



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, October 6, 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 first meeting in the month of October on the 6th day, in the year 2014, 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 Councilman Miller. 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

MILLER
PERSINGER
RUSSELL
SMITH
WARE**

**CLOUSER
DODRILL
HARRISON
KNAUFF
MINARDI
REISHMAN
SALISBURY

WHITE**

With twenty-six members being present, the Mayor declared a quorum present.

Pending the reading of the Journal of the previous meeting, the reading thereof was dispensed with and the same duly approved.

CLAIMS

1. A claim of Holmes Flint, 641 Holly Road, Charleston, WV; alleges damage to personal property.
Referred to City Solicitor.
2. A claim of Alex Greenberg, 906 Mathews Ave, Charleston, WV; alleges damage to personal property.
Referred to City Solicitor.
3. A claim of David Griffith, 1011 Cleveland Ave, Charleston, WV; alleges damage to property.
Referred to City Solicitor.
4. A claim of Judy Elaine Neal, 5318 Washington Ave, SE, alleges damage to personal property.
Referred to City Solicitor.
5. A claim of Susan Owens, 905 West 2nd Street, alleges damage to personal property.
Referred to City Solicitor
6. A claim of Steven Smith, 421 McKinley Ave., alleges damage to personal property.
Referred to City Solicitor

PUBLIC SPEAKERS

1. Charles Thompson, Director of the Human Resources Department, spoke about several awards his department received for outstanding health programs offered to City employees.
2. Cheryl Crigger Morgan came and spoke about the Library Levy.
3. Martha Lee Major spoke about offering bus service on Sunday and Holidays to the Methadone Clinic.

MISCELLANEOUS BUSINESS

A certificate of appreciation was given to Karen Thaxton for her commitment, and work and role in the City of Charleston being awarded the National Excellence in Work-site Wellness Award at the Platinum level by the West Virginia Wellness council.

Ramona Jackson was reappointed to the Charleston Convention and Visitors Bureau with a said term to expire on February, 17, 2017. The appointment was confirmed.

Resolution No. 503—14

Introduced in Council

October 6, 2014

Rev. James D. Ealy, Tom Lane, Mary Jean Davis, Jack Harrison, Bobby Reishman, Joe Deneault, Kasey Russell, Ed Talkington, Brent Burton, Susie Salisbury, Mike Clowser, Mary Beth Hoover, Jerry Ware, Bob White, Adam Knauff, Rick Burka, Bill Kirk, Andy Richardson

WHEREAS: An excess levy election has been set for Tuesday, November 4, 2014 to provide the voters of Kanawha County the opportunity to approve an excess tax levy for five fiscal years beginning July 1, 2015 to support the operations of the public libraries in Kanawha County, including the Nitro Public Library, the South Charleston Public Library, and all of the branches and facilities of the Kanawha County Public Library system, including the Main Library in Charleston; and

WHEREAS: Public libraries are vital to the education, economic development, and quality of life for the citizens of Charleston; helping to bridge the digital divide, serving as a community center and providing free and equal access to information to everyone, regardless of income level; and

WHEREAS: The Main Library in Charleston contributes to the city’s appeal as a destination for visitors by bringing people to downtown Charleston for library services with studies indicating that many of those people combine a visit to the library with shopping and dining at local businesses; and

WHEREAS: The excess levy will restore operating and maintenance funding to the Kanawha County Public Library system for the continued operation, purchase of books and other materials, staff, maintenance and other operating costs at the public libraries in Kanawha County and to prevent the reduction of service hours, closure of branches and reduction of bookmobile services provided by the Kanawha County Public Library; and further, the excess levy will provide funds to maintain and improve the public libraries in South Charleston and Nitro; and

WHEREAS: The excess levy is sponsored by the Kanawha County Board of Education, with ALL funds realized from the levy to be used only to support the operational costs of public libraries, and not for new library building construction or for the operations of the Kanawha County Board of Education.

Therefore be it resolved by The Council and Mayor of The City of Charleston, West Virginia:

That we, the elected leaders of Charleston, encourage all voters in Kanawha County to vote for the levy which will result in the continued operation and improvement of the public libraries within Kanawha County, which are essential to the general welfare of the people of Charleston and all of the people of Kanawha County.

REPORTS OF COMMITTEES

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. 501-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 501-14: “Authorizing the Mayor or City Manager to enter into an agreement with Potesta & Associates in the amount of \$8,900 for the performance of a Hazardous Materials Survey of the Charleston Civic Center Facility.”

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 Potesta & Associates in the amount of \$8,900 for the performance of a Hazardous Materials Survey of the Charleston Civic Center Facility.

To be charged to Account No. 402-910-01-000-2-230, Civic Center—Contracted Services

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 501-14 adopted.

2. Your committee on Finance has had under consideration Resolution No. 502-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 502-14: “Approving settlement of pending litigation, captioned *Charles & Suthers Associates, LLC v. City of Charleston, West Virginia*, Civil Action No. 12-C-2307, Kanawha County Circuit Court, Judge Charles E. King, in the amount of \$79,900.00 and authorizing the Mayor or his designee to execute any documents necessary to consummate the full settlement and dismissal of the pending civil action in exchange for a full release by Plaintiff of all claims related to alleged water damage to property located at 1614 Lexington Drive.

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

That the City Council for the City of Charleston hereby approves the settlement of pending litigation, captioned *Charles & Suthers Associates, LLC v. City of Charleston, West Virginia*, Civil Action No. 12-C-2307, Kanawha County Circuit Court, Judge Charles E. King, in the amount of \$79,900.00 and authorizing the Mayor or his designee to execute any documents necessary to consummate the full settlement and dismissal of the pending civil action in exchange for a full release by Plaintiff of all claims related to alleged water damage to property located at 1614 Lexington Drive.

To be charged to Account No. 001-417-00-000-2-229, Legal—Court Costs & Damages

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 502-14 adopted.

3. Your committee on Finance has had under consideration Resolution No. 504-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 504-14: “Authorizing the City Manager to enter into an agreement with Carolina Green Corp., in the amount of \$249,283.00, for Field Surface Renovations at Appalachian Power Park.”

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

That the City Manager is hereby authorized and directed to enter into an agreement with Carolina Green Corp., in the amount of \$249,283.00, for Field Surface Renovations at Appalachian Power Park.”

To be charged to Account No. 222-979-02-919-4-458, Facilities Maintenance Special Fund, Culture and Recreation—Appalachian Power Park, 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 504-14 adopted.

4. Your committee on Finance has had under consideration Resolution No. 505-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 505-14: “Authorizing the Mayor or City Manager to enter into a renewal agreement with Compass Energy Services for purchase and delivery of natural

gas to City sites at the rate of NYMEX + \$.29 per dth for a two year period starting November 1, 2014 and ending October 31, 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 Compass Energy Services for purchase and delivery of natural gas to City sites at the rate of NYMEX + \$.29 per dth for a two year period starting November 1, 2014 and ending October 31, 2016.

To charged to various departmental utility 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 505-14 adopted.

5. Your committee on Finance has had under consideration Resolution No. 506-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 506-14: “Authorizing the Mayor to receive and administer grant funds in the amount of \$774,000.00 from the Governor’s Highway Safety Program to support overtime, equipment, and travel/training expenses for law enforcement agencies in the four county Metro Valley Highway Safety Program of Kanawha, Boone, Clay and Logan counties.”

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 \$774,000.00 from the Governor’s Highway Safety Program to support overtime, equipment, and travel/training expenses for law enforcement agencies in the four county Metro Valley Highway Safety Program of Kanawha, Boone, Clay and Logan counties.

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 506-14 adopted.

6. Your committee on Finance has had under consideration the attached committee report, and reports the same to Council with the recommendation that the committee report do pass.

A bid submitted by Advantage Technology in the amount of \$116,280.00 for purchase of 76 computers for the Information Systems Department to install in various City departments as a continuation of the City's program to update computer equipment on an ongoing basis.

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

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 the committee report, adopted.

7. Your committee on Finance has had under consideration the attached committee report, and reports the same to Council with the recommendation that the committee report do pass.

To repeal purchase of computer equipment and various mounting components for Charleston Fire Department and Charleston Police Department vehicles from Mobiletek Consulting, approved on June 2, 2014 at prices quoted per item specified, for the purpose of rebidding the equipment to include features on the computers that were omitted from original specifications.

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 the committee report, adopted.

8. Your committee on Finance has had under consideration the attached committee report, and reports the same to Council with the recommendation that the committee report do pass.

A bid submitted by Mobiletek Consulting for purchase of computer equipment and various mounting components for vehicles used by the Charleston Fire Department (CFD) and Charleston Police Department (CPD) at prices listed on the attached bid tabulation sheet. This purchase was rebid to include features on the computers that were omitted from the original specifications. Upon approval of this bid, the CDF is requesting purchase of equipment in the amount of \$55,100 as its initial order. Prices shall remain in effect for a one year period from date of approval by City Council to provide for equipment to be purchased on an as needed basis by the respective departments.

To be charged to Account No. 001-976-00-706-4-459, Fire—Capital Outlay, Equipment and Account No. 001-976-00-700-4-459, Police—Capital Outlay, Equipment

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 the committee report, adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; September 2014.

Received and Filed.

NEW BILLS

Introduced by Council member Jack Harrison on October 6, 2014:

Bill No. 7636 - A BILL amending and re-enacting Chapter 18, Article XXIV, Division 1, Sections 18-1173 and 18-1177, and Chapter 18, Article XXIV, Division, 2, Section 18-1185 of the Code of the City of Charleston to clarify when a residential rental license is required and to revise the license term.

Refer to Ordinance and Rules Committee.

ADJOURNMENT

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

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Knauff, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Talkington, Ware, White, Mayor Jones.

ABSENT: Kirk, Snodgrass

At 7:32 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, October 20, 2014, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk