



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, August 3, 2015

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

**Danny Jones
Mayor**

**Cari A. Morris
Deputy 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 August on the 3rd 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 Chestnut. The Deputy Clerk, Cari A. Morris, 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 |
| HARRISON | HOOVER | IRELAND |
| LANE | MILLER | |
| OVERSTREET | PERSINGER | REISHMAN |
| RICHARDSON | SALISBURY | SLATER |
| SMITH | SNODGRASS | |
| 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.

CLAIMS

1. A claim of Stephanie Armstrong, 510 Maxwell Street, Charleston, WV; alleges loss of property.
Referred to City Solicitor.
2. A claim of Jeremiah Brown, 5020 Rust Lane, Cross Lanes, WV; alleges damage to vehicle.
Referred to City Solicitor.
3. A claim of David Alan Dangerfield, 4708 Venable Ave. #1, Charleston, WV; alleges damage to vehicle.
Referred to City Solicitor.
4. A claim of Larry A. Gillespie, 4512 Venable Ave., Charleston, WV; alleges damage to vehicle.
Referred to City Solicitor.
5. A claim of Darla Hodges, 6521 Roosevelt Ave., Charleston, WV; alleges damage to vehicle.
Referred to City Solicitor.
6. A claim of Dawn Evans, 2004 Hudson St., Charleston, WV; alleges damage to vehicle.
Referred to City Solicitor.
7. A claim of Nimish Metha, 203 Southern Woods Dr., South Charleston, WV; alleges damage to vehicle.
Referred to City Solicitor.
8. A claim of India Rush, 1008 Oakmont Rd., Charleston, WV; alleges damage to property.
Referred to City Solicitor.

PUBLIC HEARINGS

The Mayor called the public hearing on Bill number 7662, Amended and Restated Bond Authorizing Ordinance for Sales Tax Revenue Bonds for the Civic Center Project, Series 2015 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. 7662, closed.

COMMUNICATIONS

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: KANAWHA-CHARLESTON BOARD OF HEALTH

DATE: AUGUST 3, 2015

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: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: KANAWHA-CHARLESTON BOARD OF HEALTH

DATE: AUGUST 3, 2015

I recommend that Martha Walker, 11 Quail Cove Road, Charleston, WV 25314, be appointed to the Kanawha-Charleston Board of Health, with an initial term to expire June 30, 2020.

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

REPORTS OF COMMITTEES

COMMITTEE ON ENVIRONMENTAL AND RECYCLING

Councilperson Edward Talkington, Chairperson of the Council Committee on Environmental and Recycling, submitted the following report:

1. Your committee on Finance has had under consideration Bill No. 7663, and reports the same to Council with the recommendation that the resolution do pass.

Bill No. 7663: An ordinance repealing Section 98-53 of Chapter 98, Article II, Division I of the Code of the City of Charleston which set forth guidelines for alternative receptacles for recyclables.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLESTON THAT:

Section 98-53 of Chapter 98, Article II, Division I of the Code of the City of Charleston is hereby repealed.

~~Sec. 98-53. Alternative receptacle for recyclables.~~

~~Notwithstanding any other provision of the article, residents and commercial, industrial and institutional establishments may, in lieu of or in addition to clear plastic bags, elect to use plastic bins previously issued by the city for recycling, or any other similar receptacle which meets the specifications set forth by the city manager, for the storage and collection of recyclables.~~

Councilman Clowser moved to refer the bill back to committee for further discussion. Councilman Lane seconded that motion. A roll call was taken:

YEAS: Burka, Burton, Chestnut, Clowser, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Miller, Persinger, Richardson, Salisbury, Smith, Snodgrass, Ware

NAYS: Ceperly, Davis, Overstreet, Reishman, Slater, Talkington, Jones

ABSENT: Minardi, Steele

With a majority of members elected recorded thereon as voting in the affirmative the bill was referred back to the Environmental and Recycling Committee.

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. 621-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 621-15: “Authorizing the Mayor or City Manager to enter into an Agreement with Suttle and Stalnaker in the amount of \$52,500 to Conduct a Single Audit for the City of Charleston for FY 2015, in accordance with Federal OMB Circular A-133.”

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 Suttle and Stalnaker in the amount of \$52,500 to Conduct a Single Audit for the City of Charleston for FY 2015, in accordance with Federal OMB Circular A-133.

To be charged to Account No. 001-418-00-000-2-224, Accounting – Audit Costs

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 621-15 adopted.

2. Your committee on Finance has had under consideration Resolution No. 622-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 622-15 : “Authorizing the Finance Director to issue a refund to American Tire Distributors in the amount of \$125,501.91 for overpayment of Business and Occupation (“B&O”) taxes during the period April 1, 2011 through March 31, 2014. The taxpayer was paying on revenues generated by sales outside the City of Charleston. The audit staff confirms this refund to be correct.”

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 American Tire Distributors in the amount of \$125,501.91 for overpayment of Business and Occupation (“B&O”) taxes during the period April 1, 2011 through March 31, 2014. The taxpayer was paying on revenues generated by sales outside the City of Charleston. The audit staff confirms this refund to be correct.

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 622-15 adopted.

3. Your committee on Finance has had under consideration Resolution No. 623-15, and reports the same to Council with the recommendation that the resolution do pass.

THE CITY OF CHARLESTON

RESOLUTION CONFIRMING THE ENACTMENT OF THE AMENDED AND RESTATED BOND AUTHORIZING ORDINANCE, CONFIRMING THE PUBLICATION OF THE NOTICE OF PUBLIC HEARING, CONFIRMING THE PUBLIC HEARING FOR THE ISSUANCE OF SALES TAX REVENUE BONDS (CIVIC CENTER PROJECT), SERIES 2015 AND DECLARING THAT THE ORDINANCE IS IN EFFECT.

WHEREAS, an Amended and Restated Bond Authorizing Ordinance (the “Ordinance”) (i) 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”), (ii) authorizing the execution and delivery of a bond indenture and the 2015 Bonds and any other documents relating thereto, (iii) authorizing distribution of a private placement memorandum or other offering document, (iv) providing parameters for the terms of the 2015 Bonds and (v) authorizing execution and delivery of other documents, instruments, certificates and agreements and taking of all other actions relating to the issuance of the 2015 Bonds was introduced on first reading at a meeting of the City Council of the Issuer held on July 6, 2015; and

WHEREAS, the Issuer published an abstract of such Ordinance and notice of the date, time and place for a public hearing in accordance with applicable statutory requirements in the *Charleston Gazette-Mail* on July 21, 2015 and July 28, 2015; and

WHEREAS, at a meeting held on July 20, 2015, the City Council of the Issuer enacted the Ordinance upon second reading in the form certified by the City Clerk in Exhibit A hereto; and

WHEREAS, a public hearing was held on August 3, 2015, and pursuant to said notice, the City Council of the Issuer heard all objections and suggestions with respect to the Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the Issuer hereby confirms its action of July 20, 2015, in enacting the Ordinance upon second reading; and

FURTHER RESOLVED, that notice having been properly published, the Ordinance is hereby declared to be in full force and effect following the public hearing where no significant objections or suggestions were raised or offered regarding the issuance of the 2015 Bonds in accordance with the requirements of Section 7 of Chapter 8, Article 16 of the Code of West Virginia, 1931, as amended.

This Resolution shall take effect immediately upon the adoption thereof.

CERTIFICATION

The undersigned, being the duly qualified, elected and acting City Clerk of The City of Charleston, does hereby certify that the foregoing Resolution is a true, correct and complete copy of a Resolution duly adopted and enacted by City Council of The City of Charleston, at a regular meeting duly held at 7:00 p.m. on August 3, 2015.

Dated this 3rd day of August, 2015.

By: _____
Its: City Clerk

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 623-15 adopted

4. Your committee on Finance has had under consideration Resolution No. 624-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 624-15 : “Authorizing the Mayor or City Manager to sign Change Order No. 1 with Thaxton Construction Company in the amount of \$65,550 for the Pile Retaining Walls for Slip Repair Project, to extend the Loudon Heights Road retaining wall by adding 12 piles and lagging bays at the lower end and three (3) piles and lagging bays at the upper end. Change Order No. 1 increases the contract price from \$428,000 to \$493,550 and is one of four pile retaining wall projects to be constructed under this contract.”

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. 1 with Thaxton Construction Company in the amount of \$65,550 for the Pile Retaining Walls for Slip Repair Project, to extend the Loudon Heights Road retaining wall by adding 12 piles and lagging bays at the lower end and three (3) piles and lagging bays at the upper end. Change Order No. 1 increases the contract price from \$428,000 to \$493,550 and is one of four pile retaining wall projects to be constructed under this contract.

To be charged to Account No. 221-975-00-420-4-458, City Service Fee – Capital Projects

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 624-15 adopted

5. Your committee on Finance has had under consideration Resolution No. 625-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 625-15 : “Authorizing the Mayor or City Manager to sign Change Order No. 1 with West Virginia Paving in an amount Not to Exceed \$1,100,000 to provide for additional milling and paving as it relates to the additional funding appropriated from the Municipal Stabilization Fund to the General Engineering Maintenance Fund, approved by City Council at a meeting held on July 6, 2015, Resolution 607-15. The 2015 Street Paving Agreement between the City of Charleston and West Virginia Paving was approved by City Council on April 6, 2015, and Change Order No. 1 increases the contract price from \$1,356,250 to \$2,456,250.”

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. 1 with West Virginia Paving in an amount Not to Exceed \$1,100,000 to provide for additional milling and paving as it relates to the additional funding appropriated from the Municipal Stabilization Fund to the General Engineering Maintenance Fund, approved by City Council at a meeting held on July 6, 2015, Resolution 607-15. The 2015 Street Paving Agreement between the City of Charleston and West Virginia Paving was approved by City Council on April 6, 2015, and Change Order No. 1 increases the contract price from \$1,356,250 to \$2,456,250.

To be charged to Account No. 220-369-00-0000 – General Engineering Maintenance Fund

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 625-15 adopted.

6. Your committee on Finance has had under consideration Resolution No. 626-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 626-15: “Approving a Memorandum of Understanding (“MOU”) between the 130th Airlift Wing, West Virginia National Guard (“130 AW”), and the Charleston Police Department (“CPD”), attached hereto as Exhibit A, outlining the working relationship between and support provided by the 130 AW and the CPD during responses to emergencies, dignitary visits, and criminal investigations.”

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

That the Chief of Police, or his designee, is hereby authorized to sign the Memorandum of Understanding (“MOU”) between the 130th Airlift Wing, West Virginia National Guard (“130 AW”), and the Charleston Police Department (“CPD”), attached hereto as Exhibit A, outlining the working relationship between and support provided by the 130 AW and the CPD during responses to emergencies, dignitary visits, and criminal investigations.

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 626-15 adopted.

REPORTS OF OFFICERS

1. Payroll Variance Analysis Reports to City Council – Month Ending June 2015
Received and Filed

ADJOURNMENT

The Deputy Clerk, Cari A. Morris, called the closing roll call:

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

ABSENT: Minardi, Steele

At 7:40 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, August 17, 2015, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

Cari A. Morris, Deputy City Clerk