



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, April 7, 2014

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

**Danny Jones
Mayor**

**James M. Reishman
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 April on the 7th day, in the year 2014, 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 the Boy Scout Troop 5. The Honorable James M. Reishman, City Clerk, called the roll of members and it was found that there were present at the time:

**BURKA
DAVIS**

**HOOVER
LANE
NICHOLS
RICHARDSON
SHEETS
TALKINGTON
MAYOR JONES**

**BURTON
DENEALT
HAAS
KIRK
MILLER
PERSINGER
RUSSELL
SMITH
WARE**

**CLOUSER
DODRILL
HARRISON
KNAUFF
MINARDI
REISHMAN
SALISBURY
SNODGRASS
WHITE**

With twenty-seven 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

1. Brian King spoke to Council members about the CDBG program.

CLAIMS

1. A claim of James Bennett, 108 Loudon Heights Rd., Charleston, WV; alleges damage to vehicle.
Referred to City Solicitor.
2. A claim of Dewey L. Henson, Sr. , 633 Georges Drive, Charleston, WV; alleges damage to vehicle.
Referred to City Solicitor.
3. A claim of Jerry and Rebecca McClanahan, 211 Georges Drive Apt. C-102, Charleston, WV; alleges damage to vehicle.
Referred to City Solicitor.
4. A claim of Jamie Sartin, Kanawha Village Apartments, Charleston, WV; alleges damage to vehicle.
Referred to City Solicitor.
5. A claim of Ruth Olivia Woody, 1113 Park Ave., Charleston, WV; alleges damage to property.
Referred to City Solicitor.

MISCELLANEOUS RESOLUTIONS

Resolution No. 428-14

Introduced in Council
April 7, 2014

Tom Lane, Council President
Jack Harrison, Majority Leader
Bobby Reishman, Minority Leader
Susie Salisbury

WHEREAS: An excess levy election is to be held in conjunction with the May 13, 2014 primary election, to provide the voters of Kanawha County the opportunity to approve an excess tax levy for four years beginning July 1, 2015; and

WHEREAS: This election will support the operations of the Kanawha Valley Regional Transportation Authority, which owns and operates the public bus transportation system that serves citizens in Charleston and Kanawha County, the Kanawha County Emergency Ambulance Authority, which has established and maintains an emergency ambulance system for Kanawha County, and an Emergency Services Fund, which provides money for first responder services in Charleston and Kanawha County; and

WHEREAS: The City of Charleston receives levy proceeds, which will amount to at least \$2.2 million in the current fiscal year, for ambulance service through the Charleston Fire Department as well as frequent grants for police and fire service through the Emergency Services Fund; and

WHEREAS: The proposed excess levy is needed for the continued operation of the ambulance and transportation authorities, and to assist local police and fire department to meet the public safety needs of the citizens, and it will be used to provide funds for the acquisition of equipment, capital improvements, general maintenance and operational expenses as well as to match federal funds for qualifying projects and purchases; and

WHEREAS: The proposed levy rate is not increased under this proposal, so Kanawha County taxpayers will not face an increase in taxes as a result of this levy's approval;

**Therefore be it resolved by The Council and Mayor
of the City of Charleston, West Virginia:**

That the City of Charleston, through its elected leadership, does hereby endorse the proposed special levy to be voted on May 13, 2014, and urges all voters in Kanawha County to vote for the levy which will result in the continued operation and expansion of the emergency ambulance system and provide for the continued operation and improvement of the mass transportation system and provide supplemental funding for public law enforcement and public fire protection agencies within Kanawha County, all of which are essential to the general welfare of all of the people of the City of Charleston.



Danny Jones
Mayor

Tom Lane
President of Council

Councilman Lane moved to approve the Resolution. Councilman Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 428-14 adopted.

Resolution No. 438-14

Introduced in Council

April 7, 2014

Kasey Russell, Bobby Reishman, Susie Salisbury, Shannon Snodgrass, Rev. James Ealy, Adam Knauff, Robert Sheets, Jerry Ware, Ed Talkington, Mary Jean Davis, Rick Burka and Andy Richardson

WHEREAS: Chess is a game of strategy, invented more than 1,500 years ago in India where, legend suggests, the ruler of India asked his wise men to devise a means to teach the children of the royal family to become deeper thinkers, more effective strategists and better generals on the battlefield; and

WHEREAS: While countless other games have come and gone in the that time, chess is alive and well in the United States, and chess has been endorsed by many educators as an effective way to get students to think strategically; and

WHEREAS: Here in the Kanawha Valley, a vibrant chess community involves many students and several schools because chess teaches young people how to focus, visualize, think ahead, weigh options, plan and consider potential impacts of strategic options; and

WHEREAS: During the recent West Virginia State High School Chess Championship, Capital High School's Chess Team won three of five games in the 5th round to come from behind and defeat heavily-favored Nitro High School by ½ point for the State Championship; and

WHEREAS: Students Kevin Roy, William Roy, Phillip Sears and Jeremiah Weintraub won their fourth State Championship as a team (dating back to their elementary school days at Piedmont) along with new teammate Arell Hardy, who won for the first time; and

WHEREAS: The Capital High School championship team is coached by Kevin Roy, who began the program in the 2004-05 school year at Piedmont Elementary School and later introduced the chess program to Horace Mann Middle School, laying a pipeline of talent and solid foundation for the future of Capital High School's Chess Program.

**Therefore be it resolved by The Council and Mayor
of The City of Charleston, West Virginia:**

That we, the elected leaders of Charleston, congratulate the students and leaders of Capital High School for this State Championship and commend the leadership team of the high school for making this opportunity possible for students in Charleston.



Danny Jones, Mayor

Tom Lane, Council President

Councilman Russell 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 438-14 adopted.

REPORTS OF COMMITTEES

COMMITTEE ON ENVIRONMENT & RECYCLING

Councilperson Edward Talkington, Chairperson of the Council Committee on Environment and Recycling, submitted the following report:

Committee Substitute for Ordinance No. 7615 :

Introduced in Council:
March 17, 2014

Adopted by Council:
April 7, 2014

Introduced by:
Edward Talkington

Referred to:
Environment and Recycling Ordinance & Rules

Committee Substitute for Bill No. 7615: A BILL to establish a Restricted Use Area in the Kanawha City area of Charleston for the purpose of prohibiting the drilling into and the extraction of groundwater within the Restricted Use Area except for ground water monitoring and/or remediation.

WHEREAS, the approximately 2.08-acre parcel of land located at 5710 MacCorkle Avenue, SE (the “Site”) has been the subject of environmental assessment and risk-based remediation by the current occupant, West Virginia Housing Development Fund, as part of their Voluntary Remediation agreement # 09135 with the State of West Virginia Department of Environmental Protection (“DEP”) that allowed them to construct their office building on a brownfield site which contained “chemicals of concern” resulting from the operation of a glass factory prior to the West Virginia Housing Development Fund acquisition of and construction on the property; and

WHEREAS, the environmental assessment has indicated that “chemicals of concern” from previous businesses located on the Site are now migrating with the flow of ground water from the Site into surrounding ground water; and

WHEREAS, the West Virginia Housing Development Fund, in cooperation with the DEP, has notified the City of the migration, and has requested that the City take protective action to prevent the uncontrolled exposure to the chemicals of concern in the ground water; and

WHEREAS, the City of Charleston has the duty and authority under W. Va. State Code § 8-12-5(23) to provide for the elimination of hazards to public health and safety; and

WHEREAS, the Kanawha Charleston Health Department is the governmental agency with authority to issue permits with respect to ground water drilling within Kanawha County, including within the City of Charleston;

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

THAT there is hereby established within the City of Charleston a Restricted Use Area in which the drilling into and extraction of ground water is prohibited. The Restricted Use Area is defined as the 310 feet segment of 57th Street and the existing right-of-way from the northerly intersection of MacCorkle to the northerly intersection with Noyes Avenue, as depicted in the map attached as Exhibit 1. This area represents the maximum predicted extent of contamination migration (80 feet) plus a conservative safety factor of 230 feet.

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

This prohibition applies to any excavation or penetration in the ground, whether drilled, bored, cored, driven or jetted that enters or passes through ground water for purposes of extracting ground water, including but not limited to a water supply, exploration for water, dewatering or heat pump wells.

Nothing contained in this ordinance shall prohibit the extraction of ground water from installation, modification, operation, repair or removal of monitoring and/or remediation wells when operated with the authorization of or at the direction of state or federal environmental officials or agencies.

Nothing contained in this ordinance shall prevent any construction activity within the Restricted Use Area which is not for the purpose of extracting ground water and does not contemplate the disruption of ground water during construction. Additionally, nothing in this ordinance shall prohibit any construction activity within the Restricted Use Area which is not for the purpose of extracting ground water but that may result in incidental disturbance of ground water, provided all state laws and regulations applicable to construction under such conditions, including, but not limited to, all laws and regulations enforced and promulgated by the DEP, are verifiably met. If incidental disturbance of ground water occurs, the contractor shall provide notice of the disturbance to the Office of Environmental Remediation of the Department of Environmental Protection (304-926-0455), and reference Voluntary Remediation file # 09135.

Nothing contained in this ordinance shall prevent the use of ground water in the Restricted Use Area if the ground water has been treated to meet state standards appropriate for its intended use prior to any use. Nothing contained in this ordinance shall prevent ground water monitoring and/or remediation of groundwater.

Upon passage, the Clerk shall submit a certified copy of this ordinance to the Kanawha Charleston Health Department for their use when evaluating applications for ground water drilling within the City of Charleston.

Upon passage, a copy of this Ordinance shall also be provided to the City of Charleston Building Department, the City of Charleston Planning and Zoning Department, and the City of Charleston Engineering Department, and shall be kept on file in the City Clerk's Office.

Councilman Talkington moved that the Committee Report be adopted.
The bill was referred to be voted upon under the Ordinance and Rules section of the Council Meeting.

COMMITTEE ON ORDINANCE & RULES

Councilperson Jack Harrison, Chairperson of the Council Committee on Ordinance and Rules, submitted the following report:

Committee Substitute for Ordinance No. 7615 :

Introduced in Council:
March 17, 2014

Adopted by Council:
April 7, 2014

Introduced by:
Edward Talkington

Referred to:
Environment and Recycling Ordinance & Rules

Committee Substitute for Bill No. 7615: A BILL to establish a Restricted Use Area in the Kanawha City area of Charleston for the purpose of prohibiting the drilling into and the extraction of groundwater within the Restricted Use Area except for ground water monitoring and/or remediation.

WHEREAS, the approximately 2.08-acre parcel of land located at 5710 MacCorkle Avenue, SE (the "Site") has been the subject of environmental assessment and risk-based remediation by the current occupant, West Virginia Housing Development Fund, as part of their Voluntary Remediation agreement # 09135 with the State of West Virginia Department of Environmental Protection ("DEP") that allowed them to construct their office building on a brownfield site which contained "chemicals of concern" resulting from the operation of a glass factory prior to the West Virginia Housing Development Fund acquisition of and construction on the property; and

WHEREAS, the environmental assessment has indicated that "chemicals of concern" from previous businesses located on the Site are now migrating with the flow of ground water from the Site into surrounding ground water; and

WHEREAS, the West Virginia Housing Development Fund, in cooperation with the DEP, has notified the City of the migration, and has requested that the City take protective action to prevent the uncontrolled exposure to the chemicals of concern in the ground water; and

WHEREAS, the City of Charleston has the duty and authority under W. Va. State Code § 8-12-5(23) to provide for the elimination of hazards to public health and safety; and

WHEREAS, the Kanawha Charleston Health Department is the governmental agency with authority to issue permits with respect to ground water drilling within Kanawha County, including within the City of Charleston;

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

THAT there is hereby established within the City of Charleston a Restricted Use Area in which the drilling into and extraction of ground water is prohibited. The Restricted Use Area is defined as the 310 feet segment of 57th Street and the existing right-of-way from the northerly intersection of MacCorkle to the northerly intersection with Noyes Avenue, as depicted in the map attached as Exhibit 1. This area represents the maximum predicted extent of contamination migration (80 feet) plus a conservative safety factor of 230 feet.

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

This prohibition applies to any excavation or penetration in the ground, whether drilled, bored, cored, driven or jetted that enters or passes through ground water for purposes of extracting ground water, including but not limited to a water supply, exploration for water, dewatering or heat pump wells.

Nothing contained in this ordinance shall prohibit the extraction of ground water from installation, modification, operation, repair or removal of monitoring and/or remediation wells when operated with the authorization of or at the direction of state or federal environmental officials or agencies.

Nothing contained in this ordinance shall prevent any construction activity within the Restricted Use Area which is not for the purpose of extracting ground water and does not contemplate the disruption of ground water during construction. Additionally, nothing in this ordinance shall prohibit any construction activity within the Restricted Use Area which is not for the purpose of extracting ground water but that may result in incidental disturbance of ground water, provided all state laws and regulations applicable to construction under such conditions, including, but not limited to, all laws and regulations enforced and promulgated by the DEP, are verifiably met. If incidental disturbance of ground water occurs, the contractor shall provide notice of the disturbance to the Office of Environmental Remediation of the Department of Environmental Protection (304-926-0455), and reference Voluntary Remediation file # 09135.

Nothing contained in this ordinance shall prevent the use of ground water in the Restricted Use Area if the ground water has been treated to meet state standards appropriate for its intended use prior to any use. Nothing contained in this ordinance shall prevent ground water monitoring and/or remediation of groundwater.

Upon passage, the Clerk shall submit a certified copy of this ordinance to the Kanawha Charleston Health Department for their use when evaluating applications for ground water drilling within the City of Charleston.

Upon passage, a copy of this Ordinance shall also be provided to the City of Charleston Building Department, the City of Charleston Planning and Zoning Department, and the City of Charleston Engineering Department, and shall be kept on file in the City Clerk's Office.

Councilman Harrison moved to approve the Bill. Councilman Lane seconded the motion. The question being on the passage of the Bill. A roll call was taken and there were; yeas – 27, nays – 0, absent- 1, as follows:
YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Haas, Harrison, Hoover, Kirk, Knauff, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Talkington, Ware, White, Mayor Jones.

ABSENT: Ealy

With a majority vote recorded thereon as voting in the affirmative the Mayor declared Bill 7615 adopted.

Exhibit 1



ST STEPTOE &
JOHNSON

West Virginia Housing Development Fund
Exhibit 1
Residence and Water Well Prohibition Plan
5710 MacCorkle Avenue S.E., Charleston, West Virginia

PROJECT NO: 959310.00035	REVIEWED BY: BC	DRAWN BY: DS	DATE: 3/17/2014
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Drawing File: Water Well Prohibition Plan Figure 1.dwg

COMMITTEE ON FINANCE

Councilperson Robert Reishman, Chairperson of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration Resolution No. 430-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 430-14- Authorizing the Mayor or City Manager to enter into an Agreement with West Virginia Paving, Inc., in the amount of \$1,337,850.00, for the 2014 Street Paving 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 West Virginia Paving, Inc., in the amount of \$1,337,850.00, for the 2014 Street Paving Project.

To be charged to Account No. 221-975-00-420-4-458, City Service Fee – Capital Projects

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 430-14 adopted.

2. Your committee on Finance has had under consideration Resolution No. 431-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 431-14- Authorizing the Mayor or City Manager to enter into an Agreement with JP Morgan Chase Bank, N.A. to extend the maturity date of Standby Letter of Credit CTCS-644907, approved by City Council on April 1, 2013, extending the date of the letter of credit to May 1, 2014. The letter of credit provides security in lieu of a surety bond for liability of potential workers' compensation claims as a self-insured employer. The existing Standby Letter of Credit CTCS-644907 in the amount of \$750,000 is extended from May 1, 2014 to May 1, 2015, at a cost of \$3,475. The letter of credit is subject to review and final approval by legal counsel for the City.

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 JP Morgan Chase Bank, N.A. to extend the maturity date of Standby Letter of Credit CTCS-644907, approved by City Council on April 1, 2013, extending the

date of the letter of credit to May 1, 2014. The letter of credit provides security in lieu of a surety bond for liability of potential workers' compensation claims as a self-insured employer. The existing Standby Letter of Credit CTCS-644907 in the amount of \$750,000 is extended from May 1, 2014 to May 1, 2015, at a cost of \$3,475. The letter of credit is subject to review and final approval by legal counsel for the City.

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 431-14 adopted.

3. Your committee on Finance has had under consideration Resolution No. 432-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 432-14- Authorizing the Mayor or City Manager to renew the irrevocable Letter of Credit from City National Bank in the amount of \$328,000 for bonding of the permitted acreage at the City Landfill; and further authorizing payment of the premium in the amount of \$3,280 for the period July 1, 2014 to June 30, 2015. The premium is due annually with reimbursement to the City by Landfill Services of Charleston.

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 renew the irrevocable Letter of Credit from City National Bank in the amount of \$328,000 for bonding of the permitted acreage at the City Landfill; and further authorizing payment of the premium in the amount of \$3,280 for the period July 1, 2014 to June 30, 2015. The premium is due annually with reimbursement to the City by Landfill Services of Charleston.

To be charged to Account No. 038-000-00-000-6-674, Bond Service Charges, with reimbursement to the City by Landfill Services of Charleston

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 432-14 adopted.

4. Your committee on Finance has had under consideration Resolution No. 433-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 433-14- Authorizing the Finance Director to issue a refund in the amount of \$10,195.81 to Huntington National Bank for overpayment of Business and Occupation ("B&O") taxes for 4th quarter 2012 and 1st quarter 2013 as a result of income generated in Morgantown inadvertently classified as Charleston income.

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 in the amount of \$10,195.81 to Huntington National Bank for overpayment of Business and Occupation (“B&O”) taxes for 4th quarter 2012 and 1st quarter 2013 as a result of income generated in Morgantown inadvertently classified as Charleston income.

To be charged to Account No. 001-305-01-0000, Current Year

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 433-14 adopted.

5. Your committee on Finance has had under consideration Resolution No. 434-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 434-14- Authorizing the Finance Director to issue a refund in the amount of \$47,559.47 to James R. Vannoy & Sons Construction Company for overpayment of Business & Occupation (“B&O”) taxes for 1st quarter 2013. The taxpayer claimed income generated outside the City of Charleston on its 1st quarter 2013 return due to errors that occurred utilizing a new accounting software system.

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 in the amount of \$47,559.47 to James R. Vannoy & Sons Construction Company for overpayment of Business & Occupation (“B&O”) taxes for 1st quarter 2013. The taxpayer claimed income generated outside the City of Charleston on its 1st quarter 2013 return due to errors that occurred utilizing a new accounting software system.

To be charged to Account No. 001-305-01-0000, Current Year

Councilman Reishman moved to approve the Resolution No. 434-14. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 434-14, adopted.

6. Your committee on Finance has had under consideration Resolution No. 435-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 435-14- Ratifying award and execution of an emergency contract with Thaxton Construction Co. Inc., in the amount of \$60,000.00 to install a pile and lagging retaining wall on Observatory Road.

WHEREAS, the City Engineer and City Street Department were notified of ground and roadway slippage on Observatory Road, and although City employees attempted to temporarily slow the slip and remediate the damage, it was quickly determined that a retaining wall was the only way to stabilize the roadway and that City could not timely construct the necessary retaining wall without the assistance of an outside contractor; and

WHEREAS, the City Engineer determined that the slip was advancing at a such a rapid rate that immediate installation of a retaining wall was required to end the slip, reduce the costs of repair and related damages (both of which increased each day the slip continued), and abate the risk to property and the safety of residents in the Observatory Road vicinity; and

WHEREAS, due to the urgency of the situation, along with the related safety and financial risks, the City Engineer, in consultation with the City Manager and City Attorney, reasonably determined that it was not possible to conduct the normal bidding and approval process of City in order to retain a contractor to assist City in responding to the emergency and abating the slip; and

WHEREAS, the City Engineer quickly estimated quantities of materials needed to construct the retaining wall and reviewed previous bid responses to City for similar retaining wall projects to determine which qualified contractor had submitted the lowest bid for past projects; and

WHEREAS, a quote for the Observatory Road project provided by the contractor identified by the City Engineer as the lowest qualified bidder on past retaining wall projects was reasonable and within the City Engineer's estimate of costs for the emergency project; and

WHEREAS, City Code provides that when an emergency requires the immediate execution of a contract for services, the City Manager is authorized to make a finding of an emergency and execute any contracts necessary to respond to the emergency; and

WHEREAS, on reliance of the facts and professional opinions provided to him, the City Manager authorized the emergency contract to construct a retaining wall to abate the slip; and

WHEREAS, it is the practice and procedure of City to request ratification from Council any time an emergency contract is required to be executed without sufficient time to conduct the normal bidding and approval process; and

WHEREAS, the City Manager requests City Council ratify the emergency contract executed with Thaxton Construction Co., Inc., for the purpose of constructing a retaining wall to end the slip on Observatory Road.

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

That City Council finds that the circumstances surrounding the slippage of ground and roadway on Observatory Road constituted an emergency requiring immediate action by City and further resolves that the emergency contract with Thaxton Construction Co. Inc., in the amount of \$60,000.00 to install a pile and lagging retaining wall on Observatory Road is approved and execution of that contract by the City Manager is hereby ratified.

To be charged to Account No. 221-975-00-420-4-458, City Service Fee- Capital Projects

Councilman Reishman moved to approve the Resolution No. 435-14. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 435-14, adopted.

7. Your committee on Finance has had under consideration Resolution No. 436-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 436-14- Authorizing the Mayor or City Manager to receive and administer funds in the amount of \$25,000 awarded through the West Virginia Division of Energy, Local Energy Efficiency Grant Program, to be used for educational activities for the E-4 Program on the East End of Charleston.

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 receive and administer funds in the amount of \$25,000 awarded through the West Virginia Division of Energy, Local Energy Efficiency Grant Program, to be used for educational activities for the E-4 Program on the East End of Charleston.

Councilman Reishman moved to approve the Resolution No. 436-14. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 436-14, adopted.

8. Your committee on Finance has had under consideration Resolution No. 437-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 437-14- Approving settlement of pending litigation, captioned Marcia R. Harrison v. City of Charleston and Daniel Anderson, Civil Action No. 13-C-535, Kanawha County Circuit Court, Judge Carrie L. Webster, in the amount of \$19,000.00 and authorizing the Mayor or his designee to execute any documents necessary to consummate the full settlement and dismissal of the pending civil action in exchange for a full release by Plaintiff of all claims stemming from a May 28, 2011, motor vehicle

accident.

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

That the City Council for the City of Charleston hereby approves settlement of pending litigation, captioned Marcia R. Harrison v. City of Charleston and Daniel Anderson, Civil Action No. 13-C-535, Kanawha County Circuit Court, Judge Carrie L. Webster, in the amount of \$19,000.00 and hereby authorizes the Mayor or his designee to execute any documents necessary to consummate the full settlement and dismissal of the pending civil action in exchange for a full release by Plaintiff of all claims stemming from a May 28, 2011, motor vehicle accident.

To be charged to Account No. 001-417-00-000-2-229, Legal- Court Costs and Damages

Councilman Reishman moved to approve the Resolution No. 437-14. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Resolution No. 437-14, adopted.

9. Your committee on Finance has had under consideration the following Committee Report, and reports the same to Council with the recommendation that the Committee Report do pass.

A bid submitted by West Virginia Tractor Company, in the total amount of \$318,340, for purchase of two (2) Refuse Packer Trucks (\$249,340 @ \$124,670 each), and two (2) Wood Chippers (\$69,000 @ \$34,500 each).

To be charged to the following accounts:

\$249,340 Account No. 001-978-00-800-4-459, Refuse/Recycling—Capital Outlay, Equipment

\$ 69,000 Account No. 001-977-00-750-4-459, Street—Capital Outlay, Equipment (SunTrust Equipment Finance & Leasing Corporation, Lease Purchase Escrow Account No. 08673, Equipment Schedule 4).

Councilman Reishman moved to approve the Committee Report. 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.

10. Your committee on Finance has had under consideration the following Committee Report, and reports the same to Council with the recommendation that the Committee Report do pass.

A bid submitted by Rish Equipment Company, in the amount of \$69,325, for a LeeBoy 1000F Blacktop Paver to be used by the Street Department.

To be charged to Account No. 001-977-00-750-4-459, Street—Capital Outlay,

Equipment

(SunTrust Equipment Finance & Leasing Corporation, Lease Purchase Escrow Account No. 08673, Equipment Schedule 4).

Councilman Reishman moved to approve the Committee Report. 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.

11. Your committee on Finance has had under consideration the following Committee Report, and reports the same to Council with the recommendation that the Committee Report do pass.

A bid submitted by Walker Machinery, in the total amount of \$55,697.34, for purchase of a Caterpillar 305ECR Mini Excavator (\$51,649.00), plus purchase and installation of a replacement of rubber track shoe (\$4,048.34), to be used by the Street Department.

To be charged to Account No. 001-977-00-750-4-459, Street—Capital Outlay, Equipment

(SunTrust Equipment Finance & Leasing Corporation, Lease Purchase Escrow Account No. 08673, Equipment Schedule 4).

Councilman Reishman moved to approve the Committee Report. 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. Report of the City of Charleston, Municipal Court Financial Statements; March 2014.
Received and Filed.

NEW BILLS

Introduced by Council member Robert Reishman on April 7, 2014:

Bill No. 7618: A Bill authorizing the City of Charleston and the Mayor of said City to sell for on and behalf of The Sanitary Board of the City of Charleston, those certain Lots Numbers 59 and 60 of Standard Addition situated on Hanna Drive by way of public auction for a minimum price of Eleven Thousand Dollars (\$11,000).
Refer to Finance Committee.

ADJOURNMENT

The Honorable James M. Reishman, City Clerk, called the closing roll call:

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Haas, Harrison, Hoover, Kirk, Knauff, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Talkington, Ware, White, Mayor Jones.

ABSENT: Ealy

At 7:30 p.m., by a motion from Councilmember Harrison, Council adjourned until Tuesday, April 15, 2014, at 5:30 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk