



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Tuesday, February 20, 2024

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 February on the 20th day, in the year 2024, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Kerns, and the Pledge of Allegiance was led by Councilmember Gianola. City Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

**ANNIE
CEPERLEY**

HOOVER

KERNS

MOORE

PHARR

SALANGO

STEELHAMMER

BURKA

COOK

GIANOLA

JENKINS

KING

OVERSTREET

ROBINSON

SNODGRASS

TAYLOR

BURTON

HAAS

JONES

MINARDI

PEPPER

RUBIO

SOLOMON

MAYOR GOODWIN

With twenty-five 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. Shahed Al-asadi – Spoke about divisiveness.
2. Morgan Fowler – Spoke about Islamophobia.
3. Howard Swint – Spoke about WVAWC and CTC garages.
4. Sophia Wigal – Spoke about the Tunnel to Towers Ripley 5K.
5. Tanner, Caleb and Haddie – Represented the visiting John Adams Middle School Student Council.

CLAIMS

1. A claim of James A. Fraley, Charleston, WV; alleges damage to property.
2. A claim of Robyn G Hickman, Charleston, WV; alleges damage to property.
3. A claim of Amber McCallister, Charleston, WV; alleges damage to property.

PROCLAMATIONS

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

- WHEREAS:** The “Father of Black History Month” Dr. Carter G. Woodson founded the organization now known as the Association for the Study of African American Life and History in 1915; and
- WHEREAS:** Dr. Woodson’s scholarly writings, while serving as an Academic Dean at West Virginia State University, advocated for National Black History Month; and since 1976, every U.S. president has officially designated the month of February as Black History Month and called upon Americans to celebrate the observance; and
- WHEREAS:** Black History Month is celebrated annually in February and recognizes the monumental contributions of Black Americans throughout our nation’s history; and
- WHEREAS:** Black History Month fosters cultural awareness and understanding; serves as a platform to educate people about the struggles and contributions of Black Americans; provides greater visibility to the people and groups helping to create change; and promotes understanding, unity, the importance of diversity; and
- WHEREAS:** This year, Black History Month celebrates African Americans and the Arts—elevating the use of art for preserving history, maintaining the collective knowledge of communities, and for empowerment; and
- WHEREAS:** The contributions of Black Americans to the visual and performing arts, literature, music, architecture, culinary and other forms of artistic expression have been vital to the growth and development of communities – including our Capital City; and

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby recognize February 2024 as

Black History Month

In Charleston, West Virginia and urge all citizens to recognize and celebrate the contributions of Black Americans in the greater Charleston area.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 20th day of February 2024.



A handwritten signature in blue ink, which appears to read "Amy Shuler Goodwin", is written over a horizontal line.

Amy Shuler Goodwin, Mayor

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: A native of Cleveland, Ohio – Steenstra graduated from Calvin University in Grand Rapids, Michigan with a history degree, worked in the field of social work – working for drug abuse agencies in New York and New Jersey for several years before moving to West Virginia at the age of 26 to run a coal mining operation; and

WHEREAS: Steenstra would become a grassroots environmental organizer and lobby for the betterment of the lives and health of his fellow West Virginians; and

WHEREAS: With no previous experience working with an environmental group, Steenstra pursued a position as an environmental justice organizer with the West Virginia Citizen Action where he would later serve as Executive Director from 1996-2007; and

WHEREAS: Steenstra was the first paid environmental organizer in the state, and in the late 1980s, he played a pivotal role in the creation of the West Virginia Environmental Council – a statewide coalition of environmental groups; and

WHEREAS: Establishing a network of recycling centers and helping pass legislation [in the 1990s] that limited the dumping of out-of-state trash in West Virginia and protected our groundwater were among Steenstra's achievements; and

WHEREAS: Steenstra, after retiring from the West Virginia Citizen Action, became the director of the Kanawha County Solid Waste Authority – with focus on management of the county's recycling program; and

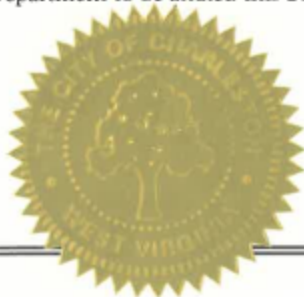
WHEREAS: Steenstra's innovative approach to utilizing recycled materials allowed the Kanawha County facility to operate at a profit during the economic downturn in 2006-2008; and

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

Norm Steenstra

For his leadership on environmental issues, his ability to gather folks together, and being able to foster collaboration amid diverse perspectives.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 20 day of February 2024.




Amy Shuler Goodwin, Mayor

City of Charleston
Executive Office of the Mayor

CERTIFICATE OF APPRECIATION

presented on the 20th day of February 2024, to

**JOHN ADAMS MIDDLE SCHOOL
STUDENT COUNCIL**

In recognition of your attendance at, and participation in tonight's Charleston City Council meeting; and
In celebration of your hard work—promoting student engagement and representing your peers; and
In honor of your collective commitment to making a positive impact in your school and our community.



IN WITNESS WHEREOF, I have set my hand
and caused the Seal of the Executive Department
to be affixed this 20th day of February 2024.

A handwritten signature in blue ink, reading "Amy Shuler Goodwin", is written over a horizontal line.

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 bill, and reports the same to Council with the recommendation that Bill No. 8028 do pass.

Bill No. 8028 - A BILL to amend and reenact Section 2-744 of the Municipal Code of the City of Charleston, as amended; to amend said code by repealing Sections 18-611, 18-612, 18-613, 18-631, 18-632, 18-633, and 18-634 of said Code; to amend and reenact Sections 18-1031, 18-1032, 18-1033, 18-1037, 18-1038, 18-1039, 18-1040, and 18-1041 of said Code; to repeal Sections 18-1034, 18-1035, and 18-1036 of said Code; to amend and reenact Section 18-1061 of said Code; to repeal Section 18-1081 of said Code; and to amend and re-enact Section 110-63 of said Code, all relating to updating the regulation of vendors; repealing code requirements for itinerant vendors; updating the vendor definitions to make distinctions between street vendors, event vendors, and private property vendors; removing the requirement for vendors to have a business license; clarifying and simplifying the requirements for vendors; and removing duplicative language.

WHEREAS, the City of Charleston is authorized to regulate the use of public streets for public health, safety, welfare and convenience; and

WHEREAS, the City of Charleston undertook a modernization of its vending ordinance in 2021, which has greatly improved the opportunities in Charleston for new entrepreneurs; and

WHEREAS, the City of Charleston finds that current and future vendors, as well as the City and its residents, will benefit from clarifying and simplifying the types of vendors as set forth in this bill.

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

That Section 2-744 of the Municipal Code of the City of Charleston be amended and reenacted; that Sections 18-611, 18-612, 18-613, 18-631, 18-632, 18-633, and 18-634 of said Code be repealed; that Sections 18-1031, 18-1032, 18-1033, 18-1037, 18-1038, 18-1039, 18-1040, and 18-1041 of said Code be amended and reenacted; that Sections 18-1034, 18-1035, and 18-1036 of said Code be repealed; that Section 18-1061 of said Code be amended and reenacted; that Section 18-1081 of said Code be repealed; and that Section 110-63 of said Code be amended and reenacted, all to read as follows:

CHAPTER 2 - ADMINISTRATION
ARTICLE VIII – CITY SERVICE FEE

Sec. 2-744 - Withholding; reporting; payment.

(a) Every employer shall deduct and withhold from any compensation or income paid to an employee in its employ an amount equal to the fee imposed herein upon said employee; provided, that an employer shall not deduct or withhold the fee as to any employee who executes and delivers a proper form prescribed by the city collector evidencing prior payment of the fee either directly or by collection through another employer in the city; provided further, that the employer shall maintain adequate records concerning any such employees. Every employer is deemed to be a trustee for the city in collecting and holding the fee required to be withheld and the funds so collected by such withholding are deemed to be trust funds. The failure of any employer to deduct the fee shall not relieve the employee from the duty to pay the fee. Any employer who fails to deduct the fee as required by this section, or who fails to pay the trust funds to the city collector pursuant to this section and the regulations promulgated pursuant thereto, shall be liable for such fee in full, along with any penalties or interest accrued thereon, as though the fee had originally been assessed against the employer notwithstanding any provisions herein to the contrary.

(b) Every self-employed individual who is not employed by an employer and who has not had the fee deducted or withheld by an employer shall file a form prescribed by the city collector and pay to the city collector all such fees that are due and owing according to and in the manner prescribed by the regulations promulgated pursuant hereto.

(c) Every individual engaging in the business of street vending as provided in §18-1031 *et seq.* of this Code, or engaging in business as an itinerant vendor as provided in §18-611 *et seq.*, as applicable, who is not employed by a separate employer within the city and who has not had the fee deducted or withheld by an employer, shall file a form prescribed by the city collector and pay to the city collector on an annual basis all such fees that are due and owing according to and in the manner prescribed by the regulations promulgated pursuant hereto.

CHAPTER 18 – BUSINESS.

ARTICLE XIV. ITINERANT VENDORS.

DIVISION 1. – GENERALLY.

Sec. 18-611. - Definitions; exemptions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Itinerant vendor includes all persons, whether working independently or as part of an organized event under the umbrella of a promoter, sponsor, or organizer of an event, who engage or conduct within this city, either in one locality or in traveling from place to place, a temporary or transient business of selling goods, wares and merchandise; and who, for the purpose of carrying on such business, use, lease or occupy either in whole or in part, a room, building or other structure, or who use, lease or occupy for such purposes a room in any hotel or other structure, for the exhibition and sale of such goods, wares and merchandise; and the person so engaged shall not be relieved from the provisions of this article by reason of association temporarily with any local dealer, trader, merchant or

auctioneer, or by conducting such temporary or transient business in connection with or as part of the business of, or in the name of, any local dealer, trader, merchant or auctioneer. Itinerant vendor shall not include those individuals engaged in business under Article XXII as a street vendor using a Nonmotorized Vending Unit or Mobilized Vending Vehicle.

(b) The provisions of this article shall not apply to special sales nor to persons conducting special sales within the purview of article VIII of this chapter; nor to sales made to persons engaged in wholesale or retail business by commercial travelers or selling agents in the usual course of business; nor to hawkers or peddlers in the streets, roads or highways, from packs or vehicles as defined in section 18-491; nor to persons selling meat or the products of the farm, garden or dairy; nor to any sales of goods, wares or merchandise on the grounds of any agricultural association during the continuance of any annual fair held by such association; nor to any sales by societies acting for charitable, religious or benevolent purposes; nor to judicial sales directed by law, or under the orders of any court; nor to the sales of the common necessities of life in any public market place.

Sec. 18-612. - Violations.

Every itinerant vendor who sells or exhibits for sale at public or private sale any goods, wares or merchandise without first obtaining a license and in all other respects complying with the provisions of this article, or who makes any false statement in reference to the matter set out in section 18-631; and every person, whether principal or agent, who, by circular, handbill, newspaper, or in any manner advertises such sale before proper licenses are issued to the vendor, and before he has complied with the provisions of this chapter, shall be guilty of a violation of this section, and shall be punished as provided in section 1-8.

Sec. 18-613. Rules and regulations under article.

The City of Charleston City Collector's Office is hereby authorized to promulgate reasonable rules and regulations regarding the administration of the requirements of this article, including the review of all Itinerant Vendor business license and applications. Copies of such regulations, as amended from time to time, shall be maintained by the City Collector's Office, posted on the City's website and on file in the City Clerk's office, and shall be available to interested parties at all reasonable times.

Secs. 18-614—18-630. - Reserved.

DIVISION 2. - LICENSE

Sec. 18-631. - Application for license and requirements for certain class of sales.

An applicant for an itinerant vendor's license shall file an application with the City of Charleston City Collector's Office on such form as prescribed by the city collector. Each applicant for an itinerant vendor's license who proposes to advertise, represent or hold forth a sale of goods, wares or merchandise as a bankrupt, insolvent, assignee, trustee, executor, administrator, receiver, attorney, manufacturer's wholesale sale, or a sale of any goods damaged by smoke, fire, water or otherwise shall state in writing, under oath, to the city collector at the time he makes application for a license, all the

facts relating to the reason and character of such sale as proposed to be advertised, held forth or represented, including a statement of the names of the persons from whom such goods, wares or merchandise were purchased and the date of the delivery to the person applying for license; the place, if any, where such goods, wares or merchandise were previously exposed for sale, and such details as are necessary to locate exactly and identify fully all such goods, wares and merchandise proposed to be sold. Such applicant shall also include in such statement the name and residence of the owner in whose interest the business is conducted.

Sec. 18-632. - Denial of license; preservation of applications and availability to public; reassessment and appeal.

(a) The city collector, upon receipt of a sworn application as provided in section 18-631 shall, before issuing the license applied for, first confirm that the proposed sales are not within the purview of article VIII of this chapter; and the city collector shall not issue an itinerant vendor's license for any purpose for which a special sales license is required under the provisions of article VIII of this chapter.

(b) Each application as provided in section 18-631 shall be kept on file in the office of the city collector, and a record shall be kept by the city collector of all such statements in convenient form and open to public inspection.

(c) The city collector may summarily deny or revoke an Itinerant Vendor's business license pursuant to the provisions of this Code: (1) for any reason aforementioned; (2) for violation of any term or condition of such license promulgated hereafter; (3) for violation of any pertinent provision of state law, this Code or other ordinance or rules and regulations promulgated thereto; or (4) for the perpetration or attempted perpetration of fraud, malpractice or malfeasance by the licensee.

(d) Any Itinerant Vendor whose license has been denied or revoked may request reconsideration from the city collector. The request for reconsideration must be received within 20 days from the date of receipt of the revocation and shall include a written explanation stating with particularity the reason for the request. Upon receipt of a timely request for reconsideration, the vendor shall be entitled to a formal hearing before the city collector or a hearing examiner designated by the city collector in order to provide the vendor with an opportunity to show that the action taken was incorrect or contrary to law, in whole or in part, after which hearing, the city collector or the designee shall either grant or deny the request with justification thereof in writing within 15 days of the hearing. If the request for reconsideration is denied, the Itinerant Vendor may appeal within 30 days from the date of the denial or revocation of the license to the Circuit Court of Kanawha County in the manner prescribed by law for an appeal of an administrative decision.

Sec. 18-633. - License fee.

The annual license fee to carry on the business of itinerant vendor shall be \$20.00. Dishonored checks shall be subject to a \$15.00 returned check fee in addition to the \$20.00 license fee.

Sec. 18-634. - Bond required and additional requirements.

(a) Every itinerant vendor shall execute a continuing bond in the form prescribed by the city collector, with satisfactory corporate surety, in the penalty of \$5,000.00, payable to the city, conditioned that such itinerant vendor will pay all damages accruing to any person by reason of any act or action done, performed or taken by such itinerant vendor in or about the conduct of his business, and further conditioned that such itinerant vendor will pay all taxes, fees and penalties imposed by this city; however, the aggregate liability of the surety for all such damages, taxes, fees and penalties shall, in no event, exceed the sum of the bond. This bond shall be filed with the city collector and shall be open to inspection during business hours to any person desiring to inspect it.

(b) Prior to the issuance of an itinerant vendor license, the applicant must agree, in writing, that it shall indemnify, defend, and save harmless the City, its officers, agents, and employees, from and against all liability, claims, suits, damages, losses, costs, attorneys' fees and expenses of any or all types arising out of, or related in any way to the operations or activities of the Itinerant Vendor.

(c) All Itinerant Vendors are responsible for complying with taxation and fee requirements as provided in this Code, including but not limited to the Business and Occupation Tax as imposed in Sections 110-52 through 110-59 and City Service Fee as imposed 2-744, as applicable. Nothing in this subsection shall be construed as permitting the City to tax in violation of the Constitution or laws of this state or the United States.

ARTICLE XXII. STREET, EVENT, AND PRIVATE PROPERTY VENDORS.

DIVISION 1. GENERALLY.

Sec. 18-1031. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved public right-of-way means publicly owned property including, but not limited to, a park, plaza, road, sidewalk or parking space in an area zoned commercial, industrial, central business, urban corridor, professional or medical campus, or otherwise designated by the city manager for use by Street Vendors: *Provided*, That the city manager may also exclude areas from the generally approved zones.

Event Vendor means any person who engages in the business of selling a service or tangible personal property as part of an organized event under the umbrella of a promoter, sponsor, or organizer of an event that is authorized by the city, but who does not engage in business outside of the event upon an approved public right-of-way. Event Vendors include both those persons that operate from a Nonmotorized Vending Unit, as well as those persons that operate from a Mobilized Vending Vehicle.

Mobilized Vending Vehicle means a readily movable motorized vehicle whose operator may, upon issuance of a business license and street vending permit by the City, and in conformance with the rules and regulations established pursuant to this Article, along with all applicable parking and traffic regulations, temporarily park such vehicle upon an approved public right-of-way or on private property to engage in the lawful sale of a service or sale of tangible personal property, including but not limited to, goods, merchandise, food or beverages, and specifically including the preparation, service, sale or distribution of ready-to-eat food and/or beverages for individual portion service to the general public

directly from the vehicle, commonly referred to as “food trucks”.

Nonmotorized Vending Unit means a readily movable nonmotorized device, including but not limited to, a pushcart, table, or stand whose operator may, upon issuance of a business license and street vending permit by the City and in conformance with the rules and regulations established pursuant to this Article, temporarily set up such device on an approved public right-of-way or on private property and engage in the lawful sale of a service or sale of tangible personal property, including but not limited to, goods, merchandise, food or beverages.

Private Property Vendor means any person who engages in the business of selling a service or tangible personal property on private property, rather than on the public right-of-way in an event that is authorized by the City, but who does not engage in business outside of private property upon an approved public right-of-way or as part of a City authorized event. Private Property Vendors are limited to those persons that operate from a Nonmotorized Vending Unit or a Mobilized Vending Vehicle either in one locality or in traveling from place to place; and a temporary or transient business of selling goods, wares and merchandise. The definition of Private Property Vendor does not include a person who engages in the business of selling a service or tangible personal property at a fixed place, which requires a general business license, such as a traditional brick and mortar storefront.

Street Vendor means any person who possesses a valid street vending permit issued by the City Collector’s Office to engage in or conduct engages in the business of selling a service or tangible personal property including but not limited to goods, merchandise, food, or beverages upon any approved public right-of-way, either as principal or agent, and whether working independently or as part of an organized event under the umbrella of a promoter, sponsor, or organizer of an event in the city. Street Vendors include both those persons that operate from a Nonmotorized Vending Unit, including but not limited to, pushcarts, tables, or stands, as well as those persons that operate from a Mobilized Vending Vehicle. Street Vendors include people distributing goods, merchandise, food, or beverages without charge who are operating within the public right-of-way.

Outdoor dining area means a confined area of the public right of way or private property, which area is adjacent to an operator's building/permanent structure, where patrons may sit at tables while consuming food and beverages.

Vendor means a Street Vendor, Event Vendor, or Private Property Vendor, as defined in this section. All Vendors shall follow the requirements of this article.

Sec. 18-1032. Rules and regulations under article; designation of Approved public rights-of-way.

(a) The City of Charleston City Collector’s Office is hereby authorized to promulgate reasonable rules and regulations regarding the administration of the requirements of this article, including the review of all Street Vendor business license and permit applications. Copies of such regulations, as amended from time to time, shall be maintained by the City Collector’s Office, posted on the City’s website and on file in the City Clerk’s office, and shall be available to interested parties at all reasonable times.

(b) The generally approved public rights-of-way are defined in Section 18-1031 of this Code. The city manager shall have the authority to designate additional approved public rights-of-way, or portions thereof, for use by Street Vendors; provided, the city manager, at his or her discretion, shall also have the authority to suspend the use of approved public rights-of-way by Street Vendors with or without prior notice for special events or other reasons deemed necessary and appropriate by the city manager.

Sec. 18-1033. Scope of Article.

The provisions of this Article shall apply to all Street Vendors, including Street Vendors, Event Vendors, and Private Property Vendors. engaged in the business of selling a service or tangible personal property including but not limited to distributing goods, merchandise, food or beverages with or without charge from a Nonmotorized Vending Unit on an approved public right-of-way and Street Vendors preparing, selling or distributing food and/or beverages with or without charge from a Mobilized Vending Vehicle on an approved public right-of-way subject to the requirements set forth herein.

Sec. 18-1034. Business license required; application, fee.

(a) No person shall engage in the business or trade of a Street Vendor without first obtaining a business license from the city collector; provided, however, that any person who already possesses a valid business license issued by the city collector for the same type of business as that in which it wishes to engage in as a Street Vendor shall not be required to obtain a separate business license for street vending purposes.

(b) An applicant for a business license shall file an application with the City of Charleston City Collector's Office on such form as prescribed by the city collector. The applicant may be an individual or a firm or corporation on behalf of an individual. In the case where a person, firm or corporation applies for the license on behalf of an individual, the license shall be issued in the name of the applicant; and the license shall also bear the name of the Street Vendor on whose behalf the license is issued.

(c) The license fee for engaging in the business of a Street Vendor shall be \$20.00 per calendar year, or any portion thereof. Dishonored checks shall be subject to a \$15.00 returned check fee in addition to the \$20.00 license fee.

Sec. 18-1035. Revocation of business license.

The city collector, upon reasonable notice provided in writing to the licensee through certified mail or personal service, may summarily revoke a Street Vendor's business license pursuant to the provisions of this Code: (1) for any reason which would have been grounds for denial of such license when first issued; (2) for violation of any term or condition of such license; (3) for violation of any pertinent provision of state law, this Code or other ordinance or rules and regulations promulgated thereto; or (4) for the perpetration or attempted perpetration of fraud, malpractice or malfeasance by the licensee.

Sec. 18-1036. Request for reconsideration and appeal of revocation of business license.

Any Street Vendor whose license has been revoked may request reconsideration from the city collector. The request for reconsideration must be received within 20 days from the date of receipt of the revocation and shall include a written explanation stating with particularity the reason for the request. Upon receipt of a timely request for reconsideration, the Street Vendor shall be entitled to a formal hearing before the city collector or a hearing examiner designated by the city collector in order to provide the vendor with an opportunity to show that the action taken was incorrect or contrary to law, in whole or in part, after which hearing, the city collector or the designee shall either grant or deny the request with justification thereof in writing within 15 days of the hearing. If the request for reconsideration is denied, the Street Vendor may appeal within 30 days from the date of the denial or revocation of the license to the Circuit Court of Kanawha County in the manner prescribed by law for an appeal of an administrative decision.

Sec. 18-1037. Street vending Vending permit required; application, fees.

(a) No person or business entity, including a religious or charitable organization, shall operate a Nonmotorized Vending Unit or a Mobilized Vending Vehicle upon the public right-of-way as a Vendor within the City without a street vending permit, except as otherwise herein provided.

(b) An applicant for a street vending permit shall file an application with the City of Charleston City Collector's Office on such forms and subject to such procedures as the City Collector's Office may establish. All applicants shall acknowledge in writing that they will not serve food or alcohol, unless and until they are in good standing with the Kanawha-Charleston Health Department and the West Virginia Alcohol Beverage Control Administration, as applicable. Upon request by the City Collector's Office, a vendor shall submit with their application evidence of approval from the Kanawha-Charleston Health Department and the West Virginia Alcohol Beverage Control Administration, as applicable.

(c) The City shall charge an administrative fee for permits not to exceed of \$20.00 per permit per calendar year, or any portion thereof. Dishonored checks shall be subject to a \$15.00 returned check fee in addition to the \$20.00 permit fee. The applicant shall indicate whether it is applying to be a Street Vendor, Event Vendor, or Private Property Vendor. All approved Street Vendors are automatically qualified to be Event Vendors and Private Property Vendors. All Event Vendors are automatically qualified to be Private Property Vendors.

(d) Permits are nontransferable, and each Nonmotorized Vending Unit or Mobilized Vending Vehicle Vendor must have its own permit which shall be posted at all times on or in the Nonmotorized Vending Unit or Mobilized Vending Vehicle, visible to customers and the public.

(e) The City Collector shall issue the vending permit upon receipt of a satisfactory application and administrative fee, and such permit shall clearly indicate whether it is a Street Vendor, Event Vendor, or Private Property Vendor. Permits shall be renewable on a calendar year basis and shall expire on December 31 of each year: Provided, That any street vendor permit granted under the previous version of this Municipal Code for the fiscal year ending June 30, 2021, shall be automatically extended and deemed to expire on December 31, 2021.

Sec. 18-1038. Additional Requirements.

(a) Prior to the issuance of a street vending permit for a Street Vendor, the applicant must agree, in writing, that it shall indemnify, defend, and save harmless the City, its officers, agents, and employees, from and against all liability, claims, suits, damages, losses, costs, attorneys' fees and expenses of any or all types arising out of, or related in any way to the operations or activities of the Street Vendor. The Street Vendor applicant (b) An applicant seeking a permit for a Nonmotorized Vending Unit or Mobilized Vending Vehicle shall maintain such general liability insurance with at least \$1,000,000 coverage per each occurrence and shall name as additional insured the City of Charleston, its agents, officers, directors, and employees. A copy of said insurance policy shall be furnished to the City of Charleston.; Provided that,

(b) Prior to the issuance of a vending permit for an Event Vendor, the applicant must acknowledge, in writing, that it is only applying to operate if a Street Vendor is operating in conjunction with an organized event, private or public authorized by the City, and said event provides umbrella insurance coverage sufficient to satisfy the requirements herein or that the Event Vendor will be required to provide further information to the City Event Coordinator., then the street vendor will not be required to maintain independent insurance to participate in the organized event.

(c) Prior to the issuance of a vending permit for a Private Property Vendor, the applicant must acknowledge, in writing that it is only applying to operate on private property and that it will need a different permit if it intends to operate as part of an authorized City event or upon the public right of way.

Sec. 18-1039. Revocation of street vending permit.

The city collector, upon reasonable notice provided in writing to the Street Vendor through certified mail or personal service, may summarily revoke a Street Vendor's permit pursuant to the provisions of this Code: (1) for any reason which would have been grounds for denial of such permit when first issued for: (2) for violation of any term or condition of such permit; (3) for violation of any pertinent provision of state law, this Code or other ordinance or rules and regulations promulgated thereto; or (4) for the perpetration or attempted perpetration of fraud, malpractice or malfeasance by the permittee.

Sec. 18-1040. Request for reconsideration and appeal of revocation of street vending permit.

Any Street Vendor whose permit has been revoked may request reconsideration from the city collector. The request for reconsideration must be received within 20 days from the date of receipt of the revocation and shall include a written explanation stating with particularity the reason for the request. Upon receipt of a timely request for reconsideration, the Street Vendor shall be entitled to a formal hearing before the city collector or a hearing examiner designated by the city collector in order to provide the Vendor with an opportunity to show that the action taken was incorrect or contrary to law, in whole or in part, after which hearing, the city collector or the designee shall either grant or deny the request with justification thereof in writing within 15 days of the hearing. If the request for reconsideration is denied, the Street Vendor may appeal within 30 days from the date of the denial or

revocation of the license permit to the Circuit Court of Kanawha County in the manner prescribed by law for an appeal of an administrative decision.

Sec. 18-1041. Compliance with federal, state and local laws and regulations.

(a) The operation of a Nonmotorized Vending Unit or Mobilized Vending Vehicle pursuant to a street vending permit granted under this Article shall comply with all provisions of state and local building and fire codes, as well as all state and local health laws and regulations regarding the service and preparation of food, if applicable. Nothing in this article shall be intended to alter or abridge any applicable federal, state and local laws, unless specifically stated herein with respect to the Municipal Code of the City of Charleston.

(b) Nothing in this article shall be intended to alter or abridge the prohibition of service of alcoholic beverages or possession thereof on public property in the City, as set forth in applicable West Virginia Code and Section 78-211(b) of the Municipal Code of the City of Charleston.

(c) All Street Vendors are responsible for complying with all taxation and fee requirements as provided in this Code, including but not limited to the Business and Occupation Tax as imposed in Sections 110-52 through 110-59 and the City Service Fee as imposed in Sections 2-737 and 2-744. However, the taxation and fee requirements for Street Vendors shall be on an annual filing basis for the entire calendar year on forms prescribed by the City Collector, rather than by quarterly filing. Therefore, all tax and fee requirements referenced herein shall be filed and paid to the Office of the City Collector by January 31st of the succeeding year. Failure to properly file the required annual tax return will result in the withholding or suspension of a Street Vendor license and permit.

DIVISION 2. NONMOTORIZED VENDING UNITS; PUSHCARTS, TABLES AND STANDS VENDOR STANDARDS.

Sec. 18-1061. Standards for Nonmotorized Vending Units Requirements and Regulations of Vendors.

(a) It shall be unlawful to leave any Nonmotorized Vending Unit or Mobilized Vending Vehicle unattended on an approved public right of way or remain on an approved public right of way outside of the allowed hours of operation, unless the Mobilized Vending Vehicle is legally parked in a manner consistent with all parking and traffic regulations. If any Nonmotorized Vending Unit is left unattended for more than 30 minutes, it will be considered abandoned and may be removed by the City. A Mobilized Vending Vehicle left unattended in violation of this subsection shall be subject to citation(s) for traffic/parking violations and may be towed by the City. If removed or towed by the City consistent with this subsection, the Street Vendor shall be liable for all reasonable removal, towing, and storage charges. The City may also require additional restrictions to abate nuisances.

(b) A Street Vendor may not operate a Nonmotorized Vending Unit or Mobilized Vending Vehicle within two hundred (200) feet of any event that is licensed or sanctioned authorized by the City, unless the Street Vendor is an authorized approved participant in such event.

(c) A Street Vendor operating a Nonmotorized Vending Unit or Mobilized Vending Vehicle may

not make or cause to be made any unreasonable or excessive noise in violation of Section 78-212 of this Code, including noise from generators. Any Street Vendor operating a Nonmotorized Vending Unit or Mobilized Vending Vehicle in conjunction with an operational generator may not operate within 50 feet from any outdoor dining area as defined in this Article. A Street Vendor may not use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles or similar devices. A Street Vendor engaging in food service shall take all reasonable steps to prevent activity akin to a nuisance, including but not limited to smoke and steam emissions.

(d) With the exception of trash bins and signage authorized by this section, a Street Vendor operating a Nonmotorized Vending Unit or Mobilized Vending Vehicle may not use or place on the approved public right-of-way any external signage, tables, seating, or any other equipment not contained within or upon the Nonmotorized Vending Unit or Mobilized Vending Vehicle.

(e) A Street Vendor operating a Nonmotorized Vending Unit or Mobilized Vending Vehicle may not have any exclusive and/or perpetual right to use any location upon the streets, alleys, or public grounds of the City. All locations designated as approved public rights-of-way for Nonmotorized Vending Units shall be available on a first come, first served basis with no particular location(s) assigned to any particular Street Vendor(s). Notwithstanding, the City may assign locations for Street Vendors during city-sponsored events.

(f) A Street Vendor operating a Nonmotorized Vending Unit or Mobilized Vending Vehicle may not conduct business on an approved public right-of-way between the hours of 4 a.m. and 6 a.m. nor may any Nonmotorized Vending Unit or Mobilized Vending Vehicle be permitted to remain on an approved public right-of-way between the hours of 4 a.m. and 6 a.m., unless the Mobilized Vending Vehicle is parked in conformance with all applicable parking and traffic regulations. Mobilized Vending Vehicles shall be parked at all times in conformance with applicable parking and traffic regulations, including but not limited to payment of parking meters during hours of operation, and may not hinder the lawful parking or operation of other vehicles. Mobilized Vending Vehicles may not bag parking meters to conduct street vending operations. Mobilized Vending Vehicles shall be permitted to park in loading zones between the hours of 6:00 p.m. and 4:00 a.m. Any opening or window from which business is conducted for all Mobilized Vending Vehicle must open toward the sidewalk, walkway or parking area. No window or opening from which business is conducted may open toward the street or traffic area.

(g) A Nonmotorized Vending Unit or Mobilized Vending Vehicle operating within the designated locations may not be of a size or configuration as to interfere with City or public use of any public right-of-way or impede ingress or egress by vehicles or pedestrians.

(h) An unobstructed clearance for pedestrian travel consistent with the Americans with Disabilities Act must be maintained around any Nonmotorized Vending Unit or Mobilized Vending Vehicle.

(i) An unobstructed clearance of 42 inches, must be maintained between a fire hydrant and any Nonmotorized Vending Unit or Mobilized Vending Vehicle.

(j) A Street Vendor operating a Nonmotorized Vending Unit or Mobilized Vending Vehicle may not park such Unit on a utility/manhole cover located upon an approved public right-of-way.

(k) Street Vendors shall obey any lawful order of a police officer to move a Nonmotorized Vending Unit or Mobilized Vending Vehicle to a different approved location, or to remove it entirely, if necessary to avoid congestion or obstruction of a public right-of-way, or for the City's use of such right-of-way for emergency purposes, construction or any other public benefit deemed necessary or appropriate at the discretion of the officer including but not limited to nuisance abatement.

(l) Any power required for a Nonmotorized Vending Unit or Mobilized Vending Vehicle located on an approved public right-of-way shall be self-contained and it may not draw its power from the public right-of-way, except where approved by the city manager. Power cables or equipment may not extend across any public street, alley or sidewalk.

(m) Street Vendors operating a Nonmotorized Vending Unit or Mobilized Vending Vehicle shall contain all refuse, trash, and litter within the Nonmotorized Vending Unit or Mobilized Vending Vehicle, or provide a small moveable trash can maintained by the Street Vendor and located adjacent to the Nonmotorized Vending Unit or Mobilized Vending Vehicle in such a manner as not to block or otherwise obstruct pedestrian or vehicular traffic. The operator of the Nonmotorized Vending Unit or Mobilized Vending Vehicle shall be responsible for properly disposing of such refuse, trash, and litter as would any business, and shall not place it in any public trash container, or in any private container without proper permission. Spills of food or food by-products shall be cleaned up by the Street Vendor operating the Nonmotorized Vending Unit or Mobilized Vending Vehicle, and no dumping of gray water on the streets is allowed.

(n) Any signage or advertising signs shall be maintained by the Street Vendor and located adjacent to the Nonmotorized Vending Unit or Mobilized Vending Vehicle in such a manner as not to block or otherwise obstruct pedestrian or vehicular traffic.

(o) The Street Vendor's license permit shall be displayed conspicuously at all times upon the vendor's vehicle, table, cart or container. Any and all additional licenses or permits required pursuant to law and this article shall be displayed conspicuously at all times upon the vendor's vehicle, table, cart or container.

(p) Nothing in this Section shall be construed to prohibit the distribution or the sale of newspapers on the sidewalks or from a vehicle.

DIVISION 3. MOBILIZED VENDING VEHICLES.

Sec. 18-1081. Standards for Mobilized Vending Vehicles.

(a) It shall be unlawful to leave any Mobilized Vending Vehicle unattended on an approved public right-of-way or remain on an approved public right-of-way outside of the allowed hours of operation unless the same is legally parked in a manner consistent with all parking and traffic regulations. A Mobilized Vending Vehicle left unattended in violation of this subsection shall be subject

to citation(s) for traffic/parking violations and may be towed by the City. If removed by the City consistent with this subdivision, the Street Vendor shall be held liable for all reasonable towing and storage charges. The City may also require additional restrictions to abate nuisances.

(b) A Street Vendor may not operate a Mobilized Vending Vehicle within two hundred (200) feet of any event that is licensed or sanctioned by the City, unless the Street Vendor is an authorized participant in such event.

(c) A Street Vendor operating a Mobilized Vending Vehicle may not make or cause to be made any unreasonable or excessive noise in violation of Section 78-212 of this Code, including noise from generators. Any Street Vendor operating a Mobilized Vending Vehicle in conjunction with an operational generator may not operate within 50 feet from any outdoor dining area as defined in this Article. A Street Vendor may not use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles or similar devices. A Street Vendor engaging in food service shall take all reasonable steps to prevent activity akin to a nuisance, including but not limited to smoke and steam emissions.

(d) With the exception of trash bins, a Street Vendor operating a Mobilized Vending Vehicle may not use or place on the public right-of-way any external signage, tables, seating, or any other equipment not contained within or upon the Mobilized Vending Vehicle.

(e) A Street Vendor operating a Mobilized Vending Vehicle may not have any exclusive and/or perpetual right to use any location upon the streets, alleys, or public grounds of the City. All locations designated as approved public rights-of-way for Mobilized Vending Vehicles shall be available on a first come, first served basis with no particular location(s) assigned to any particular Street Vendor(s). Notwithstanding, the City may assign locations for Street Vendors during city-sponsored events.

(f) A Street Vendor operating a Mobilized Vending Vehicle may not conduct business on an approved public right-of-way between the hours of 4 a.m. and 6 a.m., nor may any Mobilized Vending Vehicle be permitted to remain on any approved public right-of-way between the hours of 4 a.m. and 6 a.m. unless parked in conformance with all applicable parking and traffic regulations.

(g) Mobilized Vending Vehicles shall be parked at all times in conformance with applicable parking and traffic regulations, including but not limited to payment of parking meters during hours of operation, and may not hinder the lawful parking or operation of other vehicles. Mobilized Vending Vehicles may not bag parking meters to conduct street vending operations. Mobilized Vending Vehicles shall be permitted to park in loading zones between the hours of 6:00 p.m. and 4:00 a.m. Any opening or window from which business is conducted for all Mobilized Vending Vehicle must open toward the sidewalk, walkway or parking area. No window or opening from which business is conducted may open toward the street or traffic area.

(h) A Mobilized Vending Vehicle may not be of a size or configuration as to interfere with City or public use of any public right-of-way or impede ingress or egress by vehicles or pedestrians.

(i) An unobstructed clearance of at least 42 inches must be maintained between a fire hydrant

and any Mobilized Vending Vehicle.

(j) An unobstructed clearance for pedestrian travel consistent with the Americans with Disabilities Act must be maintained around any Mobilized Vending Vehicle.

(k) A Street Vendor operating a Mobilized Vending Vehicle may not park such Vehicle on a utility/manhole cover located upon an approved public right-of-way.

(l) Street Vendors shall obey any lawful order of a police officer to move a Mobilized Vending Vehicle to a different approved location, or to remove it entirely, if necessary to avoid congestion or obstruction of a public right-of-way, or for the City's use of such right-of-way for emergency purposes, construction or any other public benefit deemed necessary or appropriate at the discretion of the officer, including but not limited to the abatement of a nuisance.

(m) Any power required for the Mobilized Vending Vehicle located on a public right-of-way shall be self-contained and it may not draw its power from the public right-of-way, except where approved by the city manager. Power cable or equipment may not be extended across any public street, alley or sidewalk.

(n) Street Vendors shall contain all refuse, trash, and litter within the Mobilized Vending Vehicle or provide a small moveable trash can maintained by the Street Vendor, and located adjacent to the Mobilized Vending Vehicle in such a manner as not to block or otherwise obstruct pedestrian or vehicular traffic. The Street Vendor operating the Mobilized Vending Vehicle shall be responsible for properly disposing of such refuse as would any business, and may not place it in any public trash container, or in any private container without proper permission. Spills of food or food by-products shall be cleaned up by the Street Vendor operating the Mobilized Vending Vehicle, and no dumping of gray water on the streets is allowed.

(o) Any signage or advertising signs shall be maintained by the Street Vendor and located adjacent to the Mobilized Vending Vehicle in such a manner as not to block or otherwise obstruct pedestrian or vehicular traffic.

(p) The Street Vendor's license shall be displayed conspicuously at all times upon the vendor's Mobilized Vending Vehicle. Any and all additional licenses or permits required pursuant to law and this article shall be displayed conspicuously at all times upon the vendor's Mobilized Vending Vehicle.

(q) Nothing in this Section shall be construed to prohibit the distribution or the sale of newspapers from a motor vehicle.

CHAPTER 110 – TAXATION

ARTICLE II – BUSINESS AND OCCUPATION TAX

Sec. 110-63. - Exemptions.

(a) The provisions of this article shall not apply to:

(1) Insurance companies which pay the state a tax upon premiums; provided, that such exemption shall not extend to that part of gross income of insurance companies which is received for the use of real property, other than property in which any such company maintains its office or offices, in the city, whether such income is in the form of rentals or royalties;

(2) Nonprofit cemetery companies organized and operated for the exclusive benefit of their members;

(3) Fraternal societies, organizations and associations organized and operated for the exclusive benefit of their members and not for profit; provided, that this exemption shall not extend to that part of gross income arising from the sale of alcoholic liquor, food and related services of such fraternal societies, organizations and associations which are licensed as private clubs under the provisions of W. Va. Code ch. 60, art. 7;

(4) Corporations, associations and societies organized and operated exclusively for religious or charitable purposes; *provided that:* the City may impose its business and occupation tax on any activity of a corporation, association or society organized and operated exclusively for religious or charitable purposes only to the extent that the income generated by the activity is subject to taxation under the provisions of section 511 of the Internal Revenue Code of 1986, as amended;

(5) Production credit associations, organized under the provisions of the federal Farm Credit Act of 1933; provided, that the exemptions of this section shall not apply to corporations or cooperative associations organized under the provisions of W. Va. ch. 19, art. 4;

(6) Any credit union organized under the provisions of chapter 31 or any other chapter of the Code of West Virginia; provided, that the exemptions of this section shall not apply to corporations or cooperative associations organized under the provisions of W. Va. ch. 19, art. 4;

(7) Gross income derived from advertising service rendered in the business of radio and television broadcasting;

(8) The gross income or gross proceeds of sale of a gasification or liquefaction of coal project in the demonstration, pilot or research states; provided, that prior to the commencement of operation of any such project, the tax commissioner of the state shall have first certified the project as eligible for such exemption; provided, further, that such exemption shall expire seven years from the date the project first receives gross income or gross proceeds from sales; and

(9) The first five thousand dollars (\$5,000.00) of gross income or gross proceeds in each calendar year derived from sales or services by a street vendor or itinerant vendor, as defined Section 18-1031 of this Code, shall be exempt from the tax imposed by this Article. The street vendor or itinerant vendor shall file a Business and Occupation tax return for such gross income or gross proceeds even if such revenue is exempt.

(b) An organization is "charitable" for purposes of subdivision (4) of subsection (a) of this section

if it satisfies both of the following criteria: (1) it is exempt from Federal Tax, under 26 U.S.C. § 501(c)(3), and (2) its purposes include relief of poverty, advancement of education, advancement of religion, promotion of health, governmental or municipal purposes, or other purposes that are beneficial to the community.

Councilmember Robinson added that the bill cleans up regulations regarding vendor licenses and permits for the City. It removes the itinerant vendor clarification and adds further clarifications regarding street events and private property vendors. The bill streamlines vendor permitting requirements.

Councilmember Gianola wanted to confirm that the bill would make it easier for small business owners and street vendors, specifically regarding insurance requirements. Councilmember Robinson agreed that the bill would streamline the process. City Attorney, Kevin Baker, added that currently any vendor in the City would have to have to show that they have \$1 million worth of coverage. The proposed bill would require that only for vendors actively in the public right-of-way, not for events or on private spaces.

Councilmember Pepper spoke in favor of the bill.

Councilmember Kerns spoke in favor of the bill.

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

A roll call was taken:

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

NAYS:

ABSENT: Faegre, Ferrell

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 8028 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. 930-24 be adopted.

Resolution No. 930-24 - Authorizing the Mayor or City Manager to purchase two (2) new 2024 Ford Super Duty F-250 trucks for Spring Hill Cemetery from National Auto Fleet Group in the total amount of \$97,636.20 pursuant to a competitively sourced multi-state contract. These will replace Spring Hill Cemetery trucks 952/201 and 952/211 as part of the budgeted replacement cycle.

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

That the Mayor or City Manager is authorized to purchase two (2) new 2024 Ford Super Duty F-250 trucks for Spring Hill Cemetery from National Auto Fleet Group in the total amount of \$97,636.20 pursuant to a competitively sourced multi-state contract. These will replace Spring Hill Cemetery trucks 952/201 and 952/211 as part of the budgeted replacement cycle.

Councilmember Jenkins added that the purchase is a budgeted, regular replacement of the vehicles.

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. 930-24 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. 931-24 be adopted.

Resolution No. 931-24 - Authorizing the Mayor or City Manager to purchase an Interactive Use of Force Training Simulator from Safeware in the amount of \$616,220.00. The purchase is being made through a Sourcewell contract with grant funds awarded under a COPS Technology grant. The training simulator includes LED screens, surround system speakers, cameras, projectors, on-site installation, training and scenario filming.

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

That the Mayor or City Manager is authorized to purchase an Interactive Use of Force Training Simulator from Safeware in the amount of \$616,220.00. The purchase is being made through a Sourcewell contract with grant funds awarded under a COPS Technology grant. The training simulator includes LED screens, surround system speakers, cameras, projectors, on-site installation, training and scenario filming.

Councilmember Jenkins added that the City has received a grant for the purpose of a training simulator for the Police 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. 931-24 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. 932-24 be adopted.

Resolution No. 932-24 - Authorizing settlement of pending disputed claims against the City in the matter known as Mary Maddox v. City of Charleston, Civil Action No. 21-C-147 in the Circuit Court of Kanawha County, West Virginia, as recommended by the City Solicitor.

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

That the City Council hereby authorizes and approves the settlement of pending disputed claims against the City by Mary Maddox, as contained in Civil Action No. 21-C-147 in the Circuit Court of Kanawha County, West Virginia, in the amount of \$60,000.00, as recommended by the City Solicitor. The City Council authorizes the City Solicitor and City Manager to take all necessary steps to finalize resolution of the claims.

Councilmember Jenkins added that the settlement is favorable to the potential liabilities to the City.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 932-24 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. 933-24 be adopted.

Resolution No. 933-24 - Authorizing the Mayor or City Manager to renew its contract with Encova Insurance for workers' compensation insurance coverage for a premium of \$269,847, including surcharges, and with an additional claims handling charge of 10% of paid claims, as detailed in Exhibit A: Provided, That this contract does not include any commission to the City's broker of record, USI Insurance Services LLC;

Authorizing the Mayor or City Manager to renew its contract with USI Insurance Services LLC ("USI") for insurance broker, risk management, and loss control services related to the City's property, liability, and workers' compensation insurance coverages for a cost of \$75,000 as detailed in Exhibit A; and

Authorizing the Mayor or City Manager to renew its contract with the West Virginia Counties Group Self Insurance Risk Pool, Inc, D/B/A West Virginia Communities Risk Pool ("WVCorp"), for Third Party Administration (TPA) services related to legacy claims incurred while the City was self-insured for workers' compensation at a fee not to exceed \$20,000.

This procurement is based on the results of a competitive insurance quote review process and the Memorandum of Understanding among the City, USI, and WVCorp entered into under Resolution No. 617-22.

The effective dates of the policies/contracts above will be from March 31, 2024 through March 31, 2025.

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

That the Mayor or City Manager is authorized (1) to renew its contract with Encova Insurance for workers' compensation insurance coverage for a premium of \$269,847, including surcharges, and with an additional claims handling charge of 10% of paid claims, and authorizing leaving the WV self-insurance system, as detailed in Exhibit A: Provided, That this contract does not include any commission to the City's broker of record, USI Insurance Services LLC; (2) to renew its contract with USI Insurance Services LLC for insurance broker, risk management, and loss control services related to the City's property, liability, and workers' compensation insurance coverages for a cost of \$75,000 as detailed in Exhibit A; and (3) to renew its contract with the West Virginia Counties Group Self Insurance Risk Pool, Inc, D/B/A West Virginia Communities Risk Pool, for Third Party Administration (TPA) services related to legacy claims incurred while the City was self-insured for workers' compensation at a fee not to exceed \$20,000, all to be effective from March 31, 2024 through March 31, 2025.

Councilmember Jenkins added that the resolution is a renewal for the current policy. There is a fair 2% premium increase. The insurance broker fee remains the same. There is decrease increase for the 3rd party administrator legacy worker's compensation claims.

Councilmember Burton abstained from voting as he works with the parties listed.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon in the majority in as affirmative, the Mayor declared Resolution No. 933-24 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. 934-24 be adopted.

Resolution No. 934-24 - Authorizing the Mayor or City Manager, subject to final review by the City Attorney, to renew its contracts with the West Virginia Counties Group Self Insurance Risk Pool, Inc., DBA West Virginia Communities Risk Pool, at a price of \$1,079,948 for the City's Risk Management and Property, Casualty, and Cyber Insurance coverage and including all Third Party Administrator (TPA) Services for those lines of coverage for the period March 31, 2024 through March 31, 2025, in accordance with the costs and coverages in Exhibit A. Underinsured motorists coverage is specifically rejected. Uninsured motorists coverage with statutory minimum limits of \$25,000/\$50,000/\$25,000 is accepted only.

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

That the Mayor or City Manager is authorized, subject to final review by the City Attorney, to renew its contracts with the West Virginia Counties Group Self Insurance Risk Pool, Inc., DBA West Virginia Communities Risk Pool, at a price of \$1,079,948 for the City's Risk Management and Property, Casualty, and Cyber Insurance coverage and including all Third Party Administrator (TPA) Services for those lines of coverage for the period March 31, 2024 through March 31, 2025, in accordance with the costs and coverages in Exhibit A. Underinsured motorists coverage is specifically rejected. Uninsured motorists coverage with statutory minimum limits of \$25,000/\$50,000/\$25,000 is accepted only.

Councilmember Jenkins added that coverage will remain the same. There is a 2.8% increase in premiums, mostly due to the auto liability increase.

Councilmember Snodgrass stated that she thought this was for a multi-year contract. City Manager, Ben Mishoe, replied that it was a three-year contract, and the premiums are revisited every year.

Councilmember Burton abstained from voting as he works with the parties listed.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. This will be for the third year of the agreement.

A roll call was taken:

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

NAYS: King, Snodgrass

ABSTAIN: Burton

ABSENT: Faegre, Ferrell

With members present recorded thereon as voting in the majority as affirmative, with twenty-three (23) Yeas, two (2) Nays and one (1) Abstain, the Mayor declared Resolution No. 934-24 as 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. 935-24 be adopted.

Resolution No. 935-24 - WHEREAS, the City of Charleston seeks to upgrade Kanawha Boulevard from Magic Island and the West Side, to the 35th Street Bridge, together with Greenbrier Street from Kanawha Boulevard to Washington Street, a project known as the “Charleston Capital Connector”;

WHEREAS, this complete street upgrade will make this corridor safer for pedestrians and cyclists, will better connect citizens and visitors to the riverfront and key community hubs, will create better public transit accessibility, will promote improved accessibility for the West Side to the community, will foster downtown economic development, and will make this corridor more beautiful and environmentally sustainable;

WHEREAS, the U.S. Department of Transportation has awarded the City of Charleston \$1,750,000 through a “RAISE Grant” to conduct the design, engineering, and permitting necessary to make this project shovel-ready for implementation;

WHEREAS, the City of Charleston will be using the RAISE Planning Grant and city resources to retain the firm GAI Consultants to conduct the design and engineering project for the Capital Connector;

WHEREAS, the U.S. Department of Transportation has issued a notice of funding availability soliciting applications for \$1.5 billion in RAISE grants for projects such as the Capital Connector, which can be for up to \$25 million each for construction projects, with applications due by close of February 28, 2024;

WHEREAS, the U.S. Department of Transportation RAISE grant solicitation waives the requirement for local matching funds for areas that meet certain criteria, which includes the area for the Charleston Capital Connector project;

WHEREAS, the City of Charleston expects to have completed the design and engineering of the Capital Connector and will have a shovel-ready project for construction, by the time the 2024 RAISE Grant awards will be disbursed to winning applicants;

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

The City Council of Charleston, West Virginia strongly backs the Charleston Capital Connector project, and authorizes the Mayor or City Manager to submit an application for U.S. DOT construction funding for the initiative.

Councilmember Jenkins added that approval of the resolution will show that the project has Council’s support.

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. 935-24 adopted.

REPORTS OF OFFICERS

1. Municipal Court Report to City Council Month Ending January 2024.

NEW BILLS

None

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

1. Mayor Goodwin stated that she had recently appointed Scott Dempsey as the Chief of Police and Jason Webb as the Deputy Chief. The City will be hosting Youth Art Month for the second time. The CLRA will be hosting roundtables and public input sessions.
2. Councilmember Snodgrass thanked the Mayor for her choice of Police Chief.
3. Councilmember Pepper stated that he has been proud to serve on the Land Reuse Agency, and agreed that they do important work (Sidewalk Program and New Construction Incentives). Councilmember Pepper stated that there should be a clear line as to what Council should debate and pass resolutions on.
4. Councilmember Overstreet thanked the CLRA, and asked for assistance with a cat colony.
5. Councilmember Moore commented on the passing of Stephen Starks, who was the founder of Multifest.
6. Councilmember Solomon expressed concern that the ceasefire resolution was Tabled as it is local to the well being of their neighbors. Councilmember Solomon also expressed concern about the overdose rates in the City, the inactivity of the Health Advisory Board, the inactivity of the Gun Violence Prevention and Survivors Commission, the City's Harm Reduction policies, lack of a Climate Office within the City, removing press from the floor.

7. Councilmember Kerns stated that many homes on Garrison Avenue need help. Councilmember Kerns expressed concerns about the retirement fund for Uniformed Employees, and costs surrounding the Sports Complex.
8. Councilmember Burka thanked Chief Dempsey for helping to close a vile business in Kanawha City.
9. Councilmember Pharr stated that she did not agree that the Kanawha County Syringe Program was successful. It did not include people that had to care for or live with those in active addiction.

ADJOURNMENT

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

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

NAYS:

ABSENT: Faegre, Ferrell

At 8:43 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, March 4, 2024, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk