



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

CITY OF CHARLESTON, WEST VIRGINIA

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Regular Meeting – Tuesday, July 5, 2016

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

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**OFFICIAL RECORD**

**Danny Jones  
Mayor**

**JB Akers  
City Clerk**

***CALL TO ORDER***

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The Council met in the Chambers of the City Building at 7:00 P.M., for the first meeting in the month of July on the 5<sup>th</sup> day, in the year 2016, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilman Harrison and the Pledge of Allegiance was led by Councilman Chestnut. The Honorable Clerk, JB Akers, called the roll of members and it was found that there were present at the time:

<b>BURKA</b>	<b>BURTON</b>	<b>CEPERLEY</b>
<b>CHESTNUT</b>	<b>CLOWSER</b>	<b>DAVIS</b>
<b>EALY</b>	<b>FAEGRE</b>	<b>HAAS</b>
<b>HARRISON</b>	<b>HOOVER</b>	<b>IRELAND</b>
<b>LANE</b>		<b>MINARDI</b>
<b>OVERSTREET</b>	<b>PERSINGER</b>	<b>REISHMAN</b>
<b>RICHARDSON</b>		
<b>SMITH</b>	<b>SNODGRASS</b>	<b>STEELE</b>
<b>TALKINGTON</b>	<b>WARE</b>	<b>MAYOR JONES</b>

With twenty-four 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***

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NONE

***CLAIMS***

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1. A claim of Jackie Arthur, 3007 Riverdale Drive, Charleston, WV; alleges personal injury.  
Refer to City Solicitor.
  
2. A Claim of Clyde Kellogg, P.O. Box 74, Seth, WV;  
Alleges damage to personal property.  
Refer to City Solicitor.
  
3. A Claim of Karl Straughter, 1109 1<sup>st</sup> Avenue, Charleston, WV;  
Alleges damage to vehicle.  
Refer to City Solicitor.
  
4. A Claim of Carole Woodyard, 1139 Alum Creek Rd, South Charleston, WV:  
Alleges damage to vehicle.  
Refer to City Solicitor.

***COMMUNICATIONS***

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

**FROM: DANNY JONES  
MAYOR**

**RE: MUNICIPAL PLANNING COMMISSION**

**DATE: JULY 5, 2016**

I recommend that Jesse Forbes, 1118 Kanawha Boulevard East, Charleston, WV 25301, be reappointed to the Municipal Planning Commission, with a said term to expire July 1, 2019.

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

DJ/dmp

Jack Harrison moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

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

**FROM: DANNY JONES  
MAYOR**

**RE: MUNICIPAL PLANNING COMMISSION**

**DATE: JULY 5, 2016**

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I recommend that Adam Krason, 222 Lee Street, West, Charleston, WV 25302, be reappointed to the Municipal Planning Commission, with a said term to expire July 1, 2019.

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

DJ/dmp

Jack Harrison moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

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

**FROM: DANNY JONES  
MAYOR**

**RE: MUNICIPAL PLANNING COMMISSION**

**DATE: JULY 5, 2016**

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I recommend that Lex Williamson, 1416 New Castle Road, Charleston, WV 25314, be appointed to the Municipal Planning Commission, with an initial term to expire July 1, 2019. He's replacing Steve Blackwell.

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

DJ/dmp

Jack Harrison moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

**PUBLIC HEARING**

1. After duly being published as required, the Mayor declared the floor open for a Public Hearing on Bill No. 7696. Having no public speakers, the Mayor declared the Public Hearing for Bill No. 7696 CLOSED.

**REPORTS OF COMMITTEES**

**COMMITTEE ON HOME RULE**

1. Your committee on Home Rule has had under consideration the following resolution, and reports the same to Council with the recommendation that Bill No. 7696 do pass.

Bill No. 7696: “A BILL authorizing the City of Charleston to submit to the Municipal Home Rule Board a proposed amendment, attached hereto as Exhibit A, to the City of Charleston Municipal Home Rule Plan consistent with W. Va. State Code Section 8-1-5a, requesting approval to allow the sale of alcoholic beverages by certain Alcohol Beverage Control Administration Class “A” license holders beginning at 10:00 a.m. on Sundays;

WHEREAS, the owners of restaurants and hotels in the City have indicated that there is a market for brunch service on Sundays, and that current restrictions on hours of Sunday alcohol service imposed by state law stifle Sunday morning brunch attendance; and

WHEREAS, the Charleston Convention and Visitor’s Bureau and its Board of Directors, which is composed of civic leaders and people involved in the City’s hospitality and tourism industries, fully support the City’s use of Home Rule to allow earlier Sunday alcohol service in Charleston thereby enabling restaurants and hotels in the City to be fully operational on Sunday to enhance the City’s image in the eyes of business and leisure travelers and enrich the experiences of visitors to Charleston; and

WHEREAS, the City has determined that allowing alcohol sales at Sunday morning brunch service within the City will produce more revenue and strengthen City businesses, increase City business and occupation tax revenues and City/state sales tax revenues, and increase earnings for servers and other employees working in the hotels and restaurants in the City; and

WHEREAS, the City’s Comprehensive Plan envisions the reinforcement of Charleston’s position as the region’s entertainment and cultural destination, and the active promotion of Charleston as a city that offers a range of lifestyle choices in order to attract new residents to the City and retain its current residents; the establishment of an earlier Sunday alcohol service is another way for the City to meet these goals and strengthen its social vitality;

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

That, on behalf of the City of Charleston, the Mayor, the City Attorney and the City Administration are hereby authorized and requested to submit to the Municipal Home Rule Board a proposed amendment, attached hereto as Exhibit A, to the City of Charleston Municipal Home Rule Plan consistent with W. Va. State Code Section 8-1-5a, requesting approval to allow the sale of alcoholic beverages by certain Alcohol Beverage Control Administration Class “A” license holders beginning at 10:00 a.m. on Sundays.

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

YEAS: Burka, Burton, Ceperley, Chestnut, Clowser, Davis, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Overstreet, Persinger, Reishman, Richardson, Slater, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: Ealy

ABSENT: Miller, Salisbury, Slater

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7696 adopted.

**COMMITTEE ON ORDINANCE AND RULES**

1. Your committee on Ordinance and Rules has had under consideration the following resolution, and reports the same to Council with the recommendation that Bill No. 7701 do pass.

Bill No.7701: A BILL to amend Chapter 14, Article II, Section 14-33 of the Municipal Code of the City of Charleston for the purpose of updating the Building Code of the City of Charleston to be consistent with the recently amended State Building Code as set forth in W. Va. Code § 29-3-5, and State of West Virginia Title 87, Legislative Rule Series 4 (§ 87-4-1 et seq.).

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

That effective August 1, 2016, Chapter 14, Article II, Section 14-33 of the Municipal Code of the City of Charleston is hereby amended for the purpose of updating the Building Code of the City of Charleston to be consistent with the recently amended State Building Code as set forth in W. Va. Code § 29-3-5, and State of West Virginia Title 87, Legislative Rule Series 4 (§ 87-4-1 et seq.), to read as follows:

Sec. 14-33. Adoption of state building code; exercise of authority beyond corporate limits.

(a) There is adopted the state building code as authorized by W. Va. Code § 8-12-13 and promulgated pursuant to W. Va. Code § 29-3-5b, and by the State of West Virginia in Title 87, Legislative Rule Series 4 (§ 87-4-1 et seq.), state building code, which are collectively adopted by reference as if fully restated herein, and the provisions of such code sections and regulations shall be controlling within the city.

(b) The following amendments are made and incorporated into the codes adopted by 14-33 (a) herein:

<u>Whenever referenced in the several ICC codes adopted herein, any reference to the International Fire Code should be substituted with the NFPA Life Safety Code 2015 edition.</u>	
<u>The ANSI/ASHRAE/IESNA Standard 90.1-2007 edition for commercial buildings.</u>	
International Building Code 20 <del>12</del> <u>15</u> :	
Section 101.1	Insert "the City of Charleston"

Section 1612.3	Insert "the City of Charleston" dated "April 3, 1985"
Section 3412.2	Insert " <del>September 1, 2013</del> <u>August 1, 2016</u> "
Delete Section 101.4.5 Fire Prevention, in its entirety.	
<p>Delete Section 113.3 Qualifications, in its entirety and replace with the following:</p> <p>113.3 Qualifications. The Board of Appeals shall consist of five members, with up to three alternates, who are qualified by experience or training to pass on matters pertaining to building construction and are not employees of the jurisdiction. They may include, but are not limited to, a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 years' experience, five of which shall be in responsible charge or work. <u>No less than one of the members of such Board of Appeals shall be a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor.</u></p> <p>Section 4.1.k.l. Omit references to International Fire Code and substitute NFPA Life Safety Code 2009 Edition.</p>	
International Residential Code <u>for One and Two Family Dwellings 2009</u> <del>15</del> :	
	<u>Chapter 11 entitled "Energy Efficiency", is exempt from Title 87, Legislative Rule Series.</u>
Section R101.1	Insert "the City of Charleston"
<u>Section G2415.12 (404.10)</u>	<u>Delete and replace with: Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded</u>

	<u>in an approved manner.</u>
Table R301.2(1)	<p>Insert into blank spaces as follows:</p> <p>Ground Snow Load - "20 psf"</p> <p>Wind Speed - "90 mph"</p> <p>Seismic Design Category - "C"</p> <p>Weathering - "Severe"</p> <p>Frost Line Depth - "24 inch"</p> <p>Termite - "Moderate to Heavy"</p> <p>Decay - "Slight to Moderate"</p> <p>Winter Design Temperature - "11 degrees"</p> <p>Ice Shield Underlayment - No</p> <p>Flood Hazards - "see FIRM 1985 Floodplain Ordinance"</p> <p>Air Freezing Index - 500</p> <p>Mean Annual Temp - 54.5</p> <p>Topographic effects - "No"</p>
Section P2603.6.1	Insert "30 inches" and "12 inches"
<p>Delete Section 303.5.1 Light Activation, in its entirety.</p> <p>Delete sections R 311.3.1 Landings at doors in its entirety.</p>	
International Plumbing Code 20 <del>12</del> <u>15</u> :	
Section 101.1	Insert "the City of Charleston"
Section 106.6.2	Insert "See the Building Department Administrative Manual, Appendix A"
Section	In No.2 Insert "100%"

106.6.3	In No. 3 Insert "100%"
Section 108.4	Insert "misdemeanor", "\$500", "30 days"
Section 108.5	Amend last sentence in paragraph to read as follows: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to \$500.00"
Section 305.6.1	Insert "30 inches" and "12 inches"
Section 904.1	Insert "12 inches"
International Mechanical Code 20 <del>12</del> 15:	
Section 101.1	Insert "the City of Charleston"
Section 106.5.2	Insert "See the Building Department Administrative Manual, Appendix A"
Section 106.5.3	In No. 2 Insert "100%" In No. 3 Insert "100%"
Section 108.4	Insert "misdemeanor", "\$500", "30 days"
Section	Amend last sentence in paragraph to read as follows: Any person who shall continue any work on the system after having been

108.5	served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to \$500.00"
International Existing Building Code 20 <del>12</del> 15:	
Section 101.1	Insert "the City of Charleston"
Section 1301.2	Insert " <del>September 1, 2013</del> <u>August 1, 2016</u> "
International Energy Conservation Code 2009:	
Section 101.1	Insert "the City of Charleston"
International Fuel Gas Code 20 <del>12</del> 15:	
Section 101.1	Insert "the City of Charleston"
Section 106.6.2	Insert "See the Building Department Administrative Manual, Appendix A"
Section 106.6.3	In No. 2 Insert "100%" In No. 3 Insert "100%"
Section 108.4	Insert "misdemeanor", "\$500", "30 days"

Section 108.5	Amend last sentence in paragraph to read as follows: Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to \$500.00"
Section 404.10	Section 404.10 is deleted in its entirety and replaced with the following: “Underground piping systems shall be installed a minimum depth of 12 inches (305mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.”
International Property Maintenance Code 20 <del>12</del> 15:	
Section 101.1	Insert "the City of Charleston"
Section 103.5	Insert "See the Building Department Administrative Manual, Appendix A"
<u>Section 110.3</u>	<u>Modified as follows:</u>  <u>Unless authorized by W. Va. Code §8-12-16, or absent the express consent of the owner, if the owner of a premises fails to comply with a demolition order within the time prescribed, the legal counsel of the jurisdiction shall institute appropriate action in the Circuit Court of the County in which the property is located against the owner of the premises where the structure is or was located seeking anOrder causing the structure to be demolished and removed. Thereafter, the local jurisdiction, through an available public agency or by contract or arrangement with private persons, shall demolish and remove the structure and the costs thereof, as well as all fees and costs incurred in the legal action, shall be a lien upon such real estate.</u>
Section 112.4	Amend last sentence in paragraph to read as follows: Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to

	perform to remove a violation or unsafe condition, shall be liable for a fine up to \$500.00"
Section 302.4	Insert "10 inches"
Section 303.14	Insert "January 1 <sup>st</sup> to December 31 <sup>st</sup> "
Section 602.3	Insert "January 1 <sup>st</sup> to December 31 <sup>st</sup> "
Section 602.4	Insert "September 1 <sup>st</sup> to June 1 <sup>st</sup> "
20 <del>14</del> <u>14</u> National Electrical Code, NFPA 70:	
2009 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings and Facilities:	
Title 87 Legislative Rule, State Fire Commission, Series 4 § 87-4-5 Fire Protection of Floors in Residential Buildings	
<p>5.1 New One and Two Family Dwellings over one level in height, New One and Two Family Dwellings containing a basement, and New One and Two Family Dwellings containing a crawl space containing a fuel burning appliance below the first floor, shall provide one of the following methods for fire protection of floors: (1) A ½ inch (12.7 mm) gypsum wallboard membrane, 5/8 inch (16mm) wood structural panel membrane, or equivalent on the underside of the floor framing member; (2) Wood floor assemblies using dimension lumber or structural composite lumber equal or greater than 2 inch by 10 inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance; or (3) An Automatic Fire Sprinkler System as set forth in section R313.2 of the 2009 edition of the International Residential Code for One and Two Family Dwellings: <i>Provided</i>, That Floor assemblies located directly over a space protected by an automatic</p>	

sprinkler system as set forth in section R313.2 of the 2009 edition of the International Residential Code for One and Two Family Dwellings are exempt from this requirement.

- (c) Nothing in this section hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any provision hereby repealed; nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

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

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

NAYS: NONE

ABSENT: Miller, Salisbury, Slater

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7701 adopted.

## COMMITTEE ON PLANNING

1. Your committee on Planning has had under consideration the following resolution, and reports the same to Council with the recommendation that Bill No. 7695 do pass.

Bill No. 7695: 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 rezoning from an I-4 Heavy Industrial District to an I-2 Light Industrial District, that certain parcels of land located at 3723, 3725 and 3727 Keller Road, Charleston, West Virginia.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from an I-4 Heavy Industrial District to an I-2 Light Industrial District the whole of the following described parcels of land: Parcels No. 20, 21, and 22 as shown on North Charleston Tax Map No. 2. Subject parcel is more commonly known as 3723, 3725 and 3727 Keller Road, Charleston, West Virginia. Said tax map is of record in the Planning Office.
2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 28 of this ordinance.
3. All prior ordinances or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

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

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

NAYS: NONE

ABSENT: Miller, Salisbury, Slater

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7695 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. 765-16 do pass.

Resolution No. 765-16 : “Authorizing the Mayor or City Manager to enter into an agreement with Garcie R. Marker & Sons, Inc., in the amount of \$207,545.00, for the Concrete Curb and Sidewalk Project.”

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

That the Mayor or City Manager is hereby authorized and directed to enter into an agreement with Garcie R. Marker & Sons, Inc., in the amount of \$207,545.00, for the Concrete Curb and Sidewalk Project.

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 765-16 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. 766-16 do pass.

Resolution No. 766-16 : “Authorizing the Finance Director to amend the 2014, 2015, and 2016 Community Development Block Grant (CDBG) budgets, closing out the paving activity and increasing the demolition budget.”

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 2014, 2015, and 2016 Community Development Block Grant (CDBG) budgets, closing out the paving activity and increasing the demolition budget as follows:

<u>Account Number</u>	<u>Description</u>	<u>Increase/(Decrease)</u>
009-014-00-199-0-999	Unprogrammed Funds	\$ (16,751.62)
009-015-00-029-0-999	Paving	(83,248.38)
009-016-00-199-0-999	Unprogrammed Funds	100,000.00
009-016-00-199-0-999	Unprogrammed Funds	(100,000.00)
009-016-00-033-0-999	Demolition	100,000.00

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

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

NAYS: NONE

ABSENT: Miller, Salisbury, Slater

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 766-16 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. 767-16 do pass.

Resolution No. 767-16 : “Authorizing the Mayor or his designee to submit a grant application in the amount of \$18,956 to the Kanawha County Public Safety Grant Program to provide for purchase of two (2) Thermal Imaging Cameras for the Charleston Fire Department. 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 in the amount of \$18,956 to the Kanawha County Public Safety Grant Program to provide for purchase of two (2) Thermal Imaging Cameras for the Charleston Fire Department. 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 767-16 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. 768-16 do pass.

Resolution No. 768-16 : “Authorizing the Finance Director to amend the FY 2016-2017 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 the Finance Director is hereby authorized and directed to amend the FY 2016-2017 General Fund budget as indicated on the attached list of accounts.

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

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

NAYS: NONE

ABSENT: Miller, Salisbury, Slater

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 768-16 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. 769-16 do pass.

Resolution No. 769-16 : “ Authorizing the Charleston City Manager to execute an equipment transfer/donation agreement with the Institute Volunteer Fire Department, for composite air cylinders, MSA air packs and MSA SCBA masks (hereinafter, the “Equipment”).

WHEREAS, the City of Charleston Fire Department owns the Equipment, which has been removed from service, and the City no longer has need for the Equipment; and

WHEREAS, the Institute Volunteer Fire Department has need for the Equipment, to be used to promote public safety in Kanawha County, and is willing to enter into an agreement for the transfer of the Equipment, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the transfer of equipment between public entities without consideration is authorized by W.Va. Code § 1-5-3, and to the extent that the Institute Volunteer Fire Department is considered “another jurisdiction” under W. Va. Code § 8-11-3, said authorization is permitted by Resolution pursuant to the Municipal Code of the City of Charleston Chapter 3, Article II, Section 3-12; and

WHEREAS, such transfer would result in an overall benefit to the public; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

That the City Manager or his designee is hereby authorized to execute an equipment transfer/donation agreement with the Institute Volunteer Fire Department for composite air cylinders, MSA air packs and MSA SCBA masks.”

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 769-16 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. 770-16 do pass.

Resolution No. 770-16 : “Authorizing the Charleston City Manager to execute an equipment transfer/donation agreement with the Town of Clendenin, West Virginia, for a 2006 International Dump Truck (hereinafter, the “Equipment”).

WHEREAS, the City of Charleston owns the Equipment, which has been retired from service in the Charleston Public Works fleet, and the City no longer has need for said Equipment; and

WHEREAS, the Town of Clendenin, West Virginia has need for the Equipment to be used for a public purpose in its day to day operations, an most urgently for use in the clean-up efforts resulting from recent flooding; and

WHEREAS, the City of Charleston and the Town of Clendenin are willing to enter into an agreement for the transfer of the Equipment, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the transfer of equipment between public entities without consideration is authorized by W.Va. Code § 1-5-3, and to the extent that the Town of Clendenin is considered “another jurisdiction” under W. Va. Code § 8-11-3, said authorization is permitted by Resolution pursuant to the Municipal Code of the City of Charleston Chapter 3, Article II, Section 3-12; and

WHEREAS, such transfer would result in an immediate benefit to the Town of Clendenin and an overall benefit to the public; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

That the City Manager is hereby authorized to execute an equipment transfer/donation agreement with the Town of Clendenin, West Virginia, for a 2006 International Dump Truck.”

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 770-16 adopted.

7. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 771-16 do pass.

Resolution No. 771-16 : “Authorizing the City Manager to execute Change Order No. 7 to the Design-Build contract with BBL Carlton, LLC, in relation to the Civic Center Expansion and Renovation Project, in the amount of \$667,267.83, providing for additions and deletions to the base contract as outlined in Exhibit A attached hereto. Change Order No. 7 increases the contract price from \$87,295,433.38 to \$87,962,701.21.”

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

That the City Manager is hereby authorized and directed to execute Change Order No. 7 to the Design-Build contract with BBL Carlton, LLC, in relation to the Civic Center Expansion and Renovation Project, in the amount of \$667,267.83, providing for additions and deletions to the base contract as outlined in Exhibit A attached hereto. Change Order No. 7 increases the contract price from \$87,295,433.38 to \$87,962,701.21

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 771-16 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.

The bid submitted by Stephens Auto Center, in the amount of \$30,989.00, for purchase of one (1) 2017 Ford Utility Police Interceptor. The new vehicle will replace an SUV in the Crime Scene Unit of the Charleston Police Department.

To be charged to Account No. 043-299-00-976-4-459, Police—Asset Forfeiture, Capital  
Outlay/Equipment

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**

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1. City of Charleston, WV – Financial Statements, for the Eleven- Month Period Ended May 31, 2016  
Received and Filed.
2. Report of the City of Charleston Payroll Variance Analysis; June, 2016.  
Received and Filed.

**NEW BILLS**

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Introduced by Council member Thomas Lane on July 5, 2016:

Bill No.7699- Amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted the 21<sup>st</sup> day of November 2005, as amended, and the Zoning Map made a part thereof, by rezoning from a Residential Office-District (“R-O District”) to a Central Business District (“CBD”), those certain parcels of land situate at 1114 Virginia Street East and 1035 Quarrier Street, Charleston, WV 25301.

Refer to Municipal Planning Commission, Planning Committee

Introduced by Council member Bobby Reishman and Mary Jean Davis on July 5, 2016:

Bill No. 7700- Amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted the 21<sup>st</sup> day of November 2005, as amended, by reducing the duration of the temporary stay of demolition of historic buildings to 90 days.

Refer to Municipal Planning Commission, Planning Committee

**UNFINISHED AND/OR MISCELLANEOUS BUSINESS**

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1. J.B. Akers commended the Charleston Public Works, Fire, and Police Departments on their work to help the city of Clendenin recover from recent flooding.
2. The Mayor discussed the possibility of creating an ordinance for fireworks.

***ADJOURNMENT***

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

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

NAYS: NONE

ABSENT: Miller, Salisbury, Slater

At 7:25 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, July 18, 2016, at 7:00 p.m., in the Council Chamber in City Hall.

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Danny Jones, Honorable Mayor

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JB Akers, City Clerk