



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, June 16, 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 June on the 16th 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 Mr. Garland Elmore. 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**

**HOOVER
LANE**

**NICHOLS
RICHARDSON**

**SHEETS
TALKINGTON**

MAYOR JONES

**BURTON
DENEALT
HAAS**

**MILLER
PERSINGER**

**RUSSELL
SMITH**

WARE

DODRILL

KNAUFF

**REISHMAN
SALISBURY**

**SNODGRASS
WHITE**

With twenty-three 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. Larry Groce came to speak about the 10th year of FestivALL.

CLAIMS

1. A claim of Sheryl Keenan, 2256 Spangler Rd., Pond Gap, WV; alleges damage to vehicle.
Refer to City Solicitor.
2. A claim of Susan Mullins, 2519 Sissonville Drive., Charleston, WV; alleges personal injury.
Refer to City Solicitor.
3. A claim of Renee Myers, 1207 Ridge Drive., South Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor.

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. 462-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 462-14: “Authorizing the Mayor or his designee to submit an application to the West Virginia Department of Environmental Protection for grant funds in the amount of \$150,000 to provide for purchase of a small Recycling Packer Truck with any remaining funds to be applied to the purchase of Clear Plastic Recycling Bags.”

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 grant funds in the amount of \$150,000 to provide for purchase of a small Recycling Packer Truck with any remaining funds to be applied to the purchase of Clear Plastic Recycling Bags.

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 462-14 adopted.

2. Your committee on Finance has had under consideration Resolution No. 463-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 463-14: “Authorizing the Mayor to enter into a Memorandum of Understanding (MOU) with seven 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 subject to review and approval of the final document by legal counsel for the City and is in effect for a one year period starting July 1, 2014 and ending June 30, 2015.”

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

That the Mayor is hereby authorized and directed to enter into a Memorandum of Understanding (MOU) with seven 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 subject to review and approval of the final document by legal counsel for the City and is in effect for a one year period starting July 1, 2014 and ending June 30, 2015.

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 463-14 adopted.

3. Your committee on Finance has had under consideration Resolution No. 464-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 464-14: “Authorizing the Mayor to enter into a Memorandum of Understanding (MOU) with 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 subject to review and approval of the final document by legal counsel for the City and is in effect for a one year period

starting July 1, 2014 and ending June 30, 2015.”

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

That the Mayor is hereby authorized and directed to enter into a Memorandum of Understanding (MOU) with 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 subject to review and approval of the final document by legal counsel for the City and is in effect for a one year period starting July 1, 2014 and ending June 30, 2015.

Councilman Reishman moved to approve the Resolution. Councilman Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 464-14 adopted.

4. Your committee on Finance has had under consideration Resolution No. 465-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 465-14: “Authorizing the Finance Director to amend the FY 2013-2014 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 2013-2014 General Fund budget as indicated on the attached list of accounts.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. The question being on the passage of the Resolution. A roll call was taken and there were; yeas – 23, nays – 0, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 465-14, adopted.

General Fund FY 2013-2014 Budget Amendment No. 7 - June 16, 2014

Account No.	Department	Account Description	Amount
001 800 00 000 1 103	Refuse & Recycling	Wages & Salaries	(39)
001 800 00 000 1 104	" "	FICA	(3)
001 800 00 000 1 106	" "	PERS Retirement	(6)
001 699 00 000 5 598	Contingency		47

To eliminate one (1) Driver (PG-3) position and add one (1) Laborer (PG-2) position in the Refuse Department.

001 368 09 0000	Revenue	Live on the Levee Sponsorships	(62,000)
001 903 01 000 2 223	Live on the Levee	Professional Services	55,000
001 903 01 000 3 341	" " " "	Material & Supplies	7,000

To recognize Live on the Levee sponsorships and provide funding for production costs.

001 305 02 0000	Revenue	B&O Tax - Prior Year	(2,267,071)
001 305 03 0000	"	B&O Tax - Penalties	(543,962)
001 305 04 0000	"	B&O Tax - Interest	(1,020,061)
001 444 07 000 5 566	Transfers to Other Funds	Facilities Maintenance Fund	3,831,094

To recognize one-time B&O revenues resulting from two tax audits, one covering a period of January, 2003 through December, 2009 and one covering a period of January, 2010 through June, 2013.

001 440 93 000 1 105	Building Maintenance (City Hall)	Medical Costs - Civilian Retirees	225,000
001 501 00 000 2 230	Health Clinic	Contract Services	425,000
001 700 93 000 1 105	Police Department	Medical Costs - Retirees	(225,000)
001 706 93 000 1 105	Fire Department	Medical Costs - Retirees	(425,000)

To reallocate health care funds from Police and Fire retirees to Civilian retirees and Health Clinic due to greater than anticipated costs.

Reportable: To Maintain compliance with the budgetary guidelines of the State of West Virginia

5. Your committee on Finance has had under consideration Resolution No. 466-14, and reports the same to Council with the recommendation that the resolution do pass.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA AUTHORIZING THE FILING OF CIVIL ACTIONS FOR THE CONDEMNATION OF PROPERTY FOR SANITARY SEWER EASEMENTS NECESSARY FOR THE SANITARY BOARD OF THE CITY OF CHARLESTON, WEST VIRGINIA TO CONSTRUCT, INSTALL AND COMPLETE ITS SHERWOOD FOREST SEWER REHABILITATION AND REPLACEMENT PROJECT

WHEREAS, the Sanitary Board of the City of Charleston, West Virginia (the “Sanitary Board”) has presented a Resolution requesting the City Council of the City of Charleston, West Virginia to authorize the City of Charleston to file civil actions in the Circuit Court of Kanawha County for the condemnation of property for sanitary sewer easements necessary for the Sanitary Board to construct, install and complete its Sherwood Forest Sewer Rehabilitation and Replacement Project (the “Project”);

WHEREAS, the Sanitary Board is pursuing a sewer rehabilitation and replacement project in the Sherwood Forest area of the City of Charleston which is necessary to correct older, failing sewer collection lines and is necessary for the health and welfare of the citizens of the City of Charleston;

WHEREAS, the Project includes the rehabilitation and/or replacement of approximately 21,980 feet (approximately 4.2 miles) of sewer lines, and numerous permanent easements and temporary construction easements are necessary to undertake and complete the Project;

WHEREAS, the Sanitary Board and its rights-of-way agents have diligently sought easement agreements for such necessary easements from the affected property owners and have received and recorded many signed easement agreements;

WHEREAS, due to numerous factors including, but not limited to, out-of-state property owners, properties held in heirships with numerous heirs, some whose location is unknown, and uncooperative or uncommunicative property owners, the Sanitary Board has been unable to obtain by negotiation and agreement all of the necessary sewer easements;

WHEREAS, the Sanitary Board has no choice but to request the City of Charleston to authorize the filing of civil actions for the acquisition, pursuant to the City of Charleston’s power of eminent domain, certain property interests in order to obtain the necessary sewer easements for the Project; now, therefore,

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

Section 1. To accomplish construction of the sewer rehabilitation and replacement project in the Sherwood Forest area of the City of Charleston necessary for the health and welfare of the citizens of the City of Charleston, the Sanitary Board must obtain easements across and through certain properties as set forth on Exhibit A to this Resolution.

Section 2. The Sanitary Board requests the Council of the City of Charleston to authorize the City of Charleston, on behalf of and by and through the Sanitary Board and its counsel to file civil actions for the acquisition for the Sanitary Board, pursuant to the power of eminent domain, of the property interests set forth on Exhibit A and to take such other and further action as may be reasonably necessary to acquire the property rights for easements necessary to construct, install, operate, maintain, repair, replace, rehabilitate, line and remove sewer lines and appurtenances thereto.

Section 3. The Council of the City of Charleston hereby authorizes the City of Charleston, on behalf of and by and through the Sanitary Board and its counsel to file civil actions for the acquisition for the Sanitary Board, pursuant to the power of eminent domain, of the property interests set forth on Exhibit A as needed and to take such other and further action as may be reasonably necessary to acquire the property rights for easements necessary to construct, install, operate, maintain, repair, replace, rehabilitate, line and remove sewer lines and appurtenances thereto.

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 466-14 adopted

EXHIBIT A
LIST OF EASEMENTS TO BE CONDEMNED
FOR THE SHERWOOD FOREST
SEWER IMPROVEMENTS PROJECT
June 10, 2014

<u>Tax Map/Parcel</u>	<u>Owner Name/Type of Easement</u>
SA6C/70	Robert Nistendirk/Permanent
SA6C/92	John Thomas/Temporary and Permanent
SA6C/108	James and Donna Humphreys/Temporary and Permanent
SA6C/113	U. S. Department of Housing and Urban Development/Temporary and Permanent
SA6C/128	Gloria Widdecombe/Temporary
SA6C/131	Marion Gall/Temporary
SA6C/156	Gilpin Family Revocable Trust/Temporary and Permanent
SA6D/10.1	David Gilmore/Temporary and Permanent
LD4/5	Joe and Carol Mazzella/Permanent
LD4B/2, 4	Sherwood Land Company/Permanent
SA6C/173	Sherwood Land Company/Temporary and Permanent
LD4B/3, 3.1, 6	Matthew Pauley/Jackie and Joann Dunlap/Temporary and Permanent

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6. Your committee on Finance has had under consideration Resolution No. 467-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 467-14: “Authorizing the Mayor or City Manager to enter into an agreement with Plymovent in the amount of \$32,066.62 to provide and install a turnkey Plymovent Magnetic Grabber system with the exhaust fan sized for five vehicles at Fire Station No. 8, located at 208 Copenhaver Drive in Orchard Manor, and is the same type system previously installed in Fire Stations 1-7.”

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 Plymovent in the amount of \$32,066.62 to provide and install a turnkey Plymovent Magnetic Grabber system with the exhaust fan sized for five vehicles at Fire Station No. 8, located at 208 Copenhaver Drive in Orchard Manor, and is the same type system previously installed in Fire Stations 1-7.

*To be charged to Account no. 222-975-00-440-4-458, Facilities Maintenance Fund,
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 467-14 adopted

7. Your committee on Finance has had under consideration Resolution No. 469-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 469-14: “Authorizing the Mayor or City Manager to enter into a renewal Agreement with Safety National Insurance Company/Commercial Insurance Service at the rate of .6384% of wages, equating to a deposit premium of \$223,852 based on wages of \$36,799,998, for the City’s Excess Workers’ Compensation Insurance for the period July 1, 2014 to June 30, 2015, with a new attachment point of \$600,000; and to increase the Workers’ Compensation buffer layer of the BRIT/ALA contract of insurance by \$100,000 for an additional \$15,000 premium.”

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 .6384% of wages, equating to a deposit premium of \$223,852 based on wages of \$36,799,998, for the City’s Excess Workers’ Compensation Insurance for the period July 1, 2014 to June 30, 2015, with a new attachment point of \$600,000; and to increase the Workers’ Compensation buffer layer of the BRIT/ALA contract of insurance by \$100,000 for an additional \$15,000 premium.

To be charged to 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 469-14 adopted. BURTON - ABSTAIN

8. Your committee on Finance has had under consideration Resolution No. 470-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 470-14: “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.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. The question being on the passage of the Resolution. A roll call was taken and there were; yeas – 23, nays – 0, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 465-14, adopted.

General Fund FY 2014-2015 Budget Amendment No. 1 - June 16, 2014

Account No.	Department	Account Description	Amount
001 800 00 000 1 103	Refuse & Recycling	Wages & Salaries	(1,002)
001 800 00 000 1 104	" " "	FICA	(77)
001 800 00 000 1 106	" " "	Retirement - PERS	(140)
001 699 00 000 5 598	Contingency		1,219

To eliminate one (1) Route Driver position (PG-3) and add one (1) Route Laborer position (PG-2) in the Refuse & Recycling department

001 754 00 000 1 103	Equipment Maintenance	Wages & Salaries	8,276
001 754 00 000 1 104	" "	FICA	633
001 754 00 000 1 106	" "	Retirement - PERS	1,159
001 699 00 000 5 598	Contingency		(10,068)

To reorganize the Equipment Maintenance department by eliminating the position of Superintendent/Fleet Manager (E-6) and replace with a Director-Fleet (E-5); add an Operations Manager position (E-2); reclassify the position of Service Writer from PG-4 to PG-5 and eliminate a Foreman position (PG-6).

001 412 00 000 1 103	City Manager - Administrative	Wages & Salaries	89,116
001 412 00 000 1 104	" "	FICA	6,817
001 412 00 000 1 105	" "	Medical & Life Insurance	8,857
001 412 00 000 1 106	" "	Retirement - PERS	12,476
001 412 00 000 1 111	" "	Dental/Optical Insurance	506
001 412 00 000 1 112	" "	Insurance - Employee Cont.	(2,157)
001 412 00 000 2 226	" "	Insurance WC & UC	1,525
001 369 06 0000	Revenue	Transfer In - Stabilization Fund	(117,140)

To add an Executive Projects Administrator (E-8) in the City Manager's Office.

Reportable: To Maintain compliance with the budgetary guidelines of the State of West Virginia

REPORTS OF OFFICERS

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

ADJOURNMENT

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

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

ABSENT: Clowser, Ealy, Harrison, Kirk, Minardi

At 7:25 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, July 7, 2014, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk