



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, November 2, 2015

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 November on the 2nd day, in the year 2015, 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 the Councilman Minardi. The Honorable Clerk, JB Akers, called the roll of members and it was found that there were present at the time:

CHESTNUT	BURTON	DAVIS
EALY	FAEGRE	HAAS
HARRISON	HOOVER	IRELAND
LANE	MILLER	MINARDI
OVERSTREET	PERSINGER	REISHMAN
RICHARDSON		SLATER
SMITH	SNODGRASS	STEELE
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 Stephanie Armstrong, 510 Maxwell Street., Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor.
2. A claim of Beverly Kay Ferrill, 1234 Fletcher Ave, Dunbar, WV; alleges personal injury.
Refer to City Solicitor.
3. A claim of Mary Stanley, 740 Myrtle Rd., Charleston, WV; alleges damage to property.
Refer to City Solicitor.

COMMUNICATIONS

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

- WHEREAS:** Michael B. Stuart is an attorney with Steptoe & Johnson PLLC in Charleston who has provided leadership with West Virginia: A Vision Shared and the West Virginia Republican Party, among other professional and civic endeavors; and
- WHEREAS:** Mr. Stuart combined his passion for the City of Charleston and for politics to explore the possibility that Charleston might host a Presidential or Vice Presidential debate in 2016, so that our community could become a player in what has been called, “The Super Bowl of Politics”; and
- WHEREAS:** Not only did Mike Stuart plant the seeds for the idea, but he then took major steps toward making that dream become a reality by bringing together leaders from West Virginia University, West Virginia State University, state and city governments, West Virginia’s and Charleston’s tourism agencies, the Clay Center for the Arts and Sciences and others in the private sector to create a plan to try to secure a debate here in Charleston, West Virginia in 2016; and
- WHEREAS:** The team Mike convened represented a historic partnership among people across levels of government, academic institutions and private sector entities, and that team developed a comprehensive application to show in detail how an official Presidential Debate could be produced, secured and successfully hosted in our City; and
- WHEREAS:** While the Commission on Presidential Debates chose four other communities for its 2016 debates, the team of people Mike brought together demonstrated that Charleston and West Virginia can compete on the national stage for major events.

NOW THEREFORE, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize for public commendation

MIKE STUART

In appreciation of his passion for improving life in our City, his vision for making new things happen to showcase what is great about our community, and his resourcefulness to bring people together toward a common goal. Even though the bid for 2016 was not ultimately successful, Mike’s efforts have laid a foundation for progress in our future.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 2nd day of November 2015.

DANNY JONES, MAYOR

City of Charleston
Executive Office of the Mayor
Certificate of Appreciation
Presented on the second day of November, 2015 to
Lew Tyree

- ✪ In honor of your personal commitment to the City of Charleston that has been demonstrated in several different ways through civic engagement, voluntary service and professional dedication; and
- ✪ In recognition of your two decades of service on the city's Police Civil Service Commission as a voice of reason, fairness and integrity; and
- ✪ In appreciation for your dedication to our greater community that will continue on the Charleston Urban Renewal Authority and in other ways, even as your service on the Police Civil Service Commission is now complete.

IN WITNESS WHEREOF, I have set my hand
and caused the Seal of the Executive Department
to be affixed this second day of November 2015.

Danny Jones, Mayor

City of Charleston
Executive Office of the Mayor
Certificate of Appreciation
Presented on the second day of November, 2015 to
George Henderson

- ✪ In honor of your dedication and commitment to the City of Charleston that has been demonstrated in several different ways through civic engagement, professional service and volunteer leadership; and
- ✪ In recognition of your two decades of service as a member of the Police Civil Service Commission, which followed your decades of effective service within the Charleston Police Department; and
- ✪ In appreciation for how you have served as a voice of experience on the Commission, a voice of integrity within the Police Department and a leader by example within our community.

IN WITNESS WHEREOF, I have set my hand
and caused the Seal of the Executive Department
to be affixed this second day of November 2015.

Danny Jones, Mayor

REPORTS OF COMMITTEES

COMMITTEE ON PLANNING

Councilperson Mary Jean Davis, Chairperson of the Council Committee on Planning, submitted the following reports:

1. Your Committee on Planning had under consideration Bill No. 7667 attached hereto and made a part thereof.

Your Committee finds:

1. The rezoning is consistent with the future land use map which recommends this area to be a transitional buffer between the intense downtown core and nearby neighborhoods; and
2. Similar property in the area is zoned C-10 including the Women and Children’s Hospital; and reports the same to Council with the recommendation that the Bill No. 7667 do pass.

Bill No. 7667 amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from an I-2 district to a C-10 district, that certain parcel of land located at 910 Pennsylvania Avenue, Charleston, West Virginia.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from an I-2 district to a C-10 district the whole of the following described parcel of land: Parcel Nos. 76, 77, 78, and 182 as shown on West Charleston Tax District Map No. 28. Subject parcel is more commonly known as 910 Pennsylvania Avenue, Charleston, West Virginia. Said tax map is of record in the Planning Office.
2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 28 of this ordinance.
3. All prior ordinances or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

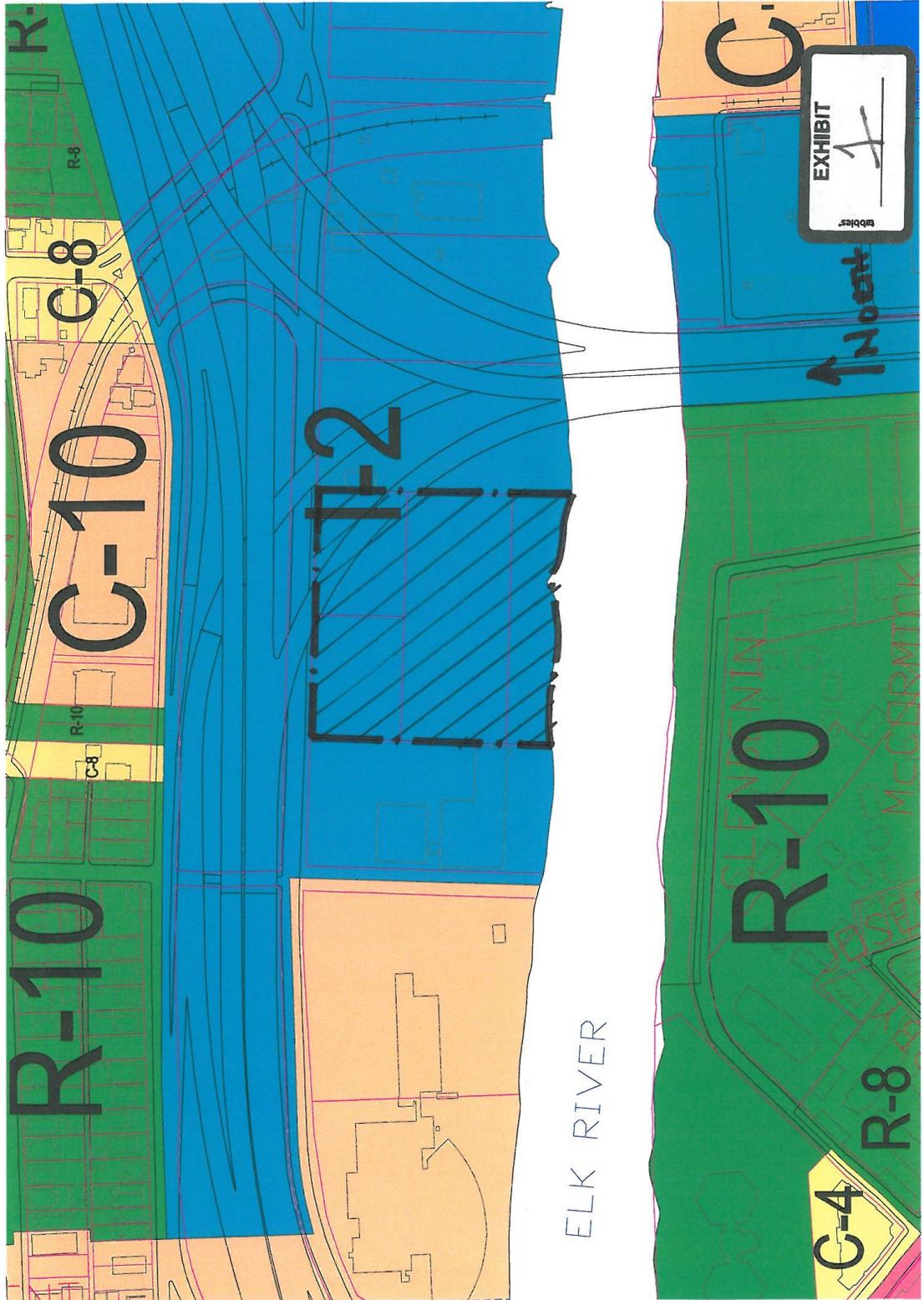
Council lady Davis moved to approve the Bill. Councilman Lane seconded the motion. A roll call was taken.

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

NAYS: None

ABSENT: Burka, Ceperley, Clowser, Salisbury

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the bill adopted.



2. Your Committee on Planning had under consideration Bill No. 7668 attached hereto and made a part thereof.

Your Committee finds:

1. The rezoning is consistent with the future land use map which recommends this area to be “Convenience Commercial” with the stated purpose to provide auto-oriented and small to medium scale retail; and
2. The rezoning will be consistent with the C-10 zoning on the adjacent parcels to the west and east of this lot and reports the same to Council with the recommendation that the Bill No. 7668 do pass as a committee substitute.

Bill No. 7668 amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from an I-2 district to a C-10 district, that certain parcel of land located at 330 MacCorkle Avenue, Charleston, West Virginia.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from an I-2 district to a C-10 district the whole of the following described parcel of land: Parcel No. 61 as shown on Charleston 15th Ward Tax Map No. 1. Subject parcel is more commonly known as 330 MacCorkle Avenue, Charleston, West Virginia. Said tax map is of record in the Planning Office.
2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 28 of this ordinance.
3. All prior ordinances or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

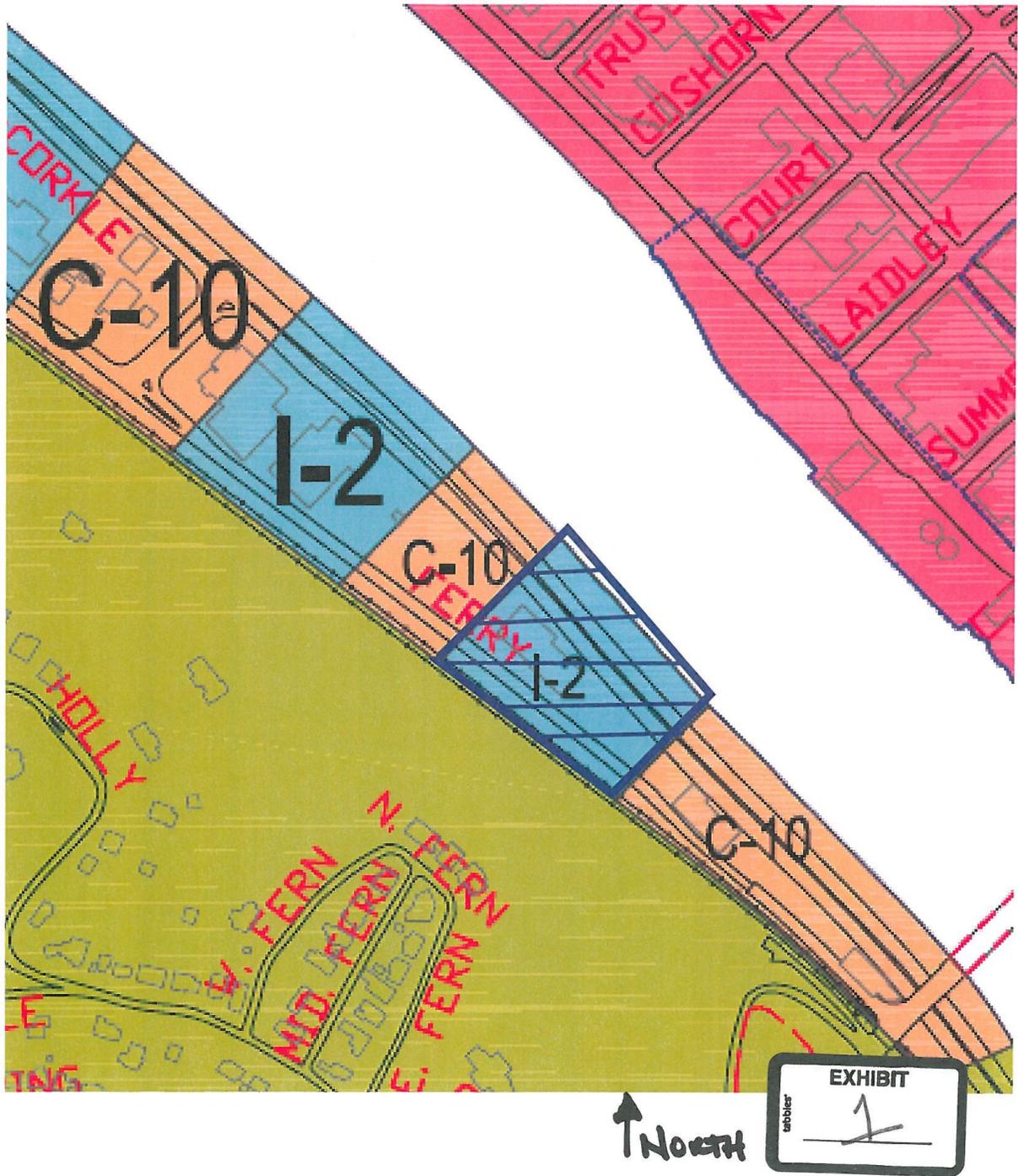
Council lady Davis moved to approve the Bill. Councilman Lane seconded the motion. A roll call was taken.

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

NAYS: None

ABSENT: Burka, Ceperley, Clowser, Salisbury

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the bill adopted.



COMMITTEE ON PARKING

Councilperson Bobby Reishman, Chairperson of the Council Committee on Parking, submitted the following report:

1. Your committee on Parking has had under consideration Resolution No. 664-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 664-15: “Authorizing “*Citizen Appreciation Parking*” for Saturday, November 28, 2015, and three Saturdays in December 2015 (December 5th, 12th, and 19th). “*Citizen Appreciation Parking*” shall include the waiving of hourly parking fees at all City-operated facilities (excluding Municipal Parking Building No. 2—Cinema), and all metered on-street parking spaces. The parking revenue losses will amount to approximately \$1,000 per Saturday.”

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

That “*Citizen Appreciation Parking*” for Saturday, November 28, 2015, and three Saturdays in December 2015 (December 5th, 12th, and 19th), is hereby approved. “*Citizen Appreciation Parking*” shall include the waiving of hourly parking fees at all City-operated facilities (excluding Municipal Parking Building No. 2—Cinema), and all metered on-street parking spaces, with parking revenue losses amounting to approximately \$1,000 per Saturday.

To be charged to Account No. 001-409-00-000-5-568, Mayor—Other Contributions

Councilman Reishman moved to approve the Committee Report. Councilman Lane seconded the motion. The resolution will be voted on under the Finance section of the meeting.

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. 664-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 664-15: “Authorizing “*Citizen Appreciation Parking*” for Saturday, November 28, 2015, and three Saturdays in December 2015 (December 5th, 12th, and 19th). “*Citizen Appreciation Parking*” shall include the waiving of hourly parking fees at all City-operated facilities (excluding Municipal Parking Building No. 2—Cinema), and all metered on-street parking spaces. The parking revenue losses will amount to approximately \$1,000 per Saturday.”

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

That “*Citizen Appreciation Parking*” for Saturday, November 28, 2015, and three Saturdays in December 2015 (December 5th, 12th, and 19th), is hereby approved. “*Citizen Appreciation Parking*” shall include the waiving of hourly parking fees at all City-operated facilities (excluding Municipal Parking Building No. 2—Cinema), and all metered on-street parking spaces, with parking revenue losses amounting to approximately \$1,000 per Saturday.

To be charged to Account No. 001-409-00-000-5-568, Mayor—Other Contributions

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 664-15 adopted.

2. Your committee on Finance has had under consideration Resolution No. 665-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 665-15 : “Authorizing the Finance Director to amend the FY 2015-2016 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 2015-2016 Budget Amendment No. 4 - November 2, 2015

Account No.	Department	Account Description	Amount
001 700 00 003 1 107	Police - Uniformed	Pension Contributions	1,033,521
001 706 00 003 1 107	Fire - Uniformed	Pension Contributions	853,619
001 369 07 0000	Revenue	Transfers from UPRF	(1,887,140)

To recognize sales tax revenues from the Uniform Pension Reserve Fund (UPRF) to pay FY2016 monthly benefits for those members whose retirement date is after June 1, 2011.

001 979 00 910 4 458	Municipal Auditorium	Capital Outlay - Major Imp.	13,500
001 369 00 0000	Revenue	Transfers from Other Funds	(13,500)

To budget inflow from the Municipal Auditorium Capital Improvement Fund to cover the cost of roof repairs at the Municipal Auditorium.

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

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

NAYS: None

ABSENT: Burka, Ceperley, Clowser, Salisbury

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution adopted.

3. Your committee on Finance has had under consideration Resolution No. 666-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 666-15 : “Authorizing the Mayor or City Manager to sign Change Order No. 3 to the Design-Build Contract with BBL Carlton, LLC, in relation to the Civic Center Expansion and Renovation Project, in the amount of \$519,000.37, to provide a credit for elimination of temporary egress steps and add permanent egress steps from the Coliseum to Clendenin Street. Change Order No. 3 increases the contract price from \$85,693,347.23 to \$86,212,347.60.”

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 sign Change Order No. 3 to the Design-Build Contract with BBL Carlton, LLC, in relation to the Civic Center Expansion and Renovation Project, in the amount of \$519,000.37, to provide a credit for elimination of temporary egress steps and add permanent egress steps from the Coliseum to Clendenin Street. Change Order No. 3 increases the contract price from \$85,693,347.23 to \$86,212,347.60.

*To be charged to Account No. 216-979-0-000-4-460, Civic Center Project – Capital Outlay,
Construction in Progress*

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 666-15 adopted.

4. Your committee on Finance has had under consideration Resolution No. 667-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 667-15 : “Authorizing the Mayor or his designee to submit an application to the West Virginia Department of Military Affairs and Public Safety Homeland Security for a grant in the amount of \$78,600 to provide funds to upgrade the security equipment at the Charleston Civic Center. Matching funds are not required for this grant.”

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

That the Mayor or his designee is hereby authorized and directed to submit an application to the West Virginia Department of Military Affairs and Public Safety Homeland Security for a grant in the amount of \$78,600 to provide funds to upgrade the security equipment at the Charleston Civic Center. Matching funds are not required for this grant.

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 667-15 adopted.

5. Your committee on Finance has had under consideration Resolution No. 668-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 668-15 : “Authorizing the Mayor or his designee to submit an application to the West Virginia Department of Military Affairs and Public Safety Homeland Security for funds in the amount of \$143,000 to purchase 100 Interoperable Radios and related equipment for the Charleston Fire Department. Matching funds for this grant are not required.”

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

That the Mayor or his designee is hereby authorized and directed to submit an application to the West Virginia Department of Military Affairs and Public Safety Homeland Security for funds in the amount of \$143,000 to purchase 100 Interoperable Radios and related equipment for the Charleston Fire Department. Matching funds for this grant are not required.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 668-15 adopted.

6. Your committee on Finance has had under consideration Resolution No. 669-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 669-15 : “Authorizing the Mayor or his designee to submit an application to the West Virginia Department of Military Affairs and Public Safety Homeland Security for funds in the amount of \$138,027 to provide for Structural Collapse Training and Equipment for the Charleston Fire Department’s Regional Response Team. Matching funds are not required for this grant.”

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

That the Mayor or his designee is hereby authorized and directed to submit an application to the West Virginia Department of Military Affairs and Public Safety Homeland Security for funds in the amount of \$138,027 to provide for Structural Collapse Training and Equipment for the Charleston Fire Department’s Regional Response Team. Matching funds are not required for this grant.

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 669-15 adopted.

7. Your committee on Finance has had under consideration Resolution No. 670-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 670-15 : “Authorizing the Mayor or City Manager to execute Change Order No. 2 with Allegheny Restoration, Inc., in the amount of \$7,500, for removal and reinstallation of six (6) floor drains in relation to the Floor Coating Project at Fire Station No. 4, 1810 Oakridge Drive. Change Order No. 2 increases the contract price from \$34,780 to \$42,280.”

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 execute Change Order No. 2 with Allegheny Restoration, Inc., in the amount of \$7,500, for removal and reinstallation of six (6) floor drains in relation to the Floor Coating Project at Fire Station No. 4, 1810 Oakridge Drive. Change Order No. 2 increases the contract price from \$34,780 to \$42,280.

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 670-15 adopted.

8. Your committee on Finance has had under consideration Resolution No. 671-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 671-15: “Authorizing the City Manager to enter into one or more agreements for purchase of E-10 Gasoline and Diesel Fuel through bids to be received by the Kanawha Valley Regional Transportation Authority (“KVRTA”) on November 4, 2015. The bid prices for E-10 Gasoline and Diesel Fuel shall remain in effect for a 24-hour period following the bid opening; therefore the City Manager is authorized to exercise discretion in accepting or rejecting such bid proposals as may deem to be in the best interest of the City and to report same to the Finance Committee and Council at the next scheduled meeting.”

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

That the City Manager is hereby authorized and directed to enter into one or more agreements for purchase of E-10 Gasoline and Diesel Fuel through bids to be received by the Kanawha Valley Regional Transportation Authority (“KVRTA”) on November 4, 2015. The bid prices for E-10 Gasoline and Diesel Fuel shall remain in effect for a 24-hour period following the bid opening; therefore the City Manager is authorized to exercise discretion in accepting or rejecting such bid proposals as may deem to be in the best interest of the City and to report same to the Finance Committee and Council at the next scheduled meeting.

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 671-15 adopted.

NEW BILLS

Introduced by Council members Mary Jean Davis, Chuck Overstreet, Bobby Haas James Ealy, Ed Talkington, Jeanine Faegre on November 2, 2015:

Bill No. 7673- A bill approving the following modification of the West Side Community Renewal Plan for the City of Charleston, West Virginia; Prohibiting adult businesses, bail bonds, cash-for-gold, check cashing, firearm sales, gambling establishments, pawn shops, and pay-as-you-go phones and storage facilities in the Corridor Village District on Washington Street, West.

Referred to Urban Renewal Committee

Introduced by Council member Robert Reishman on November 2, 2015:

Bill No. 7674 – An Ordinance amending and Reenacting Section 118-141 of division 4 of article III of Chapter 118 of the Code of the City of Charleston, West Virginia, with respect to adoption of rules and regulations and increasing existing rates and charges for sanitary sewer service.

Referred to Finance Committee

ADJOURNMENT

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

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

ABSENT: Burka, Ceperley, Clowser, Salisbury

At 7:32 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, November 16, 2015, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

JB Akers, City Clerk