



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, April 16, 2018

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Danny Jones
Mayor

JB Akers
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 April on the 16th day, in the year 2018, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilmember Ealy and the Pledge of Allegiance was led by Woody Williams. The Honorable Clerk, JB Akers, called the roll of members and it was found that there were present at the time:

CHESTNUT	BURTON	
EALY	CLOWSER	DAVIS
HARRISON	FAEGRE	HAAS
JONES	HOOVER	IRELAND
MINARDI	KING	LANE
REISHMAN	OVERSTREET	PERSINGER
SMITH	SNODGRASS	SALISBURY
TALKINGTON	WARE	STEELE
		MAYOR JONES

With twenty-four 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

NONE

CLAIMS

1. A claim of Gary Evans, 621 Hall Street, WV; alleges damage to vehicle. Refer to City Solicitor.

COMMUNICATIONS

1. The Mayor presented Woody Williams with a key to the City.

OATH OF OFFICE

Mayor Jones called Robert Sutler to take the Oath of Office for Fire Chief, led by City Clerk, JB Akers.



**CITY OF CHARLESTON
WEST VIRGINIA**




FIRE CHIEF OATH
(§24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I,


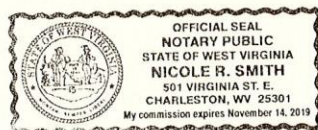
ROBERT SUTLER

who has been duly appointed to the office of Fire Chief of the City of Charleston, West Virginia, do solemnly swear that I will support the Constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.


Robert Sutler, Fire Chief

Subscribed and sworn to before me the undersigned authority, this 16th day of April, 2018.

My commission expires: November 14, 2019


Notary Public

PROCLAMATION

1.

EXECUTIVE DEPARTMENT CITY OF CHARLESTON PROCLAMATION

- WHEREAS:** Service to others is a hallmark of the American character, and central to how we meet our challenges. The nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet the city needs; and
- WHEREAS:** AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for the jobs of the 21st century and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters; and
- WHEREAS:** National service participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being. They also increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and
- WHEREAS:** National service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and
- WHEREAS:** AmeriCorps members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and
- WHEREAS:** The corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with mayors across the country to support the Mayors Day of Recognition for National Service; and

Now therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby proclaim April 16, 2018 as:

NATIONAL SERVICE RECOGNITION DAY

in the City of Charleston, West Virginia and urge all citizens to recognize the positive impact of national service in our city, to thank those who serve and to find ways to give back to their communities.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 10th day of April, 2018.

DANNY JONES, MAYOR

The proclamation was presented to members of Americorps.

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. 031-18 be adopted.

Resolution No. 031-18 - Authorizing the Finance Director to amend the FY 2017- 2018 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 2017- 2018 General Fund budget as indicated on the attached list of accounts.

Councilmember Reishman moved to approve the Resolution. Councilmember Lane seconded the motion. A roll call was taken:

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

NAYS: NONE

ABSENT: Burka, Ceperley, Richardson

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 031-18 adopted.

General Fund FY 2017-2018 Budget Amendment No. 9 - April 16, 2018

Account No.	Department	Account Description	Amount
001 381 00 0000	Revenue	Reimbursements	(85,947)
001 979 00 900 4 458	Parks & Recreation	Capital Outlay Major Improvements	85,947

Recognition of reimbursement from AEP for cost to repair King Center tennis courts resulting from the construction of new underground transmission line.

001 900 00 000 2 230	Parks & Recreation	Contracted Services	(71,300)
001 979 00 900 4 458	" "	Capital Outlay Major Improvements	71,300

Reallocating funds within Parks & Recreation budget to fund the repair of two additional tennis courts (\$53,700) at King Center and to install a new fire alarm system (\$17,600) at the King Center.

001 341 00 0000	Revenue	City Service Fee	(616,000)
001 700 02 000 1 103	Police (CSF)	Wages & Salaries	93,246
001 700 02 000 1 104	" "	FICA (Medicare portion only)	1,352
001 700 02 000 1 105	" "	Medical & Life Insurance	21,540
001 700 00 000 1 105	Police - Regular	Medical & Life Insurance	417,158
001 700 02 001 1 107	Police (CSF)	Police Pensions - New Plan	7,926
001 700 02 000 1 111	" "	Dental/Optical Insurance	1,172
001 700 02 000 1 112	" "	Insurance - Payroll Deduction	(5,331)
001 700 02 000 2 221	" "	Training	15,000
001 700 02 000 2 223	" "	Professional Services	12,545
001 700 02 000 2 226	" "	Insurance - Workers Comp/Unempl. Comp	2,611
001 700 02 000 3 345	" "	Uniforms & Equipment	48,780

Recognize revenue from increasing the City Service Fee rate from \$2.50 per week to \$3.00 per week effective January 1, 2018 and to recognize costs associated with hiring 10 additional police officers.

001 706 00 000 2 216	Fire Department	Maintenance & Repair Equipment	(10,000)
001 706 00 000 3 345	" "	Uniforms & Equipment	10,000

Reallocating funds to cover costs of bunker gear for 18 recently hired firefighters.

001 699 00 000 5 598	Contingency		(135,000)
001 436 00 000 2 230	Building Commission	Contract Services	135,000

Providing funding for demolition of vacant structures.

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 032-18 be adopted.

Resolution No. 032-18 - Authorizing the City Manager to execute Change Order No. 2 to the contract with Wolf Creek Contracting Company, LLC, in relation to the Fire Station #3 Project, in the amount of \$2,537.00 providing for additions to the base contract as listed in Exhibit A, attached hereto. Change Order No. 2 increases the contract price from \$1,111,732.00 to \$1,114,269.00. This change order also allows for a time extension of 15 work days.

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 to the contract with Wolf Creek Contracting Company, LLC, in relation to the Fire Station #3 Project, in the amount of \$2,537.00 providing for additions to the base contract as listed in Exhibit A, attached hereto. Change Order No. 2 increases the contract price from \$1,111,732.00 to \$1,114,269.00. This change order also allows for a time extension of 15 work days.

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 No. 032-18 adopted.

**Wolf Creek Contracting Company, LLC**

403 Watertown Road
 Waterford, OH 45787
 740-749-3459 Fax 740-749-0602

Sent Date: March 31, 2018**Sent Via:** c-mail

To: Williamson Shriver Architects
 717 Bigley Avenue
 Charleston, West Virginia 25302

Project: Charleston Fire Station No. 3
 822 Oakwood Road
 Charleston, West Virginia

Change Request No. 002R

Description: 1. Construct/install secondary retaining wall on Southeast corner of building to tie adjacent parking lot to building at approximately the same elevation as the building's main floor level, thus retaining materials from slippage to the area below; and install approved fencing to eliminate potential safety hazards. Subcontractor cost will be 2 men, 2 ten hour days, @ \$45.00 /hr, and such cost will include labor and equipment.

2. Request a time extension due to impact of weather conditions on Critical Path Items in the Project Schedule.

Base Change:

1. extend Schedule by 15 work days, to April 22, 2018 (Substantial Completion)
 - ...21 days in Jan and Feb > average historical precipitation for Charleston, WV
 - ...24 days in Jan and Feb < average historical low temperatures for Charleston, WV
 - ...17 days in Jan and Feb with low temperatures < 20 deg F
 - see attached data from National Weather Service

Addition to Contract:

...subcontractor		\$	1,800.00
...materials			350.00
...OH&P	15.0%		323.00
...B&O & Bond	3.0%		64.00
<hr/>			
Total Addition - Base Change Order		\$	2,537.00
...Other			0.00
<hr/>			
Total Addition		\$	2,537.00
<hr/>			

Proposed Time Extension for Change	15 work days
Substantial Completion Date [per CO 001]	April 1, 2018
Revised Substantial Completion Date	April 22, 2018

Other

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 033-18 be adopted.

Resolution No. 033-18 - Authorizing the City Manager to execute Change Order No. 1 to the contract with West Virginia Paving, Inc, in relation to the Asphalt and Storm Drainage Repairs at the Schoenbaum Tennis Courts in the amount of \$139,650.00 providing for additions to the base contract as listed in Exhibit A, attached hereto. Change Order No. 1 increases the contract price from \$835,590.00 to \$975,240.00.

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. 1 to the contract with West Virginia Paving, Inc, in relation to the Asphalt and Storm Drainage Repairs at the Schoenbaum Tennis Courts in the amount of \$139,650.00 providing for additions to the base contract as listed in Exhibit A, attached hereto. Change Order No. 1 increases the contract price from \$835,590.00 to \$975,240.00.

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 No. 033-18 adopted.



**CITY OF CHARLESTON
ASPHALT AND STORM DRAINAGE REPAIRS
SCHOENBAUM TENNIS COURTS
2017**

CHANGE ORDER NO. 1

Date of Approval: July 17, 2017

Contractor: West Virginia Paving, Inc
2950 Charles Avenue
Dunbar, WV 25064

The Contract is changed as follows:

Contractor shall provide additional Milling, HMA Base Course, HMA Wearing Course and 100% Acrylic Emulsion Surface per USTA & NFHS Standards as shown on the attached proposal. This work will replace the surfaces of 4 Tennis Courts at the Martin Luther King Community Center.

Description	Unit	Quantity	Cost	Total
2 East Courts (AEP restoration)	LS	1	\$85,947	\$85,947
2 West Courts	LS	1	\$53,703	\$53,703
Total				\$139,650

Original Contract Price:	\$835,590.00
Total of this Change Order	\$139,650.00
Total of previously approved Change Orders	\$ 0.00
Contract Price with all Approved Change Orders:	\$975,240.00

Approved:

Accepted:

City of Charleston

West Virginia Paving, Inc.

Date

Date

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 034-18 be adopted.

Resolution No. 034-18 - Authorizing the City Manager to execute Change Order No. 21 to the Design-Build contract with BBL Carlton, LLC, in relation to the Civic Center Expansion and Renovation Project, in the amount of \$ 3,102,539.67, providing for additions to the base contract as listed in Exhibit A, attached hereto. Change Order No. 21 increases the contract price from \$ 94,395,339.76 to \$ 97,497,879.43

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. 21 to the Design-Build contract with BBL Carlton, LLC, in relation to the Civic Center Expansion and Renovation Project, in the amount of \$ 3,102,539.67, providing for additions to the base contract as listed in Exhibit A, attached hereto. Change Order No. 21 increases the contract price from \$ 94,395,339.76 to \$ 97,497,879.43.

Charleston Civic Center Expansion and Renovation Change Order #21

Exhibit A

04/11/2018

PCO's combined in Change Order #21 (Refer to the attached PCO descriptions):

Add

1. PCO 161 (East Feature Wall Storage Room)	\$8,315.09
2. PCO 162 (Design Fee For Concession Kitchen)	\$39,710.03
3. PCO 164 (Little Theater Entrance Floor)	\$2,902.42
4. PCO 165 (Riverfront Park)	\$2,643,647.00
5. PCO 167 (8" Door Opening at Ballroom/Pre-function)	\$13,843.59
6. PCO 168 (Quarrier St. Lobby Leveling GMP Credit)	(\$5,192.46)
7. PCO 169 (Concession Kitchen)	<u>\$399,314.00</u>

TOTAL

\$3,102,539.67

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 No. 034-18 adopted.

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 035-18 be adopted.

Resolution No. 035-18 - Authorizing the Mayor or City Manager to enter into an agreement with Ages Energy Field Services, Inc. for Sample Testing of Asbestos-containing Materials in Properties Slated for Demolition by the Building Commission. The agreement is for a one-year period from date of execution with the City having exclusive irrevocable option to renew the agreement under the same terms and conditions and at the prices quoted in the bid specification for two consecutive years.

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 Ages Energy Field Services, Inc. for Sample Testing of Asbestos-containing Materials in Properties Slated for Demolition by the Building Commission. The agreement is for a one-year period from date of execution with the City having exclusive irrevocable option to renew the agreement for two consecutive years under the same terms and conditions and at the prices listed below:

Per Structure	\$214.00
Per Bulk Sample	\$ 0.00
Per Sample (PLM)	\$ 8.00
Gravimetric Reduction Sample	\$ 25.00

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 No. 035-18 adopted.

6. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 036-18 be adopted.

Resolution No. 036-18 - Authorizing the Mayor or City Manager to enter into an agreement with RS Environmental, Inc. for asbestos abatement of substandard structures slated for demolition by the Building Commission, at the rate of \$2.50 per square foot, for a one-year period from date of execution of the agreement. The City shall have the exclusive irrevocable option to renew the agreement under the same terms and conditions and at the price quoted above for two consecutive years.

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

That the Mayor or City Manager to enter into an agreement with RS Environmental, Inc. for asbestos abatement of substandard structures slated for demolition by the Building Commission, at the rate of \$2.50 per square foot, for a one-year period from date of execution of the agreement. The City shall have the exclusive irrevocable option to renew the agreement under the same terms and conditions and at the price quoted above for two consecutive years.

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 No. 036-18 adopted.

7. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 038-18 be adopted.

Resolution No. 038-18 - Authorizing the Mayor or his designee to receive and administer a grant award with the West Virginia Department of Transportation, Division of Highways (“Department”), for State Project No. U320-CHA/S-47.00 and Federal Project No. TAP-2015(273)D relating to eligible funds for the for the Charleston Slack Plaza Improvements Project, Phase II – Design Only. The total eligible project cost as set by this Agreement is \$250,000 and 80% of the funds (\$200,000) are eligible for reimbursement by the Department with the remaining 20% matching funds (\$50,000) the responsibility of the City of Charleston.

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 a grant award with the West Virginia Department of Transportation, Division of Highways (“Department”), for State Project No. U320-CHA/S-47.00 and Federal Project No. TAP-2015(273)D relating to eligible funds for the for the Charleston Slack Plaza Improvements Project, Phase II – Design Only. The total eligible project cost as set by this Agreement is \$250,000 and 80% of the funds (\$200,000) are eligible for reimbursement by the Department with the remaining 20% matching funds (\$50,000) the responsibility of the City of Charleston.

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 No. 038-18 adopted.

8. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 039-18 be adopted.

Resolution No. 039-18 - Authorizing the Mayor or City Manager to enter into an agreement with West Virginia Demolition, Inc. for demolition of substandard structures located throughout the City, at the rate of \$3.14 per square foot, for a one-year period from date of execution of the agreement. The City shall have the exclusive irrevocable option to renew the agreement under the same terms and conditions and at the price quoted above for two consecutive years.

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 West Virginia Demolition, Inc. for demolition of substandard structures located throughout the City, at the rate of \$3.14 per square foot, for a one-year period from date of execution of the agreement. The City shall have the exclusive irrevocable option to renew the agreement under the same terms and conditions and at the price quoted above for two consecutive years.

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 No. 039-18 adopted.

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

A Proposal submitted by Town Police Supply, in the amount of \$ 45,890.00, for the purchase of (Qty: 200) Glock G-17 Gen5 9mm w/ night sight, (Qty: 50) Glock G-26 Gen5 9mm w/ night sight and engraving for all Department pistols. A credit in the amount of \$61,360.00 was applied towards this purchase for the buyback of previously used firearms. Ten (10) of these weapons will be paid for from the City Service Fee account. Glock sets the price for all authorized law enforcement distributors; therefore, no bids are required.

To be charged to Account No. 043-299-00-000-3-341, Asset Forfeiture (\$41, 600)
Account No. 001-700-02-000-3-345, City Service Fee (\$4,290)

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

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

A proposal submitted by Maywood Furniture Corporation in the amount of \$34,262.50, for purchase of Two-hundred (200) C-Leg 18" x 96" Seminar Tables w/ modesty panels as part of the Civic Center Expansion and Renovation Project.

This is part of a GSA Purchase – Contract #GS 28F-0050W and is sole source.

To be charged to Account No. 216-979-01-000-4-460, Civic Center – Capital Outlay, Furniture, Fixtures & Equipment

Councilmember Reishman moved to approve the Committee Report. Councilmember 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

Municipal Court Report to City Council Month Ending March 2018.
Received and Filed.

City of Charleston, WV – Financial Statements, for the nine-month period ending March 31, 2018
Received and Filed.

City Treasurer's Report to City Council Month Ending March 31, 2018.
Received and Filed.

ADJOURNMENT

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

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

NAYS: NONE

ABSENT: Burka, Ceperley, Richardson

At 7:50 p.m., by a motion from Councilmember Harrison, Council adjourned until Tuesday, April 17, 2018, at 5:30 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

JB Akers, City Clerk