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 **JOURNAL of the PROCEEDINGS**

**of the**

**CITY COUNCIL**

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, May 2, 2016

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

**OFFICIAL RECORD**

**JB Akers**

**City Clerk**

**Danny Jones**

**Mayor**

***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 May on the 2nd day, in the year 2016, 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 Boy Scout Troop 31. The Honorable Clerk, JB Akers, 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 MINARDI OVERSTREET PERSINGER REISHMAN RICHARDSON SALISBURY SLATER SMITH SNODGRASS STEELE TALKINGTON WARE MAYOR JONES**

With twenty-four 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 Jason Coles, 1416 4th Ave., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor.

1. A claim of Pamela Pushkin, 1322 Mt. Vernon Pl., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor.

1. A claim of Prientkes Sanders, 1100 Locust Street., Des Moines, IA; alleges damage to vehicle.

Refer to City Solicitor.

1. A claim of Michael Tofi, 482 South Ruffner Rd., Charleston, WV; alleges damage to personal property.

Refer to City Solicitor.

***COMMUNICATIONS***

**TO: J. B. AKERS**

 **CITY CLERK**

**FROM: DANNY JONES**

 **MAYOR**

**RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD**

**DATE: MAY 2, 2016**

I recommend that Kim Burton, 4504 Washington Avenue, Charleston, WV 25304, be reappointed to the Charleston Convention and visitor’s bureau board, with a said term to expire February 17, 2018.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

**TO: J. B. AKERS**

 **CITY CLERK**

**FROM: DANNY JONES**

 **MAYOR**

**RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD**

**DATE: MAY 2, 2016**

I recommend that Becky Ceperley, 900 Lee Street, Suite 1600, Charleston, WV 25304, be reappointed to the Charleston Convention and visitor’s bureau board, with a said term to expire February 17, 2018.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

**TO: J. B. AKERS**

 **CITY CLERK**

**FROM: DANNY JONES**

 **MAYOR**

**RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD**

**DATE: MAY 2, 2016**

I recommend that Richard Eaton, 100 Civic Center Drive, Charleston, WV 25301, be reappointed to the Charleston Convention and visitor’s bureau board, with a said term to expire February 17, 2019.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

**TO: J. B. AKERS**

 **CITY CLERK**

**FROM: DANNY JONES**

 **MAYOR**

**RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD**

**DATE: MAY 2, 2016**

I recommend that Richard Eaton, 100 Civic Center Drive, Charleston, WV 25301, be reappointed to the Charleston Convention and visitor’s bureau board, with a said term to expire February 17, 2019.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

**TO: J. B. AKERS**

 **CITY CLERK**

**FROM: DANNY JONES**

 **MAYOR**

**RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD**

**DATE: MAY 2, 2016**

I recommend that Ted Lawson, 100 Bank One Plaza, Charleston, WV 25301, be reappointed to the Charleston Convention and visitor’s bureau board, with a said term to expire February 17, 2019.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

**TO: J. B. AKERS**

 **CITY CLERK**

**FROM: DANNY JONES**

 **MAYOR**

**RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD**

**DATE: MAY 2, 2016**

I recommend that Harry F. Bell, Jr., 30 Capital Street, Charleston, WV 25301, be reappointed to the Charleston Convention and visitor’s bureau board, with a said term to expire February 17, 2018.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

**TO: J. B. AKERS**

 **CITY CLERK**

**FROM: DANNY JONES**

 **MAYOR**

**RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD**

**DATE: MAY 2, 2016**

I recommend that Jack Harrison, 1116 Shamrock Road, Charleston, WV 25314, be reappointed to the Charleston Convention and visitor’s bureau board, with a said term to expire February 17, 2019.

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

Jerry Ware moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

**TO: J. B. AKERS**

 **CITY CLERK**

**FROM: DANNY JONES**

 **MAYOR**

**RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD**

**DATE: MAY 2, 2016**

I recommend that Mary Jean Davis, 1527 Dogwood Road, Charleston, WV 25314, be reappointed to the Charleston Convention and visitor’s bureau board, with a said term to expire February 17, 2019.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

**City of Charleston**

**Executive Office of the Mayor**

**Certificate of Appreciation**

Presented on the first of May, 2016, to

**THOMAS FLANNERY**

* In appreciation of your vision to master plan a hiking trail system that will improve the quality of life of the citizens of Charleston; and
* In recognition of your fortitude in bringing together key stakeholders to: build consensus; secure conservation easements; and obtain approval from the City of Charleston; and
* In honor of your service as the leader of Baptist Temple Boy Scout Troop 31, who donated their physical labor for the construction of the hiking trail and for the removal of trash and debris.

**IN WITNESS WHEREOF,** I have set my hand and caused

the Seal of the Executive Department to be affixed

this 1st day of May 2016.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Danny Jones, Mayor

The Clerk presented Thomas Flannery with the Certificate of Appreciation.

**City of Charleston**

**Executive Office of the Mayor**

**Certificate of Recognition**

Presented on the 18th day of April, 2016

to

**Dr. J Truman Dalton**

* In honor of your 35 years as Artistic Director and Conductor of the Charleston Civic Chorus on the occasion of your final concert as the treasured leader of the Chorus on Sunday, April 24, 2016; and
* In appreciation for how you have promoted high quality choral music through the years throughout our City with special concerts during FestivALL and Good Night and with many performances that have expanded our citizens’ and musicians’ cultural and musical horizons; and
* In recognition of how you have also had a lifetime of promoting the learning of and love for music as Professor of Music and Director of Choral Activities at West Virginia State University, board member of the Charleston Chamber Music Society and leader of other state music and choral organizations.

**IN WITNESS WHEREOF,** I have set my hand and caused

the Seal of the Executive Department to be affixed

this 18th day of April 2016.

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 Danny Jones, Mayor

The Clerk presented Dr. J Truman Dalton the Certificate of Recognition.

***REPORTS OF COMMITTEES***

**COMMITTEEE ON URBAN RENEWAL**

Councilman Ware, Chair of the Council Committee on Urban Renewal, submitted the following report:

1. Your committee on Urban Renewal has had under consideration the following bill, and reports the same to Council with the recommendation that the committee report do pass.

Your committee finds the following:

1. The amendment is not inconsistent with any of the stated goals or objective in the Imagine Charleston Comprehensive Plan; and
2. The amendment is consistent with the Comprehensive Plan’s future land use recommendations, which designates the easterly portion of the Corridor Village District as Main Street Mixed-Use and the westerly portion as Mixed-Use Corridor. Said designations are recommended to be “very pedestrian friendly” and the later, “pedestrian and auto friendly”

And reports the same to Council with the recommendation that the Bill 7683

 Do pass, as amended by deleting 500 and inserting 800 on line 36.

Bill No. 7683 - A Bill approving the following modification of the East End Community Renewal Plan for the City of Charleston, West Virginia: Permitting tattoo/Body-piercing studios as a conditional use in the Corridor Village District on Washington Street, East.

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

 1. City Council finds that:

 a. The Charleston Urban Renewal Authority has recommended a certain modification of the East End Community Renewal Plan for the City of Charleston, West Virginia;

 b. A general plan known as the Comprehensive Plan for the City of Charleston has been adopted by City Council and is recognized and used as a general guide for the development of the city;

 c. The Municipal Planning Commission of the City of Charleston has submitted to the Charleston Urban Renewal Authority its findings concerning the conformity of these proposed modifications with the Comprehensive Plan for the City;

 d. City Council has duly considered the findings of the Municipal Planning Commission; and

 e. Section “F” of said East End Community Renewal Plan previously approved by City Council, provides that the Plan may be changed from time to time in compliance with the requirements of law.

2. The proposed modification of the East End Community Renewal Plan which is set forth in the following section of this ordinance is hereby found to be consistent with the goals, objectives, plans and priorities established by the Comprehensive Plan.

1. Section C.3.1.b.2. Conditional Uses is amended by adding the following:

Tattoo/Body-Piercing Studios

The establishment of tattoo/body-piercing studios as a matter of right is prohibited and such use shall only be authorized by a Conditional Use Permit approved by the Board of Zoning Appeals. Tattoo/body-piercing studios shall comply with the following:

1. Shall not be located within 500 feet of another tattoo/body-piercing studio.
2. Shall be licensed by the State of West Virginia and inspected by the Kanawha County Health Department prior to receiving a Municipal Business License and/or Certificate of Occupancy.
3. Shall not perform the acts of tattooing and piercing in areas visible from a public right-of-way.
4. Shall limit hours of operation to 10 a.m. to 10 p.m. daily.
5. Any storefront door and window glazing shall remain transparent.

All prior ordinances or parts of ordinances in consistent with this ordinance are hereby repealed to the extent of such inconsistency.

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

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

NAYS: NONE

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7683 adopted.

**COMMITTEEE ON PLANNING**

Council lady Davis, Chair of the Council Committee on Planning, submitted the following reports:

1. Your committee on Planning has had under consideration the following bill, and reports the same to Council with the recommendation that the committee report do pass.

Your committee finds the following:

1. The rezoning is consistent with the future land use map which designates this property as “Downtown”;
2. The building is a contributing structure in the downtown historic district that is currently a non-conforming structure due to the large setback requirements in the R-0 district. The rezoning will make the structure conforming; and
3. The CBD zoning will allow the school to construct the proposed fourth flood addition without any variance or a conditional use permit.

And reports the same to Council with the recommendation that the Bill 7684 do pass.

Bill No.7684 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted the 21st day of November 2005, as amended, and the Zoning Map made a part thereof, by rezoning from a Residential Office-District (“**R-O District**”) to a Central Business District (“**CBD**”), those certain parcels of land situate at 1033 Virginia Street East, Charleston, West Virginia 25301.

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, adopted the 21st day of November 2005, as amended (the “**Zoning Ordinance**”), is hereby amended by rezoning from a R-O District to a CBD, the whole of the following described parcels of land:

Parcel No. 23 as shown on Charleston East Tax Map No. 13, which is more particularly described as “LT100x110 VIRGINIA ST 1029 & DUNBAR STREET” (said Tax Map 13 is of record in the Planning Office); and

Parcel No. 24 as shown on Charleston East Tax Map No. 13, which is more particularly described as “50/100AC VIRGINIA & BROAD STS” (said Tax Map 13 being of record in the Planning Office).

2. The Zoning Map, attached to and made a part of the Zoning Ordinance, is hereby amended in accordance Paragraph 1.

3. All prior amendments, ordinances or parts of ordinances inconsistent with this amendment and Bill No. 7684 are hereby repealed to the extent of such inconsistency.

4. This amendment of the Zoning Ordinance and the adoption of Bill No. 7684 have been carried out in accordance with the provisions of Article 28 of the Zoning Ordinance.

Bill No. 7684 was duly introduced and adopted by the City Council of the City of Charleston, West Virginia on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2016.

All prior ordinances or parts of ordinances in consistent with this ordinance are hereby repealed to the extent of such inconsistency.

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

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

NAYS: NONE

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7684 adopted.

1. Your committee on Planning has had under consideration the following bill, and reports the same to Council with the recommendation that the committee report do pass.

Your committee finds the amendment is consistent with the Imagine Charleston Comprehensive Plan which strongly promotes historic preservation and adaptive reuse of existing buildings and reports the same to Council with the recommendation that the Bill 7686 do pass, as a committee substitute.

Bill No. 7686 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted the 21st day of November 2005, as amended, by modifying the duration of the temporary stay of demolition of historic buildings.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA

1. The Zoning Ordinance for the City of Charleston, West Virginia, adopted the 21st day of November 2005, as amended, is hereby amended as follows:

**Section 20-040-05 Temporary Stay of Demolition**

A. A Demolition Review Permit is required prior to the demolition of ~~for~~ any significant building approved under section 2-395(b) and (c) of the Code of the City of Charleston. The intent of the Demolition Review Permit is to establish a waiting period during which the City, members of the public, and the Applicant can propose and consider alternatives to the demolition of a building that may have significant historical, architectural, cultural or urban design value.

Demolition Review Permits are subject to review by the CHLC and shall be regulated as follows:

1. ~~The CHLC may temporarily stay the demolition of a significant building for up to 90 days if the CHLC finds the stay would be in the public’s interest due to the buildings significant historical, architectural, cultural or urban design value.~~ The demolition of a significant building may be temporarily delayed for 90 days if the CHLC determines, after a public hearing, that the stay would be in the public’s interest due to the building’s significant historical, architectural, cultural or urban design value. If the CHLC chooses to impose the temporary stay of demolition, the stay begins the day the decision is made.
2. The CHLC may impose up to three 90 day stays. Within 90 days of the initial stay, the CHLC shall conduct a status hearing to determine if reasonable progress toward a feasible alternative solution is being made. At this status hearing, the Commission may, at their discretion, impose an additional 90 day stay. Within 90 days of the second stay, the CHLC shall conduct another status hearing to determine if alternative solutions are still feasible. The Commission may, at their discretion, may impose one additional 90 day stay. The stay will be lifted at the conclusion of a 90 day stay if the Commission fails to find that reasonable progress is being made. In no case will the stay of demolition exceed 270 days.
3. In considering a Demolition Review Permit, the CHLC may require, the applicant to divulge the proposed use of the property and submit photographic evidence of the existing conditions of the building, structural reports by a certified engineer or architect, and any other information the Commission deems necessary.
4. A Demolition Review Permit shall be reviewed by the CHLC at a public hearing, except as provided in section 4 below. The CHLC shall consider a Demolition Review Permit within 45 days after the filing thereof by the owner or occupant. Notice of the time and place of the hearing shall be given by publication in a newspaper having general circulation in the city at least seven days before such hearing.
5. The CHLC may approve a Demolition Review Permit without a hearing, by way of an administrative review, if it is ~~they~~ determined the building is not capable of ~~well beyond~~ rehabilitation or that the public’s interest in demolition clearly outweighs its preservation or rehabilitation.
6. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

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

YEAS: Burton, Ceperley, Clowser, Ealy, Faegre, Haas, Hoover, Ireland, Lane, Minardi, Richardson, Salisbury, Steele, Talkington, Ware

NAYS: Burka, Chestnut, Harrison, Overstreet, Reishman, Slater, Smith, Snodgrass, Mayor Jones

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7686 adopted.

**COMMITTEEE ON STREETS AND TRAFFIC**

Council lady Hoover, Chair of the Council Committee on Streets and Traffic, submitted the following reports:

1. Your committee on Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7687 do pass.

Bill No. 7687 – A bill to repeal Bill No. 2742 passed by council on 11/17/1980, relating to a two (2) hour tow away parking zone on the westerly side of Bradford Street between Quarrier Street and Burford Alley and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. Bill No. 2742 passed by council on 11/17/1980, relating to a two (2) hour tow away parking zone on the westerly side of Bradford Street between Quarrier Street and Burford Alley is hereby repealed

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand three, as amended, Traffic Law,

Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

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

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

NAYS: NONE

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7687 adopted.

1. Your committee on Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7690 do pass.

Bill No. 7690 - A Bill to create a STOP intersection on Sunset Drive at Hinton Terrace by installing the stop sign on the Northeast corner of the intersection and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A STOP intersection on Sunset Drive at Hinton Terrace by installing the stop sign on the Northeast corner of the intersection is hereby established.

Section 2. The Traffic Control Map and Traffic Control File, established

by the code of the City of Charleston, West Virginia, two thousand and three, as

amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, shall be and

hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

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

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

NAYS: NONE

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7690 adopted.

**COMMITTEE ON PARKING**

Councilman Reishman, Chair of the Council Committee on Finance, submitted the following report:

1. Your committee on Parking has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 726-16 do pass.

Resolution No. 726-16 : “Authorizing approval of the FY 2016-2017 Parking System Budget as indicated on the attached list of accounts.”

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

That the FY 2016-2017 Parking System Budget as indicated on the attached list of accounts is hereby approved.

Councilman Reishman moved to approve the Resolution, but first be referred to the Finance Committee. Councilman Lane seconded the motion. Received and Filed.

**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 the following resolution, and reports the same to Council with the recommendation that Resolution No. 726-16 do pass.

Resolution No. 726-16 : “Authorizing approval of the FY 2016-2017 Parking System Budget as indicated on the attached list of accounts.”

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

That the FY 2016-2017 Parking System Budget as indicated on the attached list of accounts is hereby approved.

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

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

NAYS: NONE

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 726-16 adopted.

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 727-16 do pass.

Resolution No. 727-16 : Authorizing the Finance Director to amend 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 FY 2015-2016 General Fund budget as indicated on the attached list of accounts.

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

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

NAYS: NONE

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 727-16 adopted.



1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 728-16 do pass.

Resolution No. 728-16 : “Authorizing the Mayor or City Manager to enter into an Agreement with West Virginia Paving, Inc., in the amount of $1,777,950.00, for the City’s Street Paving Project – 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 enter into an Agreement with West Virginia Paving, Inc., in the amount of $1,777,950.00, for the City’s Street Paving Project – 2016.

*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 728-16 adopted.

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 729-16 do pass.

Resolution No. 729-16 : ” Authorizing the Mayor to sign and submit to the U. S. Department of Housing and Urban Development the Annual Action Plan for Program Year 2016 (FY 2016 to 2017), year two (2) of the Consolidated Plan, and all required agreements including Sub-recipient project contracts relating to the Annual Action Plan.”

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 to the U. S. Department of Housing and Urban Development the Annual Action Plan for Program Year 2016 (FY 2016 to 2017), year two (2) of the Consolidated Plan, and all required agreements including Sub-recipient project contracts relating to the Annual Action Plan.

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

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

NAYS: NONE

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 729-16 adopted.

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 730-16 do pass.

Resolution No. 730-16 : “Authorizing the Mayor to sign a Request for Project Amendment Change (Form 2) for Charleston Area Alliance Project No. 15LEDA0083. The original scope was to provide services and materials for improving the walkability and safe pedestrian access along Lee Street and Lee Street Triangle. Reason for proposed changes: Due to the indefinite hold on the Lee Way Walkability and safe pedestrian project, the Charleston Area Alliance requests a change of scope for Project No. 15LEDA0083. The change of scope would include downtown beautification projects. Examples of the type of work will include flowering baskets and planters, banners, street furnishings, public art and directional signage. The funds for the original scope of services were $5,000 and remain the same for the proposed changes.”

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

That the Mayor is hereby authorized and directed to sign a Request for Project Amendment Change (Form 2) for Charleston Area Alliance Project No. 15LEDA0083. The original scope was to provide services and materials for improving the walkability and safe pedestrian access along Lee Street and Lee Street Triangle. Reason for proposed changes: Due to the indefinite hold on the Lee Way Walkability and safe pedestrian project, the Charleston Area Alliance requests a change of scope for Project No. 15LEDA0083. The change of scope would include downtown beautification projects. Examples of the type of work will include flowering baskets and planters, banners, street furnishings, public art and directional signage. The funds for the original scope of services were $5,000 and remain the same for the proposed changes.

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

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

NAYS: NONE

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 730-16 adopted.

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 731-16 do pass.

Resolution No. 731-16 : “Authorizing the Mayor or his designee to submit an application to the Kanawha County Sheriff’s Department for funds in the amount of $3,248 to cover overtime costs for City officers to provide extra security for area Proms and Graduations. Matching funds are not required.”

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

That the Mayor or his designee are hereby authorized and directed to submit an application to the Kanawha County Sheriff’s Department for funds in the amount of $3,248 to cover overtime costs for City officers to provide extra security for area Proms and Graduations. Matching funds 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 731-16 adopted.

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 732-16 do pass.

Resolution No. 732-16 : “Resolution No. 732-16, authorizing the Mayor or his designee to enter into an Independent Contractor Agreement with Kim Mitchell for services related to the City of Charleston’s Drug Market Intervention Project at the rate of $35.00 per hour for the period starting September 1, 2015 to September 30, 2016.”

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 Independent Contractor Agreement with Kim Mitchell for services related to the City of Charleston’s Drug Market Intervention Project at the rate of $35.00 per hour for the period starting September 1, 2015 to September 30, 2016.

To be charged to Account No. 093-000-14-000-1-103; 2012 BCJI DMI 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 732-16 adopted.

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 733-16 do pass.

Resolution No. 733-16 – A Resolution authorizing the acceptance of a conservation easement and hiking trail easements from Robert D. Fluharty, Linda D. Fluharty and the Roane Land Company, Inc. located in the Hampton Heights Addition to the City of Charleston, Loudon District, Kanawha County, West Virginia, as more fully described in the draft deeds attached as Exhibit A, Exhibit B and Exhibit C all together hereto (the “Property”), for the purpose of conserving, beautifying and preserving the natural setting and the development of walking, hiking and jogging trails.

WHERERAS, West Virginia Code, Chapter 20, Article 12, recognizes the importance and public benefit of conservation easements to protect the natural and scenic resources of the State of West Virginia, and provides that such easements may be accepted by municipalities; and

WHERERAS, Robert D. Fluharty and Linda D. Fluharty, wish to create a perpetual easement for the conservation of the Property and name the City of Charleston as the holder of the easement; and

WHERERAS, Robert D. Fluharty and Linda D. Fluharty and the Roane Land Company, Inc. wish to create hiking trail easements for the development of walking, hiking and jogging trails on the Property and name the City of Charleston as the holder of the easement; and

WHERERAS, the Charleston Land Trust, an agency of the City of Charleston created by ordinance, is charged with managing and maintaining “public trusts lands” for the preservation of green space and woodlands, and promoting the preservation of scenic green space areas; and

WHERERAS, the Charleston Land Trust has identified the conservation and protection of the Property as desirable to serve the City of Charleston and has recommended that the City of Charleston accept the easements;

Therefore, Be it Resolved By The Council Of The City Of Charleston, West Virginia that:

Subject to review, revision and approval of the deeds by legal counsel for the City, the acceptance of a conservation easement and hiking trail easement from Robert D. Fluharty, Linda D. Fluharty and the Roane Land Company, Inc. located in the Hampton Heights Addition to the City of Charleston, Loudon District, Kanawha County, West Virginia, as more fully described in the draft deeds attached as Exhibit A, Exhibit B and Exhibit C for the purpose of conserving, beautifying and preserving the Property and the development of walking, hiking and jogging trails is hereby authorized.

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 733-16 adopted.

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 734-16 do pass.

Resolution No. 734-16 : “Authorizing the Mayor or City Manager to execute Change Order No. 1 with Harris Brothers Roofing and Mechanical Contractors in the amount of $2,355.00 relating to the Roof Replacement Project at the Martin Luther King, Jr. Community Center. Change Order No. 1 provides for removal of deteriorated decking in one of the pool/storage buildings at the Center and installation of new decking with 16-gauge galvanized material. The change order increases the contract price from $237,700 to $240,055.”

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. 1 with Harris Brothers Roofing and Mechanical Contractors in the amount of $2,355.00 relating to the Roof Replacement Project at the Martin Luther King, Jr. Community Center. Change Order No. 1 provides for removal of deteriorated decking in one of the pool/storage buildings at the Center and installation of new decking with 16-gauge galvanized material. The change order increases the contract price from $237,700 to $240,055.

*To be charged to Account No. 222-975-00-900-4-458, P & R – Facilities Maintenance Fund- Capital Outlay, Major Improvements*

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 734-16 adopted.

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 735-16 do pass.

Resolution No. 735-16 : “Authorizing the Mayor or City Manager to execute Change Order No. 1 with Southern Playground, in the amount of $8,853.00, providing for an increase in the seat wall from 16 feet, currently in the contract, to approximately 90 feet. The change order increases the contract price from $369,650.00 to $378,503.00.”

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 execute Change Order No. 1 with Southern Playground, in the amount of $8,853.00, providing for an increase in the seat wall from 16 feet, currently in the contract, to approximately 90 feet. The change order increases the contract price from $369,650.00 to $378,503.00.

*To be charged to Account No. 222-979-02-900-4-458, Facilities Maintenance Fund – Splash Park*

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 734-16 adopted.

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 736-16 do pass.

Resolution No.736 -16 : “Authorizing the Mayor or his designee to submit an application to the Federal Emergency Management Agency (FEMA) for Assistance to Firefighters Grant (AFG) in the amount of $200,000 for funds to purchase bunker gear equipment for the Charleston Fire Department. A City match of 10% is 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 Federal Emergency Management Agency (FEMA) for an Assistance to Firefighters Grant (AFG) in the amount of $200,000 for funds to purchase bunker gear equipment for the Charleston Fire Department. A City match of 10% is 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 736-16 adopted.

1. Your committee on Finance has had under consideration the following committee report, and reports the same to Council with the recommendation that Committee Report do pass.

A bid submitted by Advantage Technology, in the amount of $98,752.26, providing for purchase of servers and software to replace and upgrade the City’s email system.

*To be charged to Account No. 001-975-00-439-4-459, I.S. Dept.—Capital Outlay, Equip.*

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***

City of Charleston, WV – Financial Statements, March 2016

Received and Filed.

Report of the City of Charleston Payroll Variance Analysis; April, 2016.

Received and Filed.

***NEW BILLS***

Introduced by Council member Archie Chestnut on May 2, 2016:

Bill No. 7691- A Bill to establish a No Parking Tow Away zone on the Easterly side Pennsylvania Avenue at Mary Street from the start of the curb on the south east corner to a point 80 feet south.

Refer to Streets and Traffic Committee

Introduced by Council members Jerry Ware, Andy Richardson, Jack Harrison, Richard Burka, Mike Clowser on May 2, 2016:

Bill No. 7692- A Bill to create a 4-way STOP intersection at the intersection of 37th Street, S.E. and Venable Avenue.

Refer to Streets and Traffic Committee

Introduced by Council member Chuck Overstreet on May 2, 2016:

Bill No. 7693- A Bill to establish a 20 MPH Speed Limit on Bauer Avenue

Refer to Streets and Traffic Committee

Introduced by Council member Chuck Overstreet on May 2, 2016:

Bill No. 7694- A Bill to establish a 20 MPH Speed Limit on Grace Avenue

Refer to Streets and Traffic Committee

***ADJOURNMENT***

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

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

ABSENT: Davis, Miller, Persinger

At 7:45 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday May 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