



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

CITY OF CHARLESTON, WEST VIRGINIA

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Regular Meeting – Monday, June 3, 2024

at 7:00 P.M.

Council Chambers – City Hall – Charleston, West Virginia

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**OFFICIAL RECORD**

**Amy Shuler Goodwin**  
**Mayor**

**Miles C. Cary II**  
**City Clerk**

***CALL TO ORDER\****

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The Council met at 7:00 P.M., for the first meeting in the month of June on the 3<sup>rd</sup> day, in the year 2024, and was called to order by the Council President, Becky Ceperley. The invocation was delivered by Councilmember Pepper, and the Pledge of Allegiance was led by Councilmember Moore. City Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

**ANNIE  
CEPERLEY**

**HOOVER  
KERNS  
MOORE  
PHARR**

**STEELHAMMER**

**BURKA**

**GIANOLA  
JENKINS  
KING  
OVERSTREET  
ROBINSON  
SNODGRASS  
TAYLOR**

**FAEGRE  
HAAS  
JONES  
MINARDI  
PEPPER  
RUBIO  
SOLOMON**

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

All absences were excused except Burton 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***

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1. Stacy Kay – Spoke against removing the stairs.
2. Rachel Rubin – Spoke against removing the stairs.
3. Jim McJunkin – Spoke against Bill No. 8032.
4. Ann Bradley - Spoke against Bill No. 8032.
5. Corey Zinn – Spoke about the Democracy Labs event.
6. Natalie Margolis - Spoke against removing the stairs.
7. Ali Wymer - Spoke in favor of removing the stairs.
8. Jerry Lacy - Spoke in favor of removing the stairs.
9. Jennifer Bauman – Advocated for more public trash cans.

### ***CLAIMS***

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1. A claim of Dalesa Brooks, Charleston, WV;  
alleges damage to property.
2. A claim of Mary L. Watson, Charleston, WV;  
alleges damage to property.
3. A claim of Rita Brooks, Charleston, WV;  
alleges damage to property.
4. A claim of Robert Jenkins, Charleston, WV;  
alleges damage to vehicle.
5. A claim of Cynthia Phillips, Charleston, WV;  
alleges damage to property.
6. A claim of Amber Slater, Charleston, WV;  
alleges damage to property.
7. A claim of Lance T. Williams, Charleston, WV;  
alleges damage to property.

***PROCLAMATIONS***

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None

***COMMUNICATIONS***

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None

**MISCELLANEOUS RESOLUTIONS**

Resolution No. 975-24 – Approving Kanawha-Charleston Health Department’s Environmental Fees for Permits, pursuant to West Virginia Code § 16-2-11.

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

Pursuant to West Virginia Code § 16-2-11, the City of Charleston, West Virginia, hereby approves of the Kanawha-Charleston Health Department’s Environmental Fees for Permits, as previously approved by the Kanawha-Charleston Board of Health and the Kanawha County Commission and attached hereto.

Councilmember Hoover added that State Law requires that the City approve changes made by the Kanawha-Charleston Health Department before they can go into effect. The Environmental Fees for Permits are now done by the Health Department. They received no feedback during the 30-day notice period.

Councilmember Hoover moved to approve the resolution. Councilmember Pharr seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Council President declared Resolution No. 975-24 adopted.

## 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. 8032 do pass.

**Bill No. 8032** – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by eliminating restrictions on firearms sales and amending the administrative sections relating to the duration of approval process for development projects.

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

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

### Sec. 2-020 Definitions of Terms

~~Firearms Sales Establishment. An establishment primarily engaged in the sale of fire arms, ammunition and ammunition components, and hunting or shooting equipment.~~

### Sec. 3-050 Permitted Land Uses

| LAND USE                                 | R-2 | R-4 | R-6 | R-8 | R-10 | R-O | C-4 | C-8 | C-10 | C-12 | CBD | UCD | CVD | PMC | I-2 | I-4 | PUD | SUPP. |
|------------------------------------------|-----|-----|-----|-----|------|-----|-----|-----|------|------|-----|-----|-----|-----|-----|-----|-----|-------|
| <del>Firearms Sales Establishments</del> |     |     |     |     |      |     |     |     | P    | P    | P   |     |     |     |     |     |     |       |

### Sec. 30-050 Expiration of Conditional Use Permit

In the case where a Conditional Use Permit has not been used within twelve (12) months after the granting thereof, then without further action it shall be null and void. This may be extended to ~~eighteen (18) months~~ fifteen (15) days upon prior written request of the Board. The word “used” shall mean that the approved Conditional Use Permit has been activated as evidenced by permits, construction, or required licenses.

### Sec. 31-030 Procedures for Variance Approval

Applications for variance approval shall be considered in accordance with the following procedures.

- D. Notice of the Board hearing on the application for variance approval shall be published in a local newspaper of general circulation at least ~~thirty (30) days~~ fifteen (15) days prior to the hearing. The Planning Director shall notify the owners of record most recently provided by the Kanawha County Tax Assessor of properties located within 100 feet of the affected property no later than ten (10) days prior to the public hearing. The Planning Director shall also cause a sign to be posted and maintained on the subject property notifying area property owners and residents that a request for a variance for the property has been made.

Councilmember Hoover motioned to approve the bill. Councilmember Pharr seconded.

Councilmember Hoover added that during the recent legislative session, two bills were adopted that impacted land use regulation. House Bill 4782 requires that zoning regulations treat firearms sales establishments the same as standard retail. The proposed bill eliminates additional regulations placed on firearms sales establishments within the City's Zoning Ordinance. Senate Bill 782 states that any application for development in county or municipality must be reviewed and decided upon within sixty days or else the project will be automatically approved. The bill shortens the legal requirement of notice by two weeks. Councilmember Hoover added that she did not like that the State was making rules and regulations that would work against the operations of the City. However, the City must comply with State Law to protect the rest of the zoning within the City. If it is not consistent with the new State Law, the City could be sued.

Councilmember Pepper motioned to amend Bill No. 8032 by:

Removing Section 2-020 and 3-050 from the bill and amending the title of the bill to remove the words "eliminating restrictions on firearms sales and"

Councilmember Taylor seconded the motion.

Councilmember Pepper added that there are two aspects of the bill that have different levels of urgency. The first two sections of the bill that relate to land use are not as time sensitive as there are already void as enacted by State Law. The appropriate Committee for that would be the Ordinance and Rules Committee.

A roll call was taken:

YEAS: Burka, Ceperley, Kerns, Overstreet, Pepper, Rubio, Snodgrass, Solomon, Steelhammer, Taylor

NAYS: Annie, Faegre, Gianola, Haas, Hoover, Jenkins, Jones, King, Minardi, Moore, Pharr, Robinson,

ABSENT: Burton, Cook, Ferrell, Salango, Mayor Goodwin

With members present recorded thereon as voting in the majority in the negative, with ten (10) Yeas and twelve (12) Nays, Council President Ceperley declared the Pepper Amendment to Bill No. 8032 as not passed.

Councilmember Steelhammer listed several schools that were in/very close to commercial or mixed-use districts. She spoke against Bill No. 8032.

Councilmember Pharr added that the risk of the City being sued is not worth the risk.

Councilmember Taylor asked Kevin Baker, the City Attorney, about the City's risk exposure. Baker replied that specific portion of the City Code is void and cannot be enforced. There is no practical impact as to the passage or failure of the bill. However, if City Code remains unchanged, the City could face a lawsuit for not applying the statute in a consistent manner. It could be argued that the entire land use table be thrown out.

Councilmember Minardi asked if State Code prohibited a gun shop from being near a school. Baker replied that he was not aware of a State Law prohibiting that. There are strict Federal restrictions about gun shops.

Councilmember Annie added that while he did not like the bill, there was a need to avoid liability.

Councilmember Kerns agreed that while she did not like the bill, there was a need to avoid liability. They should contact State representatives about their displeasure with the law change.

Councilmember Solomon added that the process of the discussion of the bill has been less than ideal.

Councilmember Solomon motioned to Refer Bill No. 8032 to the Ordinance and Rules Committee. Councilmember Steelhammer seconded the motion.

With members present recorded thereon as voting in the majority in the negative, Council President Ceperley declared the motion to Refer Bill No. 8032 as not passed.

Councilmember Overstreet added that he was concerned about fire safety.

Councilmember Faegre confirmed with Baker that the intent of the Bill was to update the Code to match newly adopted State Law.

A roll call was taken:

YEAS: Annie, Burka, Ceperley, Faegre, Gianola, Haas, Hoover, Jenkins, Jones, Kerns, King, Minardi, Moore, Overstreet, Pharr, Robinson, Rubio, Taylor

NAYS: Pepper, Snodgrass, Solomon, Steelhammer

ABSENT: Burton, Cook, Ferrell, Salango, Mayor Goodwin

With members present recorded thereon as voting in the majority in the affirmative, with eighteen (18) Yeas and four (4) Nays, Council President Ceperley declared Bill No. 8032 as passed.

## **REPORTS OF COMMITTEES**

### **COMMITTEE ON FINANCE**

Councilmember Jenkins, Chair of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 973-24 be adopted.

Resolution No. 973-24 - Authorizing the Mayor or City Manager to purchase a total of nine Jeep Grand Cherokees from Stephens Auto Group, for Fleet Services, at a total cost of \$363,060 or \$40,340 per vehicle pursuant to a competitive bid process.

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

That the Mayor or City Manager is authorized to purchase a total of nine Jeep Grand Cherokees from Stephens Auto Group, for Fleet Services, at a total cost of \$363,060 or \$40,340 per vehicle pursuant to a competitive bid process.

Councilmember Jenkins added that the resolution was for the regular replacement of five vehicles for the Traffic, Engineering, MOECD and Building Commission Departments. Four vehicles will be purchased for the CARE Team with grant funding.

Councilmember Solomon spoke in favor of the resolution.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, Council President Ceperley declared Resolution No. 973-24 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. 974-24 be adopted.

Resolution No. 974-24 - Authorizing the Mayor or City Manager to enter into a Microsoft Enterprise Agreement with Crayon Software Experts LLC in the amount of \$118,051.87 per year to provide various Microsoft software licenses necessary for the ongoing business of the City, where the amount will remain fixed for the next three years, and where the vendor and purchase price were determined through a competitively-sourced statewide contract.

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 Microsoft Enterprise Agreement with Crayon Software Experts LLC in the amount of \$118,051.87 per year to provide various Microsoft software licenses necessary for the ongoing business of the City, where the amount will remain fixed for the next three years, and where the vendor and purchase price were determined through a competitively-sourced statewide contract.

Councilmember Jenkins added that the resolution is for the renewal of a three-year contract with Microsoft software that is used by employees and Councilmembers.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, Council President Ceperley declared Resolution No. 974-24 adopted.

3. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 8033 do pass.

Bill No. 8033 - A Bill closing, abandoning, and discontinuing as a public right of way a 10-foot strip of land across lot 6 of the Woodrum Addition that is used as a public walkway, which is located on Tax Map 13, parcel 119.2, Charleston West District, Kanawha County, West Virginia.

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

1. A parcel of land being a 10-foot-wide right-of-way, as shown on map entitled “Exchange of Lands Between The City of Charleston and Gay Marie Watson” dated July 1986, as recorded in Deed Book 2135 at page 275 of the Kanawha County Public Registry, situate in the municipality of the City of Charleston, South Annex District, Kanawha County, West Virginia, and attached hereto as Exhibit A. The right of way is more particularly described as follows:

BEGINNING in the southerly right-of-way line of Lower Chester Road; thence leaving said southerly right-of-way line of Lower Cheater Road and running in a direction towards Washington Street, West S 06°11'59.9" E 12.04 feet to a point; thence S 05°26'31.08" W 78.265 feet to a point; thence S 80°27'2.3 W 46.604 feet to a point; thence N 87°10'20" W 71.46 feet to a point; thence N 82°15' W 16 feet to a point; and being the center line of a 10 foot strip of land across lot 6 of the Woodrum Addition, and having an area of approximately 2247 square feet.

2. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying from the City of Charleston, a West Virginia public body, to Jerry Lacy Jr, all rights, title and interest in and to said real property as described in Section 1 above, for the consideration One Hundred Dollars and no cents (\$100.00).
3. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilmember Jenkins added that the Planning, Streets and Traffic and Finance Committees have approved the abandoning, and discontinuing of the walkway and stairs.

Councilmember Jenkins motion to approve the bill. Councilmember Hoover seconded.

Councilmember Faegre added that her constituents have spoken to her in favor of the bill. The steps are not historical, and are dangerous. The property owner stopped cutting the area over a year ago after thirty-five years. Her daughter observed the area for eight hours, and saw no one use the steps, and added that the KRT no longer uses that area as a drop off point.

Councilmember Minardi spoke in favor of the bill. He added that the stairs were also a liability issue. He encouraged Councilmembers to listen to the Ward representative.

Councilmember Solomon added that the stairs should be saved and improved. He added that it is a 220-foot shortcut to the commercial part of the West Side. The case to preserve the staircase can be found in the City's Comprehensive Plan as it pertains to: representation, walkability, food access, healthcare access and transportation access.

Councilmember Pharr thanked the homeowner for speaking. She added that she would be concerned as a property owner that something bad would happen. The owner has the right to quiet enjoyment.

Councilmember Steelhammer asked if the City was paying for the stairs to be removed. City Planner Dan Vriendt added that the intent is for the Public Works Department to remove the stairs prior to the transfer of property, although that is not a requirement of the bill.

Councilmember Taylor confirmed with Taylor that there was a public hearing for the bill with discussion and prior public notice.

Councilmember Jones added that the steps were in deplorable condition. There is virtually no room between the last step and Washington Street West.

Councilmember Robinson motioned for the Previous Question. The motion was seconded by Councilmembers Minardi and Jenkins.

With members present recorded thereon as voting in the majority in the affirmative, Council President Ceperley declared the motion of the Previous Question as passed.

A roll call was taken:

YEAS: Annie, Burka, Ceperley, Faegre, Gianola, Haas, Hoover, Jenkins, Jones, Kerns, King, Minardi, Moore, Overstreet, Pepper, Pharr, Robinson, Rubio, Snodgrass, Taylor

NAYS: Solomon, Steelhammer

ABSENT: Burton, Cook, Ferrell, Salango, Mayor Goodwin

With members present recorded thereon as voting in the majority in the affirmative, with twenty (20) Yeas and two (2) Nays, Council President Ceperley declared Bill No. 8033 as passed.

4. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 8034 do pass.

Bill No. 8034 – A Bill closing, abandoning, and discontinuing as a public right-of-way a 10 ft alley across block 12 of the JB Walker Addition, adjacent to Tax Map 25 Parcels 366, 367, 368, 375, 376, 377 Charleston West District, Kanawha County, West Virginia.

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

1. The public right-of-way located between Lots 20, 19 and 18, Block 12, and along Lots 10, 9, 8, and 7 situate in Charleston West District, Kanawha County, West Virginia, as show on the map entitled "PLAT SHOWING A PROPOSED ABANDONEMENT OF PART OF A 10' ALLEY IN BLOCK 12, J.B. WALKER ADDITION TO WEST CHARLESTON IN THE CITY OF CHARLESTON KANAWHA COUNTY, WEST VIRGINIA PREPARED FOR RANDOLPH STREET BAPTIST CHURCH SCALE: 1"= 30' MARCH 2, 2024," prepared by William R. Gunnoe, dated March 2, 2024, and attached hereto as Exhibit A. The alley is more particularly described as follows:

BEGINNING at a point at the intersection of two ten foot wide alleys at the easternmost corner of Lot 20, Block 12 of the J.B. Walker Addition to West Charleston as presently owned by Fleming Commercial Properties, LLC in Deed Book 2816, Page 445, thence N35-00 W 120.00 feet, running with the said alley and Lots 20, 19 and 18 of Block 12 to a point at the common corner of Lots 17 and 18 of said Block 12; thence N55-00E 10.00 feet, leaving the said Lots 17 and 18 and crossing the said 10 foot alley to a point at the corner of Lots 10 and 9 of said Block 12 as owned by Fundamental Baptist Church in Deed Book 266, Page 87; thence S35-00E 120.00 feet, leaving the said Lot 10 and running with the said alley along Lots 9, 8 and 7 to a point at the intersection of the aforementioned two 10 foot alleys, also a corner of property owned by Randolph Street Baptist Church in Deed Book 979, Page 399 and Deed Book 1143, Page 39; thence S55-00W 10.00 feet, leaving the said Lot 7 and running across the said alley to the point of beginning, containing in all approximately 1,200 square feet.

2. The City of Charleston hereby reserves a sanitary and storm sewer easement for the full width and length of the above-described right of way for the purpose of construction, maintenance, repair and removal of sanitary and storm sewer lines. No person shall construct improvements or take any other actions which would interfere with this easement, or alter the present surface profile or contour of the subject right of way by more than one (1) foot without written permission of the City Engineer and the Charleston Sanitary Board.

3. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying to Randolph Street Baptist Church and their successors, all rights, title and interest in and to said real property as described above for the consideration of Three Thousand Six Hundred Dollars and no cents (\$3,600.00).

Councilmember Jenkins added that the bill is for the abandonment and sale of an old alleyway to the Randolph Street Baptist Church. There were no objections at the public hearing.

Councilmember Jenkins motion to approve the bill. Councilmember Hoover seconded.

Councilmember Faegre spoke in favor of the bill.

A roll call was taken:

YEAS: Annie, Burka, Ceperley, Faegre, Gianola, Haas, Hoover, Jenkins, Jones, Kerns, King, Minardi, Moore, Overstreet, Pepper, Pharr, Robinson, Rubio, Solomon, Steelhammer, Taylor

NAYS:

ABSENT: Burton, Cook, Ferrell, Salango, Mayor Goodwin

\*Councilmember Snodgrass was not in the room for the vote

With members present recorded thereon as voting unanimously in the affirmative, Council President Ceperley declared Bill No. 8034 as passed.

***REPORTS OF OFFICERS***

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1. Memo to Council on the Charleston Coliseum and Convention Center Financial Condition.

***NEW BILLS***

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Introduced by Councilmember Jeanine Faegre

June 3, 2024:

Bill No. 8035 – A Bill to create a NO PARKING ANYTIME zone on part of the westerly side of Daughtery Street and amending the Traffic Control Map and Traffic Control File

Refer to Planning, Streets and Traffic Committee, Please

***MISCELLANEOUS/UNFINISHED BUSINESS***

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None

***REMARKS BY MEMBERS***

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1. Council President Ceperley congratulated Evan Wilson for being awarded the Mountain State Athletic Conference Player of the Year.
2. Councilmember Pepper stated that he could not vote for a gun bill, and encouraged them to contact their State Representatives who voted for it.
3. Councilmember Overstreet stated that the West Side Neighborhood Association was having a cleanup that weekend. He added that the State was not taking care of Washington Street West. There are many complaints of speeding cars on the 800 block of Main Street.
4. Councilmember King thanked the Police Department for their help with a problem house in Kanawha City.
5. Councilmember Faegre thanked the Public Grounds workers for cleaning and cutting weeds.
6. Councilmember Jenkins agreed with Councilmember Solomon's points regarding the Comprehensive Plan, particularly since the KRT has been cutting routes. He added that the City should encourage mixed residential use buildings as it has been shown to increase community awareness, etc.
7. Councilmember Steelhammer stated that the cost of removing the stairs was not addressed in any of the Committee meetings.

8. Councilmember Moore thanked the Sanitary Board and Police Department. He agreed with Councilmember Jenkins' remarks.
9. Councilmember Burka invited everyone to Kites Over Kanawha City on June 15<sup>th</sup>.
10. Councilmember Pharr invited everyone to the 3<sup>rd</sup> Annual Kids Bash that weekend.

***ADJOURNMENT***

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

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

NAYS:

ABSENT: Burton, Cook, Ferrell, Salango, Mayor Goodwin

At 8:45 p.m., by a motion from Councilmember Hoover, Council adjourned until Monday, June 17, 2024, 7:00 p.m., in Council Chambers at City Hall.

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Amy Shuler Goodwin, Honorable Mayor

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Miles C. Cary II, City Clerk