



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

CITY OF CHARLESTON, WEST VIRGINIA

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Regular Meeting – Monday, February 1, 2016

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

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**OFFICIAL RECORD**

**Danny Jones  
Mayor**

**JB Akers  
City Clerk**

**CALL TO ORDER**

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The Council met in the Chambers of the City Building at 7:00 P.M., for the first meeting in the month of February on the 1<sup>st</sup> day, in the year 2016, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilman Harrison and the Pledge of Allegiance was led by Boy Scout Troop 69 Member. The Honorable Clerk, JB Akers, called the roll of members and it was found that there were present at the time:

**BURKA****EALY****HARRISON****LANE****OVERSTREET****RICHARDSON****SMITH****TALKINGTON****BURTON****CLOWSER****FAEGRE****HOOVER****MILLER****PERSINGER****SALISBURY****SNODGRASS****WARE****CEPERLEY****DAVIS****HAAS****IRELAND****MINARDI****REISHMAN****STEELE****MAYOR JONES**

With twenty-five 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, Director of FestivALL events, spoke to Council about the upcoming fundraiser “Feastivall” and other FestivALL related occasions.

***CLAIMS***

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1. A claim of Alan Huffman, 1015 Homer Street, Charleston, WV; alleges damage to property.  
Refer to City Solicitor.
2. A claim of Joann McGuire, 300 67<sup>th</sup> St., Charleston, WV; alleges damage to property.  
Refer to City Solicitor.
3. A claim of James Spencer, 402 Prospect Ave., S. Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor.

**COMMUNICATION**

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

**FROM: DANNY JONES  
MAYOR**

**RE: MUNICIPAL BEAUTIFICATION COMMISSION**

**DATE: FEBRUARY 1, 2016**

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I recommend that Tim Forren, PO Box 6128, Charleston, WV 25362 be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2018.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded that motion. By unanimous vote, the appointment was confirmed.

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

**FROM: DANNY JONES  
MAYOR**

**RE: MUNICIPAL BEAUTIFICATION COMMISSION**

**DATE: FEBRUARY 1, 2016**

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I recommend that Charles J. Denham, 204 50<sup>th</sup> St. SE, Charleston, WV 25304 be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2018.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded that motion. By unanimous vote, the appointment was confirmed.

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

**FROM: DANNY JONES  
MAYOR**

**RE: MUNICIPAL BEAUTIFICATION COMMISSION**

**DATE: FEBRUARY 1, 2016**

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I recommend that Marlene Dial, 1211 Colonial Way, Charleston, WV 25314 be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2018.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded that motion. By unanimous vote, the appointment was confirmed.

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

**FROM: DANNY JONES  
MAYOR**

**RE: MUNICIPAL BEAUTIFICATION COMMISSION**

**DATE: FEBRUARY 1, 2016**

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I recommend that Beth Loflin1507 Dogwood Road, WV 25314 be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2018.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded that motion. By unanimous vote, the appointment was confirmed.

**REPORTS OF COMMITTEES**

**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 Resolution No. 694-16, and reports the same to Council with the recommendation that the resolution do pass.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA  
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 PORTERS HOLLOW  
SEWER REHABILITATION AND REPLACEMENT PROJECT**

WHEREAS, pursuant to W.Va. Code §16-13-7, 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 civil actions to be filed in the name of the City of Charleston (“City”) in the Circuit Court of Kanawha County for the condemnation of property for sanitary sewer permanent easements, temporary easements, temporary construction access easements, and temporary access easements necessary for the Sanitary Board to construct, install and complete its Porters Hollow Sewer Rehabilitation and Replacement Project (the “Project”);

WHEREAS, the City, in accordance with the provisions of Chapter 16, Article 13 of the Code of West Virginia, 1931, created the Sanitary Board by Ordinance of the City Council adopted March 17, 1952;

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

WHEREAS, the Sanitary Board is a separate and distinct entity from the City, with the power to

establish bylaws, rules and regulations for its own government;

WHEREAS, pursuant to W.Va. Code §16-13-2, and subject to the requirements of state law, the Sanitary Board supervises and controls the construction, acquisition, improvement, equipment, custody, operation and maintenance of the System;

WHEREAS, when the Sanitary Board determines it is necessary and appropriate to condemn property for easements required for the System, and authorizes such condemnation, W.Va. Code §16-13-7 requires that “[t]itle to property condemned shall be taken in the name of the municipality”, and therefore obligates the Sanitary Board to request and receive approval from the City Council of Charleston prior to proceeding with any condemnation action;

WHEREAS, the Sanitary Board is pursuing the Project in the areas of the City including, but not limited to, Spring Branch, Porters Branch, Anderson Heights, Callie Road, and Bendview 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 47,000 feet (approximately 8.9 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.

**EXHIBIT A**  
**LIST OF EASEMENTS TO BE CONDEMNED**  
**FOR THE PORTERS HOLLOW SANITARY SEWER**  
**REPLACEMENT AND REHABILITATION PROJECT**  
**January 26, 2016**

<b>Tax Map/Parcel</b>	<b>Type of Easement</b>	
SA 24/38	Temporary and Permanent	
SA 24/43.1-43.8	Temporary and Permanent	
SA 24/48	Temporary	
SA 26/1	Temporary and Permanent	
SA 26/1.19	Temporary and Permanent	
SA 26/6.1	Temporary	
SA 26/6.2	Permanent	
SA 26/11	Temporary and Permanent	
SA 26/12	Temporary	
SA 27/12.1	Permanent	
SA 27/13	Temporary and Permanent	
SA 27/15	Temporary and Permanent	
SA 27/20	Permanent	
SA 35/67	Temporary	
SA 35/70	Temporary	
SA 35/71	Temporary	
SA 36/7	Permanent	
SA 36/29	Temporary and Permanent	
SA 37/1.19	Temporary and Permanent	
SA 37/23	Temporary and Permanent	
SA 38/2	Temporary	
SA 38/13	Temporary and Permanent	
SA 38/28	Temporary	
SA 38/48	Permanent	
15W 3/56.1	Temporary	
15W 3/77	Temporary and Permanent	
15W 4/35	Temporary and Permanent	
15W 4/53	Permanent	
15W 4/89	Temporary and Permanent	
15W 9/53	Temporary and Permanent	
15W 9/62	Temporary and Permanent	
15W 9/158	Temporary and Permanent	
15W 9/170	Temporary and Permanent	
15W 9/185	Temporary	
15W 9/189	Temporary and Permanent	
15W 9/191	Temporary and Permanent	
15W 9/195	Temporary	
15W 10/4	Temporary and Permanent	
15W 10/13.1	Temporary and Permanent	
15W 10/14.14	Temporary and Permanent	

15W 10/14.15	Temporary and Permanent	
15W 10/14.16	Temporary and Permanent	
15W 10/14.17	Temporary	
15W 10/25	Temporary and Permanent	
15W 10/29	Temporary	
15W 10/43	Temporary	
15W 10/44	Temporary	
15W 10/45	Permanent	
15W 10/46	Temporary	
KC 21/3	Temporary and Permanent	
KC 21/4.1	Permanent	
KC 21/5	Permanent	

7599875.2.01.26.16

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 694-16 adopted.

2. Your committee on Finance has had under consideration Resolution No. 695-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 695-16 : “Authorizing the City Manager to execute Change Order No. 4 to the Design-Build Contract with BBL Carlton, LLC, in relation to the Civic Center Expansion and Renovation Project, in the amount of \$698,091.59, as set forth in the attached Exhibit A. Change Order No. 4 increases the contract price from \$86,212,347.60 to \$86,910,439.19.”

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. 4 to the Design-Build Contract with BBL Carlton, LLC, in relation to the Civic Center Expansion and Renovation Project, in the amount of \$698,091.59, as set forth in the attached Exhibit A. Change Order No. 4 increases the contract price from \$86,212,347.60 to \$86,910,439.19.

**Charleston Civic Center Expansion and Renovation  
Change Order #4  
Exhibit A  
01/19/2016**

PCO's combined in Change Order #4 (Refer to the attached PCO descriptions):

1. PCO 05 Ceilings \$425,083.97
2. PCO 09 Freight Elev. From Traction to Hydraulic (\$112,754.64)
3. PCO 12 Fire Ext., Defib., Door Operators, & Drinking Fountains \$1,159.49
4. PCO 13 Add the existing Passenger Elevator to the Emg. Gen. \$5,597.50
5. PCO 15 Upgrade Quarrier St. garage clearance and pavement \$\$379,005.27

Total: \$698,091.59

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 695-16 adopted.

3. Your committee on Finance has had under consideration Resolution No. 696-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 696-16: “Authorizing the Mayor or City Manager to enter into an Agreement with Finley Fire Equipment, in the amount of \$788,465.00, for purchase of one (1) Pierce Enforcer 107’ Heavy Duty Aerial Ladder Truck for the Charleston Fire Department. The cost submitted by Finley for the new apparatus was \$836,502.00; however, the City wishes to exercise Option No. 2 in the bid specification and pay for the unit in full within a 15 day period from acceptance of contract and receive a reduction of \$48,037.00.”

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 Finley Fire Equipment, in the amount of \$788,465.00, for purchase of one (1) Pierce Enforcer 107’ Heavy Duty Aerial Ladder Truck for the Charleston Fire Department. The cost submitted by Finley for the new apparatus was \$836,502.00; however, the City wishes to exercise Option No. 2 in the bid specification and pay for the unit in full within a 15 day period from acceptance of contract and receive a reduction of \$48,037.00.

Option No. 2:

If the City of Charleston Fire Department desires to pay for the apparatus in full within 15 days of contract acceptance, they may deduct the total amount of \$48,037.00 from the total proposal price of \$836,502.00 and the amount due within 15 days of contract acceptance is \$788,465.00.

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 696-16 adopted.

4. 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 amount of \$124,855.00, for purchase of one (1) International 7400 Refuse Packer Truck to be used by the Refuse Collection and Recycling Department. The new truck will replace Unit No. 105.

*To be charged to Account No. 001-978-00-800-4-459, Refuse Collection & Recycling—  
Capital Outlay, Equipment (Municipal Leasing Corporation Master Lease 21129, Lease Schedule  
No. 21129)*

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.

5. 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 Heritage International, in the amount of \$477,664.96 (\$119,416.24 per unit), for purchase of four (4) Dump Trucks to be used by the Street Department. The new trucks will replace Units No. 51, 52, 53, and 54, and will continue to standardize the City fleet for compatibility of parts as needed for maintenance purposes.

*To be charged to Account No. 001-977-00-750-4-459, Street—Capital Outlay, Equipment  
(Municipal Leasing Corporation Master Lease 21129, Lease Schedule No. 21129)*

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.

6. 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.

The bid submitted by Thornhill Ford-Lincoln, in the amount of \$68,907.00, for purchase of a 1-Ton 2016 Ford F350 Utility Body Truck to be used by the Street Department. The new truck replaces Unit No. 13.

To be charged to Account No. 001-977-00-750-4-459, Street—Capital outlay, Equipment  
(Municipal Leasing Corporation Master Lease 21129, Lease Schedule No. 21129)

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.

7. 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.

The bid submitted by Tamis Corporation, in the amount of \$78,553.89, for purchase and installation of Public Safety Equipment at the Charleston Civic Center.

*To be charged to Account No. 216-979-00-000-4-460, Civic Center Project—Capital  
Outlay, Construction in Progress*

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***

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1. City of Charleston, WV – Financial Statements, July – December 2015  
Received and Filed.
2. Municipal Policemen’s and Firemen’s Pension and Relief Funds of West Virginia Report  
from Victor Grigoraci, City Treasurer.  
Received and Filed.

***NEW BILLS***

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1. Introduced by Council member Robert Reishman on February 1, 2016: Bill No. 7679 – An  
Ordinance with respect to approving the Porters Hollow Sanitary Sewer replacement  
and rehabilitation project.  
Referred to Finance Committee
2. Introduced by Council member Robert Reishman on February 1, 2016: Bill No. 7679- A  
Bill authorizing the design, acquisition and construction of certain extensions, additions,  
betterments and improvements to the existing sewerage system of The City of  
Charleston.  
Referred to Finance Committee

**ADJOURNMENT**

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

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

ABSENT: Chestnut, Slater

At 7:20 p.m., by a motion from Councilmember Harrison, Council adjourned until Tuesday, February 16, 2016, at 7:00 p.m., in the Council Chamber in City Hall.

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Danny Jones, Honorable Mayor

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JB Akers, City Clerk