



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, July 6, 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 first meeting in the month of July on the 6th day, in the year 2015, 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 Councilman Miller. The Clerk, James M. Reishman, called the roll of members and it was found that there were present at the time:

BURKA	BURTON	CEPERLEY
CHESTNUT	CLOWSER	DAVIS
EALY	FAEGRE	HAAS
	HOOVER	IRELAND
LANE	MILLER	MINARDI
OVERSTREET	PERSINGER	REISHMAN
RICHARDSON	SALISBURY	SLATER
SMITH	SNODGRASS	STEELE
TALKINGTON	WARE	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 HEARINGS

The Mayor called the public hearing on Bill number 7659, A bill listing the expanded East End Historic District on the Local Register of Historic Places subject to temporary stay of demolition, 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 bill, The Mayor declared the public hearing on Bill No. 7659, closed.

CLAIMS

1. A claim of Jerry Burgess, 5200 Venable Ave. APT B, Charleston, WV; alleges loss of property.
Referred to City Solicitor.
2. A claim of Christina Burgess, 5200 Venable Ave. APT A, Charleston, WV; alleges damage to vehicle.
Referred to City Solicitor.
3. A claim of Raymond Denson, 4329 Virginia Ave., Charleston, WV; alleges damage to vehicle.
Referred to City Solicitor.
4. A claim of Karen Lilly, 1929 4th Ave, Charleston, WV; alleges damage to vehicle.
Referred to City Solicitor.

COMMUNICATIONS

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: CABLE TELEVISION COMMITTEE APPOINTMENT

DATE: JULY 6, 2015

I am appointing Andy Richardson to the Cable Television Committee of City Council to replace Bob White. He will join Jack Harrison (chair), Ed Talkington, Susie Salisbury and John Miller on this committee.

Received and Filed.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: HOME RULE COMMITTEE APPOINTMENT

DATE: JULY 6, 2015

I am appointing Becky Ceperley and Karan Ireland to the Home Rule Committee of City Council to replace Chris Dodrill and Kasey Russell. They will join Jack Harrison (chair), Bobby Reishman, Tom Lane, Mary Jean Davis, Jerry Ware, Andy Richardson and Sam Minardi on this committee.

Received and Filed.

REPORTS OF COMMITTEES

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 the following Committee Report, and reports the same to Council with the recommendation that the resolution do pass.

The proposal submitted by Bob Robinson Chevy, Inc., in the total amount of \$77,908, for purchase of four (4) Chevy Trax AWD Compact Utility vehicles (\$19,477 each) to be used by the Parking System. The new vehicles will replace four (4) Model 2006 vehicles (units 608, 610, 611, and 612).

To be charged to Account No. 406-571-00-000-4-459, Parking—Capital Outlay, Equipment

Councilman Reishman moved to approve the Resolution, but be referred to Finance Committee before vote. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the motion passed. Received and Filed.

COMMITTEE ON PLANNING

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

1. Your committee on Planning has had under consideration Bill No. 7659, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7659: A Bill listing the expanded East End Historic District on the Local Register of Historic Places subject to a temporary stay of demolition.

WHEREAS, an in-depth study of the 120 acre area roughly bound by Lee, Bradford, and Greenbrier Streets and a railroad right-of-way was conducted by a qualified architectural historian who identified 644 structures that contribute to the historic integrity and architectural qualities of Charleston's East End;

WHEREAS, the US Department of the Interior reviewed the study and in December 2014 listed the area on the National Register of Historic Places as an expansion of the previously existing East End Historic District, making tax credits available to property owners throughout the district;

WHEREAS, the Charleston Historic Landmarks Commission has reviewed the findings of the study, conducted a public hearing, and recommended the district be listed on Charleston's Local Register of Historic Places subject to a temporary stay of demolition;

WHEREAS, the temporary stay of demolition would apply only to contributing structures within the district, and would establish a 90-day waiting period during which interested and affected parties could consider alternatives to the demolition of a building that has significant historical, architectural, cultural, or urban design value. If the property owner still wishes to demolish the structure at the end of the 90-day stay, a demolition permit is issued.

WHEREAS, the Charleston Historic Landmarks Commission may conduct an administrative review and waive the temporary stay of demolition when a property is deemed beyond rehabilitation, or in instances where the public interest clearly outweighs the preservation of a structure;

WHEREAS, both the Charleston Urban Renewal Authority and Charleston Main Streets encourage the local listing and the temporary stay of demolition, recognizing the measure as an economic development tool;

WHEREAS, the proposed listing on the Local Register of Historic Places subject to temporary

stay of demolition is consistent with the goals, objectives, plans and priorities established in Imagine Charleston, the city's Comprehensive Plan.

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

That the expanded East End Historic District roughly bound by Lee, Bradford, and Greenbrier Streets and a railroad right-of-way as shown on Exhibit A title "East End Amendment Historic District" be listed on the Local Register of Historic Places subject to a temporary stay of demolition as outlined in Section 20-040-05 of the Zoning Ordinance of the City of Charleston, adopted November 21, 2005 as amended; and that the boundaries of the district and the contributing structures within be clearly indicated on the official zoning map of the City of Charleston.

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

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

NAYS: NONE

ABSENT: Harrison

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7659 adopted.

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. 604-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 604-15 : “Authorizing the Finance Director to establish a Special Revenue Fund, Uniform Pensions Reserve Fund 026, to account for the 0.5% Municipal Sales Tax dedicated to the Police and Fire Pension obligations.”

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

That the Finance Director is hereby authorized and directed to establish a Special Revenue Fund, Uniform Pensions Reserve Fund 026, to account for the 0.5% Municipal Sales Tax dedicated to the Police and Fire Pension obligations.

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

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

NAYS: NONE

ABSENT: Harrison

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 604-15, adopted.

2. Your committee on Finance has had under consideration Resolution No. 605-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 605-15: Authorizing the Finance Director to issue a refund to Bar 101, LLC, in the amount of \$9,373.69 for overpayment of Business & Occupation (“B&O”) taxes during the period October 1, 2011 through September 30, 2014, due to the taxpayer listing its income under the wrong classification. The refund has been validated by the Audit Division.

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 to Bar 101, LLC, in the amount of \$9,373.69 for overpayment of Business & Occupation (“B&O”) taxes during the period October 1, 2011 through September 30, 2014, due to the taxpayer listing its income under the wrong classification. The refund has been validated by the Audit Division.

To be charged to account no. 001-305-02-000, Prior 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 605-15 adopted.

3. Your committee on Finance has had under consideration Resolution No. 606-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 606-15: “Authorizing the Finance Director to issue a refund to Mountaineer Custom Closets in the amount of \$5,205.92 for overpayment of Business and Occupation (“B&O”) taxes for the period April 1, 2012 through March 31, 2013, due to the taxpayer paying B&O taxes on construction jobs that were located outside the City of Charleston. The refund has been validated by the Audit Division.”

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 to Mountaineer Custom Closets in the amount of \$5,205.92 for overpayment of Business and Occupation (“B&O”) taxes for the period April 1, 2012 through March 31, 2013, due to the taxpayer paying B&O taxes on construction jobs that were located outside the City of Charleston. The refund has been validated by the Audit Division.

To be charged to account no. 001-305-02-000, Prior 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 606-15 adopted.

4. Your committee on Finance has had under consideration Resolution No. 607-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 607-15: “Authorizing the Finance Director to transfer \$1.1 million from the Municipal Stabilization Fund, Account No. 003-000-00-000-5-566—Contributions to Other Funds, to the General Engineering Maintenance Fund, Account No. 220-369-00-0000—Transfers In From Other Funds.”

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

That the Finance Director is hereby authorized and directed to transfer \$1.1 million from the Municipal Stabilization Fund, Account No. 003-000-00-000-5-566—Contributions to Other Funds, to the General Engineering Maintenance Fund, Account No. 220-369-00-0000—Transfers In From Other Funds.

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

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

NAYS: NONE

ABSENT: Harrison

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 607-15, adopted.

5. Your committee on Finance has had under consideration Resolution No. 608-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 608-15: “Authorizing the Mayor or his designee to enter into an agreement with Advantage Technology, in the amount of \$25,922.00, for purchase of VMWare Server Licensing Upgrades to the software used by the Information Systems Department.”

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 enter into an agreement with Advantage Technology, in the amount of \$25,922.00, for purchase of VMWare Server Licensing Upgrades to the software used by the Information Systems Department.

To be charged to Account No. 001-975-439-4-459, IS Department – Capital Outlay Equip.

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 608-15 adopted.

6. Your committee on Finance has had under consideration Resolution No. 610-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 610-15: “Resolution No. 610-15, authorizing the City Manager to enter into a Memorandum of Understanding (“MOU”) and/or Agreement with Alpha Technologies granting right of ways, permits, and permit fee waivers in relation to the underground location of fiber optic cable in exchange for providing the City with its own conduit with four dark fibers everywhere that Alpha Technologies uses a City of Charleston right of way.”

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 Memorandum of Understanding (“MOU”) and/or Agreement with Alpha Technologies granting right of ways, permits, and permit fee waivers in relation to the underground location of fiber optic cable in exchange for providing the City with its own conduit with four dark fibers everywhere that Alpha Technologies uses a City of Charleston right of way.

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 610-15 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 proposal submitted by Bob Robinson Chevy, Inc., in the total amount of \$77,908, for purchase of four (4) Chevy Trax AWD Compact Utility vehicles (\$19,477 each) to be used by the Parking System. The new vehicles will replace four (4) Model 2006 vehicles (units 608, 610, 611, and 612).

To be charged to Account No. 406-571-00-000-4-459, Parking—Capital Outlay, Equipment

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.

8. 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 Morton Salt, in the amount of \$68.57 per ton, for purchase of road salt to be used by the Street Department on an as needed basis for snow and ice removal.

To be charged to Account No. 001-750-00-000-3-359, Street—Snow Removal Materials

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.

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.

The bid submitted by American Asphalt of West Virginia for purchase of Bituminous Concrete (asphalt) on an as needed basis at \$69.50 per ton for Wearing Course Material Type 1; and \$65.00 per ton for Patching and Leveling Material Type 1 to be used by the Street Department.

To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies

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 Essroc Ready Mix for purchase of Portland Cement Concrete to be used by the Street Department on an as needed basis at the prices listed on the attached tabulation sheet.

To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies

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.

Portland Cement - Public Works
Bid Opening: July 1, 2015 @ 11:00am

		Essroc Ready Mix 1011 Bullit Street Charleston, WV 25301 P: (304) 346-8131 david.hescht@essroc.com
Full Load* per cubic yard delivered to job site *unload in 30 minutes or less	Class A: 3500# Concrete	\$110.00
	Class B: 3000# Concrete	\$105.00
	Class C: 2500# Concrete	\$100.00
	Class D: 2000# Concrete	\$98.00
Partial Load Charge (if applicable)		\$80.00/Load Under 4 Loads
Unloading Charge past 30 minutes		\$30.00/Hour after 1st Hour
Cost of adding Fiber to Concrete		\$6.50/cubic yard
Fuel Surcharge		\$15.00

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.

The bid submitted by Martin Marietta Aggregates for purchase of various classes and sizes of aggregate at the prices listed on the attached tabulation sheet. The aggregate will be used by the Street Department on projects undertaken throughout Fiscal Year 2015-2016.

To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies

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.

Various Sizes of Aggregate - Public Works

Bid Opening: July 1, 2015 @ 11:00am

	Martin Marietta Aggregates 1100 Pennsylvania Ave. Charleston, WV 25302 P: (304) 343-4571 mike.deviese@martinmarietta.com	Shamblin Stone P.O. Box 510 Dunbar, WV 25064 P: (304) 766-7316 jackconner@mulzer.com
	Prices per Ton	Prices per Ton*
Sandstone #1	No Bid	No Bid
Sandstone #2	No Bid	No Bid
Crusher Run	No Bid	No Bid
River Gravel #57	\$19.90	\$20.50
River Gravel #37	No Bid	No Bid
Masonry Sand	\$20.50	\$19.40
Dry Bed	\$15.50	\$17.40
River Gravel #67	No Bid	No Bid
Limestone #2	\$20.90	No Bid
Limestone #3	\$20.90	\$20.35
Limestone #37	No Bid	No Bid
Limestone #57	\$20.90	\$20.35
Limestone #67	\$20.90	\$21.05
Limestone: 1 1/2" Crusher Run	\$19.25	\$19.85
Limestone #467	\$20.90	\$20.35

*Prices only valid through
December 31, 2014 *

REPORTS OF OFFICERS

1. Municipal Court Report to City Council Month Ending June 2015
Received and Filed.
2. Payroll Variance Analysis Reports to City Council- Month ending May 2015.
Received and Filed.

NEW BILLS

Introduced by Council members Bobby Reishman, Mary Jean Davis, Jack Harrison and Tom Lane on July 6, 2015:

Bill No. 7660: An ordinance amending Section 111-14 of Chapter 111 of the Code of the City of Charleston, and pertaining to the deposit, allocation, and pledge of the City's Consumer Sales and Use Tax revenue for the purpose of securing favorable bond terms and rates to finance improvements to the Charleston Convention and Civic Center.

Refer to Finance Committee

Introduced by Council Member Edward Talkington on July 6, 2015:

Bill No. 7661: A Bill to amend and reenact Sections 2-734, 2-737, and 2-738 of the City Code of the City of Charleston, as amended, all relating to the City's Service Fee.

Refer to Finance Committee

Introduced by Council members Robert Reishman, Mary Jean Davis and Jack Harrison on July 6, 2015:

Bill No. 7662: Amended and Restated Bond Authorizing Ordinance for Sales Tax Revenue Bonds for the Civic Center Project.

Refer to Finance Committee

ADJOURNMENT

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

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

ABSENT: Harrison

At 7:30 p.m., by a motion from Councilmember Ware, Council adjourned until Monday, July 20, 2015, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk