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 **JOURNAL of the PROCEEDINGS**

**of the**

**CITY COUNCIL**

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, June 15, 2015

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

**OFFICIAL RECORD**

**James M. Reishman**

**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 second meeting in the month of June on the 15th 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 Deneault. The Clerk, James M. Reishman, called the roll of members and it was found that there were present at the time:

**BURKA BURTON CLOWSER**

**DAVIS DENEAULT DODRILL**

**EALY HAAS HARRISON**

**HOOVER KIRK KNAUFF LANE MILLER MINARDI NICHOLS PERSINGER REISHMAN RICHARDSON RUSSELL SALISBURY SHEETS SMITH SNODGRASS TALKINGTON WARE WHITE**

**MAYOR JONES**

With twenty-two 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***

1. Jennifer Bauman, 2030 R Kanawha Blvd E , Charleston WV came to speak about $2 user fee in the City.

***COMMUNICATIONS***

**TO: JAMES REISHMAN**

 **CITY CLERK**

**FROM: DANNY JONES**

 **MAYOR**

**RE: FIREMAN’S CIVIL SERVICE COMMISSION**

**DATE: June 15, 2015**

Pursuant to the authority granted by W. Va. Code § 8-15-12, I hereby appoint Adam Knauff, 1607 Woodbine Avenue, Charleston, WV 25302, to the Fireman’s Civil Service Commission, with an initial term to expire February 17, 2019. He is replacing former commissioner Matt Jackson.

Received and Filed.

**TO: JAMES REISHMAN**

 **CITY CLERK**

**FROM: DANNY JONES**

 **MAYOR**

**RE: SPRING HILL CEMETERY PARK COMMISSION**

**DATE: JUNE 15, 2015**

I recommend that Brian Thompson, 1596 Dinwiddie St., Charleston, WV 25301, be appointed to the Spring Hill Cemetery Park Commission, with a said term to expire April 6, 2017. He is replacing Richard Andre

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

Councilman Harrison moved to approve the appointment. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed. (NAY- KIRK, SMITH)

**TO: JAMES REISHMAN**

 **CITY CLERK**

**FROM: DANNY JONES**

 **MAYOR**

**RE: CHARLESTON BUILDING COMMISSION**

**DATE: April 6, 2015**

I recommend that Jack Rossi, 1627 Stonehenge Rd. Charleston, WV 25314, be appointed to the Charleston Building Commission, with a said term to expire July 20, 2020.

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

Councilman Harrison moved to approve the appointment. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

**TO: JAMES REISHMAN**

 **CITY CLERK**

**FROM: DANNY JONES**

 **MAYOR**

**RE: CENTRAL WV REGIONAL AIRPORT AUTHORITY**

**DATE: JUNE 15, 2015**

I recommend that Norman W. Shumate III, 1 Scott Rd., Charleston, WV 25301 be appointed to the Central WV Regional Airport Authority, with a said term to expire June 30, 2017.

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

Councilman Harrison moved to approve the appointment. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

**TO: JAMES REISHMAN**

 **CITY CLERK**

**FROM: DANNY JONES**

 **MAYOR**

**RE: CENTRAL WV REGIONAL AIRPORT AUTHORITY**

**DATE: JUNE 15, 2015**

I recommend that Charles Dusic III, PO Box 11848., Charleston, WV 25314 be appointed to the Central WV Regional Airport Authority, with a said term to expire June 30, 2017.

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

Councilman Harrison moved to approve the appointment. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

***PUBLIC HEARING***

The Mayor called the public hearing on Bill No. 7657, an ordinance authorizing the issuance of sales tax revenue bonds (Civic Center Project), an aggregate principal of not more than $100,000,000, 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 ordinance, The Mayor declared the public hearing on Bill No. 7657, closed.

***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. 595-15, and reports the same to Council with the recommendation that the resolution do pass.

**Resolution No. 595-15:** “Authorizing the Mayor or his designee to submit an application to the West Virginia Department of Environmental Protection for a recycling grant up to $150,000 to provide for repairs to the road and scales at the compost facility, purchase of a fork lift and solar recycling packers and educational mailings.”

**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 West Virginia Department of Environmental Protection for a recycling grant up to $150,000 to provide for repairs to the road and scales at the compost facility, purchase of a fork lift and solar recycling packers and educational mailings.

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 595-15 adopted.

1. Your committee on Finance has had under consideration Resolution No. 596-15, and reports the same to Council with the recommendation that the resolution do pass.

**Resolution No. 596-15:** “Authorizing the Finance Director to establish a Special Revenue Fund, Slack Plaza Project Grant Fund 074, to account for grant revenues, transfers, and gifts received designated to be expended for construction, renovations, and other improvements to the Slack Plaza area from Capitol Street to Court Street.”

**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, Slack Plaza Project Grant Fund 074, to account for grant revenues, transfers, and gifts received designated to be expended for construction, renovations, and other improvements to the Slack Plaza area from Capitol Street to Court Street.

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

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Minardi, Miller, Persinger, Reishman, Richardson, Russell, Sheets, Smith, Snodgrass, Talkington, Ware, Jones

ABSENT: Knauff, Nichols, Persinger, Salisbury, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 596-15 approved.

1. Your committee on Finance has had under consideration Resolution No. 597-15, and reports the same to Council with the recommendation that the resolution do pass.

**Resolution No. 597-15:** “Authorizing the Mayor or City Manager to enter into an agreement with Thaxton Construction Co., in the amount of $428,000, for repair of four separate landslide areas occurring on Headley Drive, Cato Park Upper Soccer Field, Bendview Drive, and Loudon Heights Road. Unit prices submitted by the contractor shall remain valid for one calendar year from date of approval by City Council. During this period should any additional slip repairs be required using predrilled soldier piles, the City shall execute a supplemental agreement with Thaxton Construction to make the repairs.”

**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 Thaxton Construction Co., in the amount of $428,000, for repair of four separate landslide areas occurring on Headley Drive, Cato Park Upper Soccer Field, Bendview Drive, and Loudon Heights Road. Unit prices submitted by the contractor shall remain valid for one calendar year from date of approval by City Council. During this period should any additional slip repairs be required using predrilled soldier piles, the City shall execute a supplemental agreement with Thaxton Construction to make the repairs.

*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 597-15 adopted.

1. Your committee on Finance has had under consideration Resolution No. 598-15, and reports the same to Council with the recommendation that the resolution do pass.

**Resolution No. 598-15:** “Authorizing the Mayor or City Manager to enter into a renewal agreement with Safety National Insurance Company/Commercial Insurance Service at the rate of 0.667% of wages, equating to a deposit premium of $220,124.06 based on wages of $32,821,532, for the City’s Excess Workers’ Compensation Insurance for the period July 1, 2015 to 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 enter into a renewal agreement with Safety National Insurance Company/Commercial Insurance Service at the rate of 0.667% of wages, equating to a deposit premium of $220,124.06 based on wages of $32,821,532, for the City’s Excess Workers’ Compensation Insurance for the period July 1, 2015 to June 30, 2016.

*Funds for the agreement are available in various departmental Workers’ Compensation expense accounts.*

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 598-15 adopted. (ABSTAIN- BURTON)

1. Your committee on Finance has had under consideration Resolution No. 599-15, and reports the same to Council with the recommendation that the resolution do pass.

**Resolution No. 599-15**– “Authorizing the Mayor to enter into a Memorandum of Understanding (MOU) with eleven other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT), consistent with Attachment A hereto, that assists the Charleston area offices of the Drug Enforcement Administration, the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives to achieve maximum cooperation in combined law enforcement efforts to address drug and related violent crime offenses in Charleston and surrounding communities. The MOU is in effect for a one year period starting July 1, 2015, and ending June 30, 2016.”

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

That the Mayor is hereby authorized and directed, upon review and approval of the final document by legal counsel for the City, to enter into a Memorandum of Understanding, consistent with Attachment A hereto, with eleven other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT) that assists the Charleston area offices of the Drug Enforcement Administration, the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives to achieve maximum cooperation in combined law enforcement efforts to address drug and related violent crime offenses in Charleston and surrounding communities The MOU is in effect for a one year period starting July 1, 2015, and ending June 30, 2016.

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 599-15 adopted.

1. Your committee on Finance has had under consideration Resolution No. 600-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 600-15: “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 FY2014-2015 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, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Minardi, Miller, Persinger, Reishman, Richardson, Russell, Sheets, Smith, Snodgrass, Talkington, Ware, Jones

ABSENT: Knauff, Nichols, Persinger, Salisbury, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 600-15 approved.



1. Your committee on Finance has had under consideration Resolution No. 601-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 601-15: “Authorizing approval of FY 2015-2016 Civic Center 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 2015-2016 Civic Center 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, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Minardi, Miller, Persinger, Reishman, Richardson, Russell, Sheets, Smith, Snodgrass, Talkington, Ware, Jones

ABSENT: Knauff, Nichols, Persinger, Salisbury, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 601-15 approved.

1. Your committee on Finance has had under consideration Resolution No. 602-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 602-15: “Authorizing the Mayor or City Manager to enter into an agreement with WasteZero, Inc. in the amount of $410,000 for manufacture, supply and distribution of 1.1 mil black plastic refuse bags and clear plastic recycling bags with drawstring closures. WasteZero will also produce and mail the redemption slips to eligible City residents and manage inventory control at designated retailer distribution locations approved by the City.”

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 WasteZero, Inc. in the amount of $410,000 for manufacture, supply and distribution of 1.1 mil black plastic refuse bags and clear plastic recycling bags with drawstring closures. WasteZero will also produce and mail the redemption slips to eligible City residents and manage inventory control at designated retailer distribution locations approved by the City.

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 602-15 adopted. (NAY- DODRILL, SNODGRASS)

1. Your committee on Finance has had under consideration Resolution No. 603-15, and reports the same to Council with the recommendation that the resolution do pass.

**A RESOLUTION CONFIRMING THE ENACTMENT OF THE BOND AUTHORIZING ORDINANCE, CONFIRMING THE PUBLICATION OF NOTICES OF PUBLIC HEARINGS, CONFIRMING THE PUBLIC HEARINGS FOR THE ISSUANCE OF SALES TAX REVENUE BONDS (CIVIC CENTER PROJECT), SERIES 2015 AND DECLARING THAT THE ORDINANCE IS IN EFFECT.**

 **WHEREAS**, a 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 May 18, 2015; and

 **WHEREAS**, the Issuer published an abstract of such Ordinance and notice of the date, time and place for public hearings in accordance with applicable statutory requirements in the *Charleston Gazette* and *Charleston Daily Mail* on May 21, 2015 and May 28, 2015 and on June 4, 2015 and June 11, 2015; and

**WHEREAS**, at a meeting held on June 1, 2015, the Authority enacted the Ordinance upon second reading; and

 **WHEREAS**, public hearings were held on June 1, 2015 and June 15, 2015, and pursuant to said notices, 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 June 1, 2015, in enacting the Ordinance upon second reading; and

**FURTHER RESOLVED**, that notices having been properly published, the Ordinance is hereby declared to be in full force and effect following the public hearings 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 June 15, 2015.

 Dated this 15th day of June, 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 603-15 adopted.

1. 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 Thornhill Auto Group, in the amount of $79,940, for purchase of one (1) FUSO FE160 Crew Cab Landscaper Truck to be used by Public Grounds for various projects throughout the City.

*To be charged to Account No. 001-975-00-567-4-459, Public Grounds—Capital Outlay,*

*Equipment (PNC Equipment Finance, Lease Purchase Schedule No. 187583000)*

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.

1. 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 Thornhill Auto Group, in the amount of $68,907, for purchase of one (1) 2016 Ford F-350 Utility Body Truck with Air Compressor to be used by the Street Department.

*To be charged to Account No. 001-977-00-750-4-459, Street—Capital Outlay, Equipment*

*(PNC Equipment Finance, Lease Purchase Schedule No. 187583000)*

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***

1. Municipal Court Report to City Council Month Ending May 2015

*Received and Filed.*

1. City Treasurer’s Report to City Council Month Ending May 2015.

*Received and Filed.*

***ADJOURNMENT***

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

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Minardi, Miller, Persinger, Reishman, Richardson, Russell, Sheets, Smith, Snodgrass, Talkington, Ware, Jones

ABSENT: Knauff, Nichols, Persinger, Salisbury, White.

At 7:23 p.m., by a motion from Councilmember Harrison, Council adjourned ***SINE DIE***.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk