



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, May 18, 2015

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 second meeting in the month of May on the 18th 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 Burton. The Clerk, James M. Reishman, called the roll of members and it was found that there were present at the time:

**BURKA
DAVIS
EALY
HOOVER

NICHOLS
RICHARDSON
SHEETS
TALKINGTON
MAYOR JONES**

**BURTON
DENEALT
HAAS
KIRK
MILLER
PERSINGER

SMITH
WARE**

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

With twenty-six 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.

CLAIMS

1. A claim of Harry Bruner, 1404 Alexandria Place, Charleston, WV; alleges personal injury. Referred to City Solicitor.
2. A claim of Ina Drake, 113 ½ Garrison Ave., Charleston, WV; alleges damage to vehicle. Referred to City Solicitor.
3. A claim of Jennifer Lopez, 4605 Venable Ave, Charleston, WV; alleges damage to vehicle. Referred to City Solicitor.
4. A claim of Mary Meeks, 2304 Winchester Road, Charleston, WV; alleges damage to vehicle. Referred to City Solicitor.
5. A claim of Spyros Nicoloudakis, 5103 Venable Ave APT D, Charleston, WV; alleges damage to property. Referred to City Solicitor.
6. A claim of Yoni Oliver, 612 Cora Street, Charleston, WV; alleges damage to property. Referred to City Solicitor.
7. A claim of Tony Romeo, 5509 Virginia Ave, Charleston, WV; alleges damage to vehicle. Referred to City Solicitor.

PUBLIC HEARINGS

The Mayor called the public hearing on Resolution No. 584-15, A resolution regarding the rental space in the Martin Luther King Community Center, open and asked for any public speakers to come forward and address council.

No one was heard or seen from the public.

With no one from the public to speak regarding the resolution, The Mayor declared the public hearing on Resolution No. 584-15, closed.

The Mayor called the public hearing on Resolution No. 588-15, A resolution to enter into a Lease Agreement with West Virginia Child Abuse Network, open and asked for any public speakers to come forward and address council.

No one was heard or seen from the public.

With no one from the public to speak regarding the resolution, The Mayor declared the public hearing on Resolution No. 588-15, closed.

COMMUNICATIONS

City of Charleston

Executive Office of the Mayor

Certificate of Appreciation

Presented on the eighteenth of May, 2015, to

TRINITY'S TABLE

- ✦ In honor of your dedication to serving meals every week since 2010 to the all who are in need; and
- ✦ In appreciation to all the businesses that donate food toward helping your church in this important ministry, including Spilman Thomas & Battle, PLLC; Sugar Pie Bakery; Panera; Charleston Bread Company; Purple Onion and T&M Meats; and
- ✦ In recognition of many different volunteers and organizations who have joined the cause over the years to help feed our neighbors in need, including church groups from all of the Kanawha Valley and beyond, the West Virginia State University Men's Basketball Team, Boy Scout Troops and many more.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 18th day of May 2015.

Danny Jones, Mayor

City of Charleston

Executive Office of the Mayor

Certificate of Recognition

Presented on the 18th day of May, 2015

to

Csilla Droppová

- ✦ In honor of the City of Charleston's Sister City relationship with your hometown, Banska Bystricá; and
- ✦ In recognition of your years of working with and providing valuable marketing services for non-profit organizations that seek to improve the lives of people in Banska Bystricá and Slovakia; and
- ✦ In appreciation for your journey to Charleston this year to learn about the non-profit entities in our City, to apply your expertise in marketing and development strategies across the continents and to strengthen the relationships between our cities.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 18th day of May 2015.

Danny Jones, Mayor

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. 584-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 584-15 : “Authorizing the Mayor or City Manager to sign a renewal of the Lease Agreement with the Kanawha County Board of Education for use of space in the Martin Luther King Community Center to conduct Head Start programs, pursuant to the authority granted the City of Charleston under West Virginia State Code Section 8-12, and upon final review and approval of the Agreement by legal counsel for the City. The Agreement is for a one year period commencing on July 1, 2015, and ending on June 30, 2016.”

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 a renewal of the Lease Agreement with the Kanawha County Board of Education for use of space in the Martin Luther King Community Center to conduct Head Start programs, pursuant to the authority granted the City of Charleston under West Virginia State Code Section 8-12, and upon final review and approval of the Agreement by legal counsel for the City. The Agreement is for a one year period commencing on July 1, 2015, and ending on June 30, 2016.

Councilman Reishman 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 584-15 adopted.

2. Your committee on Finance has had under consideration Resolution No. 585-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 585-15: “Authorizing the Mayor to sign and submit FY 2015 Community Participation Program grant information sheets and all related documents for YMCA Project No. 15LEDA0078 in the amount of \$10,000.”

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

That the Mayor is hereby authorized and directed to sign and submit FY 2015 Community Participation Program grant information sheets and all related documents for the following

project located within the City of Charleston:

YMCA 15LEDA0078 \$10,000
(Two Gazebos and Handicap Accessible Restrooms)

Councilman Reishman 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 585-15 adopted.

3. Your committee on Finance has had under consideration Resolution No. 586-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 586-15: “Authorizing the Finance Director to amend the FY 2014-2015 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 2014-2015 General Fund budget as indicated on the attached list of accounts.

General Fund FY 2014-2015 Budget Amendment No. 9 - May 18, 2015

Account No.	Department	Account Description	Amount
001 436 00 000 2 230	Building Commission	Contract Services	15,000
001 699 00 000 5 598	Contingency		(15,000)
To provide additional funds for demolitions through the end of June, 2015.			
001 418 00 000 1 103	Accounting	Wages & Salaries - IPT	4,480
001 418 00 000 1 104	"	FICA	343
001 699 00 000 5 598	Contingency		(4,823)
To provide IPT funds for new Asst. City Auditor to begin on-the-job training June 8, 2015 thru June 30, 2015..			
001 903 01 000 2 223	Festivals - Live on the Levee	Professional Services	26,000
001 368 09 0000	Revenue	Contributions from Others LOL	(26,000)
To recognize receipt of Live on the Levee sponsorships and allocate the funds to the Live on the Levee expenditure budget.			

Councilman Reishman 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 586-15 adopted.

4. Your committee on Finance has had under consideration Resolution No. 588-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 588-15: “Authorizing the City Manager to enter into a Lease Agreement with West Virginia Child Abuse Network, at 601 Morris Street, Suite 202, of approximately 847 square feet of floor space for a period of thirty-six (36) months, at a base rental rate of Forty-four Thousand One Hundred Dollars (\$44,100.00), payable in 36 monthly installments of One Thousand Two Hundred Twenty-five Dollars (\$1,225.00) from June 1, 2015 to May 1, 2018. In addition to the Base Rental, Tenant shall pay a monthly Utilities Escalation Adjustment beginning on June 1, 2016, which shall be recalculated annually thereafter.

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 a Lease Agreement with West Virginia Child Abuse Network, at 601 Morris Street, Suite 202, of approximately 847 square feet of floor space for a period of thirty-six (36) months, at a base rental rate of Forty-four Thousand One Hundred Dollars (\$44,100.00), payable in 36 monthly installments of One Thousand Two Hundred Twenty-five Dollars (\$1,225.00) from June 1, 2015 to May 1, 2018. In addition to the Base Rental, Tenant shall pay a monthly Utilities Escalation Adjustment beginning on June 1, 2016, which shall be recalculated annually thereafter.

Councilman Reishman 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 588-15 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 proposal submitted by Galls in the total amount of \$68,788.36 for purchase of 19 ballistic FTOC tactical vests with plates (\$52,123.08); 19 gas masks with canisters (\$5,652.50); and 19 helmet night vision mounts, visors and headlamps (\$11,012.78) to be used by police officers in the Charleston Police Department.

To be charged to Account No. 045-000-15-001-3-341, 2015 Homeland Security SWAT Grant

Councilman Reishman 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 the committee report adopted.

6. Your committee on Finance has had under consideration Bill No. 7654, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7654: A Bill authorizing the purchase of property on Laidley Street adjacent to Slack Plaza, currently known as the Middle East Mart, as more fully described in a deed attached as Exhibit A hereto (the “Property”), from Kanawha Investment, Inc. (the “Owner”) in consideration for a sum of \$85,456.00; and further authorizing payment of up to \$2,000.00 to the existing tenants of the Property for expenses related to relocation of their business in exchange for a full release.

WHEREAS, the City of Charleston administration intends to renovate and revitalize the public space known as Slack Plaza (the “Plaza”) and the surrounding area; and

WHEREAS, part of the strategy to improve the functionality of the Plaza and also its use as the main pedestrian thoroughfare between Capitol Street and the Charleston Town Center includes the addition of a satellite police station for CPD K-9 and Bicycle Units adjacent to the Plaza, and the Property is the ideal location for said police station; and

WHEREAS, the City retained REALCORP, LLC, to appraise the Property and the market value of the Property value is \$85,456.00; and

WHEREAS, the Property is currently occupied by a tenant, the Middle East Mart, who has a lease with Owner that was set to expire in 2017; and

WHEREAS, although the City could have exercised eminent domain to acquire the Property, the Owner and City have negotiated sale of the property to the City for the appraised value of \$85,456.00; and

WHEREAS, in exchange for the use of the Property until August 1, 2015, and receipt of up to \$2,000.00 in moving expenses to be paid by City, the tenant of the Property has agreed to vacate the Property by August 1, 2015, and to provide a full release to City and Owner;

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

That the Mayor or City Manager are hereby authorized: (1) to acquire the property on Laidley Street adjacent to Slack Plaza, currently known as the Middle East Mart, as more fully described in the deed attached as Exhibit A hereto, from Kanawha Investment, Inc., in consideration for the sum of \$85,456.00; (2) to remit up to \$2,000.00 to Amjad A. Ghoul and Ziad Hamad dba

Middle East Mart for moving expenses in exchange for tenant's agreement to vacate the Property by August 1, 2015, and provide a release of all claims in favor of the City and Kanawha Investment, Inc.; and (3) to execute any documents necessary to facilitate the purchase and possession of the Property, and the agreed termination of the current lease, subject to final review and approval by legal counsel for the City.

Councilman Reishman moved to approve the Bill. Councilman Ware seconded the motion. A roll call was taken.

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Hoover, Kirk, Knauff, Minardi, Miller, Nichols, Persinger, Reishman, Richardson, Salisbury, Sheets, Smith, Talkington, Ware, White, Jones

NAYS: None

ABSENT: Lane, Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7654 adopted.

REPORTS OF OFFICERS

1. Payroll Variance Analysis Reports to City Council- Months Ending March and April 2015.
Received and Filed.
2. City Treasurer's Report to City Council Month Ending April 2015.
Received and Filed.

NEW BILLS

Introduced by Council members Tom Lane, Bobby Reishman and Jack Harrison on May 18, 2015:

Bill No. 7655 - An ordinance repealing, amending and re-enacting Chapter 2, Article IV. – Offers and Employees, Division 2. - Benefits, Section 2-161 of the Code of the City of Charleston, increasing the salary of the Mayor effective June 15, 2015.

Refer to Finance Committee.

Introduced by Council member Edward Talkington on May 18, 2015:

Bill No. 7656 - A BILL to enact Division II of Article VIII, Chapter 102 of the Municipal Code of the City of Charleston, as amended, to be known as the “City of Charleston Construction Site Erosion and Sediment Control Ordinance.”

Refer to Environmental and Recycling Committee.

Introduced by Council members Bobby Reishman, Mary Jean Davis and Jack Harrison on May 18, 2015:

Bill No. 7657 - AN ORDINANCE AUTHORIZING THE ISSUANCE OF SALES TAX REVENUE BONDS (CIVIC CENTER PROJECT), SERIES 2015, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT MORE THAN \$100,000,000 (THE “2015 BONDS”) OF THE CITY OF CHARLESTON (THE “ISSUER”), THE PROCEEDS OF WHICH SHALL BE EXPENDED FOR THE COSTS OF DESIGN, ACQUISITION, CONSTRUCTION, RENOVATION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS BY THE ISSUER TO THE CHARLESTON CONVENTION AND CIVIC CENTER AND RELATED IMPROVEMENTS (THE “PROJECT”), TO FUND A RESERVE ACCOUNT PLEDGED TO THE PAYMENT OF THE 2015 BONDS, IF NECESSARY, AND TO PAY COSTS OF ISSUANCE IN CONNECTION WITH THE PROJECT; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND INDENTURE AND THE 2015 BONDS AND ANY OTHER DOCUMENTS RELATING THERETO; AUTHORIZING DISTRIBUTION OF A PRIVATE PLACEMENT MEMORANDUM OR OTHER OFFERING DOCUMENT; PROVIDING PARAMETERS FOR THE TERMS OF THE 2015 BONDS; AUTHORIZING EXECUTION AND DELIVERY OF OTHER DOCUMENTS, INSTRUMENTS, CERTIFICATES AND AGREEMENTS AND THE TAKING OF ALL OTHER ACTIONS RELATING TO THE ISSUANCE OF THE 2015 BONDS.

Refer to Finance Committee.

Introduced by Council members Jack Harrison and Mary Jean Davis on May 18, 2015:

Bill No. 7658- A BILL to amend and re-enact Divisions I and II of Article XXII, Chapter 18 of the Municipal Code of the City of Charleston and to create Division III of Article XXII, Chapter 18 of the Municipal Code of the City of Charleston.

Refer to Rules and Ordinance Committee.

ADJOURNMENT

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

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Hoover, Kirk, Knauff, Minardi, Miller, Nichols, Persinger, Reishman, Richardson, Salisbury, Sheets, Smith, Talkington, Ware, White, Jones

ABSENT: Lane, Russell

At 7:28 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, June 1, 2015, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk