



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

CITY OF CHARLESTON, WEST VIRGINIA

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Regular Meeting – Monday, February 21, 2017

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

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**OFFICIAL RECORD**

**Danny Jones**  
**Mayor**

**JB Akers**  
**City Clerk**

***CALL TO ORDER***

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The Council met in the Chambers of the City Building at 7:00 P.M., for the second meeting in the month of February on the 21<sup>st</sup> day, in the year 2017, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilmember Richardson and the Pledge of Allegiance was led by Councilmember Burton's daughter. The Honorable Clerk, JB Akers, called the roll of members and it was found that there were present at the time:

**BURKA  
CHESTNUT  
EALY  
HARRISON  
LANE**

**BURTON  
  
FAEGRE  
HOOVER**

**REISHMAN**

**SALISBURY  
SNODGRASS  
WARE**

**STEELE  
WEBB**

**CEPERLEY  
DAVIS  
HAAS  
IRELAND  
OVERSTREET  
RICHARDSON  
SMITH  
TALKINGTON  
MAYOR JONES**

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***

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None

***CLAIMS***

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1. A claim of Frank Stevens on behalf of Ram Tool, 1129 Main Street, Charleston, WV; alleges damage to property.  
Refer to City Solicitor.

**COMMUNICATIONS**

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1.

**TO: J. B. AKERS**  
**CITY CLERK**

**FROM: DANNY JONES**  
**MAYOR**

**RE: BOARD OF ZONING APPEALS**

**DATE: FEBRUARY 21, 2017**

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I recommend that Mary Anne Crickard, 1210 Smith St, Charleston, WV 25301, be reappointed to the Board of Zoning Appeals, with a said term to expire January 1, 2020.

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

DJ/dmp

Councilmember Harrison moved to approve the appointment. Councilmember Lane seconded that motion. By unanimous vote, the appointment was confirmed.

2.

**TO: J. B. AKERS**  
**CITY CLERK**

**FROM: DANNY JONES**  
**MAYOR**

**RE: BOARD OF ZONING APPEALS**

**DATE: FEBRUARY 21, 2017**

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I recommend that William Hairston, 5316 Venable Avenue, S.E., Charleston, WV 25304, be reappointed to the Board of Zoning Appeals, with a said term to expire January 1, 2019.

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

DJ/blp

Councilmember Harrison moved to approve the appointment. Councilmember Lane seconded that motion. By unanimous vote, the appointment was confirmed.

3.

**TO: J. B. AKERS**  
**CITY CLERK**  
**FROM: DANNY JONES**  
**MAYOR**  
**RE: CHARLESTON HISTORIC LANDMARKS COMMISSION**  
**DATE: FEBRUARY 21, 2017**

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I recommend that Paul W. Tennant, 318 Lee Street, West, Charleston, WV 25304, be reappointed to the Charleston Historic Landmarks Commission, with a said term to expire September 1, 2019.

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

DJ/dmp

Councilmember Harrison moved to approve the appointment. Councilmember Lane seconded that motion. By unanimous vote, the appointment was confirmed.

4.

**TO: J. B. AKERS**  
**CITY CLERK**  
**FROM: DANNY JONES**  
**MAYOR**  
**RE: BOARD OF ZONING APPEALS**  
**DATE: FEBRUARY 21, 2017**

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I recommend that, Mary Jo Cleland, 222 Lee Street, West, Charleston, WV 25302, be reappointed to the Board of Zoning Appeals, with a said term to expire January 1, 2019.

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

DJ/dmp

Councilmember Harrison moved to approve the appointment. Councilmember Lane seconded that motion. By unanimous vote, the appointment was confirmed.

5.

**TO: J. B AKERS**  
**CITY CLERK**

**FROM: DANNY JONES**  
**MAYOR**

**RE: MUNICIPAL BEAUTIFICATION COMMISSION**

**DATE: FEBRUARY 21, 2017**

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I recommend that Bobbi Holland, 906 Maple Road, Charleston, WV 25302 be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2019.

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

DJ/dmp

Councilmember Harrison moved to approve the appointment. Councilmember Lane seconded that motion. By unanimous vote, the appointment was confirmed.

6.

**TO: J. B. AKERS**  
**CITY CLERK**

**FROM: DANNY JONES**  
**MAYOR**

**RE: MUNICIPAL BEAUTIFICATION COMMISSION**

**DATE: FEBRUARY 21, 2017**

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I recommend that Thomas Vasale, P. O. 5238, Charleston, WV 25361 be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2019.

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

DJ/dmp

Councilmember Harrison moved to approve the appointment. Councilmember Lane seconded that motion. By unanimous vote, the appointment was confirmed.

7.

**TO: J. B. AKERS**  
**CITY CLERK**

**FROM: DANNY JONES**  
**MAYOR**

**RE: MUNICIPAL BEAUTIFICATION COMMISSION**

**DATE: FEBRUARY 21, 2017**

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I recommend that Sandra Smith, P.O. Box 4432, Charleston, WV 25364 be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2019.

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

DJ/dmp

Councilmember Harrison moved to approve the appointment. Councilmember Lane seconded that motion. By unanimous vote, the appointment was confirmed.

8.

**TO: J. B. AKERS**  
**CITY CLERK**

**FROM: DANNY JONES**  
**MAYOR**

**RE: BOARD OF ZONING APPEALS**

**DATE: FEBRUARY 21, 2017**

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I recommend that Courtland Smith, 1 Comstock Place, Charleston, WV 25314, be reappointed to the Board of Zoning Appeals, with a said term to expire January 1, 2020.

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

DJ/dmp

Councilmember Harrison moved to approve the appointment. Councilmember Lane seconded that motion. By unanimous vote, the appointment was confirmed.

**REPORTS OF COMMITTEES****COMMITTEE ON FINANCE**

Councilmember Reishman, Chair of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 855-17 do pass.

Resolution No. 855-17 - Authorizing the Mayor or City Manager to enter into an Agreement with JP Morgan Chase Bank, N.A. to extend the maturity date of Standby Letter of Credit CTCS-644907, approved by City Council on March 7, 2017, extending the date of the letter of credit to May 1, 2017. The letter of credit provides security in lieu of a surety bond for liability of potential workers' compensation claims as a self-insured employer. The existing Standby Letter of Credit CTCS-644907 in the amount of \$500,000 is extended from May 1, 2017 to May 1, 2018, at a cost of \$2,400. The letter of credit is subject to review and final 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 with JP Morgan Chase Bank, N.A. to extend the maturity date of Standby Letter of Credit CTCS-644907, approved by City Council on March 7, 2017, extending the date of the letter of credit to May 1, 2017. The letter of credit provides security in lieu of a surety bond for liability of potential workers' compensation claims as a self-insured employer. The existing Standby Letter of Credit CTCS-644907 in the amount of \$500,000 is extended from May 1, 2017 to May 1, 2018, at a cost of \$2,400. The letter of credit is subject to review and final approval by legal counsel for the City.

Councilmember Reishman moved to approve the resolution. Councilmember Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 855-17 adopted.

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 856-17 do pass.

Resolution No. 856-17 – Authorizing the City Manager to execute Change Order No. 2 with Wolf Creek Contracting Co. LLC in the amount of \$8,584.00, for the proposed changed in the Slack Plaza Improvements (Brawley Walkway) project as shown on the attached Exhibit A. This will increase the “amount up to” price from \$1,715,370.95 to \$1,731,770.57.

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

That the City Manager is hereby authorized and directed to execute Change Order No. 2 with with Wolf Creek Contracting Co. LLC in the amount of \$8,584.00, for the proposed changed in the Slack Plaza Improvements (Brawley Walkway) project as shown on the attached Exhibit A. This will increase the “amount up to” price from \$1,715,370.95 to \$1,731,770.57.



SLACK PLAZA IMPROVEMENTS (BRAWLEY WALKWAY)**CHANGE ORDER NO.2**

Council Approval of Contract: March 2, 2016  
 Council Approval of Change Order No.1: August 15, 2016  
 Change Order No.2: February 21, 2017  
 Contractor: Wolf Creek Contracting Co. LLC 405 Watertown Road  
 Waterford, OH 45786

Proposed changes to original work:

1)	Place concrete in lieu of aggregate (Alternate end)	\$10,890.00
2)	Add ramp behind wall in Alternate #1	\$3,200.00
3)	Add new anchoring clips to columns	\$2,667.00
4)	Install new storm sewer at Summers Street crosswalk	\$2,300.00
5)	Delete gate in Alternate #1	(\$6,653.00)
6)	Deduct concrete at Court Street	(\$3,820.00)

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Total: \$8,584.00

Original Contract Price In An Amount Up To:	\$1,715,370.95
Change Order No. 1:	\$ 7,815.62
Change Order No. 2:	<u>\$ 8,584.00</u>
New Contract Price In An Amount Up To:	<b>\$1,731,770.57</b>

***THE CITY OF CHARLESTON,***

***WOLF CREEK CONTRACTING CO. LLC***

Councilmember Reishman moved to approve the resolution. Councilmember Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 856-17 adopted.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 857-17 do pass.

Resolution No. 857-17 – Authorizing the Mayor or City Manager to enter into an Agreement with Cincinnati Floor Co. INC. in the amount of \$76,000.00, for the replacement of the Kanawha City Community Center Gymnasium Floor.

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 Cincinnati Floor Co. INC. in the amount of \$76,000.00, for the replacement of the Kanawha City Community Center Gymnasium Floor.

Councilmember Reishman moved to approve the resolution. Councilmember Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 857-17 adopted.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 858-17 do pass.

Resolution No. 858-17 – Authorizing the Mayor to execute an Agreement between the City of Charleston and Daisy Jones and/or Douglas Jones for the option to purchase property located at 824 Oakwood Road for the purpose of construction of a new fire station on Oakwood Road, and additionally authorizing the payment of \$10,000.00 as consideration for said option;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA that, upon review and final approval of the Agreement by legal counsel, the Mayor is hereby authorized to execute an Agreement between the City of Charleston and Daisy Jones and/or Douglas Jones for the option to purchase property located at 824 Oakwood Road for the purpose of construction of a new fire station on Oakwood Road, and further authorizing the payment of \$10,000.00 as consideration for said option.

Councilmember Reishman moved to approve the resolution. Councilmember Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 858-17 adopted.

***REPORTS OF OFFICERS***

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1. City Treasurer's Report to City Council Month Ending January 2017.  
Received and Filed.

### ***NEW BILLS***

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Introduced by Council member James Ealy on February 21, 2017:

Bill No. 7730 - A BILL to establish a handicapped parking zone at 1530 1st Avenue and amending the Traffic Control Map and Traffic Control File  
Refer to Streets and Traffic Committee.

Introduced by Council member Cubert Smith on February 21, 2017:

Bill No. 7732 - A BILL granting Whirlwind Storage, LLC (“Whirlwind Storage”), an Easement to construct an exterior fire escape on the back a building located at 1352 Hansford Street for the purpose of creating emergency egress in compliance with the Building Codes of the City of Charleston.  
Refer to Planning Committee and Finance Committee.

Introduced by Council members Robert Reishman, Tom Lane, Mary Jean Davis, Jack Harrison, James Ealy, Becky Ceperley, Susie Salisbury, and Edward Talkington on February 21, 2017:

Bill No. 7733 - A BILL to amend and reenact §2-161(b) of the code of the City of Charleston and to enact §2-161(c) of the code of the City of Charleston for the purpose of increasing the compensation of the City Council for future terms.  
Refer to Finance Committee.

Introduced by Council members Robert Reishman, Tom Lane, Mary Jean Davis, Jack Harrison, James Ealy, Becky Ceperley, Susie Salisbury, Rick Burka and Edward Talkington on February 21, 2017:

Bill No. 7734 - A BILL to amend and reenact §2-161(b) of the code of the City of Charleston and to enact §2-161(c) of the code of the City of Charleston for the purpose of increasing the compensation of the Mayor for future terms.  
Refer to Finance Committee.

Introduced by Council members Robert Reishman, Tom Lane, Becky Ceperley, Susie Salisbury, Rick Burka and Edward Talkington on February 21, 2017:

Bill No. 7735 - A BILL to amend and reenact §2-161(b) of the code of the City of Charleston and to enact §2-161(c) of the code of the City of Charleston for the purpose of increasing the compensation of the Judge of the Municipal Court for future terms.  
Refer to Finance Committee.

***MISCELLANEOUS BUSINESS***

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1. Councilmember Snodgrass inquired why the City Treasurer was not included in the compensation bills. The Mayor suggested a new bill could be submitted.
2. Councilmember Ealy expressed his concerns about the landfill and recycling program.

***ADJOURNMENT***

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*The Clerk, JB Akers, called the closing roll call:*

YEAS: Burka, Burton, Ceperley, Chestnut, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Overstreet, Reishman, Richardson, Salisbury, Smith, Snodgrass, Steele, Talkington, Ware, Webb, Mayor Jones

NAYS: NONE

ABSENT: Clowser, Minardi, Persinger, Slater,

At 7:20 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, March 6, 2017, at 7:00 p.m., in the Council Chamber in City Hall.

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Danny Jones, Honorable Mayor

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JB Akers, City Clerk