



JOURNAL of the PROCEEDINGS of the CITY COUNCIL

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, December 4, 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 December on the 4th day, in the year 2023, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Burka, and the Pledge of Allegiance was led by Councilmember Moore. City Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

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

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

All absences were excused by the City Clerk per Resolution No. 582-21.

*King arrived at 7:08, first vote was for Resolution No. 910-23

Pending the reading of the Journal of the previous meeting, the reading thereof was dispensed with and the same duly approved.

PUBLIC SPEAKERS

None

CLAIMS

1. A claim of Emily Martin, Montgomery, WV alleges damage to vehicle.

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. 908-23 be adopted.

Resolution No. 908-23 - Authorizing participation and ratifying prior participation of the City of Charleston with the Department of the Army, Corps of Engineers, for the design and construction of the emergency streambank protection project from Greenbrier Street to the Elk River, and authorizing the City Manager and other City officials execute, accept, or otherwise approve all documents, agreements, instruments, or other necessary papers required by the department of the army to implement said participation in the project, where the estimated non-federal share to be paid by the City of Charleston is \$1,243,550.00.

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

The City Council of the City of Charleston hereby approves the resolution from the U.S. Army Corps of Engineers in the form attached hereto.

RESOLUTION

THE CITY OF CHARLESTON, WEST VIRGINIA
KANAWHA RIVER, GREENBRIER STREET TO ELK RIVER,
SECTION 14 EMERGENCY STREAMBANK PROTECTION PROJECT
DESIGN AND CONSTRUCTION PROJECT
KANAWHA COUNTY, WEST VIRGINIA

A RESOLUTION AUTHORIZING PARTICIPATION AND RATIFYING PRIOR PARTICIPATION OF THE CITY OF CHARLESTON, KANAWHA COUNTY, WEST VIRGINIA, WITH THE DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, FOR THE DESIGN AND CONSTRUCTION OF THE KANAWHA RIVER, GREENBRIER STREET TO ELK RIVER, SECTION 14 EMERGENCY STREAMBANK PROTECTION PROJECT, AND AUTHORIZING THE CITY MANAGER OF THE CITY OF CHARLESTON AND OTHER CITY OF CHARLESTON OFFICIALS, TO ACT FOR AND ON BEHALF OF THE CITY OF CHARLESTON, IN EXECUTING, ACCEPTING, OR OTHERWISE APPROVING ALL DOCUMENTS, AGREEMENTS, INSTRUMENTS, OR OTHER NECESSARY PAPERS REQUIRED BY THE DEPARTMENT OF THE ARMY TO IMPLEMENT SAID PARTICIPATION IN THE PROJECT.

BE IT RESOLVED by the City of Charleston, Kanawha County, West Virginia, that:

Section 1: The City of Charleston authorizes its City Manager, by and through its authorized officers and

officials, to participate with the Department of the Army, Corps of Engineers, in the design and construction of the Kanawha River, Greenbrier Street to Elk River, Section 14 Emergency Streambank Protection Project, 33 U.S.C. 2214, as amended, which project is located in Kanawha County, West Virginia.

Section 2: The City Manager of the City of Charleston, and other appropriate City of Charleston officials, including the City of Charleston's Attorney, are authorized to execute on behalf of the City of Charleston, Kanawha County, West Virginia, all documents necessary to implement participation by the City of Charleston in the design and construction of the Kanawha River, Greenbrier Street to Elk River, Section 14 Emergency Streambank Protection Project, being the design and construction of emergency streambank protection measures in the City of Charleston, Kanawha County, West Virginia, in conjunction with the Department of the Army, Corps of Engineers, including but not limited to the Project Partnership Agreement between the Department of the Army and the City of Charleston, for the design and construction of the Kanawha River, Greenbrier Street to Elk River, Section 14 Emergency Streambank Protection Project, that provides, among other things, that the City of Charleston shall:

a. Provide without cost to the United States Government all lands, easements, and rights-of-way, including suitable borrow and dredge material disposal areas, all modifications, relocations, and alterations of structures, including but not limited to buildings, utilities, including relocations of on-site underground utilities, roads, bridges, sewers, and water supply facilities, and repair or replacement of all intakes, drains, and appurtenant facilities necessary for the construction, operation, and maintenance of the Project;

b. Hold and save the United States Government free from damages due to the construction, operation, and maintenance of the Project, exclusive of damages due to the fault or negligence of the United States Government or its contractors;

c. Operate, maintain, replace, and rehabilitate the Project upon completion, and as constructed, in accordance with the regulations or directions by the Secretary of the Army and all without cost to the United States Government;

d. Pay its percentage share of total project costs as required by The Water Resources Development Act of 1986, (Public Law 99-662), as amended, and by the Project Partnership Agreement;

e. Prevent obstruction of or encroachment on the Project that would reduce the level of protection it affords or that would hinder operation and maintenance thereof; AND

f. Comply with the provisions of the Uniform Relocations Assistance and Real Property Acquisitions Policies Act of 1970, Public Law 91-646, approved 2 January 1971; and Section 221, Public Law 91-611, approved 31 December 1970, as amended.

Section 3: The City of Charleston hereby approves and ratifies all prior participation and acts of the City of Charleston, by and through its officials, with the Department of the Army, Corps of Engineers, in relationship to said Project.

Section 4: The City Manager of the City of Charleston and other appropriate City of Charleston officials are hereby authorized to purchase, or otherwise acquire from private property owners, in the name of the City of Charleston, and in accordance with said Agreement, any and all interests in real property necessary for the construction, operation, and maintenance of the property.

Duly passed in accordance with the laws of the State of West Virginia, this ____ day of _____, 20__.

CITY OF CHARLESTON, WEST VIRGINIA

Passed: _____

ATTEST:

APPROVED AS TO LEGAL FORM:

KEVIN BAKER,
Attorney for the
City of Charleston, West Virginia

ATTESTED AND CERTIFIED AS TRUE AND CORRECT:

Notary Public

Councilmember Jenkins added that the resolution is for the finalization of the streambank project along the Kanawha River, from Greenbrier Street to the Elk River.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 908-23 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. 909-23 be adopted.

Resolution No. 909-23 - WHEREAS, Resolution Number 868-23 passed by City Council on August 21, 2023, and Resolution Number 853-23 passed by City Council on August 7, 2023, authorized the purchases of three model year 2023 Ford F-150 Pickup Trucks, and

WHEREAS, those orders were not able to be fulfilled with model year 2023 trucks, and the new price for similar 2024 model year trucks has increased, therefore necessitating the need for Council's approval of the increased cost associated with the newer models.

Authorizing the Mayor or City Manager to purchase a new 2024 Ford F-150 truck for the Engineering Department from National Auto Fleet Group, for the amount of \$42,401.28 pursuant to a competitively sourced multi-state contract. This will replace Engineering Department unit 420/503 as part of the fleet rotation schedule.

AND

Authorizing the Mayor or City Manager to purchase two new 2024 Ford F-150 trucks for the Street Department from National Auto Fleet Group, for the amount of \$45,724.68 each, totaling \$91,449.36, pursuant to a competitively sourced multi-state contract. These will replace Street Department units 750/34 and 750/6 as part of the fleet rotation schedule.

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

That the Mayor or City Manager is authorized to purchase a new 2024 Ford F-150 truck for the Engineering Department for the amount of \$42,401.28, and is authorized to purchase two new 2024 Ford F-150 trucks for the Street Department for the amount of \$45,724.68 each, all from National Auto Fleet Group pursuant to a competitively sourced multi-state contract. Resolution Numbers 868-23 and 853-23 are hereby rescinded.

Councilmember Jenkins added that Council has previously approved the purchase of the three trucks as 2023 models, but they are no longer available. The proposed resolution now lists them as 2024 models. The cost has slightly increased.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 909-23 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. 910-23 be adopted.

Resolution No. 910-23 - Authorizing the City Manager to pay Ed's Home and Commercial Improvement an additional amount of \$8,683.50 for decking repair that was needed during the roof repair of the Cato Park Recreation Center and Administrative Building, where the initial authorization in Resolution Number 818-23 was for \$96,782.48, and the new total would be \$105,465.98.

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

That the City Manager is authorized to pay Ed's Home and Commercial Improvement an additional amount of \$8,683.50 for decking repair that was needed during the roof repair of the Cato Park Recreation Center and Administrative Building.

Councilmember Jenkins added that the resolution is to recognize the need for decking repair that was not in the original contract.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 900-23 adopted.

REPORTS OF OFFICERS

1. 2023 Annual Report from Charleston Green Team presented by Chair, Patti Hamilton.
2. Charleston Fire Department Sick Pool Committee update.

NEW BILLS

None

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

1. Mayor Goodwin led Council in a moment of silence in the memory of Patrolwoman Cassie Johnson and all first responders who have died in the line of duty. The Mayor thanked first responders, City staff and Councilmembers for their continued help during the utility crisis. The Mayor added that she will be interviewing for the Chief of Police position.
2. Councilmember Solomon stated that the January date for the City Council Recreation tours has been revised. Councilmember Solomon added that they are trying to make as complete a list as possible of all the people/organizations that have helped during the utility crisis.
3. Councilmember Robinson stated that October was a record-breaking month for the Coliseum and Convention Center. He added that there has also been an increase in hiring local workers for events. Compared to 2019, there has been a revenue increase in all areas. The City's investment in OVG has clearly benefited the City.
4. Councilmember Kerns stated that the 10th anniversary of the chemical leak will be in January of 2024. She added that many people are not getting notifications from West Virginia American Water Company when there are boil water advisories, etc.
5. Councilmember Faegre expressed condolences to Councilmember Ferrell and his family. Councilmember Faegre added that a firefighter's life was saved by a helmet he purchased with his own money. Councilmember Faegre requested that the City look into purchasing this helmet for all firefighters. She added that the West Side Walgreens is unsafe, especially with violence against women.

ADJOURNMENT

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

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

NAYS:

ABSENT: Ceperley, Snodgrass, Taylor

At 7:38 p.m., by a motion from Councilmember Hoover, Council adjourned until Monday, December 18, 2023, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk