



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

CITY OF CHARLESTON, WEST VIRGINIA

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Regular Meeting – Monday, October 5, 2015

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**

The Council met in the Chambers of the City Building at 7:00 P.M., for the first meeting in the month of October on the 5<sup>th</sup> day, in the year 2015, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilman Ealy and the Pledge of Allegiance was led by the Boy Scout Troop 195. 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>SALISBURY</b>	
<b>SMITH</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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1. Brittany Javins from FestivALL handed out pamphlets and announced FESTIVALL FALL.

***CLAIMS***

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1. A claim of Jeff Baker, 106 50<sup>th</sup> Street SE., Charleston, WV; alleges damage to vehicle.  
Referred to City Solicitor.
2. A claim of David Burdette, 1874 Sugar Creek, Charleston, WV; alleges damage to property.  
Referred to City Solicitor.
3. A claim of Goldie Honeycutt, 1106 McQueen Street, Charleston, WV; alleges damage to property.  
Referred to City Solicitor.
4. A claim of Christina LaValle/Jeff LeVesque, 3504 Staunton Ave. SE Apt C, Charleston, WV; alleges damage to vehicle.  
Referred to City Solicitor.

***COMMUNICATIONS***

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Councilman Cubert Smith submitted correspondence regarding his future communication procedure at City Council Meetings.

Received and Filed.

OCTOBER 5, 2015

Attn: Mayor Jones and Council:

In recent years, I've suffered a number of mini-strokes which resulted in my inability to verbally express myself in a clear and succinct fashion. I know precisely what I wish to say, but words are slow to come. Age takes its toll.

On many occasions, the Mayor and this body have made it abundantly clear that they have no patience with my struggling effort to speak, and, more broadly, for my point of view. I'm often ignored or silenced - as though something of a menacing outlier.

The people in my ward deserve my best efforts in representing them. I feel equally obligated to have a voice in matters that affect our city. In doing so, I do not wish to be subjected to such indignity and humiliation. I will, therefore, in the future, submit my remarks in writing and request that our clerk read them aloud.

.....As an afterthought - we would all do well to remember that Democracy requires the voices of all - be they ever so misspoken....

Respectfully submitted,  
Dr. Cubert Smith, Councilman  
Ward 8

A handwritten signature in black ink, appearing to read 'Cubert Smith', written in a cursive style.

**TO: JB AKERS  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: KANAWHA-CHARLESTON BOARD OF HEALTH**

**DATE: OCTOBER 5, 2015**

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I recommend that James W. Strawn, 119 Sheridan Circle, Charleston, WV 25314, be appointed to the Kanawha-Charleston Board of Health, with an initial term to expire June 30, 2019.

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

**TO: JB AKERS  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: CIVIC CENTER BOARD**

**DATE: October 5, 2015**

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I recommend that Suzanne Moses Persinger, 1005 Oakmont Road, Charleston, WV 25314, be reappointed to the Civic Center Board, with a said term to expire June 22, 2019.

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

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

**TO: JB AKERS  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: CIVIC CENTER BOARD**

**DATE: October 5, 2015**

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I recommend that Michael Cary, 1506 Virginia Street, East, Charleston, WV 25311, be reappointed to the Civic Center Board, with a said term to expire June 22, 2019.

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

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

**MISCELLANEOUS RESOLUTION**

**Resolution No. 656-15**

**Introduced in Council:  
October 5, 2015**

**Adopted by Council:**

**October 5, 2015**

**Introduced by:**

**Jack Harrison  
Mary Beth Hoover  
Mary Jean Davis  
Karan Ireland**

**CITY OF CHARLESTON STRONG NEIGHBORHOODS TASK FORCE  
RESOLUTION IN SUPPORT OF NATIONAL COMMUNITY PLANNING MONTH**

- WHEREAS:** Change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and
- WHEREAS:** Community planning and land use plans can help manage this change in a way that provides better choices for how people work and live; and
- WHEREAS:** The City of Charleston is committed to smart growth initiatives that advance walkability, recreation, and the sustainability of our city; and
- WHEREAS:** Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, walkable, bicycle-friendly land use; and
- WHEREAS:** Community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and
- WHEREAS:** Realizing the full benefits of planning require public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and
- WHEREAS:** The month of October is designated as National Community Planning Month throughout the United States of America and its territories; and
- WHEREAS:** The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality

of our settlements and environment; and

**WHEREAS:** The celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the individual volunteers and corporate citizens who have contributed their time and expertise to the improvement of the City of Charleston; and

**WHEREAS:** The Strong Neighborhoods Task Force—consisting of Mary Jean Davis, Joe Denault, Jack Harrison, Mary Beth Hoover, Karan Ireland, Pat McGill, Shawn Means, Steven Romano, Dennis Strawn, James Yost and Russ Young—recognizes the many valuable contributions made by professional community and regional planners of the City of Charleston and extend our heartfelt thanks for the continued commitment to public service by these professionals;

**NOW, THEREFORE BE IT RESOLVED,** that the City Council of Charleston does hereby declare and proclaim that the Month of October, 2015 be declared as

## **COMMUNITY PLANNING MONTH**

in the City of Charleston, West Virginia, in conjunction with the celebration of National Community Planning Month.

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DANNY JONES, MAYOR

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TOM LANE, PRESIDENT OF COUNCIL

Council lady Hoover moved to approve the resolution. Councilman Lane seconded the motion. By unanimous vote, the resolution was approved.

**REPORTS OF COMMITTEES**

**COMMITTEE ON FINANCE**

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

1. Your committee on Finance has had under consideration Resolution No. 652-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 652-15 : “Authorizing the Mayor or City Manager to enter into an agreement with McClanahan Construction Company, in the amount of \$406,543.00, to provide materials and services to Replace and/or Repair Sections of Streetscape in Downtown Areas.”

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 McClanahan Construction Company, in the amount of \$406,543.00, to provide materials and services to Replace and/or Repair Sections of Streetscape in Downtown Areas.

*To be charged to Account No. 220-975-00-420-4-458, Engineering—Capital Outlay, Major Improvements*

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 652-15 adopted.

2. Your committee on Finance has had under consideration Resolution No. 649-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 653-15 : “Authorizing the City Manager or his designee to submit a grant application to the State Historic Preservation Office for a Survey and Planning Grant to provide funds to Design Guidelines for the East End Historic District Project. The grant request is for \$15,000 with a \$5,000 match coming from the City.”

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

That the City Manager or his designee is hereby authorized and directed to submit a grant application to the State Historic Preservation Office for a Survey and Planning Grant to provide funds to Design Guidelines for the East End Historic District Project. The grant request is for \$15,000 with a \$5,000 match coming from 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 653-15 adopted.

3. Your committee on Finance has had under consideration Resolution No. 654-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 654-15 : “Authorizing the Finance Director to establish Special Revenue Fund 049, *Live on the Levee Fund*, to record monies received from *Live on the Levee* sponsorships and other contributions and to record the expenditures of those funds for the purpose of producing the *Live on the Levee* events.”

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

That the Finance Director is hereby authorized and directed to establish Special Revenue Fund 049, *Live on the Levee Fund*, to record monies received from *Live on the Levee* sponsorships and other contributions and to record the expenditures of those funds for the purpose of producing the *Live on the Levee* events

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 654-15 adopted.

4. Your committee on Finance has had under consideration Resolution No. 655-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 655-15 : “Authorizing the City Manager to execute Change Order No. 2 to the Design-Build Contract with BBL Carlton, LLC, in relation to the Civic Center Expansion and Renovation Project. Change Order No. 2 calls for deletion of a requirement within the base scope of the Design-Build Contract to provide photographic documentation, resulting in a credit to the City of \$15,648.00. This changes the contract sum from \$85,708,995.23 to \$85,693,347.23.”

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. 2 to the Design-Build Contract with BBL Carlton, LLC, in relation to the Civic Center Expansion and Renovation Project. Change Order No. 2 calls for deletion of a requirement within the base scope of the Design-Build Contract to provide photographic documentation, resulting in a credit to the City of \$15,648.00. This changes the contract sum from \$85,708,995.23 to \$85,693,347.23.

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 655-15 adopted.

**REPORTS OF OFFICERS**

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1. Report of the City of Charleston Payroll Variance Analysis; September, 2015.  
*Received and Filed.*
2. Report of Policemen's and Firemen's Pension Funds from City Treasurer; September 2015  
*Received and Filed.*

**NEW BILLS**

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Introduced by Council member Shannon Snodgrass on October 5, 2015:

Bill No. 7669- A bill to establish a No Parking On Pavement Tow-Away zone on both sides of Hunting Hills and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three to conform therewith.

Refer to Streets and Traffic Committee

Introduced by Council member Mary Beth Hoover on October 5, 2015:

Bill No. 7670- A Bill to enact Chapter 114, Chapter 114, Article VII, Division 1, Section 114-580 of the Code of the City of Charleston relating to Valet Parking Areas within the City of Charleston.

Refer to Streets and Traffic Committee

**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, Salisbury, Smith, Steele, Talkington, Ware, Mayor Jones

ABSENT: Miller, Slater, Snodgrass

At 7:18 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, October 19, 2015, 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