



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, February 5, 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 first meeting in the month of February on the 5th day, in the year 2024, 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 Burka. City Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

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

With twenty-four 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. Michelle Anderson – represented the American Heart Association.
2. Traci Strickland – represented the Kanawha Valley Collective.
3. James “Cody” Johnson – requested a safe passage from the bus stop.
4. Kim Cochran – spoke about the noise problem at a BP station.
5. Jeani Short - spoke about the noise problem at a BP station.
6. Robin L. Godfrey – spoke in favor of Resolution No. 920-24.
7. Naomi Cohen - spoke in favor of Resolution No. 920-24.
8. Zaina Haffar - spoke in favor of Resolution No. 920-24.
9. Ann Michelle Michael - spoke in favor of Resolution No. 920-24.
10. Jonah Kone - spoke in favor of Resolution No. 920-24.

CLAIMS

1. A claim of Billy Fields, Charleston, WV;
alleges personal injury.
2. A claim of Mark Gandee, Charleston, WV;
alleges damage to vehicle.
3. A claim of George Russell, Charleston, WV;
alleges damage to vehicle.
4. A claim of Lisa M. Smith, Charleston, WV;
alleges damage to vehicle.

PROCLAMATIONS

EXECUTIVE DEPARTMENT CITY OF CHARLESTON PROCLAMATION

WHEREAS: One in five deaths is due to heart disease, making it the leading cause of death in the United States in men and women; and approximately 160,000 people in West Virginia have coronary heart disease – the most common form of heart disease; and

WHEREAS: Considerable progress has been made to advance our knowledge and treatment of heart disease—including technologies that help diagnose, treat, and prevent heart disease—and we have a better understanding of heart disease risk factors, such as high blood pressure, bad cholesterol, smoking, being overweight, and type 2 diabetes, and

WHEREAS: It is important we make time every day for self-care, such as managing stress, taking a daily walk, preparing healthier meals, and getting enough sleep help keep blood pressure in the healthy range and reduce the risks of heart disease and stroke; and

WHEREAS: We can work together to help raise importance of a healthy heart and save lives by learning the warning signs.

WHEREAS: 2024 marks the 100th anniversary of the American Heart Association and its mission to fight heart disease and stroke.

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

American Heart Month

In Charleston, West Virginia and urge all citizens to learn the warning signs of heart attack and stroke and how to achieve better heart health.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 5th day of February 2024.

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

Amy Shuler Goodwin, Mayor

COMMUNICATIONS

None

PUBLIC HEARING

After duly being published as required, the Mayor declared the floor open for a Public Hearing for Resolution No. 927-24 – Authorizing the Mayor or City Manager to enter into a lease agreement for approximately 30.5 acres and associated access and utility easements of land adjacent to the City Landfill, to be used by Waste Management for the construction and operation of a waste storage facility. No person from the public spoke in reference to the Public Hearing. The Mayor declared the Public Hearing CLOSED.

REPORTS OF COMMITTEES

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. 8022 do pass.

Bill No. 8022 - A BILL providing for the annexation into the City of Charleston of parcel 1.1, Map 9, District 19, commonly referred to as the City Landfill, near the road known as Landfill Pt.

WHEREAS, the City of Charleston has received a petition for annexation without election pursuant to W.Va. Code § 8-6-4 from the sole qualified freeholder in territory near Landfill Pt. that is contiguous to the City of Charleston; and

WHEREAS, a description by metes and bounds of the additional territory proposed to be annexed to the corporate limits is attached hereto as Exhibit 1; and

WHEREAS, the Council of the City of Charleston has reviewed the petition for annexation, as well as subdivision records, maps and information from the Kanawha County Assessor's Office concerning the territory to be annexed, voter registration information concerning qualified voters in the additional territory, and other relevant information; and

WHEREAS, the Council of the City of Charleston did enumerate and verify the total number of eligible petitioners, in each category, from the territory to be annexed and determined that a majority of all freeholders of the additional territory filed the petition and there are no qualified voters in the additional territory; and

WHEREAS the Council of the City of Charleston found and does hereby certify that the requisite number of petitioners has filed the petition, that the petition is sufficient in all respects, and the petition complies with W.Va. Code § 8-6-4; and

WHEREAS, the City of Charleston hereby provides for and consents to the annexation of the additional territory without ordering a vote on the questions, which changes the corporate limits of the City of Charleston.

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

The Council of the City of Charleston, in compliance with W.Va. Code § 8-6-4, having previously enumerated and verified the total number of eligible petitioners, in each category, from the additional

territory to be annexed, is satisfied that the petition for annexation is sufficient in every respect. By passage of this ordinance, as a certification to such fact of the sufficiency, the City Council shall enter this annexation upon its journal. A certified copy of this ordinance shall be forwarded to the Kanawha County Commission for entry of an order.

The City of Charleston does hereby provide for the annexation of additional territory without ordering a vote on the questions, and hereby does consent to and does annex the territory commonly referred to as the City Landfill near the road known as Landfill Pt. as described in Exhibit 1 (attached hereto). By said annexation, and upon entry of an appropriate order by the Kanawha County Commission, the corporate limits of the City of Charleston shall be set forth to include this additional territory as part of Ward 20.

Councilmember Hoover added that the City is the sole owner and petitioner of the annexation.

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

A roll call was taken:

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

NAYS:

ABSENT: Annie, Ceperley, Salango

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 8022 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. 8024 do pass.

Bill No. 8024 - 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 zoning the previously unzoned parcel to a R-4 district, the parcel of land located at parcel 1.1, Map 9, District 19, commonly referred to as the City Landfill, near the road known as Landfill Pt.

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 zoning to a R-14 district the whole of the following described lots or parcels of land:

Loudon District 19, Tax Map 08, Parcels 90.15 through 90.20 in the City of Charleston, Kanawha County, State of West Virginia.

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 would zone the annexed area that was approved in the previous bill to an R-4, which is consistent with the surrounding areas.

Councilmember Jenkins asked why the area is to be zoned and R-4 if it is meant for industrial use. Planning Director, Dan Vriendt, replied that the surrounding area is all R-4, which is a permitted use for public utility use. The zoning would also allow for possible secondary uses of the space, such as a park.

Councilmember Faegre asked if the people that live in the area had been surveyed. Vriendt replied that he had not been involved in any sort of discussion.

Councilmember Minardi abstained from voting.

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

A roll call was taken:

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

NAYS:

ABSTAIN: Minardi

ABSENT: Annie, Ceperley, Salango

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared Bill No. 8024 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. 924-24 be adopted.

Resolution No. 924-24 - Authorizing the Mayor or City Manager to submit an application to the Regional Intergovernmental Council's Surface Transportation Block Grant Program with a total project cost in the amount of \$2,500,000. The program requires an 80/20 match with \$500,000 coming from the City's American Rescue Plan proceeds. The grant will be used for sidewalk improvements in the downtown central business district.

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

The Mayor or City Manager is authorized to submit an application to the Regional Intergovernmental Council's Surface Transportation Block Grant Program with a total project cost in the amount of \$2,500,000. The program requires an 80/20 match with \$500,000 coming from the City's American Rescue Plan proceeds. The grant will be used for sidewalk improvements in the downtown central business district.

Councilmember Jenkins added that there will be a \$500,00 match.

Councilmember Pepper confirmed that the funds will come from ARPA funds but not the Sidewalk Improvement Fund.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 924-24 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. 925-24 be adopted.

Resolution No. 925-24 - Authorizing the Mayor or City Manager to enter into an agreement with Ozark Materials, LLC in the amount of \$33,785.40 for the City's Traffic Marking Paint, where the 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 is authorized to enter into an agreement with Ozark Materials, LLC in the amount of \$33,785.40 for the City's Traffic Marking Paint, where the purchase was determined through a competitive bidding process.

Councilmember Jenkins added that the resolution is for the annual purchase of traffic marking paint for the Traffic Department. The paint is used to repaint lines on roads, etc.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 925-24 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. 926-24 be adopted.

Resolution No. 926-24 - Authorizing the General Manager of the Charleston Coliseum & Convention Center to enter into a contract with MTN Shop in the amount of \$ 38,977.47 for the purchase of curtain motors, where the purchase price was determined through a competitive bidding process.

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

That the General Manager of the Charleston Coliseum & Convention Center is authorized to enter into a contract with MTN Shop in the amount of \$ 38,977.47 for the purchase of curtain motors, where the purchase price was determined through a competitive bidding process.

Councilmember Jenkins added that some of the motors for the curtains in the Convention Center need to be upgraded.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 926-24 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. 927-24 be adopted.

Resolution No. 927-24 - Authorizing the Mayor or City Manager to enter into a lease agreement with Waste Management of West Virginia, Inc. for approximately 30.5 acres and associated access and utility easements of Kanawha County parcel identification number 19 9000100010000 adjacent to the City Landfill, to be used by Waste Management for the construction and operation of a waste storage facility for transfer of both waste and recyclables and all ancillary use thereto.

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

The Mayor or City Manager is authorized to enter into a lease agreement with Waste Management of West Virginia, Inc. for approximately 30.5 acres and associated access and utility easements of Kanawha County parcel identification number 19 9000100010000 adjacent to the City Landfill, to be used by Waste Management for the construction and operation of a waste storage facility for transfer of both waste and recyclables and all ancillary use thereto.

Councilmember Jenkins added that the landfill will soon become full. A transfer station will be built next to the landfill that will also include recycling. The resolution is for the City to lease the land to Waste Management.

Councilmember Minardi abstained from voting.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as in the majority in the affirmative, the Mayor declared Resolution No. 927-24 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. 928-24 be adopted.

Resolution No. 928-24 - Authorizing the Mayor or City Manager to enter into a contract with Mountwest Community and Technical College in the amount of \$90,000 to provide four semesters of paramedic training courses for 15 members of the Charleston Fire Department.

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

That the Mayor or City Manager is authorized to enter into a contract with Mountwest Community and Technical College in the amount of \$90,000 to provide four semesters of paramedic training courses for 15 members of the Charleston Fire Department.

Councilmember Jenkins added that the resolution will pay for the paramedic training for fifteen new trainees. The City has previously worked with Mountwest Community and Technical College.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 928-24 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. 929-24 be adopted.

Resolution No. 929-24 - Authorizing the Mayor or City Manager to grant American Rescue Plan Act (“ARPA”) funds to the Charleston Area Alliance in the total amount of \$1,250,000 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes of the Charleston LIFT Center.

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

That the Mayor or City Manager to grant American Rescue Plan Act (“ARPA”) funds to the Charleston Area Alliance in the total amount of \$1,250,000 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes of the Charleston LIFT Center.

Councilmember Jenkins added that ARPA funds had been previously earmarked for the Lift Center. The resolution is to ensure that the Lift Center uses the funds in accordance with the same rules that apply to other recipients.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 929-24 adopted.

REPORTS OF OFFICERS

1. 1. Report of the City of Charleston Payroll Variance Analysis; January 2024.
2. Municipal Court Report to City Council Month Ending January 2024.
3. Financial Statements for the City of Charleston Fiscal Year 2023.
4. Report to the Board for the City of Charleston Fiscal Year 2023.
5. Annual Comprehensive Financial Report for the City of Charleston for Fiscal Year 2023.

NEW BILLS

Introduced by Councilmember Shannon Snodgrass

February 5, 2024:

Bill No. 8026 – A Bill to create a No Parking Anytime zone on part of the westerly side of Westview Drive and amending the Traffic Control Map and Traffic Control File.

Refer to Planning, Streets and Traffic Committee, Please

Introduced by Councilmember Shannon Snodgrass

February 5, 2024:

Bill No. 8027 – A Bill to create a No Parking Anytime zone on parts of the northerly side of Westview Drive and amending the Traffic Control Map and Traffic Control File.

Refer to Planning, Streets and Traffic Committee, Please

Introduced by Councilmembers Jennifer Pharr, Emmett Pepper and Mary Beth Hoover

February 5, 2024:

Bill No. 8028 – A BILL to amend the Municipal Code of the City of Charleston relating to updating the regulation of vendors.

Refer to Ordinance and Rules Committee, Please

MISCELLANEOUS/UNFINISHED BUSINESS

Councilmember Kerns motioned to take Resolution No. 920-24 from the table.

A roll call was taken:

YEAS: Burka, Ferrell, Kerns, Overstreet, Snodgrass, Solomon, Steelhammer

NAYS: Burton, Cook, Faegre, Gianola, Haas, Hoover, Jenkins, Jones, King, Minardi, Moore, Pepper, Pharr, Robinson, Rubio, Taylor, Mayor Goodwin

ABSENT: Annie, Ceperley, Salango

With members present recorded thereon as voting in the majority as affirmative, with seven (7) Yeas and seventeen Nays (17), the Mayor declared the motion to take Resolution No. 920-24 from the table as not passed.

REMARKS BY MEMBERS

1. Councilmember Snodgrass stated that a member should be able to bring an item back to the floor for a vote. Councilmember Snodgrass requested that they be allowed a session to ask the City Treasurer questions regarding the financial report from the auditors. She requested that any results of investigations performed by the State Auditor's Office should be shared with Council. Councilmember Snodgrass added that the Coliseum and Convention Center was overall down \$2.3 million, and hopefully the Board can speak to that at one of their meetings.
2. Councilmember Jones thanked the Police, Fire and EMTs for their response to the tragic murders in Ward 1. He thanked the Refuse Department for helping to clean out a homeless encampment. Councilmember Jones stated that he could count on being able to talk to the Mayor on issues, and come to an agreement as to what was the best for his Ward. He encouraged other Councilmembers to do the same. He asked why Council was getting involved in international problems. * Councilmember Jones added that Charleston Can't Wait made untrue claims against him during the election.
3. Councilmember Moore stated that you can't yell and call people murderers and expect them to help you. He added that there is an issue that kids won't play football, because there is a league that will not allow Charleston to participate.
4. Councilmember Faegre stated that she had been bombarded by a campaign about the tabled resolution, and many communications were outside of Charleston. She thanked Jered Lanham and the Street Department. Councilmember Faegre added that KRT agreed to a pilot program to transport individuals in need from the Women's Health Center to Health Right. She thanked the Mayor for everything the Administration has done in the City for heart disease/awareness. She added that there are many individuals staying at the men's shelter on Patrick Street that are registered sex offenders. This was upsetting due to the fact that it is very close to residential/family housing.
5. Councilmember Kerns stated that the noise from the gas station, referenced by two public speakers, is very loud and distressing. It is impacting residents' health and business.

6. Councilmember Steelhammer thanked Chief Information Security Officer Larry Vernati for quickly helping her with an issue.

*at this time, the Presiding Officer cleared the Chamber due to outbursts and disruptions from the gallery.

ADJOURNMENT

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

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

NAYS:

ABSENT: Annie, Ceperley, Salango

At 8:21 p.m., by a motion from Councilmember Hoover, Council adjourned until Tuesday, February 21, 2024, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk