



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, November 4, 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 November on the 4th day, in the year 2024, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Pepper, and the Pledge of Allegiance was Councilmember Pharr. City Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

**ANNIE
CEPERLEY
FERRELL**

**KERNS
MOORE
PHARR
SALANGO
STEELHAMMER**

**BURKA
COOK
GIANOLA
JENKINS
KING
OVERSTREET
ROBINSON
SNODGRASS
TAYLOR**

**BURTON
FAEGRE
HAAS
JONES

PEPPER
RUBIO
SOLOMON
MAYOR GOODWIN**

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

Hoover's absence was 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. Michael Robinson – Spoke about Cato Park.

CLAIMS

1. A claim of Melissa Bailey, Charleston, WV;
alleges personal injury.
2. A claim of Marcus and Tina Hazell, Charleston, WV;
alleges damage to property.
3. A claim of Janet Johnson, Charleston, WV;
alleges personal injury.
4. A claim of Barbara Smith, Charleston, WV;
alleges damage to property.
5. A claim of My Last Six Properties LLC, Charleston, WV;
alleges damage to property.

PROCLAMATIONS

1.



2.

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: Veterans Day, originally established as Armistice Day in 1919 to mark the end of World War I, honors and pays tribute to the many generations of brave military men and women who have answered the call to serve during times of peace and conflict; and

WHEREAS: Our community is profoundly grateful to our veterans, whose strength, resilience, and unwavering commitment continue to inspire us all—reminding us of the sacrifices made to protect our freedoms and strengthen our nation; and

WHEREAS: We are especially grateful for the continued work of the John Brawley Post 20 of the American Legion, to organize and host our Capital City's annual Veterans Day parade and ceremony; and

WHEREAS: For more than 80 years, the members of John Brawley Post 20 have elevated the importance of honoring our veterans, showing appreciation for their service, and ensuring their legacy endures for future generations; and

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby recognize November 11, 2024 as

VETERANS DAY

In Charleston, West Virginia, and encourage all citizens to join in recognizing the invaluable contributions of our veterans and participate in the events honoring the men and women who have courageously served in our Armed Forces.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 4th day of November 2024.

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

Amy Shuler Goodwin, Mayor

COMMUNICATIONS

1.

Amy Shuler Goodwin
Office of the Mayor
City of Charleston



P.O. Box 2749
Charleston, WV 25330
(304) 348-8174 Office

**TO: MILES CARY
CITY CLERK**

**FROM: AMY SHULER GOODWIN
MAYOR**

RE: CHARLESTON LAND REUSE AGENCY

DATE: NOVEMBER 4, 2024

I recommend the following individual be appointed to the Charleston Land Reuse Agency:

Clifton Clark – term expiration date 10-1-26

I respectfully request City Council's approval of this recommendation.

ASG/mls

Councilmember Ceperley motioned to approve the appointment. Councilmember Pharr seconded. With members present recorded thereon as voting in unanimously the majority in the affirmative, Mayor Goodwin declared the appointment as approved.

2.

Amy Shuler Goodwin
Office of the Mayor
City of Charleston



P.O. Box 2749
Charleston, WV 25330
(304) 348-8174 Office

**TO: MILES CARY
CITY CLERK**

**FROM: AMY SHULER GOODWIN
MAYOR**

RE: BOARD OF ZONING APPEALS

DATE: NOVEMBER 4, 2024

I recommend the following individual be appointed to the Board of Zoning Appeals. She is filling a vacant seat.

Jill Watkins – term expiration date 1-1-28

I respectfully request City Council's approval of this recommendation.

ASG/mls

Councilmember Ceperley motioned to approve the appointment. Councilmember Pharr seconded. With members present recorded thereon as voting in unanimously the majority in the affirmative, Mayor Goodwin declared the appointment as approved.

REPORTS OF COMMITTEES

COMMITTEE ON ENVIRONMENT AND RECYCLING

Councilmember Burton, Chair of the Council Committee on Environment and Recycling, submitted the following reports:

1. Your committee on Environment and Recycling has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 8047 do pass.

Bill No. 8047 - A BILL to establish a Restricted Use Area in the Loudon Heights area of the City of Charleston (the “City”) in the vicinity of the intersection of Bridge Road and Norwood Road for the purpose of prohibiting the drilling into, extraction of, or use of groundwater within the Restricted Use Area, except for groundwater monitoring and/or remediation.

WHEREAS, a parcel of land located at 1400 Bridge Road (the “Site”) has been the subject of an environmental assessment and risk-based remediation by Exxon Mobil Corporation (“ExxonMobil”) as part of their Uniform Environmental Covenants Act – Leaking Underground Storage Tank (UECA-LUST) case 87-009, and by Jackie L Campbell LLC as part of their UECA-LUST case 03-030, which includes a Remedial Action Work Plan approved by the State of West Virginia Department of Environmental Protection (“DEP”) and which is identified as Former Exxon Station #28841, WV ID No. 2-002332, LUST Leak No. 87-009, UECA No. 23004; and

WHEREAS, the environmental response project has indicated that contaminants of concern, namely benzene and methyl tertiary-butyl ether (MTBE), from previous businesses on the Site have migrated with the flow of groundwater from the Site to the surrounding groundwater; and

WHEREAS, ExxonMobil, in cooperation with the DEP, has notified the City of the migration, and has requested that the City take protective action to prevent exposure to the contaminants of concern in the groundwater; and

WHEREAS, the City has the duty and authority under W. Va. State Code § 8-12-5(22) to provide for the elimination of hazards to public health and safety; and

WHEREAS, the Kanawha Charleston Health Department is the governmental agency with authority to issue permits with respect to groundwater well drilling within Kanawha County, including within the City.

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

THAT there is hereby established within the City a Restricted Use Area in which the drilling into, extraction of, and use of groundwater, except for groundwater monitoring and/or remediation, is

prohibited. The Restricted Use Area is shown on the attached Exhibit A, and is generally defined as 1400 Bridge Road, a portion of the public right of way adjacent to 1400 Bridge Road and its intersection with Norwood Road, as well as the properties commonly referred to as 1314, 1317, and 1319 Bridge Road (collectively, the “Property”).

The Property receiving the groundwater use restriction is more particularly described as follows:

1. 1400 Bridge Road on file in the Kanawha County Clerk’s Office as District 9, Map 24, Parcel 40, and owned by Colonial Exxon Inc., pursuant to that certain deed at Deed Book 3053, Page 499 on file in said Clerk’s Office.
2. 1314 Bridge Road on file in the Kanawha County Clerk’s Office as District 14, Map 9, Parcel 52, and owned by Saint Matthews Episcopal Church, pursuant to that certain deed at Deed Book 1075, Page 227 on file in said Clerk’s Office.
3. 1317 Bridge Road on file in the Kanawha County Clerk’s Office as District 14, Map 9, Parcel 49, and owned by Charles M & June E Showalter, pursuant to that certain deed at Deed Book 2236, Page 146 on file in said Clerk’s Office.
4. 1319 Bridge Road on file in the Kanawha County Clerk’s Office as District 14, Map 9, Parcel 50, and owned by Marcy Marble Carte, pursuant to that certain will at Will Book 605, Page 552-554 on file in said Clerk’s Office.
5. The public rights of way adjacent to these properties, as shown on the attached Exhibit A.

The Property represents the complete area of all parcels intersected by the maximum predicted extent of contamination migration.

Groundwater is defined as water occurring in the zone of saturation beneath the seasonal high water table, or any perched water zone.

The groundwater restriction is due to concentrations of benzene and methyl tertiary-butyl ether (MTBE) above the WVDEP Groundwater De Minimis Standards. This prohibition applies to any excavation or penetration in the ground, whether drilled, bored, cored, driven, or jetted that enters or passes through the groundwater for the purposes of using or extracting groundwater, including but not limited to a water supply, exploration for water, dewatering, or heat pump wells.

Nothing contained in this ordinance shall prohibit the extraction of groundwater from installation, modification, operation, repair or removal of monitoring and/or remediation wells when operated with the authorization of or at the direction of state or federal environmental officials or agencies. Nothing contained in this ordinance shall prevent groundwater monitoring and/or remediation of groundwater. Nothing contained in this ordinance shall prevent the use of groundwater in the Restricted Use Area if the groundwater has been treated to meet applicable state and federal standards appropriate for its intended use prior to any use.

Nothing contained in this ordinance shall prevent any construction activity within the Restricted Use Area which is not for the purpose of drilling into, extracting of, or use of groundwater and does not contemplate the disruption of groundwater during construction. Additionally, nothing in this ordinance shall prohibit any construction activity within the Restricted Use Area which is not for the purpose of drilling into, extracting of, or use of groundwater but that may result in incidental disturbance of

groundwater, provided all state laws and regulations applicable to construction under such conditions, including, but not limited to, all laws and regulations enforced and promulgated by the DEP, are verifiably met. If incidental disturbance of groundwater occurs, the contractor shall provide notice of the disturbance to the Department of Environmental Protection, and reference Former Exxon Station #28841, WV ID No. 2-002332, LUST Leak Nos. 87-009 and 03-030, UECA No. 23004.

Upon passage, the Clerk shall submit a certified copy of this ordinance to the Kanawha Charleston Health Department for their use when evaluating applications for groundwater drilling within the City of Charleston. Furthermore, a certified copy of this ordinance shall be recorded with the Kanawha County Clerk.

Upon passage, a copy of this Ordinance shall also be provided to the City of Charleston Development Services Department and the City of Charleston Engineering Department.

Councilmember Burton added that restricted use areas are very common. He added that tanks were installed by Exxon in 1982 that resulted in a groundwater case due to leakage in 1987. During monitoring, the situation has improved. The DEP has recommended that the area be designated as restricted use to prevent any future groundwater drillings. All property owners approve.

Councilmember Taylor added that he serves as President of the Board of St. Matthew's Episcopal Church, and they have no opposition to the bill.

Councilmember Burton motioned to approve the bill. Councilmember Ceperley seconded the motion.

A roll call was taken:

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

NAYS:

ABSENT: Hoover, Minardi

With members present recorded thereon as voting in unanimously the majority in the affirmative, Mayor Goodwin declared Bill No. 8047 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. 24-038 be adopted.

Resolution No. 24-038 - Authorizing “Citizen Appreciation Parking” for November 23, November 30, December 7, December 14, December 21, and December 28, 2024. “Citizen Appreciation Parking” shall include the waiving of hourly parking fees at all metered on-street parking spaces. The parking revenue losses will amount to approximately \$2,300.00 per Saturday.

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

That “Citizen Appreciation Parking” is authorized for November 23, November 30, December 7, December 14, December 21, and December 28, 2024. “Citizen Appreciation Parking” shall include the waiving of hourly parking fees at all metered on-street parking spaces. The parking revenue losses will amount to approximately \$2,300.00 per Saturday.

Councilmember Jenkins added that the citizens and businesses appreciate Citizen Appreciation Parking, which will be for six Saturdays beginning the Saturday before Thanksgiving.

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. 24-038 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. 24-039 be adopted.

Resolution No. 24-039 - – Authorizing the Mayor or City Manager to purchase a brush chipper for Public Grounds Department from Vermeer of Heartland, for the amount of \$53,747.86 pursuant to a competitively sourced contract.

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

That the Mayor or City Manager to purchase to purchase a brush chipper for Public Grounds Department from Vermeer of Heartland, for the amount of \$53,747.86 pursuant to a competitively sourced contract.

Councilmember Jenkins added that the resolution is for a regularly scheduled purchase of equipment for Public Grounds.

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. 24-039.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 24-040 is adopted.

Resolution No. 24-040 - Authorizing the Mayor or City Manager to purchase five 2025 Jeep Grand Cherokees for the Charleson Police Department from Thornhill Motor Car, Inc, for the amount of \$189,620.00 pursuant to a competitively sourced state contract, and authorizing an additional \$2,975.00 for custom color packages not included in the state contract, for a total purchase price of \$192,595.00.

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

That the Mayor or City Manager is authorized to purchase five 2025 Jeep Grand Cherokees for the Charleson Police Department from Thornhill Motor Car, Inc, for the amount of \$189,620.00 pursuant to a competitively sourced state contract, and authorizing an additional \$2,975.00 for custom color packages not included in the state contract, for a total purchase price of \$192,595.00.

Councilmember Jenkins added that the vehicles will be for the Criminal Investigation Department, and require different types of vehicles than the standard patrol vehicle.

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. 24-040.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 24-041 is adopted.

Resolution No. 24-041 - Authorizing approval of Amendment No. 1 of the American Rescue Plan Act Fund Budget as indicated on the attached list of accounts.

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

That Amendment No. 1 of the American Rescue Plan Act Fund Budget as indicated on the attached list of accounts.

Councilmember Jenkins added that the amendment zeros out the unobligated ARPA funds, and shifts approximately \$11.6 million to the general fund as reimbursement for three yearly paving cycles.

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. 24-041.

American Rescue Plan Act Fund - Budget Amendment No. 1 - November 4, 2024

Revenues and Fund Balances

Account No.	Expenditure Category	Account Description	Current Amount	Increase/ (Decrease)	Amended Amount
073 022 06 001 5 566	Revenue Replacement	Personal Protective Equipment	100,000	(71,098)	28,902
073 022 06 001 5 566	Revenue Replacement	COVID-19 Vaccination Incentive	464,165	(57)	464,108
073 022 06 001 5 566	Revenue Replacement	Payroll Costs for Response to COVID-19	250,000	(250,000)	-
073 022 06 001 5 566	Revenue Replacement	Charleston Land Reuse Agency	1,500,000		1,500,000
073 022 02 035 5 568	Aid to Tourism	Charleston Regatta Commission	500,000		500,000
073 022 06 001 2 223	Revenue Replacement	Public Safety Center Study	1,000,000		1,000,000
073 022 06 001 4 458	Revenue Replacement	Athletic Field Turfing and Upgrades	6,000,000		6,000,000
073 022 06 001 5 566	Revenue Replacement	Sidewalk Improvement Program Fund	500,000	(500,000)	-
073 022 06 001 5 566	Revenue Replacement	Youth Job Opportunities	250,000	(70,924)	179,076
073 022 06 001 4 458	Revenue Replacement	Infrastructure and Broadband Upgrades	7,445,278	7,338,721	14,783,999
073 022 06 001 5 566	Revenue Replacement	Grant Matching	1,250,000		1,250,000
073 022 06 001 6 699	Revenue Replacement	Future Identified Projects	5,000,000	(5,000,000)	-
073 022 07 001 5 566	Administrative Expenses	Implementation Services	1,000,000	(542,400)	457,600
073 022 06 001 5 568	Revenue Replacement	Subrecipient - HOPE Community Development Corporation	500,000	(170,000)	330,000
073 022 06 001 5 568	Revenue Replacement	Subrecipient - The Library Foundation of Kanawha County	49,040	(375)	48,665
073 022 02 035 5 568	Aid to Tourism	Subrecipient - WV Music Hall of Fame	32,000	(27)	31,973
073	Various	Remaining Subrecipient Awards	10,227,035		10,227,035
Total			36,067,518	733,840	36,801,358

Description:

To realign the ARPA budget to recategorize all un-obligated balances as Revenue Replacement for the purpose of reimbursing the General Fund for City-funded asphalt and concrete paving cycles in FY 2022, 2023, and 2024. - **REVISED 11/1/2024**

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 24-042 is adopted.

Resolution No. 24-042 - Authorizing approval of Amendment No. 3 of the FY 2024-2025 General Fund Budget as indicated on the attached list of accounts.

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

That Amendment No. 3 of the FY 2024-2025 General Fund Budget as indicated on the attached list of accounts is approved.

Councilmember Jenkins added that the amendment receives the previously mentioned ARPA funds, and goes to the Pension Fund payments from the sales tax.

Councilmember Snodgrass requested that Council be given an update regarding the ARPA subrecipients.

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. 24-042.

General Fund FY 2024-2025 Budget Amendment No. 3 - November 4, 2024**Revenues and Fund Balances**

Account No.	Department	Account Description	Current Amount	Increase/ (Decrease)	Amended Amount
001 369 12 0000	Transfers from Other Funds	Transfer from ARPA Fund	200,000	11,645,280	11,845,280
Net Increase/(Decrease) to Revenues				11,645,280	

Expenditures

Account No.	Department	Account Description	Current Amount	Increase/ (Decrease)	Amended Amount
001 444 00 000 5 566	Transfers to Other Funds	General Maintenance Fund	535,000	657,000	1,192,000
001 444 07 000 5 566	Transfers to Other Funds	Facilities Maintenance Fund	610,000	10,488,280	11,098,280
001 444 17 000 5 566	Transfers to Other Funds	Sidewalk Improvement Fund	-	500,000	500,000
Net Increase/(Decrease) to Expenditures				11,645,280	

Description:

To recognize the repayment of prior expenses within the allowance for revenue replacement from ARPA and to allocate those funds: \$157,000 for the Chesterfield Avenue Stormwater grant match, \$500,000 for the Surface Transportation Block Grant match, \$10,488,280 to purchase land, design, and construct the Uniform Services Wellness Center and design and renovate of the City's current Fire Stations, and \$500,000 to the Sidewalk Improvement Fund. - **REVISED 11/1/2024**

Revenues and Fund Balances

Account No.	Department	Account Description	Current Amount	Increase/ (Decrease)	Amended Amount
001 369 12 0000	Transfers from Other Funds	Transfer from Uniform Pension Reserve	6,475,000	305,000	6,780,000
Net Increase/(Decrease) to Revenues				305,000	

Expenditures

Account No.	Department	Account Description	Current Amount	Increase/ (Decrease)	Amended Amount
001 700 00 003 1 107	Police - Uniform	Pre-2011 Pension Contribution - UPRF	3,040,000	280,000	3,320,000
001 706 00 003 1 107	Fire - Uniform	Pre-2011 Pension Contribution - UPRF	3,435,000	25,000	3,460,000
Net Increase/(Decrease) to Expenditures				305,000	

Description:

To recognize increased Sales Tax revenue from the Uniform Pension Reserve Fund and update the FY 2025 Uniform Pension Contributions based on the October 2024 Actuarial Reports.

6. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 24-043 is adopted.

Resolution No. 24-043 - Authorizing the Mayor or City Manager to enter into a contact with HDR, Inc. in the amount of \$210,313.26 to perform and prepare a comprehensive safety action plan and to complete the requirements associated with the Safe Streets and Roads for All (“SS4A”) grant program, where 80% of the funds will be provided through the grant and 20% will be provided in matching funds.

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 contact with HDR, Inc. in the amount of \$210,313.26 to perform and prepare a comprehensive safety action plan and to complete the requirements associated with the Safe Streets and Roads for All (“SS4A”) grant program, where 80% of the funds will be provided through the grant and 20% will be provided in matching funds.

Councilmember Jenkins added that the City received a grant to create an action plan to identify City streets that need safety improvements. There is a 20% match required by 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. 24-043.

REPORTS OF OFFICERS

None

NEW BILLS

None

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

1. Mayor Goodwin stated that the Municipal Auditorium façade assessment EOIs are due November 13th, and interviews will likely happen the first week of December. EOIs for the Police Headquarters are due November 26th. The building has been purchased. The City has received a \$680,000 grant to construct an additional pathway from Kanawha River to Elk River. The Mayor added that Director of Parks and Recreation Poore had resigned from their position, and the Administration had started interviewing a replacement.
2. Councilmember Pepper invited everyone to Hope Village.
3. Councilmember Moore congratulated the Charleston Cougar B Football Team for winning the Championship game.
4. Councilmember Kerns stated that the Air Force Heritage Band will be performing at the Clay Center on the 25th.

ADJOURNMENT

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

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

NAYS:

ABSENT: Hoover, Minardi

At 7:32 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, November 18, 2024, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk