DIVISION 3. – VACATION, OTHER LEAVE, DUTY HOURS, AND CALCULATION OF OVERTIME PAY.

Sec. 54-107. – Uniformed Fire Sick Leave Pool.

(a) The purpose of the Uniformed Fire Sick Leave Pool is to allow a system whereby qualified uniformed members of the Charleston Fire Department may collectively insure against the extended use of any one member's individually accumulated leave by creating a pool of leave that is for the mutual protection of qualified members who suffer from prolonged illness, sickness, or convalescence from injuries and are off duty for a prolonged period of time.

(b) There is hereby created the Uniformed Fire Sick Leave Pool for the purpose described herein. The administration of the Pool is vested with the City of Charleston Human Resources Department. The Human Resources Department shall supervise and administer the contribution of time to the Pool and

the use of time from the Pool. The eligibility determinations are to be made by a committee of five people as set forth in this section and known as the CFD Sick Pool Eligibility Committee. Decisions of the CFD Sick Pool Eligibility Committee are final.

(c) To carry out the purposes of the Uniformed Fire Sick Leave Pool, an initial amount of sick leave hours shall be deposited into the Pool, which shall not be less than 336 total hours and which shall consist of a required contribution of either 12 hours of annual leave time or 12 hours of sick leave time per participating member, whichever is the choice of said member as indicated on a form filed with the Human Resources Department. Said form shall also indicate each member's decision to enter the Uniformed Fire Sick Leave Pool and acceptance of the terms and conditions of participation, including that a waiver of private health information must be given to the CFD Sick Pool Eligibility Committee for the purpose of evaluating applications for Sick Pool benefits. When the number of sick leave hours remaining in the Pool shall be less than 336, each participating member of the Uniformed Fire Sick Leave Pool shall be assessed a total of either 12 hours sick time or 12 hours annual leave time to replenish the pool of hours, whichever is the choice of said member as indicated on a form filed with the Human Resources Department.

(d) Qualifications. To participate in the Uniformed Fire Sick Leave Pool a member must be a member of the Charleston Fire Department who has passed the Civil Service examination, been selected by the Civil Service Commission and appointed by the Mayor of Charleston to the Charleston Fire Department, and served one full year as a member of the Charleston Fire Department. In addition, a member shall have accumulated 96 hours of sick leave in order to be eligible to join the Pool and shall be enrolled in the short-term disability benefits offered by the City. Each qualified member shall receive notice of such qualification from the Human Resources Department and the qualified member may choose whether to join the Uniformed Fire Sick Leave Pool. In order to join the Pool, the member shall make an initial contribution of a total of either 12 hours of annual leave time or 12 hours of sick leave time, whichever is the choice of said member, and any other contribution required by this Section.

(e) The operation and use of the Uniformed Fire Sick Leave Pool as herein provided shall be as follows:

(1) Formal application to benefit from the Uniformed Fire Sick Leave Pool by a qualified member of the Pool shall be made to the CFD Sick Pool Eligibility Committee. The application shall set forth in full the reason for their absence from duty with the Charleston Fire Department and their eligibility to draw from the pool of sick leave hours. The application shall include a waiver of private health information authorizing the CFD Sick Pool Eligibility Committee to obtain and review health care records for the purpose of evaluating applications for Sick Pool benefits. The final determination on eligibility, pursuant to this Section, shall be made by the CFD Sick Pool Eligibility Committee, which shall notify the Human Resources Director, prior to the member being allowed to draw from the Pool. A uniformed member who seeks to improperly receive the benefits of the Pool shall be subject to discipline consistent with all Civil Service laws of the State.

(2) No member shall be eligible to draw days from the Pool until such member shall have used a minimum of 96 hours of consecutive sick time from their individually accrued sick hours. In the event the member does not have 96 accrued sick leave hours, they may use their accrued sick leave hours and additional annual leave hours to total 96 hours, or all their accrued sick leave hours and all of their annual leave hours, and time unpaid, to total 96 duty hours.

(3) The member's absence from duty must be by reason of illness, sickness, or convalescence from injuries sustained, except such injuries as they may sustain while they are off-duty and a participant in some form of professional sport as is deemed hazardous by recognized uniform regulations of insurance companies. The Pool may not be used to care for a family member.

(4) In event the CFD Sick Pool Eligibility Committee approves the application and finds said applicant is eligible to receive sick hours from the Pool, they shall be limited to 30 days from the day such member began missing work, which would allow for the member to apply for short-term disability benefits. It is estimated that getting a member to this point would require up to 144 hours from the Pool. Once a member has reached this point, they are no longer eligible for use of the Pool and will instead rely on their short-term disability benefits.

(5) While drawing hours from the Pool, a member shall not accrue additional vacation and sick hours and any such earned hours will be deposited to the Pool, not kept by the member.

(f) Requirements and provisions pertaining to subsequent membership in the Pool and resignation and/or termination of membership in the Pool are as follows:

(1) Any uniformed member of the Charleston Fire Department who is eligible to be a member of the Uniformed Fire Sick Leave Pool but did not become a member at the time of their initial eligibility may join the Pool by submitting an application form to the Human Resources Department. Members who join the Pool shall be required to contribute a sufficient number of sick hours, annual leave hours, or both, equal to the number that would have made them a member of the Pool had they chosen to participate at the time of their initial eligibility and had remained eligible by contributing to the replenishing of the pool as thereafter required.

(2) A member of the Pool may discontinue their membership therein by giving proper written notice to the Human Resources Director and the CFD Sick Pool Eligibility Committee. However, any hours they have theretofore contributed to the Pool shall not be refunded or transferred back to their individual accumulated hours.

(3) Any member of the Pool who discontinues their duty with the Charleston Fire Department by reason of retirement, resignation, or permanent dismissal shall—immediately upon such discontinuance of employment—be ineligible to draw hours from the Pool. Any hours they have theretofore contributed to the Pool shall not be refunded or transferred back to their individual accumulated hours.

(4) Any member of the Pool who discontinues their duty with the Charleston Fire Department by reason of granted leave of absence or temporary suspension from duty resulting in reinstatement shall from the date of such discontinuance of duties be ineligible to draw hours from the sick leave pool, and in the event such member resumes duty with the Charleston Fire Department, they shall be eligible as a member of said pool only upon contributing to the pool such number of hours as shall have been required to replenish the pool during the period of their absence from duty.

(5) Any member of the pool resigning or leaving the Charleston Fire Department by any reason which results in their reinstatement as provided by the Civil Service Laws of the State shall not be eligible to rejoin the pool until they have served one full year from date of their reappointment or resumption of duties.

(g) (1) The CFD Sick Pool Eligibility Committee consists of five individuals, as follows: the Mayor of the City of Charleston or the Mayor's designee, the Fire Chief of the City of Charleston or the Fire Chief's designee, and three members of the Charleston Fire Department elected by the members and certified to the City Clerk. Elected members of the Pool serve for staggered terms of three years where a

member is elected to the Pool each year. The result of each election shall be certified to the City Clerk, which the Clerk shall provide to City Council as a report of officers.

(2) The CFD Sick Pool Eligibility Committee is authorized to review all applications for use of the Pool, investigate the facts of the situation as necessary, require examinations of applicants if necessary, and approve or deny applications on a case-by-case basis. The CFD Sick Pool Eligibility Committee shall promptly report all of its decisions to the Human Resources Director.

Councilmember Jenkins added that the bill creates a voluntary sick leave pool for the Charleston Fire Department. Eligible employees would be able to use the pool via application to help bridge the gap between their own sick leave and disability pay eligibility. This is similar to the pools used by the State and the Charleston Police Department.

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

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

NAYS:

ABSENT: Cook, Haas, Hoover, King, Minardi

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 8018 as passed.

11. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 8019 as passed.

Bill No. 8019 - A BILL enacting a special ordinance of the City of Charleston authorizing the City Manager or Mayor to enter into contracts with the West Virginia Department of Transportation, Division of Highways relating to Governor Jim Justice's and Secretary of Transportation/Commissioner of Highways Jimmy Wriston's use of Infrastructure and Investment Jobs Act funding on Non State-owned bridges.

WHEREAS, the State of West Virginia through the West Virginia Department of Transportation, Division of Highways ("WVDOH"), has proposed to spend Infrastructure and Investment Jobs Act ("IIJA") dollars to rehabilitate or replace bridges owned by municipalities and counties throughout the State; and

WHEREAS, the WVDOH has proposed contracts with the City of Charleston for the rehabilitation or replacement of ten bridges with IIJA dollars, namely: the South Side Bridge, the South Side Bridge/CSX Ramp, the Kanawha Boulevard Bridge, the Virginia Street Bridge, the Quarrier Street Bridge, the Spring Street Bridge, the Loudon Heights Bridge at Olson Road, the Scraggs Drive Bridge, the School Street Bridge, and the Farnsworth Drive Bridge (collectively, the "City Bridges"); and

WHEREAS, the WVDOH proposes to cover all costs associated with the design, plans, any necessary property acquisition, any necessary utility relocation, bidding of project, management of the projects, construction costs associated with the projects, and all payments to consultants and contractors that are part of the projects; and

WHEREAS, the City Bridges will remain in the name of the City and the ongoing maintenance, repair, and upkeep of the bridges shall remain the responsibility of the City of Charleston upon completion of the projects; and

WHEREAS, while the contracts do not require any direct monetary match from the City of Charleston, each contract does require that the City of Charleston agree that the Business and Occupation tax will not be levied against WVDOH contractors regarding gross receipts from construction of each project; and

WHEREAS, the City Council for the City of Charleston hereby finds that entering into the contracts with WVDOH for the work on the City Bridges and thereby providing for a one-time waiver of the Business and Occupation tax upon the WVDOH contractors regarding the construction of each project in lieu of a matching funds requirement is in the best interest of the City of Charleston, its residents, businesses, and visitors.

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

Section 1. That the City Manager or Mayor is authorized to enter into contracts with the West Virginia Department of Transportation, Division of Highways relating to Governor Jim Justice's and

Secretary of Transportation/Commissioner of Highways Jimmy Wriston's use of Infrastructure and Investment Jobs Act funding on the City Bridges, an example of which is attached hereto as Exhibit A.

Section 2. That the City Council acknowledges that a requirement of these contracts is that the City will not levy Business and Occupation tax against the WVDOH contractors regarding the construction of each project on the City Bridges and the City Council hereby specifically accepts that provision in each contract.

Section 3. That solely for the purpose of these contracts where the WVDOH is paying all costs associated with the design, plans, any necessary property acquisition, any necessary utility relocation, bidding of project, management of the projects, construction costs associated with the projects, and all payments to consultants and contractors that are part of the projects to rehabilitate or replace the City Bridges, in lieu of any matching funds requirement from the City of Charleston, the City Council hereby declares that the provisions of Section 110-56 of the Municipal Code of the City of Charleston shall not apply to the WVDOH contractors and subcontractors regarding gross receipts from the construction of each project on the City Bridges, thereby eliminating the requirement for those WVDOH contractors and subcontractors to pay the two percent Business and Occupation tax on such income from the construction of these projects on the City Bridges. These WVDOH contractors and subcontractors shall still report the gross income from the projects but the income from these specific projects will be taxed at a zero percent rate.

Section 4. This Ordinance is adopted at the specific request of the WVDOH in lieu of a matching contribution from the City of Charleston and it shall have no other impact on the application of the Business and Occupation tax. The provisions of Section 110-56 of the Municipal Code of the City of Charleston shall remain in full force and effect to be applied consistently to all contractors engaged in business within the City except as stated herein.

Councilmember Jenkins added that the program is to help municipalities repair city-owned bridges. As part of this, companies doing the work will not be charged local B&O tax. Ten of the twelve city-owned bridges are eligible for this funding.

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

Councilmember Faegre confirmed with City Manager Ben Mishoe that the "Scraggs Bridge" is near Sissonville Drive.

A roll call was taken:

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

NAYS:

ABSENT: Cook, Haas, Hoover, King, Minardi

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 8019 as passed.

REPORTS OF OFFICERS

1. Municipal Court Report to City Council Month Ending October 2023.

NEW BILLS

Introduced by Councilmember Frank Annie

November 6, 2023:

Bill No. 8020 – A Bill amending the Zoning Ordinance by rezoning to a C-8 district, the parcel of land identified as 875 Oakwood Road

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

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

1. Mayor Goodwin stated that MOECD will be holding a public meeting on November 14. They have currently received approximately twelve applications for the new PODAs. The Mayor congratulated Councilmember Ceperley for being inducted into St. Albans High School's Hall of Fame.
2. Councilmember Snodgrass requested that the results of the Public Safety Building feasibility study be made available to Councilmembers. She also requested that a Chief of Police be appointed.
3. Councilmember Pharr stated that the construction (specifically near the 35th Street Bridge) blocked an entrance for almost a week, causing a major safety concern. The businesses did not receive any communication from the State about this. She added that the Leadership Class of 2023 will be graduating on November 17.
4. Councilmember Faegre stated thanked the CPD and Department Heads for taking care of a situation on Garrison Avenue. She expressed her condolences to the Overstreet and Toliver families. Councilmember Faegre added that she has received several calls from people concerned that the Select Committee on Size and Election of Council could make bi-partisan changes.
5. Councilmember Snodgrass stated the interim Chief Dempsey has been doing an outstanding job.

ADJOURNMENT

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

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

NAYS:

ABSENT: Cook, Haas, Hoover, King, Minardi

At 8:19 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, November 20, 2023, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk