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 **JOURNAL of the PROCEEDINGS**

**of the**

**CITY COUNCIL**

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, August 17, 2015

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

**OFFICIAL RECORD**

**J.B. 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 August on the 17th 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 Slater. 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 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.

***MISCELLANEOUS BUSINESS***

Pursuant to Section 35 of the City Charter, the Mayor declared the floor open for nomination for the vacancy to fill the City Clerk position.

Councilman Harrison moved to appoint J.B. Akers for the nomination of City Clerk. Council lady David seconded that motion. Councilman Reishman moved to close the nominations.

The Mayor called for a vote. By unanimous vote, the nomination was confirmed.

Mayor Jones called for the newly nominated City Clerk, J.B. Akers, to come forward and be sworn in office.

***PUBLIC SPEAKERS***

1. Joan Porter Green came to speak to council about changing the street name Shrewsbury Street to Brown Street.
2. Charles Schade came to speak about the Recycling program in Charleston. He suggested that the City offer covers for the bins so the recycled goods do not become wet.
3. Tia Welon from Charleston Job Corps spoke to council about their program.

***CLAIMS***

1. A claim of Stephanie, Bryant, 1136A Wilkie Drive, Charleston, WV; alleges damage to vehicle.

Referred to City Solicitor.

1. A claim of Samantha and David Bolden, 302 Emory Ave., Charleston, WV; alleges damage to vehicle.

Referred to City Solicitor.

1. A claim of Tonya Hill, 10 Ridgemont Drive, Elkview, WV; alleges damage to vehicle.

Referred to City Solicitor.

1. A claim of Ashley People, 418 A Wyoming St., Charleston, WV; alleges damage to vehicle.

Referred to City Solicitor.

1. A claim of Troy Taylor, 1318 Johnson Rd., Charleston, WV; alleges damage to personal property.

Referred to City Solicitor.

1. A claim of Janet Thompson, 1326 Elmwood Ave., Charleston, WV; alleges loss of property.

Referred to City Solicitor

***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 bill 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 Talkington moved to approve the Bill. Councilman Lane seconded the motion. A roll call was taken.

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

NAYS: Smith

ABSENT: Ceperley, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7663 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. 627-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 627-15 : “Authorizing the Mayor or City Manager to enter into an Agreement with Frontier West Virginia, Inc., for the City’s Centrex/PRI/Long Distance telephone services for a three year period from date of execution of contract and subject to funds being made available in the 2016 and 2017 Municipal Budgets. Cost for Centrex is $20.33 per line, with a $.03 per minute additional charge for long distance, and a $350.00 monthly fee per PRI.”

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 Frontier West Virginia, Inc., for the City’s Centrex/PRI/Long Distance telephone services for a three year period from date of execution of contract and subject to funds being made available in the 2016 and 2017 Municipal Budgets. Cost for Centrex is $20.33 per line, with a $.03 per minute additional charge for long distance, and a $350.00 monthly fee per PRI.

To be charged to various departmental telephone 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 627-15 adopted.

1. Your committee on Finance has had under consideration Resolution No. 629-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 629-15 : “Authorizing the Mayor or City Manager to execute Change Order No. 2 with West Virginia Paving in the amount of $250,000.00 of Community Development Block Grant (“CDBG”) funds, providing for paving in eligible “CDBG” areas. The funds increase the West Virginia Paving contract from $2,456,250.00 to $2,706,250.00.”

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. 2 with West Virginia Paving in the amount of $250,000.00 of Community Development Block Grant (“CDBG”) funds, providing for paving in eligible “CDBG” areas. The funds increase the West Virginia Paving contract from $2,456,250.00 to $2,706,250.00.

*To be charged to Account No. 009-015-00-029-0-999, CDBG, Street Paving*

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

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

NAYS: NONE

ABSENT: Ceperley, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 629-15 adopted.

1. Your committee on Finance has had under consideration Resolution No. 630-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 630-15 : “Authorizing the Mayor or City Manager to enter into an Agreement with New Tech Systems, Inc., in the amount of $404,000.00 , plus $4,175.00 for a second year warranty, for a total of $408,175.00, for a new Coliseum Sound System to replace the existing System at the Charleston Civic Center.”

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 New Tech Systems, Inc., in the amount of $404,000.00 , plus $4,175.00, for a second year warranty, for a total of $408,175.00, for a new Coliseum Sound System to replace the existing System at the Charleston Civic Center

*To be charged to account no. 216-979-00-000-4-460, Civic Center Project – Capital Outlay, Construction in Progress*

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 630-15 adopted

1. Your committee on Finance has had under consideration Resolution No. 631-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 631-15 : “Authorizing the Mayor or City Manager to enter into an Agreement with Terradon Corporation pursuant to the attached rate schedules for Special Inspections, Material Testing and Structural Observation relating to the Charleston Civic Center Renovation and Expansion Project.”

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 Terradon Corporation pursuant to the attached rate schedules for Special Inspections, Material Testing and Structural Observation relating to the Charleston Civic Center Renovation and Expansion Project.

*To be charged to Account No. 216-979-0-000-4-460, Civic Center Project – Capital Outlay, Construction in Progress*

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 631-15 adopted

1. Your committee on Finance has had under consideration Resolution No. 632-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 632-15 : “Authorizing the Mayor or City Manager to enter into an Agreement with Terracon Consultants, Inc., in the amount of $99,000 plus testing costs, for Building Envelope Commissioning for the Charleston Civic Center Renovations and Expansion Project.”

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 Terracon Consultants, Inc., in the amount of $99,000 plus testing costs, for Building Envelope Commissioning for the Charleston Civic Center Renovations and Expansion Project.

*To be charged to Account No. 216-979-0-000-4-460 – Civic Center Project – Capital Outlay, Construction in Progress.*

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 632-15 adopted.

1. Your committee on Finance has had under consideration Resolution No. 633-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 633-15 : “Authorizing the Mayor to receive and administer grant funds in the amount of $40,000 from the West Virginia Division of Justice and Community Services to partially reimburse salaries of two Prevention Resource Officers stationed at Capital High School and Stonewall Jackson Middle School.”

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

That the Mayor is hereby authorized and directed to receive and administer grant funds in the amount of $40,000 from the West Virginia Division of Justice and Community Services to partially reimburse salaries of two Prevention Resource Officers stationed at Capital High School and Stonewall Jackson Middle School.

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 633-15 adopted.

1. Your committee on Finance has had under consideration Resolution No. 634-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 634-15 : “Authorizing the Mayor to receive and administer award of grant funds in the amount of $75,000 from the West Virginia Division of Justice and Community Services to be used as partial reimbursement of salaries for four officers in the Metro Drug Enforcement Network Team (“MDENT”), one each from the Charleston, Nitro, St. Albans, and South Charleston police departments.”

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

That the Mayor is hereby authorized and directed to receive and administer award of grant funds in the amount of $75,000 from the West Virginia Division of Justice and Community Services to be used as partial reimbursement of salaries for four officers in the Metro Drug Enforcement Network Team (“MDENT”), one each from the Charleston, Nitro, St. Albans, and South Charleston police departments.

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 634-15 adopted.

1. Your committee on Finance has had under consideration Resolution No. 635-15, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 635-15 : “Authorizing the Mayor or City Manager to enter into an Agreement with First Priority Emergency Vehicles in the total amount of $308,432 for the Re-chassis and Reconditioning of four (4) Type 1 Ambulances to be used by the Charleston Fire Department. Two units will be purchased in 2015 ($154,216) and two in 2016 ($154,216), subject to approval of funds in the 2016 Municipal Budget for the Fire Department.”

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 First Priority Emergency Vehicles in the total amount of $308,432 for the Re-chassis and Reconditioning of four (4) Type 1 Ambulances to be used by the Charleston Fire Department. Two units will be purchased in 2015 ($154,216) and two in 2016 ($154,216), subject to approval of funds in the 2016 Municipal Budget for the Fire Department.

To be charged to Account No. 001-976-00-706-4-459 ($154,216), Fire—Capital Outlay,

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

Account No. 001-976-00-706-4-459 ($154,216), Fire—Capital Outlay, Equipment, subject to approval of funds in the 2016 Municipal Budget for the Fire Department.

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 635-15 adopted.

1. Your committee on Finance has had under consideration Resolution No. 636-15, and reports the same to Council with the recommendation that the resolution do pass.

 Resolution No. 636-15: – Authorizing the Charleston City Manager to execute an equipment transfer/donation agreement with the Kanawha County Parks and Recreation Commission, for fifty-four (54) 1,000w Metal Halide lighting fixtures (hereinafter, the “Lights”).

 WHEREAS, the City of Charleston owns the Lights, which have been removed from service and replaced with more energy efficient lighting at the Charleston Civic Center, and the City no longer has need for the Lights; and

 WHEREAS, the Kanawha County Parks and Recreation Commission has need for the Lights, to be used as illumination in public parks for a public purpose, and is willing to enter into an agreement for the transfer of the Lights, a copy of which is attached hereto as Exhibit A; and

 WHEREAS, the transfer of equipment between public entities without consideration is authorized by W.Va. Code § 1-5-3, and to the extent that the Kanawha County Parks and Recreation Commission is considered “another jurisdiction” under W. Va. Code § 8-11-3, said authorization is permitted by Resolution pursuant to the Municipal Code of the City of Charleston Chapter 3, Article II, Section 3-12. ; and

 WHEREAS, such transfer would result in an overall benefit to the public; now therefore,

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

That the City Manager or his designee is hereby authorized to execute an equipment transfer/donation agreement with the Kanawha County Parks and Recreation Commission, for fifty-four (54) 1,000w Metal Halide lighting fixtures.

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 636-15 adopted.

1. Your committee on Finance has had under consideration Resolution No. 637-15, and reports the same to Council with the recommendation that the resolution do pass.

 Resolution No. 637-15 : “Authorizing the Charleston City Manager or his designee to enter into an agreement with Kingery & Company for a Cooperative Strategic Plan for the Charleston Police Department‘s Drug Market Intervention Program (DMI) in the amount of $30,150, to be funded by a grant received from the West Virginia Division of Justice.”

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

That the Charleston City Manager or his designee is hereby authorized to enter into an agreement with Kingery & Company for a Cooperative Strategic Plan for the Charleston Police Department‘s Drug Market Intervention Program (DMI) in the amount of $30,150, to be funded by a grant received from the West Virginia Division of Justice.

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 637-15 adopted.

***REPORTS OF OFFICERS***

1. Report of the City of Charleston Payroll Variance Analysis; July 2015.

*Received and Filed.*

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

*Received and Filed.*

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

*Received and Filed.*

1. Copy to City Council of City of Charleston Post-Issuance Compliance Policy, effective July 1, 2015.

*Received and Filed.*

***ADJOURNMENT***

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

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

ABSENT: Ceperley, Snodgrass

At 7:45 p.m., by a motion from Councilmember Harrison, Council adjourned until Tuesday, September 8, 2015, at 7:00 p.m., in the Council Chamber in City Hall.

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Danny Jones, Honorable Mayor

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J.B. Akers, City Clerk