



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, July 18, 2016

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

**Danny Jones
Mayor**

**JB Akers
City Clerk**

CALL TO ORDER

The Council met in the Chambers of the City Building at 7:00 P.M., for the second meeting in the month of July on the 18th day, in the year 2016, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilman Richardson and the Pledge of Allegiance was led by Councilman Ware. The Honorable Clerk, JB Akers, called the roll of members and it was found that there were present at the time:

BURKA		CEPERLEY
	CLOWSER	DAVIS
EALY	FAEGRE	HAAS
HARRISON	HOOVER	IRELAND
LANE		MINARDI
OVERSTREET		REISHMAN
RICHARDSON	SALISBURY	SLATER
SMITH		
TALKINGTON	WARE	MAYOR JONES

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

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

PUBLIC SPEAKERS

NONE

CLAIMS

1. A claim of Victoria Campbell, 1404 Callie Road, Charleston, WV;
Alleges damage to vehicle.
Refer to City Solicitor.

COMMUNICATIONS

**TO: J. B. AKERS
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: MUNICIPAL PLANNING COMMISSION

DATE: JULY 18, 2016

I recommend that Dallas Staples, 22243 Oakridge Drive, Charleston, WV 25311, be reappointed to the Municipal Planning Commission, with an initial term to expire July 1, 2019. He is replacing David Callaghan.

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

DJ/dmp

Jack Harrison moved to approve the appointment. Jerry Ware seconded the motion. By unanimous vote, the appointment was confirmed.

REPORTS OF COMMITTEES

COMMITTEE ON STREETS AND TRAFFIC

1. Your committee on Streets and Traffic has had under consideration the following resolution, and reports the same to Council with the recommendation that Bill No. 7697 do pass.

Bill No. 7697- A Bill to establish a 20 MPH Speed Limit on Hinton Terrace and Sunset Drive and all streets on Capitol Hill and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A 20 Mile Per Hour Speed Limit on Hinton Terrace and Sunset Drive and Sunset Drive and all streets on Capitol Hill is hereby established.

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Council Lady Hoover moved to approve the Bill. Councilman Ware seconded the motion. A roll call was taken:

YEAS: Burka, Ceperley, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Overstreet, Reishman, Richardson, Salisbury, Slater, Smith, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Miller, Burton, Chestnut, Persinger, Snodgrass, Steele

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7697 adopted.

2. Your committee on Streets and Traffic has had under consideration the following resolution, and reports the same to Council with the recommendation that Bill No. 7698 do pass.

Bill No. 7698 - A Bill to create a STOP intersection on Sunset Drive at Hinton Terrace by installing the stop sign on the Southwest corner of the intersection and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. a STOP intersection on Sunset Drive at Hinton Terrace by installing the stop sign on the Southwest corner of the intersection is hereby established.

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Council Lady Hoover moved to approve the Bill. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burka, Ceperley, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Overstreet, Reishman, Richardson, Salisbury, Slater, Smith, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Miller, Burton, Chestnut, Persinger, Snodgrass, Steele,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7698 adopted.

COMMITTEE ON FINANCE

Councilman Reishman, 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. 772-16 do pass.

Resolution No. 772-16 : “Authorizing the Mayor or his designee to submit a Grant Application to the West Virginia Governor’s Highway Safety Office in the amount of \$608,000.00 to provide supplemental funds for the continuation of the four county Metro Valley Highway Safety Program of Kanawha, Boone, Clay, and Logan counties. Matching funds are not required.”

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

That the Mayor or his designee is hereby authorized and directed to submit a Grant Application to the West Virginia Governor’s Highway Safety Office in the amount of \$608,000.00 to provide supplemental funds for the continuation of the four county Metro Valley Highway Safety Program of Kanawha, Boone, Clay, and Logan counties. Matching funds are not required

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 772-16 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. 773-16 do pass.

Resolution No. 773-16 : “Authorizing the Finance Director to issue a refund to Mecklenburg Roofing, Inc., in the amount of \$8,787.66, for overpayment of Business and Occupation (“B&O”) taxes during the first period of 2016. The overpayment resulted in the taxpayer reporting revenue generated outside the City of Charleston.”

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

That the Finance Director is hereby authorized and directed to issue a refund to Mecklenburg Roofing, Inc., in the amount of \$8,787.66, for overpayment of Business and Occupation (“B&O”) taxes during the first period of 2016. The overpayment resulted in the taxpayer reporting revenue generated outside the City of Charleston

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burka, Ceperley, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Overstreet, Reishman, Richardson, Salisbury, Slater, Smith, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Miller, Burton, Chestnut, Persinger, Snodgrass, Steele,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 773-16 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. 774-16 do pass.

Resolution No. 774 -16 : “Authorizing the Finance Director to amend the FY 2016-2017 Coal Severance Budget as indicated on the attached list of accounts.”

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

That the Finance Director is hereby authorized and directed to amend the FY 2016-2017 Coal Severance Budget as indicated on the attached list of accounts.

Coal Severance Fund FY 2016-2017 Budget Amendment No. 1 - July 18, 2016

Account No.	Department	Account Description	Amount
002 299 00 0000	Revenue	Coal Severance Tax - Balance on Hand	(30,466)
002 000 00 000 5 566		Contributions to Other Funds	30,466

To recognize estimate of coal severance tax receivable to establish the beginning balance for FY 2017.

REPORTABLE:

Reportable: To maintain compliance with the budgetary guidelines of the State of West Virginia, State Auditors Office, Chief Inspector Division.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 774-16 adopted.

4. Your committee on Finance has had under consideration the following committee report, and reports the same to Council with the recommendation that committee report pass.

The Proposal submitted by Lumicor for purchase of sixty-one (61) Wall Panels in the amount of \$108,218.20 for the Slack Plaza Improvements Project. The panels, as shown in the attached rendering, will be installed adjacent to Brawley Walkway between Court Street and Laidley Street.



To be charged to Account No. 222-975-00-000-4-458, Capital Outlay--Major Improvements

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report adopted.

5. Your committee on Finance has had under consideration the following committee report, and reports the same to Council with the recommendation that committee report pass.

A bid submitted by American Asphalt of West Virginia for purchase of Bituminous Concrete (asphalt) on an as needed basis at \$65.00 per ton for Wearing Course Material Type 1; and \$61.00 per ton for Patching and Leveling Material Type 1 to be used by the Street Department.

To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report adopted.

6. Your committee on Finance has had under consideration the following committee report, and reports the same to Council with the recommendation that committee report pass.

A bid submitted by Essroc Ready Mix for purchase of Portland Cement Concrete to be used by the Street Department on an as needed basis at the prices listed on the attached tabulation sheet.

Portland Cement - Public Works
 Bid Opening: July 14, 2016 @ 11:00am

		Rumble Ready Mix Lot 3 Scary Creek Industrial Park Winfield, WV P: (304) 755-2565 smorris2364@comcast.com	Essroc Ready Mix 1011 Bullit Street Charleston, WV 25301 P: (304) 346-8131 david.heschig@essroc.com
Full Load* per cubic yard delivered to job site *unload in 30 minutes or less	Class A: 3500# Concrete:	\$115.00	\$115.00
	Class B: 3000# Concrete:	\$112.00	\$109.00
	Class C: 2500# Concrete:	\$110.00	\$105.00
	Class D: 2000# Concrete:	\$108.00	\$101.00
	Controllable Low Strength Material	\$102.00	\$88.55
Partial Load Charge (if applicable)		\$75.00 under 4 Yards	\$80.00
Unloading Charge past 30 minutes		\$25.00 every 30 Minutes	\$60.00
Cost of adding Fiber to Concrete		\$6.00	\$6.50/cubic yard
Fuel Surcharge		\$20.00	\$15.00

To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report adopted.

- Your committee on Finance has had under consideration the following committee report, and reports the same to Council with the recommendation that committee report pass.

A bid submitted by Martin Marietta Aggregates for purchase of various classes and sizes of aggregate at the prices listed on the attached tabulation sheet. The aggregate will be used by the Street Department on projects undertaken throughout Fiscal Year 2016-2017.

Various Sizes of Aggregate - Public Works
 Bid Opening: July 14, 2016 @ 11:00am

	Martin Marietta Aggregates 300 Star Avenue, Suite 312 Parkersburg, WV 26101 P: (304) 679-9078 joseph.mccallister@martinmarietta.com	Shamblin Stone P.O. Box 510 Dunbar, WV 25064 P: (304) 766-7316 jackconner@mulzer.com
	Prices per Ton	Prices per Ton*
Sandstone #1	No Bid	No Bid
Sandstone #2	No Bid	No Bid
Crusher Run	No Bid	No Bid
River Gravel #57	\$20.90	\$21.25
River Gravel #37	No Bid	No Bid
Masonry Sand	\$21.00	\$20.30
Dry Bed	\$16.80	\$18.15
River Gravel #67	No Bid	No Bid
Limestone #2	\$21.90	No Bid
Limestone #3	\$21.90	\$20.50
Limestone #37	No Bid	No Bid
Limestone #57	\$21.90	\$20.50
Limestone #67	\$22.10	\$21.20
Limestone: 1 1/2" Crusher Run	\$20.00	\$20.00
Limestone #467	\$21.90	\$20.50

*Prices only valid through
December 31, 2016*

To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report adopted.

8. Your committee on Finance has had under consideration the following committee report, and reports the same to Council with the recommendation that committee report pass.

A bid submitted by Morton Salt, Inc., in the amount of \$59.39 per ton, for purchase of road salt to be used by the Street Department on an as needed basis for snow and ice removal.

To be charged to Account No. 001-750-00-000-3-359, Street—Snow Removal Materials

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report adopted.

REPORTS OF OFFICERS

1. City of Charleston, WV – Municipal Court Report to City Council Month Ending June 2016.
Received and Filed.

NEW BILLS

Introduced by Council members Karan Ireland, Mary Jean Davis, Becky Ceperly, Susie Salisbury, Keeley Steele, Mary Beth Hoover, Jack Harrison, Andy Richardson, Richard Burka, Samuel Minardi, Jerry Ware, Robert Reishman, Tom Lane, Michael Clowser, Edward Talkington on June 21, 2016:

Bill No. 7702- A BILL to enact Chapter 3, Section 3-17 of the Municipal Code of the City of Charleston, and to amend Chapter 6, Article III, Division 3, Subdivision 1, Section 6-133 of the Municipal Code of the City of Charleston for the purpose of allowing certain Alcohol Beverage Control Administration Class “A” license holders to begin serving alcohol at ten o’clock a.m. on Sundays.

Refer to Ordinance and Rules Committee

Introduced by Council member Robert Reishman:

Bill No. 7703- A BILL releasing the possibility of reverter contained in the deed dated June 23, 2000 from the City of Charleston to the Henry Highland Garnet Foundation that conveyed the Samuel Starks House located at 413 Shrewsbury Street, Charleston, West Virginia. This bill further authorizes the City Manager or his designee to execute any documents necessary for the execution of the release, and the transfer of 413 Shrewsbury Street from the Henry Highland Garnet Foundation to the Garnet High School Alumni Association.

Refer to Finance Committee

UNFINISHED AND/OR MISCELLANEOUS BUSINESS

1. Councilman Harrison announced the next meeting of the Ordiance and Rules Committee will be help Tuesday 26, 2016 at 5:30 pm in the AV Room.
2. Councilman Talkington announced that there would be no meeting of the Refuse and Recycling Committee this month. He also thanked the Parks and Recreation Department for the excellent work in preparing the Splash Pad after the recent flooding.

ADJOURNMENT

The Clerk, JB Akers, called the closing roll call:

YEAS: Burka, Ceperley, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Overstreet, Reishman, Richardson, Salisbury, Slater, Smith, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Miller, Burton, Chestnut, Persinger, Snodgrass, Steele

At 7:20 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, August 1, 2016, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

JB Akers, City Clerk