



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, December 18, 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 December on the 18th 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 Hoover. City Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

ANNIE	BURKA	
CEPERLEY	COOK	
FERRELL	GIANOLA	HAAS
HOOVER	JENKINS	JONES
KERNS	KING*	
MOORE	OVERSTREET	PEPPER
PHARR	ROBINSON	RUBIO
SALANGO		SOLOMON
STEELHAMMER	TAYLOR	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.

*King arrived at 7:10, and was present for all votes

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

PUBLIC SPEAKERS

1. Howard Swint – yielded their time to the next speaker.
2. Dr. Hazem Ashab - asked Council to support a cease fire in the Middle East conflict.
3. Rev. Marietta Macy – asked Council to support a cease fire in the Middle East conflict.
4. Rev. Jim Lewis - asked Council to support a cease fire in the Middle East conflict.
5. Shahed Al-aradi - asked Council to support a cease fire in the Middle East conflict.
6. Jayne L. Woods – Spoke about a business blocking parking on their street.
7. Mavery Davis – Spo asked Council to support a cease fire in the Middle East conflict, and spoke about West Side Together.

CLAIMS

1. A claim of Sarah Stone, Charleston, WV alleges loss of property.
2. A claim of Rebecca Switzer, Charleston, WV alleges damage to vehicle.

PROCLAMATIONS

1.

EXECUTIVE DEPARTMENT CITY OF CHARLESTON PROCLAMATION

WHEREAS: The West Side of Charleston was impacted by utility outages that left both families and businesses without access to gas service, heat, hot water, and stoves; and

WHEREAS: As the gas company worked to restore gas service, the city team walked door to door, and local service organizations worked collaboratively to ensure resources were available – members of the community united to take care of one another; and

WHEREAS: Community members, houses of worship, local organizations, city departments and many others joined together to provide relief to West Side residents – obtaining and distributing portable heaters, blankets, and meals; serving meals, including Thanksgiving dinner; opening up facilities for showers and laundry service; continuing door-to-door outreach; installing fire alarms and carbon monoxide detectors, and sharing valuable safety information; putting together and distributing comfort kits; and providing direct support to the community; and

WHEREAS: The City of Charleston and Charleston City Council extend our heartfelt thanks to every helper, volunteer, and organization that played a vital role in helping the affected residents; and

WHEREAS: We recognize their dedication, compassion, and selflessness, and the significant and positive impact of their hard work and generous service has had on the West Side throughout the past several weeks.

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

West Side Helpers

and thank them for working tirelessly to keep West Side residents fed, warm, and supported during this challenging time.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 18th day of November 2023.



A blue ink signature of Amy Shuler Goodwin, Mayor of the City of Charleston. The signature is written in a cursive style.

Amy Shuler Goodwin, Mayor

COMMUNICATIONS

None

REPORTS OF COMMITTEES

COMMITTEE ON ORDINANCE AND RULES

Councilmember Robinson, Chair of the Council Committee on Ordinance and Rules, submitted the following reports:

1. Your committee on Ordinance and Rules has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 911-23 be adopted.

Resolution No. 911-23 - Declaring that the City of Charleston, City Administration, its City Council, its various Boards and Commissions, and the citizens and businesses of the City of Charleston will strive to utilize native plant species, minimize pesticide usage, operate bird-safe buildings, and seek opportunities to protect the habitats of species of the greatest conservation need as designated by the West Virginia Division of Natural Resources.

Whereas, access to parkland, open space, nature, and recreational facilities creates a sense of community through gathering spaces; and benefits the health, happiness, and lives of Charleston's residents; and

Whereas, according to the Trust for Public Land, about half of the residents of the City of Charleston are within a ten-minute walk or half mile of a park, while the national average is 55%; and

Whereas, according to the Living Planet Index by the World Wildlife Fund (WWF) and Zoological Society of London (ZSL), animal species populations have dropped 20% since the first Earth Day in 1970; and

Whereas, for example, the International Union for Conservation of Nature (IUCN) recently listed the migratory monarch butterfly as an endangered species, further justifying the need for city's monarch waystation in Spring Hill Cemetery Park and other future waystations; and

Whereas, the City's own operations and the operations of the citizens and businesses of the City can affect wildlife through actions such as utilizing native plant species in landscaping, reducing pesticide and insecticide usage, and operating buildings in a bird-safe manner; and

Whereas, according to the United Nations Convention on Biodiversity, in order to protect biodiversity and ecosystem functioning services, 30% of lands in the world need to be protected; and

Whereas, the City of Charleston currently has approximately 550 of its 20,890 acres available as public parkland, equal to approximately 3%; and

Whereas, the 50th Anniversary of the U.S. Endangered Species Act, the nation's most prominent and historic biodiversity legislation, occurs later this month, on December 28, 2023; and

Whereas, increasingly, scientists believe that people’s mental and physical health benefit from access to natural ecosystems – for example, a 2019 study in the journal *Nature* found that 120 minutes each week in nature was associated with good health and wellbeing; and

Whereas, the City will seek to reach the goals set forth in this resolution, but nothing in this resolution shall bind the City or require any action from the City.

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

That the City of Charleston seeks to increase access for its residents to public parks for recreation, access to nature, and the ecosystem services that nature provides; and

Be it further resolved:

That the City of Charleston sets as a goal that 5% of the land in the City be reserved for public parks, with at least 3% of land in the City be preserved as natural landscapes; and

Be it further resolved:

That the City of Charleston sets a goal that 75% of all residents have a park or recreation space within a ten-minute walk or half mile of their homes; and

Be it further resolved:

That the City of Charleston strives to utilize native plant species when landscaping and planting, minimize pesticide usage, and operate bird-safe buildings in the future as funds are dedicated for such purposes, and encourages its citizens and businesses to strive for the same goals; and

Be it further resolved:

That the City of Charleston seeks opportunities to locate additional monarch butterfly waystations and to otherwise protect the habitats of species of the greatest conservation need (SGCN), as designated by the West Virginia Division of Natural Resources (WVDNR) that have been found to live in the City; and

Be it further resolved:

That the City of Charleston encourages its citizens and businesses to join in these efforts to protect animal species populations in celebration of the 50th Anniversary of the U.S. Endangered Species Act; and

Be it further resolved:

That no additional City parks shall be created without consideration of maintenance costs, staffing, and the budget of the City’s Parks and Recreation Department.

Councilmember Pepper added that the language was originally introduced as a bill, and was then spilt into a bill and the proposed resolution. The Charleston Land Reuse Agency has been acquiring a variety of properties, some of which are adjacent to existing City parks. However, there are no guidelines as to how to prioritize new parks. The resolution sets a goal that 75% of City residents will live within a ½ mile of any park, and it seeks to minimize the impact to

wildlife. Councilmember Pepper added that the resolution is not a mandate.

Councilmember Pepper 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. 911-23 adopted.

2. Your committee on Ordinance and Rules has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7991 Committee Substitute do pass.

Bill No. 7991 Committee Substitute - A BILL to amend and reenact sections 2-533, 50-172, 65-13, and 82-44, of the Municipal Code of the City of Charleston, as amended, all relating to city agencies and boards adopting wellbeing and conservation goals for the city.

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

That Sections 2-533, 50-172, 65-13, 82-44, and 90-33 of the Municipal Code of the City of Charleston, as amended, are hereby amended and reenacted, all to read as follows:

CHAPTER 2 - ADMINISTRATION

ARTICLE VII. - BOARDS, COMMITTEES AND COMMISSIONS

DIVISION 2. - BEAUTIFICATION COMMISSION

Sec. 2-533. Duties.

(a) It shall be the duty of the beautification commission to advise and recommend to the mayor or the city council such programs or projects as would, in the opinion of the commission, improve the beauty and general welfare of the city in a manner consistent with the development and conservation goals contained in the city's comprehensive plan.

(b) The mayor or the council may request the advice or cooperation of the commission for any project or program connected with the beautification, cleanliness or general welfare of the city.

(c) The commission shall submit an annual report to the mayor, generally outlining its program and progress during the previous year.

(d) It shall be the duty of the commission to recommend maintenance and rules of Davis Park, Shanklin Park, Elk River Park and Ruffner.

(e) The commission shall approve recommendations for expenditures from the municipal beautification project fund.

(f) The commission shall, upon recommendation of the department head, approve the citywide consulting horticulturalist and make this recommendation to the finance committee and the city council.

(g) The commission shall serve as the tree board for the city.

CHAPTER 50 - ENVIRONMENT

ARTICLE V. - TREES

Sec. 50-172. Purpose.

It is the purpose of this article to promote and protect the public health and general welfare in furtherance of the development and conservation goals contained in the city's comprehensive plan, by providing for the regulations of the planting, maintenance, preservation and removal of trees within the city.

CHAPTER 65 - LAND REUSE AGENCY
ARTICLE II. - POWERS AND DUTIES.

Sec. 65-12. - Redevelopment division.

The CLRA redevelopment division shall focus on properties in residential and commercial areas of the city that the CLRA owns or could own with the goal of rehabilitating the neighborhood and general area, in support of policies adopted by the City of Charleston, including the development and conservation goals contained in the comprehensive plan. The redevelopment division may recommend to the board that the CLRA acquire property, convey or lease property owned by the CLRA, create land lease agreements for property owned by the CLRA, work with developers to create new redevelopment on CLRA owned property, or make any other recommendation regarding the acquisition, disposal, or development of property. The CLRA redevelopment division shall work with the Charleston Urban Renewal Authority (CURA) to assist in the planning and development of relevant property owned by CURA.

Sec. 65-13. Conservation division.

The CLRA conservation division shall focus on properties across the city that the CLRA owns or could own with the goal of rehabilitating the area through land conservation, rather than development, in support of policies adopted by the City of Charleston, including the development and conservation goals contained in the comprehensive plan. The conservation division may recommend to the board that the CLRA acquire property, maintain, improve and preserve public trust lands, proposals to foster the donation of public trust lands to the city, to encourage the monetary support for public trust lands and to maintain in trust lands and moneys which are owned by or contributed to the city for the purposes of this division.

"Public trust lands" for purposes of this chapter shall mean and include: lands, easements, leases or any other interest in real property, whether possessory or nonpossessory, having scenic, recreation, historic, woodland, forestry, conservation, preservation or cultural value which are owned or acquired by the city. Public trust lands may include conservation and preservation easements as provided in W. Va. Code, Ch. 20, Art. 12.

CHAPTER 82 - PARKS AND RECREATION

ARTICLE II. - PARKS AND RECREATION DEPARTMENT

Sec. 82-44. Construction and acquisition of recreational property.

The city council may establish, construct, acquire and set aside for recreational parks, playgrounds and other recreational facilities any real or personal property acquired by the city, in furtherance of existing public policies, including the city's comprehensive plan and the State of West Virginia's Statewide Comprehensive Outdoor Recreation Plan (SCORP). Such property shall be under the control of the director when turned over to the director by the council.

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

A roll call was taken:

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

NAYS: King

ABSENT: Burton, Faegre, Minardi, Snodgrass

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared Bill No. 7991 Committee Substitute as passed.

COMMITTEE ON PLANNING, STREETS AND TRAFFIC

Councilmember Hoover, Chair of the Council Committee on Planning, Streets and Traffic, submitted the following reports:

1. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 8014 Committee Substitute do pass.

Bill No. 8014 Committee Substitute - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by adding the definition of Digital Display Sign to Section 2-020, amending sections 24-050, 24-060, and deleting section 24-080-07 relating to authorizing the use of digital display signs.

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

The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended as follows:

1) Sec. 2-20 Definition of Terms

Digital Display Sign: The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

2) Sec. 24-050 Prohibited Signs

The following signs shall be prohibited in all districts, except as otherwise noted herein:

- A. Signs which incorporate in any manner flashing or moving lights or any other visible moving or revolving part, attention attracting device, except for time, temperature, or date signs.
- B. Banners, pennants, flags, spinners, or streamers, except as permitted in Sec. 24-070-03, Supplemental Regulations for Temporary Signs in Residential Districts, and Sec. 24-080-03 Supplemental Regulations for Temporary Signs Permitted in Commercial and Industrial Districts.
- C. Signs which obstruct or impair the vision of drivers or obstructs or detracts from the visibility of, or resembles, any traffic sign or traffic control device on a public street or road, by reason of size, shape, location, color, or illumination.
- D. Signs which make use of words such as "STOP", "LOOK", "DANGER", or other similar words, phrases, symbols, or characters in such a manner as to imply the need or requirement of stopping or the existence of danger.
- E. Sign which obstructs free ingress or egress for a door, window, fire escape, or other exit way required by the Building or Fire Code.
- F. Portable signs.
- G. Signs containing graphics or lettering illustrating specified sexual activities and/or specified anatomical areas, as defined within this ordinance.
- H. Any sign which no longer advertises a bona fide business, activity, campaign, service or product, including real estate signs.

- I. Any sign not in compliance with regulations involving highway interstate standards and specifications.
- J. Roof signs.
- K. Merchandise, equipment, products, vehicles, or other items not themselves for sale and placed for attention-getting, identification or advertising purposes.
- L. Any sign erected on a tree or utility pole.
- M. Any sign structure or frame no longer containing a sign.
- N. Any sign that is structurally or electrically unsafe.
- O. Temporary signs located in a public right-of-way.
- P. Digital, LED or similar signs, except for time, temperature, or date signs, except as permitted in Section 24-080-05.

3) Sec. 24-060 General Sign Regulations

- A. All signs shall comply with the provisions of Section 21-030, Safety and Vision.
- B. A pole sign shall not extend over a public right-of-way.
- C. A wall sign shall not extend above any roof line or further than twelve (12) inches from the building, or part of the building, to which the sign is attached.
- D. No shingle sign or marquee sign shall be lower than nine (9) feet above ground level.
- E. No sign shall be permitted to be erected unless the back of such structure is shielded from public view by a building, other structure, high planting, or another sign of the same size (where permitted), or unless such back is painted a neutral color or is enclosed in a solid metal backing that is treated or painted against corrosion.
- F. The painted portions of signs shall be periodically repainted and kept in good condition.
- G. The general area in the vicinity of a sign must be kept clear of weeds, debris, trash and other refuse by the property owner.
- H. The roofs of all marquees shall be properly guttered and connected by down spouts to a sewer so that the water there from will not drip or flow onto public property.
- I. The allowed square footage of window signs in zoning districts R-O and above shall not exceed 25% of the total square foot area of each window, or up to 50% of the total square foot area of each window if there are no wall signs on the premises. Window sign calculations shall include, but not be limited to, informational signage such as hours of operation and open/closed signs.
- J. Digital display signs shall be freestanding signs of an area of 12 square feet or less and conform to other relevant definitions and restrictions for freestanding signs listed elsewhere in the Zoning Ordinance. Such signs must remain static and nonanimated and shall while remaining fixed for a minimum of 10 seconds 15 minutes. Messages must transition instantly, with no transition graphics. The luminance may not exceed 5,000 nits (candela per square meter) between sunrise and sunset or 250 nits during nighttime hours. Digital display signs are not permitted in the Central Business District or the East End Overlay District.

- 5) All prior ordinances or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilmember Hoover added that the bill creates the definition of a digital display sign that would allow for a free-standing ground or pole sign with an area of twelve square feet or less. The signs would be static, and would remain fixed for a minimum of fifteen minutes.

Councilmember Ferrell asked if there were any safeguards against vandalism. Councilmember Hoover replied that any damage as a result of vandalism would be on the property owner that installed the sign. Additionally, there are no such safeguards for any sign.

Councilmember Overstreet confirmed with Planning Director Dan Vriendt that the bill would allow an organization to have such a digital sign that previously could not.

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

A roll call was taken:

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

NAYS:

ABSENT: Burton, Faegre, Minardi, Snodgrass

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 8014 Committee Substitute 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. 8020 do pass.

Bill No. 8020 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from a R-6 district to a C-8 district, the parcel of land identified as 875 Oakwood Road, South Annex District, Tax Map 11, Parcel 22 in the City of Charleston, Kanawha County, State of West Virginia.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from a R-6 district to a C-8 district the whole of the following described lot or parcel of land:

Parcel No. 22 as shown on South Annex Tax Map No. 11. Subject parcel commonly known as “Lot 2 RESUB
LTS 1-4 MULLINS, EST JOPLIN BR CONT. 3.729AC
M/L” 875 Oakwood Road, Charleston, West Virginia. Said tax map is of record on the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this Ordinance.

3. All prior ordinances, or parts of ordinances, inconsistent with this Ordinance, are hereby repealed to the extent of said inconsistency.

Councilmember Hoover added that the bill rezones a property to a C-8 district. The same owner also owns the surrounding parcels, so the rezoning would make the area consistent.

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

A roll call was taken:

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

NAYS:

ABSENT: Burton, Faegre, Minardi, Snodgrass

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 8020 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. 913-23 be adopted.

Resolution No. 913-23 - Authorizing the Mayor or City Manager to purchase 15 mobile data terminals (MDTs) for the Charleston Police Department fleet vehicles from Brooks Network Services in the amount of \$35,910.00 pursuant to a competitively procured Sourcewell contract. This equipment is to replace old and damaged MDTs.

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

That the Mayor or City Manager is authorized to purchase 15 mobile data terminals (MDTs) for the Charleston Police Department fleet vehicles from Brooks Network Services in the amount of \$35,910.00.

Councilmember Jenkins added that the resolution is for the normal replacement cycle of the laptops that are used in Police cruisers.

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. 913-23 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. 914-23 be adopted.

Resolution No. 914-23 - Authorizing the Mayor or City Manager to renew the Agreement with WesBanco Inc. for the City's commercial banking services to start on the date of execution and acceptance by WesBanco Inc. and continue for another term of three (3) years with no fees, costs or expenses and a Floating Federal Funds Rate interest rate less .15 bps. The City shall have the option to renew this Agreement for additional three-year terms, up to a total of two additional three-year terms.

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

That the Mayor or City Manager is hereby authorized and directed to renew the Agreement with WesBanco INC. for the City's commercial banking services to start on the date of execution and acceptance by WesBanco INC. and continue for another term of three (3) years with no fees, costs or expenses and a Floating Federal Funds Rate interest rate less .15 bps. The City shall have the option to renew this Agreement for additional three-year terms, up to a total of two additional three-year terms.

Councilmember Jenkins added that WesBanco has been a good partner with the City, and the City Treasurer has approved the renewal.

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. 914-23 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. 915-23 be adopted.

Resolution No. 915-23 - Authorizing the Mayor or Chief of Police to execute and enter into a Subaward Recipient Agreement with Appalachia High Intensity Drug Trafficking Area (“AHIDTA”) for funds from the United State Office of National Drug Control Policy in the total amount of \$120,000 to be awarded to the Metropolitan Drug Enforcement Network Team (“MDENT”). The 2024 calendar year funds are designated for the purchasing of evidence and information (totaling \$20,000), funding overtime for five full-time officers at \$19,000 each (totaling \$95,000), and funding contracted support staff (totaling \$5,000).

Now Therefore, Be It Resolved By The Council Of The City Of Charleston, West Virginia:

That the Mayor or Chief of Police is authorized to execute and enter into a Subaward Recipient Agreement with Appalachia High Intensity Drug Trafficking Area (“AHIDTA”) for funds from the United State Office of National Drug Control Policy in the total amount of \$120,000 to be awarded to the Metropolitan Drug Enforcement Network Team (“MDENT”). The 2024 calendar year funds are designated for the purchasing of evidence and information (totaling \$20,000), funding overtime for five full-time officers at \$19,000 each (totaling \$95,000), and funding contracted support staff (totaling \$5,000).

Councilmember Jenkins added that the resolution is for the routine grant funding for MDENT. The City serves as the fiscal agent for the group.

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. 915-23 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. 916-23 be adopted.

Resolution No. 916-23 - A Resolution authorizing the acquisition and lease of office space for the Metropolitan Drug Enforcement Network Team.

WHEREAS, the purpose of the Metropolitan Drug Enforcement Network Team (“MDENT”) is to develop and enhance cooperation between local and federal agencies and to achieve maximum cooperation in a combined law enforcement effort to address drug and violent crime related offenses primarily in Kanawha County and Charleston, West Virginia;

WHEREAS, the City of Charleston is the fiscal agent for MDENT and in that capacity prepares, submits and oversees the administration of MDENT funds;

WHEREAS, the Charleston Police Department (the “Police Department”) is an agency of the City of Charleston and a participating agency of MDENT;

WHEREAS, MDENT currently owns property in Kanawha County for use as office space to conduct the operations of the task force;

WHEREAS, MDENT has determined and recommended, through consideration and vote of its board, that the current property is no longer in sufficient condition to serve as the operations center for MDENT and it is in the best interest to acquire new property for this purpose;

WHEREAS, based on information and belief, the participating agencies of MDENT have considered the recommendation of MDENT and concur with those recommendations;

WHEREAS, the participating agencies of MDENT desire to acquire a new facility and office space for the purpose of facilitating joint operations of the task force;

WHEREAS, at the request of MDENT by and through its participating member the Kanawha County Sheriff’s Department, the Kanawha County Commission has agreed to purchase a certain premises in Kanawha County, West Virginia (the “Property”) with the intent that the Kanawha County Commission will be provided MDENT funds to cover the purchase price of the Property and will subsequently lease the Property to MDENT;

WHEREAS, upon acquisition of the Property by the Kanawha County Commission, the participating agencies of MDENT desire to execute a Lease Agreement in a form substantially similar to what is attached as Exhibit A hereto, whereby the Kanawha County Commission grants and leases unto MDENT the aforementioned Property as office space, pursuant to the terms and conditions set forth therein;

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

1. That the City of Charleston, in its capacity as the fiscal agent for MDENT, that prepares, submits and

oversees the administration of MDENT funds, approves the expenditure of up to Six Hundred Thousand Dollars (\$600,000.00) of MDENT funds to be used to purchase the Property.

2. That the City of Charleston, in its capacity as the fiscal agent for MDENT, that prepares, submits and oversees the administration of MDENT funds, approves the Lease Agreement between the Kanawha County Commission and MDENT.

3. That the City of Charleston, in its capacity as fiscal agent for MDENT, authorizes disbursement of MDENT funds for the purpose of purchasing the Property and in accordance with the Lease Agreement.

4. That the City of Charleston, by and through its Charleston Police Department, a participating agency of MDENT, approves the Lease Agreement with the Kanawha County Commission and further authorizes the Mayor or Chief of Police to execute the Lease Agreement with the Kanawha County Commission, subject to final review and approval by legal counsel for the City.

Councilmember Jenkins added that MDENT has outgrown its current space. As its fiscal agent, the City will facilitate the purchase of the new property using MDENT and CPD funds. The property will be in the County's name.

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. 916-23 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. 917-23 be adopted.

Resolution No. 917-23 - Authorizing the Mayor or City Manager to execute a change order with Specialty Groups, Inc. in the amount of \$11,891.19 for concrete items overruns for the 5-Corners Intersection Construction Project as approved in Res. No. 801-23, where the original purchase 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 to execute a change order with Specialty Groups, Inc. in the amount of \$11,891.19 for concrete items overruns for the 5-Corners Intersection Construction Project as approved in Res. No. 801-23, where the original purchase was determined through a competitive bidding process.

Councilmember Jenkins added that additional work is needed to complete that 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. 917-23 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. 918-23 be adopted.

Resolution No. 918-23 - A Resolution ratifying the emergency expenditure authorization of the City Manager for repairing and replacing gas lines at the Public Grounds Building

WHEREAS, gas service to the Public Grounds building went out in late November, and on or about December 1, 2023, the main gas supply line to the Public Grounds building failed a pressure test thereby necessitating its total replacement;

WHEREAS, the City of Charleston's maintenance foreman, Mike Cochran, has been working diligently since then to facilitate the repairs and secured a quote from Mullen Plumbing, Heating, and Cooling on December 6, 2023 in the amount of \$94,800.00 (attached hereto) to replace the approximately 400' of lines running to the building, and run new pipe throughout the building from the basement to the third floor;

WHEREAS, due to the cost, the City Manager's office advised this would require competitive bidding, and began the process of drafting specifications of solicitation of those bids;

WHEREAS, in the meantime, the building remained without central heat and the department was relying on electric heaters to warm the building;

WHEREAS, The City Manager's office subsequently communicated with Director of Public Works Brent Webster, Traffic Director Matt Hartline, Maintenance Foreman Mike Cochran, all of whom expressed serious concern about water pipes freezing, equipment freezing, and traffic paint that is stored in the facility freezing, and further expressed concern that the amount of time it would take to solicit competitive bids, obtain City Council approval, award the contract and begin work would seriously jeopardize the building and its contents;

WHEREAS, based on these discussions, the City Manager's Office asked Mike Cochran and Director of Purchasing Jamie Bowles to seek additional quotes on the work to determine if the quoted price was fair and reasonable with the anticipation of authorizing an emergency expenditure or seeking direct purchase authority from City Council in order to expedite the repairs without the delay that would come from the competitive bidding process;

WHEREAS, Mr. Cochran and Ms. Bowles sought quotes from 8 different vendors asking for quotes on the project, some of which advised they do not do gas line plumbing, or did not have time and materials to submit a quote, while two others planned to submit a quote by the close of business on Friday, December 15, 2023. However, upon further inquiry, the two firms who planned to submit quotes advised they would not be able to begin work for at least two weeks after the quote submission;

WHEREAS, Mr. Cochran remained in communication with Mullen, who advised on Thursday, December 14, 2023, that they could have two crews begin the work on Monday, December 18, 2023, but needed commitment by the end of that day or they would need to reassign those crews to other jobs;

WHEREAS, based upon all of this information and the diligent but unsuccessful attempts to seek comparable quotes from vendors who might be able to perform the work in a timely manner, but determining the Mullen was the only vendor who provided a quote that had the time, material, and laborers to do so in a timely manner, and based upon the legitimate concern that further delay could cause substantial loss to the building infrastructure and equipment stored there, the City Manager authorized an emergency expenditure in the amount of \$94,800.00 to contract Mullen to perform the work beginning Monday, December 18, 2023;

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

Based upon the above information, the emergency expenditure authorization of the City Manager for repairing and replacing gas lines at the Public Grounds Building is hereby approved and ratified by City Council of Charleston, West Virginia.

Councilmember Jenkins added that an emergency expenditure was required to fix gas lines at the Public Grounds building. The repairs were made to prevent loss of materials and damage to the property.

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. 918-23 adopted.

REPORTS OF OFFICERS

1. City Treasurer’s Report to City Council Month Ending November 2023.

NEW BILLS

Introduced by Councilmember Chad Robinson

December 18, 2023:

Bill No. 8023 – A Bill providing for the annexation into the City of Charleston a parcel commonly referred to as the City Landfill.

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

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

Mayor Goodwin stated that six new Police Officers were sworn in that morning. The Mayor added that she has written a letter to the County Commission and County Clerk concerning the consolidation of some precincts in Ward 3, requesting that the affected citizens are notified in advance no less than three times.

Councilmember Pharr stated that the Select Committee on the Size of Council and Election will be meeting for the third time on January 11, 2024.

ADJOURNMENT

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

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

NAYS:

ABSENT: Burton, Faegre, Minardi, Snodgrass

At 8:08 p.m., by a motion from Councilmember Ceperley, Council adjourned until Wednesday, January 3, 2023, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk