



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, August 18, 2014

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

**Danny Jones
Mayor**

**James M. Reishman
City Clerk**

CALL TO ORDER

The Council met in the Chambers of the City Building at 7:00 P.M., for the second meeting in the month of August on the 18th day, in the year 2014, 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 Councilman Talkington. The Honorable James M. Reishman, City Clerk, called the roll of members and it was found that there were present at the time:

**BURKA
DAVIS
EALY
HOOVER
LANE
NICHOLS
RICHARDSON
SHEETS
TALKINGTON
MAYOR JONES**

**BURTON
DENEALT
HAAS
KIRK
MILLER
PERSINGER
RUSSELL
SMITH
WARE**

**CLOUSER
DODRILL
HARRISON
KNAUFF
MINARDI
REISHMAN
SALISBURY
SNODGRASS
WHITE**

With twenty-eight 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.

COMMUNICATIONS



**City of Charleston
P.O. Box 2749
Charleston, WV 25330**

August 18, 2014

Dear Mayor Jones and Council members:

I am requesting council's approval to withdraw the following bill:

Introduced by Council member Bobby Reishman and Tom Lane on July 21, 2014:

Bill No. 7626: A BILL amending and re-enacting Chapter 54, Article IV, Section 54-181 of the Code of the City of Charleston to increase the fire protection fee.

Sincerely,
Bobby Reishman, 17th Ward Council Representative

The withdrawal was confirmed unanimously.



**City of Charleston
P.O. Box 2749
Charleston, WV 25330**

August 18, 2014

Dear Mayor Jones and Council members:

I am requesting council's approval to withdraw the following bill:

Introduced by Council member Ed Talkington, Bobby Reishman, and Tom Lane on July 21, 2014:

Bill No. 7627 - A BILL amending and re-enacting Chapter 98, Article II, Division 2, Section 98-71 of the Code of the City of Charleston to increase the charge refuse collection.

Sincerely,
Bobby Reishman, 17th Ward Council Representative

The withdrawal was confirmed unanimously.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: MUNICIPAL BEAUTIFICATION COMMISSION

DATE: August 18, 2014

I recommend that Thomas Vasale, P.O. Box 5238, Charleston, WV 25361, be appointed to the Municipal Beautification Commission, with an initial term to expire September 19, 2016, He is replacing May Jane Vanderwilt.

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

The appointment was confirmed unanimously.

PUBLIC HEARING

The public hearing for Bill Number 7626 and Bill Number 7627 was cancelled due to the withdrawal of said bills.

REPORTS OF COMMITTEES

COMMITTEE ON PARKS AND RECREATION

Councilperson Susie Salisbury, Chairperson of the Council Committee on Parks and Recreation, submitted the following report:

1. Your committee on Parks and Recreation has had under consideration Bill Number 7616, committee substitute, and reports the same to Council with the recommendation that the bill do pass, with the following amendments:

Line 57: Remove “Daily replay per round \$6.00” and add “Additional nine holes \$4.00”

Line 153: After word publish (October 1 each year).

Add: Section 82-129 Fee Adjustments

The fee adjustments under ordinance 7616, Section 82-125 and the fees established pursuant to 82-128 shall be effective on or after January 1, 2015.

The Committee reports the same to Council with the recommendation that Committee Substitute Bill No. 7616 be adopted, as amended.

A Committee Substitute for Bill No. 7616- A BILL to amend Chapter 82, Article IV, Section 82-125 of the Code of the City of Charleston, relating to fees for use of City owned recreational facilities, and to enact Chapter 82, Article IV, Section 82-128, of the Code of the City of Charleston, relating to distance runs and walks within the City of Charleston.

WHEREAS, Section 82-125 of the Code of the City of Charleston sets forth the fees due for the use of City recreation centers, including swimming pools; and

WHEREAS, the use of many of the facilities, including all the swimming pools, is now free of charge for the citizens of Charleston; and

WHEREAS, Section 82-125 is outdated and no longer reflects current practice; and

WHEREAS, the popularity of 5k and 10k walks within the City, and the amounts of City resources necessary to be able to stage these events, including police and street department personnel, have been steadily increasing; and

WHEREAS, the City has been providing the resources necessary to stage walk and running events without reimbursement of the expense; and

WHEREAS, the City wants to continue to promote health and fitness through runs and walks within the City, but needs to mitigate the expense of doing so by establishing minimal fees for these events; ~~and~~

~~WHEREAS, in order to mitigate the impact of fees on smaller events, the Parks and Recreation Committee will promulgate rules and a process whereby applicants can petition the Committee for a waiver of part or all of the fee;~~

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

That Chapter 82, Article IV, Section 82-125 of the Code of the City of Charleston, relating to fees for use of City owned recreational facilities is hereby amended, and Chapter 82, Article IV, Section 82-128, of the Code of the City of Charleston, relating to distance runs and walks within the City of Charleston is hereby enacted, all to read as follows:

ARTICLE IV. PUBLIC USE OF PARKS AND RECREATIONAL FACILITIES

Sec. 82-125. Schedule of Fees.

Rental and fee schedule for the use of recreation facilities and equipment [is as follows]:

- (1) For use private use, exclusive of the general public, of the North Charleston Community Center, Martin Luther King Jr., Community Center, Kanawha City Community Center, Roosevelt Neighborhood Center:

Gymnasium per hour	\$ 25.00
Meeting room, full space /per hour	20.00
Arts and crafts room, per hour	10.00
Swimming pool fees, 13 years and up	1.50
12 years and under	1.00
Senior citizens over 65	1.00
Swimming pool rental, per two hours	50.00
- (2) Cato Park Golf Course:

Daily nine holes	\$ 6.00 <u>9.00</u>
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Daily replay per round ~~6.00~~ 6.00
 Unlimited play ~~8.00~~ 12.00
 Daily senior citizens unlimited,
per round for replay ~~34.00~~ 6.00
 Schools, practice or matches ~~4.00~~ 6.00

Club house:

full space/per hour ~~25.00~~

Half space/per hour ~~15.00~~

Swimming pool fees:

13 years and up ~~1.50~~

12 years and under ~~1.00~~

Senior citizens over 65 ~~1.00~~

Swimming pool season pass:

12 years and under ~~15.00~~

13 years and up ~~25.00~~

Family pass ~~75.00~~

Senior citizen over 65 ~~10.00~~

Swimming pool rental, per two hours ~~60.00~~

~~(3) Neighborhood centers, per hour 5.00~~

~~(4) Vandalia swimming pool fees:~~

~~13 years and up 1.50~~

~~12 years and under 1.00~~

~~Senior citizens over 65 1.00~~

~~Rental, per hour 20.00~~

~~(53) For use exclusive use of Ttennis courts,~~

The Director of Parks and Recreation, or his designee, is authorized to reserve tennis courts for organized play, and in such cases to impose fees not to exceed the allocable costs of operation and maintenance of the courts as may be determined on a case by case basis. In all other instances, use of the courts shall be made available to the general public on a first come first served basis without the imposition of fees.

~~per/hour/court~~ ~~\$ 12.00~~

Leisure reservations, per/hour/court 12.00

~~School reservations, per/hour/court — 12.00~~

~~Tournaments, per/hour/court — 0.50~~
~~1.00~~

~~Other organizations, per/hour/court — 0.50~~

~~Additional fee per hour
per court with lights — 1.00~~

~~(6) Watt Powell Stadium:~~

~~Rental (nonprofit) 50.00~~

~~With lights 100.00~~

~~Rental (profit) 200.00~~

~~Plus 20 percent of gross~~

~~(7) King Community Center:~~

~~Gymnasium, per hour 25.00~~

~~Meeting room 20.00~~

~~Full space, per hour 10.00~~

~~Half space, per hour 10.00~~

~~Art and craft room, per hour 10.00~~

~~Youth lounge, per hour 10.00~~

~~Kitchen, per hour 5.00~~

~~Swimming pool fees:~~

~~13 years and up 1.50~~

~~12 years and under 1.00~~

~~Senior citizens over 65 1.00~~

~~(8) Kanawha City Community Center:~~

~~Swimming pool fees:~~

~~13 years and up 1.50~~

~~12 years and under 1.00~~

~~Senior citizens over 65 1.00~~

~~(9) Season Pass, North Charleston, King, Kanawha City and Vandalia Swimming Pools~~

~~12 years and under 10.00~~

~~13 years and over 20.00~~

Senior citizens over 65 10.00

Family pass 50.00

(10) All-pools pass, all ages 33.00

(114) *Haddad Riverfront Park:*

Private rental of entire park\$100.00 per hour* (2 hr. minimum to maximum charge of \$800.00 for entire day. Rental time includes set-up and tear-down if renter requires exclusion of general public during this time)

Damage deposit for private rental\$250.00 (refundable if no damage occurs. However, deposit is forfeited if rental is canceled less than 20 days prior to rental date)

(125) *Magic Island Park:*

Private rental of entire park\$100.00 per hour* (2 hr. minimum to maximum charge of \$800.00 for entire day. Rental time includes set-up and tear-down if renter requires exclusion of general public during this time)

Damage deposit for private rental250.00 (refundable if no damage occurs. However, deposit is forfeited if rental is canceled less than 20 days prior to rental date)

Reservation of volleyball courts10.00 per ~~reservation~~court.

*Fee includes normal, daily park maintenance. Should special set-up, clean-up, or other efforts be necessary, the rate will be \$20.00 per hour per employee. These fees will be negotiated as part of the reservation process, and will be fully disclosed to renters prior to completing rental agreement.

**Such arrangement pertain to all rental of each park, except for the purposes of commercial concert entertainment. In such cases, rental agreements shall be negotiated by the parks and recreation/~~public grounds~~ director, with such contract presented for city council approval prior to confirmation.

(6) Portable Stage: The portable stage measuring 24' x 20' may be rented at a rate of \$500 per day.

For purposes of this section, events ~~sponsored or co-sponsored~~produced or originated by the City of Charleston are specifically exempted from payment of rental fees, damage deposits, or other charges listed in this amendment.

Sec. 82-128. Race Courses.

- (a) In order to safely and efficiently accommodate the increasing number of requests for organized recreational runs and walks within the City of Charleston, the City may designate and sanction race courses for runs or walks of any length over and upon City rights-of-way. The City Manager shall appoint an Events Coordinator who, upon advice and consultation with the City Manager and any other applicable committees or personnel, shall promulgate, publish, and administer rules and regulations governing the designation and sanctioning of such race courses. These rules and regulations shall set forth the process and criteria for making application to hold a race and may, without limitation, identify pre-established courses and associated fees, regulate starting times, and limit or qualify requested routes based upon the anticipated number of participants, consideration of the impact on neighborhoods or other interests, and the amount and availability of City resources deemed necessary to accommodate a requested route.

- (b) The Events Coordinator may sanction and provide for the exclusive use of a race course over City rights-of-way upon receipt of an applicant's payment of fees in an amount not less than the anticipated costs or expenditures of City resources to accommodate the event as determined by the Events Coordinator; Provided, that said fees shall be reduced by fifty percent (50%) for any non-profit applicant that agrees to identify and, unless requested by the City otherwise, subsequently portrays and presents the City of Charleston as a co-sponsor of the event.
- (c) For the purposes of this section, events produced or originated by the City of Charleston are specifically exempted from any payment of fees.

Councillady Salisbury moved to approve the Bill. Councilman Lane seconded the motion. The question being on the passage of the Bill. A roll call was taken and there were; yeas – 28, nays – 0, as follows:

YEAS: 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 the majority of the votes in affirmative, the Mayor declared Bill No. 7616, committee substitute, confirmed, as amended.

COMMITTEE ON FINANCE

Councilperson Robert Reishman, Chairperson of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration Resolution No. 488-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 488-14: “Authorizing the Mayor and the Chief of Police to enter into an Agreement with the United States Department of Justice, Drug Enforcement Administration (“DEA”), for participation in the West Virginia DEA High Intensity Drug Trafficking Areas (“HITA”) Task Force.”

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

That the Mayor and the Chief of Police are hereby authorized and directed to enter into an Agreement with the United States Department of Justice, Drug Enforcement Administration (“DEA”), for participation in the West Virginia DEA High Intensity Drug Trafficking Areas (“HITA”) Task Force.

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 488-14 adopted.

2. Your committee on Finance has had under consideration Resolution No. 489-14, and reports the same to Council with the recommendation that the resolution do pass.

Re Resolution No. 489-14 “Authorizing the Mayor to receive and administer 2014 grant funds from the U.S. Department of Justice, Office of Justice Programs, in the amount of \$136,264.00, to be utilized by the Charleston Police Department (\$93,690.00) to purchase weapon lights, holsters and tasers, and by the Kanawha County Sheriff’s Department (\$42,574.00) for drug enforcement overtime.”

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 2014 grant funds from the U.S. Department of Justice, Office of Justice Programs, in the amount of \$136,264.00, to be utilized by the Charleston Police Department (\$93,690.00) to purchase weapon lights, holsters and tasers, and by the Kanawha County Sheriff’s Department (\$42,574.00) for drug enforcement overtime.

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 489-14 adopted.

3. Your committee on Finance has had under consideration Resolution No. 490-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 490-14: “Authorizing the Mayor or City Manager to enter into an Agreement with ASR – West Virginia Uniforms for purchase of employee uniforms for the Public Works Department at a cost of approximately \$247.50 per set. The Agreement is for a two year term, subject to approval by legal counsel for 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 ASR – West Virginia Uniforms for purchase of employee uniforms for the Public Works Department at a cost of approximately \$247.50 per set. The Agreement is for a two year term, subject to approval by legal counsel for 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 490-14 adopted.

4. Your committee on Finance has had under consideration Resolution No. 491-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 491-14: “Authorizing the Mayor or City Manager to award and execute an Agreement with K&N Contracting, Inc., in an amount not to exceed \$25,000, for an emergency embankment repair project at 708 Amity Drive. The repair is necessitated for the support of Amity Drive and underground telecommunications directly adjacent to the failure scarp.”

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 award and execute an Agreement with K&N Contracting, Inc., in an amount not to exceed \$25,000, for an emergency embankment repair project at 708 Amity Drive. The repair is necessitated for the support of Amity Drive and underground telecommunications directly adjacent to the failure scarp.

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 491-14 adopted.

5. Your committee on Finance has had under consideration Resolution No. 492-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 492-14: “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 FY 2014-2015 General Fund budget as indicated on the attached list of accounts.

General Fund FY 2014-2015 Budget Amendment No. 3 -August 18, 2014

Account No.	Department	Account Description	Amount
001 750 00 000 1 103	Street Department	Wages & Salaries	(3,581)
001 750 00 000 1 104	" " "	FICA	(274)
001 750 00 000 1 106	" " "	Retirement - PERS	(501)
001 699 00 000 5 598	Contingency		4,357

To eliminate two (2) Carpenter positions (PG-6), add one (1) Foreman (PG-6) and add one (1) Operator (PG-4) in the Street Department.

001 754 00 000 1 103	Equipment Maintenance	Wages & Salaries	-
001 699 00 000 5 598	Contingency		-

To change the title of a PG-4 in Equipment Maintenance from Parts Room Counter Clerk to Utility Clerk. Zero impact on Wages & Salaries

001 716 00 000 3 341	Emergency Services & Homeland Security	Material & Supplies	(5,000)
001 716 00 000 2 230	" " " "	Contract Services	5,000

To transfer funds from Material & Supplies to Contract Services to provide funding for a new Flood Mitigation Plan

Councilman Reishman moved to approve the Bill. Councilman Lane seconded the motion. The question being on the passage of the Bill. A roll call was taken and there were; yeas – 28, nays – 0, as follows:

YEAS: 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 the majority of the votes in affirmative, the Mayor declared the resolution adopted.

6. 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 North American Salt, in the amount of \$106.38 per ton, for purchase of salt to be used by the Street Department on an as needed basis for snow and ice removal.

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

Councilman Reishman moved to approve the Committee Report. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative, the Mayor declared the Committee Report adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; July 2014.
Received and Filed.
2. City Treasurer's Report to City Council Month Ending July 2014.
Received and Filed.

ADJOURNMENT

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

YEAS: 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

ABSENT: None

At 7:18p.m., by a motion from Councilmember Harrison, Council adjourned until Tuesday, September 2, 2014, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk