



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Tuesday, September 6, 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 first meeting in the month of September on the 6th 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 Ware. The Honorable Clerk, JB Akers, called the roll of members and it was found that there were present at the time:

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

With twenty-three 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 Ji Hyue Painter, 3 Circle Road, Charleston, WV; Alleges damage to vehicle. Refer to City Solicitor.
2. A claim of Kevin Rowlands, 1324 Stuart Street, Charleston, WV; Alleges damage to personal property. Refer to City Solicitor.
3. A claim of Summer Richard P Thompson, 532 South Front Drive, Charleston, WV; Alleges damage to personal property. Refer to City Solicitor.

COMMUNICATIONS

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

**FROM: DANNY JONES
MAYOR**

RE: HALLOWEEN 2016

DATE: SEPTEMBER 6, 2016

I recommend that October 31, 2016 from the hours of 6 until 8 PM be designated as Trick or Treat in the City of Charleston.

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

Councilman Harrison moved to approve the recommendation. Councilman Lane seconded the motion. By unanimous vote, the recommendation was approved.

REPORTS OF COMMITTEES

COMMITTEE ON URBAN RENEWAL

1. Your committee on Urban Renewal has had under consideration the following bill, and reports the same to Council with the recommendation that Resolution 783-16 do pass.

Resolution No. 783-16 – “Declaring a need and authorizing the Charleston Urban Renewal Authority to develop and implement a workable plan of action for elimination, prevention, or spread of deteriorated or deteriorating conditions, and for conservation and rehabilitation within a certain area of the Community, pursuant to the provisions of Chapter 16, Article 18 of the Code of West Virginia.”

WHEREAS, Chapter 16, Article 18, section 29 of the Code of West Virginia authorized the governing body of the community, or such public officer or public body as it may designate, to prepare a workable program, which may include an official plan of action, for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living environmental for adequate family life, for utilizing appropriate private and public resources to eliminate and prevent the development of spread of deterioration, to encourage needed urban rehabilitation, to provide for the redevelopment of deteriorated areas, and for the undertaking of feasible activities to achieve the objectives of such a program;

WHEREAS, Chapter 16, Article 18, Section 25, of the Code of West Virginia specifically provides that urban renewal projects may include undertakings and activities for the elimination of deteriorated or deteriorating areas, or to otherwise prevent an area from becoming deteriorated;

WHEREAS, Chapter 16, Article 18, Section 27, of the Code of West Virginia eliminates the requirement of Chapter 16, Article 18, Section 4, of the Code of West Virginia, that an area must first be declared “blighted” before authorizing an urban renewal authority to exercise powers, function and duties permitted under said Article, and additionally amends and redefines the terms “slum” and “blighted” as used throughout the Article to also mean and include deteriorated or deteriorating areas for the purpose of urban renewal plans and projects;

WHEREAS, the area addressed by this resolution replaces the West Side Urban Renewal Plan, the Shrewsbury/Smith Streets Urban Renewal Plan, and the Downtown/Old Charleston Urban Renewal Plan. Said plans have either expired or not fully achieved their objectives;

WHEREAS, City Council is cognizant of certain factors that warrant a plan of action and exercise of the powers, function, and duties of the Urban Renewal Authority for the elimination, prevention, and spread of deteriorated or deteriorating conditions and to otherwise implement conservation and rehabilitation with respect to the area so designated herein;

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

That the City Council hereby finds and declares that the requisite conditions exist to make it necessary; in the interest of the public health, safety, morals or welfare of the residents of that certain area of the Community shown in Exhibit 1 attached hereto, to designate and authorize the Charleston Urban Renewal Authority to develop a workable plan and project for implementing action as contemplated and authorized by Chapter 16, Article 18, of the Code of West Virginia for said Area as may be necessary for the elimination, prevention, or spread of deteriorated or deteriorating conditions within the Community of said Area and for the conservation and rehabilitation of the Community within said Area.

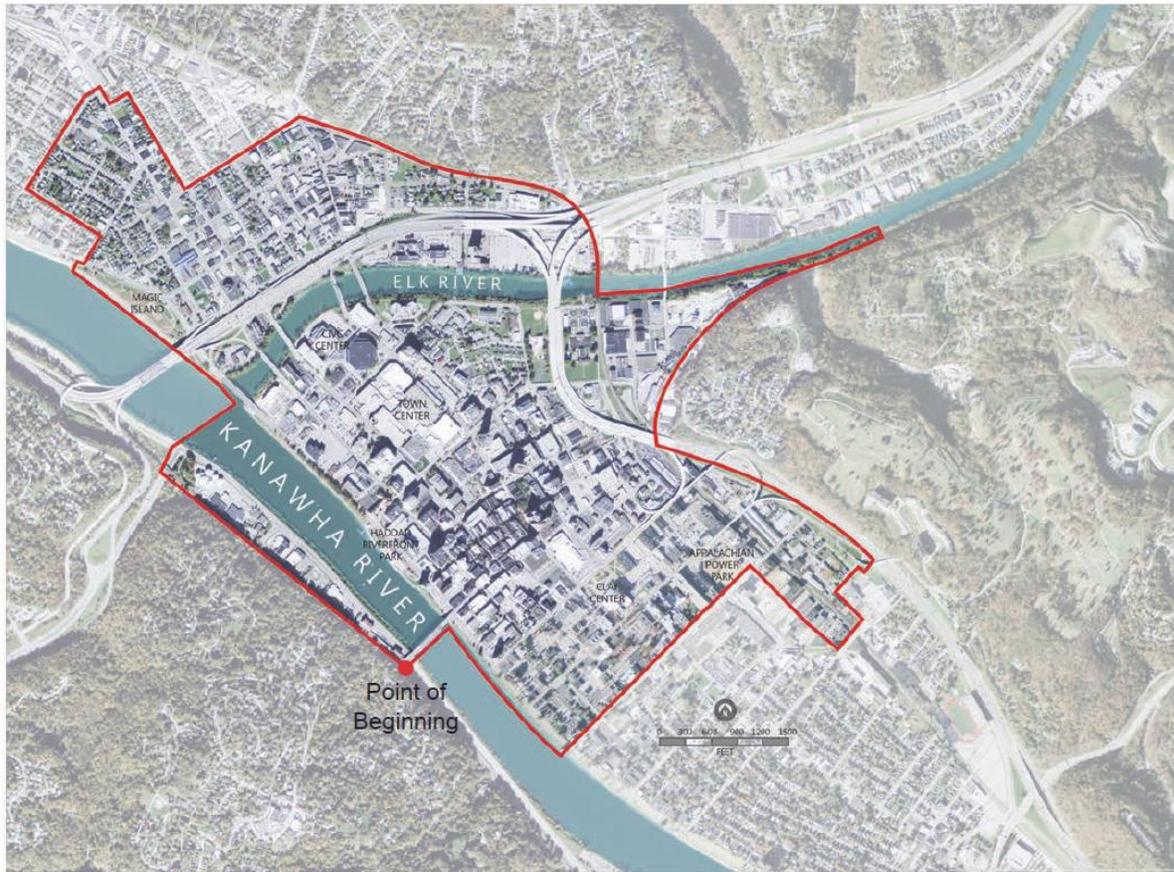


Figure 2. Proposed Revisions to CURA Boundary

Exhibit A

Councilman Ware moved to approve the Bill. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 783-16 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. 785-16 do pass.

Resolution No. 785-16 : 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 2015-2016 General Fund budget as indicated on the attached list of accounts.

General Fund FY 2016-2017 Budget Amendment No. 02 - September 6, 2016

Account No.	Department	Account Description	Amount
001 712 00 000 1 103	Traffic Engineering	Wages & Salaries	(31,830)
001 712 00 000 1 104	" "	FICA	(2,435)
001 712 00 000 1 106	" "	Retirement	(3,820)
001 699 00 000 5 598	Contingency		38,085

To recognize the FY2017 budget impact of FY2016 Budget Amendment No. 10 on May 16, 2016 which eliminated the position of Assistant Traffic Engineer - Planning (G-7) and added an additional Signal Repairman III (PG-6).

001 381 01 0000	Revenue	Reimbursement Police Wages	(57,831)
001 381 07 0000	"	HIDTA Reimbursements	(42,169)
001 700 00 000 1 103	Police	Wage & Salaries - Overtime	57,831
001 700 00 000 1 104	"	FICA	839
001 700 00 000 1 107	"	Retirement	4,916
001 700 00 000 2 214	"	Travel	2,000
001 700 00 000 2 223	"	Professional Services	1,000
001 976 00 700 4 459	"	Capital Outlay - Equipment	33,415

To recognize funding from HIDTA to facilitate the Overdose Investigation Initiative.

Reportable: To Maintain compliance with the budgetary guidelines of the State of West Virginia

Councilman Reishman moved to approve the Resolution. 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, Reishman, Richardson, Salisbury, Slater, Smith, Snodgrass, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Ealy, Miller, Persinger, Steele

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 785-16 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. 786-16 do pass.

Resolution No. 786-16: Authorizing the Mayor or City Manager to execute an Agreement with Appalachian Power Company – WV (the “Company”) for Electric Distribution Services providing for reconstruction and relocation of facilities to allow for future Slack Plaza improvements around the proposed police station. In accordance with the scope of work attached hereto, The City agrees to pay the Company \$90,521.00 as the total cost.

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

That the Mayor or City Manager to execute an Agreement with Appalachian Power Company – WV (the “Company”) for Electric Distribution Services providing for reconstruction and relocation of facilities to allow for future Slack Plaza improvements around the proposed police station. In accordance with the scope of work attached hereto, The City agrees to pay the Company \$90,521.00 as the total cost.

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 786-16 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. 787-16 do pass.

Resolution No. 787-16: Authorizing the Mayor to receive and administer Grant Funds from the Bureau of Justice Assistance to purchase crime scene supplies and equipment for the Charleston Police Department and the Kanawha County Sheriff’s Department in the amount of \$134,323.00.

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 receive and administer Grant Funds from the Bureau of Justice Assistance to purchase crime scene supplies and equipment for the Charleston Police Department and the Kanawha County Sheriff’s Department in the amount of \$134,323.00.

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 787-16 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. 788-16 do pass.

Resolution No. 788-16- Authorizing the Mayor or City Manager to receive and administer funds through the Kanawha County Commission in the amount of \$10,000.00 for the purpose of reimbursing the Charleston Police Department for Violence Against Women overtime.

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 receive and administer funds through the Kanawha County Commission in the amount of \$10,000.00 for the purpose of reimbursing the Charleston Police Department for Violence Against Women overtime.

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 788-16 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. 789-16 do pass.

Resolution No. 789-16- Authorizing the Mayor and Chief of Police to accept funds from Appalachia High Intensity Drug Trafficking Area (“HIDTA”) for the Overdose Investigation Initiative from the United States Office of National Drug Control Police (“ONDCP”) to the Charleston Police Department in the total amount of \$100,000. The funds cover August 15, 2016 through December 31, 2017 and are designated for purchase of evidence and information (\$1,000); overtime (\$63,585); travel (\$2,000); and equipment (\$33,415).

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

That the Mayor and Chief of Police are hereby authorized and directed to accept funds from Appalachia High Intensity Drug Trafficking Area (“HIDTA”) for the Overdose Investigation Initiative from the United States Office of National Drug Control Police (“ONDCP”) to the Charleston Police Department in the total amount of \$100,000. The funds cover August 15, 2016 through December 31, 2017 and are designated for purchase of evidence and information (\$1,000); overtime (\$63,585); travel (\$2,000); and equipment (\$33,415).”

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 789-16 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. 790-16 do pass.

Resolution No. 790-16- Authorizing the Finance Director to issue a refund to IBM in the amount of \$27,372.45, for overpayment of Business and Occupation (“B&O”) taxes for the period January 1, 2015 through December 31, 2015. The taxpayer reported revenue under the wrong classification code. The refund request has been validated by the Auditing Division of the City Collector’s Office.

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 IBM in the amount of \$27,372.45, for overpayment of Business and Occupation (“B&O”) taxes for the period January 1, 2015 through December 31, 2015. The taxpayer reported revenue under the wrong classification code. The refund request has been validated by the Auditing Division of the City Collector’s Office.

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 790-16 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. 791-16 do pass.

Resolution No. 791-16- Authorizing the City Manager to ratify Change Order No. 1 with Fairfax, INC., in the amount of \$5,700.00, for the Roof Replacement Project at the North Charleston Community Center and provides for the proposed changes to the Pool Concession Building as shown on the attached Exhibit A. The original contract price for this project was \$165,347.00. Change Order No. 1 increases the contract amount to \$171,047.00

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. 1 with Fairfax, INC., in the amount of \$5,700.00, for the Roof Replacement Project at the North Charleston Community Center and provides for the proposed changes to the Pool Concession

Building as shown on the attached Exhibit A. The original contract price for this project was \$165,347.00. Change Order No. 1 increases the contract amount to \$ 171,047.00

CHANGE ORDER
FAIRFAX, INC.
P.O. Box 400
Chesapeake, Ohio 45
740-867-2727

OWNER XX
ARCHITECT —
CONTRACTOR —
FIELD —

PROJECT: North Charleston Community Center CHANGE ORDER NO.: One (1)
2007 7th Avenue
Charleston, West Virginia ~~25701~~ PROJECT NO.:
25312
TO: City of Charleston CONTRACT DATE: June 01, 2016
501 Virginia Street
Charleston, West Virginia 25301 CONTRACT FOR: Roofing & Sheet Metal

The change in the Contract is as follows:

THE FOLLOWING CHANGE IS DUE TO THE POOL CONCESSION BUILDING NOT IN THE ORIGINAL BID DOCUMENTS.

Remove existing roof system down to roof deck.
Install two (2) layers of two (2) polyiso insulation attached to roof deck. Install a Firestone Building Products fully adhered Roof system using sixty (60) mil membrane. Extend twenty (20) year watertight roof warranty to this area. Install new twenty four (24) gauge metal gravel stop at perimeter of the structure. Remove all related debris from the project site.

Not valid until signed by parties concerned

The original (contract sum) (Guaranteed Maximum Price) was \$ 165,347.00
Net changes by previously authorized Change Orders \$ 0.00
The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was \$ 165,347.00
The (Contract Sum) (Guaranteed Maximum Price) will be (increased)
by this change order in the amount of \$ 5,700.00
The new (Contract) (Guaranteed Maximum Price) including this Change Order will be \$ 171,047.00
The contract Time will be (increased) (decreased) (unchanged) by (0) days
The date of substantial Completion as of the date of this Change Order is

Note: This summary does not reflect changes in the Contract Sum, Time Guaranteed Maximum Price which have been authorized by Construction Change Directive.

City of Charleston

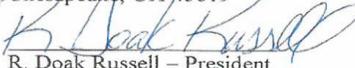
Owner
P.O. Box 2749
Charleston WV 25330


By: David Molgaard, City Manager

Date: 8/29/16

Fairfax, Inc.

Contractor
P.O. Box 400
Chesapeake, OH 45619


R. Doak Russell – President
August 29, 2016

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 791-16 adopted.

8. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 792-16 do pass.

Resolution No. 792-16- Authorizing the City Manager to enter into an Agreement with Professional Consulting Associates, LLC for customer service and leadership communication training in the amount of \$31,013.00.

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

That the City Manager is hereby authorized to enter into an Agreement with Professional Consulting Associates, LLC for customer service and leadership communication training in the amount of \$31,013.00.

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 792-16 adopted.

9. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 793-16 do pass.

Resolution No. 793-16- Authorizing the filing of civil actions for the condemnation of property for sanitary sewer easements necessary for the Sanitary Board of the City of Charleston, West Virginia to construct, install and complete its Hickory Hollow/Kimberly Road/Oakhurst Drive Sanitary Sewer Replacement Rehabilitation Project.

WHEREAS, the Sanitary Board of the City of Charleston, West Virginia (the “Sanitary Board”) has presented a Resolution requesting the City Council of the City of Charleston, West Virginia to authorize the City of Charleston (the “City”) to file civil actions in the Circuit Court of Kanawha County for the condemnation of property for sanitary sewer permanent easements and temporary easements, necessary for the Sanitary Board to construct, install and complete its Hickory Hollow/Kimberly Road/Oakhurst Drive Sanitary Sewer Replacement and Rehabilitation Project (the “Project”);

WHEREAS, the City, in accordance with the provisions of Chapter 16, Article 13 of the Code of West Virginia, 1931, owns the sewerage system, both within and without the corporate limits of the City, consisting of a sewage treatment plant or plants and its collecting, intercepting and outlet sewers, lateral sewers, drains, force mains, conduits, pumping stations and ejector stations and all other appurtenances, extensions, improvements and betterments necessary, appropriate, useful, convenient or incidental for the collection, treatment, purification and

disposal in a sanitary manner of liquid and solid waste, sewage and industrial waste (the “System”);

WHEREAS, the Sanitary Board, created by Ordinance of the City Council adopted March 17, 1952, is a separate entity from the City;

WHEREAS, by Ordinance of the City Council adopted June 16, 1952, custody, administration, operation and maintenance of the System were placed under the supervision and control of the Sanitary Board;

WHEREAS, due to statutory provisions under which the City owns the System, it is necessary for the City to file civil actions for the condemnation of property for easements necessary for the System;

WHEREAS, the Sanitary Board is pursuing the Project in the areas of the City including, but not limited to, Hickory Hollow, Kimberly Road and Oakhurst Drive which is necessary to correct older, failing sewer collection lines and is necessary for the health and welfare of the citizens of the City;

WHEREAS, the Project includes the rehabilitation and/or replacement of approximately 10,375 feet (approximately 1.95 miles) of sewer lines, and numerous permanent easements and temporary construction easements are necessary to undertake and complete the Project;

WHEREAS, the Sanitary Board and its right-of-way agents have diligently sought easement agreements for such necessary easements from the affected property owners and have received and recorded many signed easement agreements;

WHEREAS, due to numerous factors including, but not limited to, out-of-state property owners, properties held in heirships with numerous heirs, some whose location is unknown, and uncooperative or uncommunicative property owners, the Sanitary Board has been unable to obtain by negotiation and agreement all of the necessary sewer easements; and

WHEREAS, the Sanitary Board has no choice but to request the City to authorize the filing of civil actions for the acquisition, pursuant to the City’s power of eminent domain, certain property interests in order to obtain the necessary sewer easements for the Project; now, therefore,

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

Section 1. To accomplish construction of the Project in the aforesaid areas of the City necessary for the health and welfare of the citizens of the City, the Sanitary Board must obtain easements across and through certain properties as set forth on Exhibit A to this Resolution.

Section 2. The Sanitary Board requests the Council of the City to authorize the City, on behalf of and by and through the Sanitary Board and its counsel to file civil actions for the acquisition for the Sanitary Board, pursuant to the power of eminent domain, of the property interests set forth on Exhibit A and to take such other and further action as may be reasonably necessary to acquire the property rights for easements necessary to construct, install, operate, maintain, repair, replace, rehabilitate, line and remove sewer lines and appurtenances thereto.

Section 3. The Council of the City hereby authorizes the City, on behalf of and by and through the Sanitary Board and its counsel to file civil actions for the acquisition for the Sanitary Board, pursuant to the power of eminent domain, of the property interests set forth on Exhibit A as needed and to take such other and further action as may be reasonably necessary to acquire the property rights for easements necessary to construct, install, operate, maintain, repair, replace, rehabilitate, line and remove sewer lines and appurtenances thereto.

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 793-16 adopted.

10. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 794-16 do pass.

Resolution No. 794-16- Authorizing the City to accept transfer of title of property located at or about Dixie and Nancy Streets, said property being known as the East End Community Park project and is more fully described in the draft proposed Deed attached hereto as Exhibit A, to be conveyed by the Charleston Urban Renewal Authority to the City of Charleston, and further authorizing the Mayor or his designee, to execute any and all documents necessary to complete the transfer of title.

WHEREAS, the Charleston Urban Renewal Authority holds title to property on which the East End Community Park– a sustainable greenspace asset for use by the community and the public at large – is constructed; and

WHEREAS, all participants in the East End Community Park project have agreed that it is in the best interest of the public and the project for the City of Charleston to be in possession of all of the property on which the East End Community Park is located; and

WHEREAS, the Charleston Urban Renewal Authority desires to convey the property to the City of Charleston, and has prepared deeds for the conveyance, copies of which are attached hereto as Exhibit A; and

WHEREAS, the Charleston Urban Renewal Authority and City of Charleston are authorized to convey and accept, respectively, title to the East End Community Park pursuant to West Virginia Code §§ 16-18-7, 16-18-16 and 16-18-18; and

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

That the City of Charleston hereby accepts title to the property known as the East End Community Park project, conveyed by the Charleston Urban Renewal Authority, consistent with the terms of the proposed draft deed attached hereto, and further authorizes the Mayor or his designee to execute any and all documents necessary to complete the conveyance and transfer of title, subject to final review and approval by the City Attorney.



THIS DEED (hereinafter called "Deed"), made on or as of the ___ day of _____, 2016, by and between **CHARLESTON URBAN RENEWAL AUTHORITY**, a public body corporate (which, together with any successor, public body or officer hereafter designated by or pursuant to law, is hereinafter called "Grantor"), established pursuant to Chapter 16, Article 18, Section 4, Code of West Virginia, of 1931, as amended (hereinafter called "Urban Renewal Authority Law") and having its office at 244 Morrison Building, 815 Quarrier Street, in the City of Charleston, State of West Virginia, and **THE CITY OF CHARLESTON**, a West Virginia municipal corporation, having an office for the transaction of business at 501 Virginia Street, East, in the City of Charleston, State of West Virginia, hereinafter called "Grantee,"

WITNESSETH:

WHEREAS, Grantor is the owner of those certain lots, parcels or tracts of real estate situate at Dixie and Nancy Streets in Charleston East District, Kanawha County, West Virginia, and more particularly described below (the "Property") ;

WHEREAS, Grantor now desires to convey the Property to Grantee and Grantee desires to acquire the Property from Grantor for the purpose of operating and maintaining the East End Community Park, a public purpose;

WHEREAS, the City Council of The City of Charleston, West Virginia, passed Bill No. ___ on _____, 201 __, authorizing the City to accept the dedication of the below-described Property; and

WHEREAS, pursuant to West Virginia Code § 16-18-7, Grantor may convey real estate to Grantee for public purposes, upon such terms and conditions as may be agreed upon between them, without appraisal, public notice, advertising or public bidding.

NOW, THEREFORE, in consideration of sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, Grantor does hereby **GRANT** and **CONVEY** unto Grantee, all those certain lots or parcels of land, together with the improvements thereon and the appurtenances thereunto belonging, in Charleston East Tax District, Charleston, Kanawha County, West Virginia, and more specifically described as follows:

Parcel 1

A parcel or lot fronting 245.2 feet on the railroad right-of-way of Conrail Corporation (formerly Kanawha and Michigan Railway

BEGINNING at a point on the westerly side of Nancy Street, 220 feet northerly from the intersection of Dixie Street with said Nancy Street, and being the common corner of Lots 17 and 18 of the addition hereinbefore mentioned, running thence with Nancy Street in a northerly direction 25 feet to a point; thence at right angles in a westerly direction and parallel to Dixie Street 130 feet to the line of a ten foot alley; thence with the line of said alley in a southerly direction 25 feet to a point, being another common corner of Lots 17 and 18 of the addition hereinbefore mentioned; thence at right angles in an easterly direction with the common line between said Lots 17 and 18, 130 feet to the place of beginning.

And the aforesaid Parcels 1, 2 and 3 being the same property conveyed to Charleston Urban Renewal Authority by deed dated August 31, 2011, and of record in said Clerk's office in Deed Book 2804, at page 682; to which deed reference is hereby made for a more particular description of the property hereby conveyed.

Parcel 4

All of that certain lot of land, together with improvements thereon and all appurtenances thereunto belonging, situate in the Charleston East Tax District, City of Charleston, Kanawha County, West Virginia, and being all of Lot No. 4 of the Cabell Addition to the City of Charleston, Kanawha County, West Virginia, as the same is shown upon a map of said Cabell Addition of record in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Map Book 3, at page 149.

And being the same property conveyed to Charleston Urban Renewal Authority by deed dated March 30, 2009, and of record in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book 2740, at page 373, to which deed reference is hereby made for a more particular description of the property hereby convey.

Parcel 5

All of that certain lot or parcel of land situate in the Charleston East Tax District, City of Charleston, Kanawha County, West Virginia, fronting 40 feet on the north side of Dixie Street, and more particularly known and designated as Lot No. 5 of the Cabell Addition to the City of Charleston, as the same is shown upon a map of said Addition which map is of record in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Map Book 3, at page 149.

And being the same property conveyed to Charleston Urban Renewal Authority by deed dated September 5, 2008, and of record in said Clerk's office in Deed Book 2728, at page 474, to which deed reference is hereby made for a more particular description of the property hereby conveyed.

Parcel 6

All that certain lot or parcel of real estate, together with the improvements thereon and the appurtenances thereunto belonging, situate and being in City of Charleston (Charleston East District) Kanawha County, West Virginia, and fronting Forty and seven tenths (40.7) feet on Dixie and being Lot No. 6, Cabell Addition to the City of Charleston as shown and designated on a map or plat thereof made by M. W. Venable and Son, Engineers and recorded in the office of the Clerk of the County Commission of Kanawha County, West Virginia in Map Book 3, page 149.

And being the same property conveyed to Charleston Urban Renewal Authority by deed dated October 31, 2008, and of record in said Clerk's office in Deed Book 2732, at page 308, to which deed reference is hereby made for a more particular description of the property hereby conveyed.

Parcel 7

All of that certain lot or parcel of land together with improvements and all appurtenances thereunto belonging, situate in the Charleston East Tax District, City of Charleston, Kanawha County, West Virginia, and being more particularly bounded and described as follows:

Beginning at an iron pipe in the northerly line of Dixie Street at the front corner of Lots 7 and 8 of Cabell's Addition as shown upon the map thereof; thence with said northerly line of Dixie Street, N. 44° 19' W. 40 feet to an iron pin at the front common corner of Lots 6 and 7, N. 40° 15' E. 100 feet to an iron pin in said line; thence crossing Lot 7, S. 44° 19' E. 40 feet to an iron pin in the common division between Lots 7 and 8; S. 40° 15' W. 100 feet to the place of beginning

There is expressly excepted and reserved therefrom that certain parcel conveyed by Grantor to Andrea L. Herold by deed dated May 1, 2013, recorded in Deed Book 2847, at page 909, more specifically described as follows:

Beginning at an "X" Cut on a joint ownership concrete driveway marking the common corner of Lots 7 and 8 northern right of way line of Dixie Street in the Cabell Addition to Charleston (Map Book 3, Page 149) and which said Point marks the common corner of Charleston Urban Renewal Authority (CURA) with Catherine A. Herold (Deed Book 2507, Page 586) and the Point bears N. 46°51'26" W. 90.13 feet from a 1/2" Iron Pipe Found at the back of the sidewalk at the eastern line of a public alley; thence with said right of way of Dixie Street, N. 46°51'26" W. a distance of 16.00 feet to a Point on the concrete sidewalk from which a 5/8" Rebar with Red Cap Set bears N. 37°22'55" E. 1.00 foot, and which said Point marks the common corner of Parcel A and Parcel B of the Charleston Urban Renewal Authority (CURA); thence continuing with the division line of Parcels A and B the following three (3) lines: N. 37°22'55" E. passing a 5/8" Rebar with Red Cap Set at 1.00 foot and continuing 99.00 feet, in all, for a total distance of 100.00 feet to a 5/8" Rebar with Red Cap Set; thence, S. 53°16'26" E. a distance of 28.69 feet to a 5/8" Rebar with Red Cap Set, thence, S. 47°17'26" E. a distance of 27.19 feet to a Point on the east edge of a Chain Link Fence Post marking the common corner of Parcels A & B which is on the division line of Lot 8 CURA and Lot 9 Jane C. Parrish (Deed Book 2086, Page 92) and which Point bears S. 37°22'55" W. 21.28 feet a 5/8" Rebar with Red Cap Set marking the common corner of said Lots 8 and 9; thence with the division line of said lots, S. 37°22'55" W. a distance of 3.43 feet to a Point which bears N. 37°22'55" E. 100.00 feet from the northern right of way line of Dixie Street and which said Point marks a common corner with the before mentioned Herold; thence with the division line of said Herold, N. 46°51'26" W. a distance of 40.04 feet to a Point on the division line of Lots 7 and 8 of said Cabell Addition; thence continuing with the division line of said lots and Herold, S. 37°22'55" W. a distance of 100.00 feet to the Point of Beginning and having an area of 1,728 square feet, more or less. Being comprised of part of Lots 7 and 8 of Cabell Addition to Charleston; said property is depicted as "Parcel A" on that certain subdivision plat entitled "Plat For Merger Of Parcel A Into Tax Map 24 Parcel 67 Prepared For Charleston Urban Renewal Authority Situate In The City Of Charleston, East Tax District Kanawha County, West Virginia," dated February 26, 2013, and prepared by Randy Brooks Crace, WVPLS No. 756.

And being the remaining portion of the property conveyed to Charleston Urban Renewal Authority by deed dated September 12, 2008, and of record in said Clerk's office in Deed Book 2728 at page 948, to which deed reference is hereby made for a more particular description of the property hereby conveyed.

Parcel 8

All that certain lot, piece or parcel of land situate between the north line of Dixie Street and what was formerly the Kanawha & Michigan Railway (now New York Central Railway), and being the rear portion of Lots 7 and 8 of the C. A. Cabell Addition to the City of Charleston as designated on a map thereof filed and recorded in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Map Book 3, page 149; being the same land heretofore conveyed to Mary E. Frasier (therein designated Mary Frasier) by Fred W. Smith and wife by deed dated July 28, 1931, and recorded in said Clerk's office in Deed Book 371, page 98, and therein more specifically described as follows: Beginning at a stake in the eastern line of Lot No. Eight (8) one hundred (100) feet distant from the north line of Dixie Street, said point being the northeast corner of a lot of land owned by Dr. Austin; thence in a westerly direction with the rear line of the Austin lot and parallel with Dixie Street, forty (40) feet to a stake in the west line of Lot No. Eight (8) which point is the northwestern corner of the Austin lot; thence continuing in the same direction, parallel with Dixie Street, directly across Lot No. Seven (7) with the rear line of a lot of land owned by H. E. Bartlett, forty (40) feet to a stake in the west line of said Lot No. Seven (7) which is one hundred (100) feet distant from Dixie Street and is the northwest corner of said Bartlett lot; thence with the western line of said Lot No. Seven (7) in a northerly direction thirty four and 78/100ths (34.78) feet to a stake which marks the rear common corner of Lots Nos. Eight (8) and Nine (9) of the C. A. Cabell Addition; thence with the common line between Lots Nos. Eight (8) and Nine (9), twenty four and 26/100ths (24.26) feet to the place of beginning

And being the same property conveyed to Charleston Urban Renewal Authority by deed dated December 29, 2008, and of record in said Clerk's office in Deed Book 2735, at page 544, to which deed reference is hereby made for a more particular description of the property hereby conveyed.

This conveyance is further made subject to all valid reservations, restrictions, easements, rights-of-way, and other encumbrances of record in the aforesaid Clerk's office or which would be disclosed by a physical inspection or accurate survey of the property hereby conveyed.

Subject to the foregoing, Grantor does hereby **WARRANT SPECIALLY** the title to the property hereby conveyed.

DECLARATION OF EXEMPTION FROM WITHHOLDING REQUIREMENTS OF W.VA. CODE § 11-21-71b: Under penalty of perjury, Grantor declares and certifies that Grantor is exempt from the tax withholding requirements of W.Va. Code §11-21-71b because it a governmental agency of the State of West Virginia and intends this declaration to satisfy the requirements thereof.

DECLARATION OF CONSIDERATION OR VALUE: Grantor does hereby declare that the transfer of property by this instrument is not subject to the State excise tax upon the privilege of transferring real estate for the reason that it is a transfer from an agency or instrumentality of the State of West Virginia to an agency or instrumentality of the State of West Virginia.

IN WITNESS WHEREOF, Charleston Urban Renewal Authority and The City of Charleston have each caused this Deed to be executed by their respective duly authorized officers or representatives as of the date first above written:

GRANTOR:

**CHARLESTON URBAN RENEWAL
AUTHORITY**

By: _____
Diane Strong-Treister
Its: Chair

ATTEST:

Karen Haddad, Secretary

GRANTEE:

THE CITY OF CHARLESTON

By: _____
Danny Jones
Its: Mayor

ATTEST:

_____, City Clerk

[ACKNOWLEDGMENTS ON FOLLOWING PAGE]

Company), and extending back toward Kanawha River 215 feet, bounded on the north by property of Kanawha Manufacturing Company, on the east by property of Conrail Corporation (formerly Kanawha and Michigan Railway Company), on the south a ten foot alley, and on the west by Lots 4, 5, 6, 7, 8 and 9 of Cabell Addition; and

Parcel 2

The southerly twenty-five (25) feet of Lot No. Eighteen (18) of the Ruffner Land Company Addition to the City of Charleston, West Virginia, a plat of which is of record in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Map Book 2, at page 48, and more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Nancy Street two hundred twenty (220) feet northerly from the intersection of Dixie Street with said Nancy Street, and being the common corner of Lots Nos. 17 and 18 of Ruffner Land Company Addition; and running thence with Nancy Street in a northerly direction twenty-five (25) feet to a point; thence at right angles in a westerly direction and parallel to Dixie Street one hundred thirty (130) feet to the line of a ten (10) foot alley; thence with the line of said alley in a southerly direction twenty-five (25) feet to a point, being another common corner of Lots Nos. 17 and 18 of said Addition; thence at right angles in an easterly direction with the common line between said Lots Nos. 17 and 18 one hundred thirty (130) feet to the place of beginning.

Parcel 3

Lot Numbers Eighteen (18) and Nineteen (19) of the Ruffner Land Company Addition to the City of Charleston, a map of which is of record in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Map Book 2, at page 48.

There is expressly excepted and reserved from Parcel 3 the southerly twenty-five (25) feet of Lot Number Eighteen (18) of the Ruffner Land Company Addition, which said southerly twenty-five (25) feet was conveyed by W. F. Shawver Company, a corporation, to Southern Land Company, a corporation, by deed dated September 11, 1948, and of record in the aforesaid Clerk's office in Deed Book 847, at page 121, which is more particularly described therein as follows:

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 794-16 adopted.

11. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 795-16 do pass.

Resolution No. 795-16- Authorizing the City Manager or his designee to enter into an Agreement with the West Virginia Department of Transportation, Division of Highways (“DOT”), a copy of which is attached as Exhibit A hereto, for the purpose of relocating a supplemental DOT sign along I-64 Eastbound, in order to enhance the view shed of the “Welcome to Charleston” sign at that location, with the City agreeing to reimburse DOT up to Five Thousand Dollars (\$5,000.00) for the costs associated with the sign relocation.

Authorizing of this Agreement by Resolution is permitted pursuant to the Municipal Code of the City of Charleston Chapter 3, Article II, Section 3-12;

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

That the City Manager or his designee is hereby authorized to enter into an Agreement with DOT, consistent with the terms and conditions set forth in Attachment A hereto, subject to final review and approval by the City Attorney, and further that the City is authorized to reimburse the DOT up to Five Thousand Dollars (\$5,000.00) for the DOT sign relocation.



AGREEMENT

This Agreement, made this ____ day of _____, 2016, and executed in triplicate, among the West Virginia Department of Transportation, Division of Highways (hereinafter “Highways”), the Charleston Area Alliance, a West Virginia non-profit organization (hereinafter “Alliance”) and the City of Charleston , West Virginia, a municipal corporation (hereinafter “ City”);

WHEREAS, Alliance has requested that Division relocate a supplemental guide sign located along I-64 Eastbound, associated with the destination of Appalachian Power Park and the Clay Center in Charleston, West Virginia (hereinafter “ Sign”) in order to enhance the view shed of certain City of Charleston signs; and,

WHEREAS, City has agreed to pay the actual cost of the relocation of said Sign, currently estimated for informational purposes only at approximately Five Thousand Dollars (\$5,000.00); and,

WHEREAS, Division is willing to relocate said Sign subject to payment of Division’s actual costs as set forth herein.

NOW THEREFORE, in consideration of the above premises and in further consideration of the agreement herein set forth by and between the parties hereto, it is mutually agreed as follows:

1. Division shall relocate the Sign to a location and on a schedule chosen solely by Division.
2. City shall pay Division’s actual cost of relocating the Sign, including internal labor and other internal costs and contractor costs. Alliance shall have no obligation or responsibility regarding the cost of the Sign.
3. Upon completion of Division’s work hereunder, Division shall submit an invoice to City which itemizes in reasonable detail the actual costs incurred by Division. Said invoice shall be paid by City within thirty (30) calendar days of the date of said invoice.
4. This Agreement constitutes the entire understanding and agreement of the parties with respect to its subject matter and supersedes all prior and contemporaneous agreements or understandings, inducements or conditions, express or implied, written or oral, between the parties.
5. This Agreement shall be governed by and construed in accordance with the laws of the State of West Virginia, without regard to its choice of law principles.

**WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION,
DIVISION OF HIGHWAYS**

(signature)
By: Paul A. Mattox, Jr., P. E.
Secretary of Transportation/
Commissioner of Highways

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 795-16 adopted.

REPORTS OF OFFICERS

1. Municipal Policemen's and Firemen's Pension and Relief Funds of West Virginia Report from Victor Grigoraci, City Treasurer.
Received and Filed.
2. City of Charleston, WV – Municipal Court Report to City Council Month Ending August 2016.
Received and Filed.
3. Report of the City of Charleston Payroll Variance Analysis; July, 2016.
Received and Filed.
4. Report of the City of Charleston Payroll Variance Analysis; August, 2016.
Received and Filed.

NEW BILLS

Introduced by Council members Mary Beth Hoover and Jeanine Faegre

Bill No. 7707 - A Bill to establish a stop intersection on Dayton Drive at Crescent Road by installing a stop sign on the northwest corner of the intersection and amending the Traffic Control Map and File.

Refer to Streets and Traffic Committee

Introduced by Council members Mary Jean Davis, Jack Harrison, Karen Ireland, and Reverend James Ealy

Bill No. 7708 – A Bill approving a certain modification of the West Side Community Renewal Plan for the City of Charleston, West Virginia with respect to adjusting the boundary of the plan.

Refer to Urban Renewal Committee

Introduced by Council member Archie Chestnut

Bill No. 7709 – – A Bill to establish two 15 minute parking spaces on Market Street from a point 98 feet east from Crescent Road to a point 146 feet east from Crescent Road, and amending the Traffic Control Map and Traffic Control File.

Refer to Streets and Traffic Committee

Introduced by Council members Ed Talkington, Archie Chestnut, Cubert Smith, Mary Beth Hoover, Jack Harrison, Karen Ireland, Mary Jean Davis

Bill No. 7710 - A Bill adopting a Strategic Urban Renewal Plan for Downtown Charleston, Near East End and Near West Side Districts for the City of Charleston, West Virginia with respect to revitalizing the downtown area through rehabilitation of existing structures, new public improvements, redevelopment of sites by private owners, and the potential acquisition of sites for new development.

Refer to Urban Renewal Committee

Introduced by Council member Mary Jean Davis

Bill No. 7711 - A Bill amending the Municipal Planning Commission’s rules of procedures and policy by adding parliamentary procedure standards and amending the process of the appointment of the officers.

Refer to Municipal Planning Commission

Introduced by Council member Robert Reishman

Bill No. 7712 - A BILL repealing and re-enacting Chapter 86 of the Municipal Code of the City of Charleston; amending and re-enacting Chapter 2, Division 3, Section 2-181 and enacting Section 2-184, of the Municipal Code of the City of Charleston; amending a reenacting Chapter 2, Division 6, Sections 2-241, 2-242, 2-243, and enacting Section 2-244 of the Municipal code of

the City of Charleston; and adopting the Personnel Rules and Regulations for City of Charleston non-uniform employees for the purpose of stating, updating, and revising the law and policy related to the administration of the workforce of the City of Charleston.
Refer to Ordinance and Rules Committee

MISCELLANEOUS BUSINESS

1. Tom Lan awarded Council Lady Mary Jean Davis with the Spirit of the Valley Award
2. Councilman Overstreet honored Captain Matt Jackson.

ADJOURNMENT

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

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

NAYS: NONE

ABSENT: Ealy, Miller, Persinger, Steele

At 7:20 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, September 19, 2016, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

JB Akers, City Clerk