JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, June 17, 2019

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Amy Shuler Goodwin
Mayor

Miles C. Cary II
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 17th day, in the year 2019, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Reishman and the Pledge of Allegiance was led by Layla. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

ADAMS	**BAILEY**	**BAYS**
BURTON		**CEPERLEY**
COOK		**HAAS**
HOOVER	**JENKINS**	
KING	**KNAUFF**	**LAIRD**
MCKINNEY	**MINARDI**	**OVERSTREET**
PERSINGER	**PHARR**	**REISHMAN**
ROBINSON	**SHEETS**	**SNODGRASS**
STEELE	**WESLEY-PLEAR**	**MAYOR GOODWIN**

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

1. Lucas Adkins – asked Council to commission a study to discover the feasibility of a modern street car system for the City.

2. Mitzie Simms – asked that water run-off, recently diverted from Headley Drive to outside City limits, be changed.

CLAIMS

1. A claim of Angela Archer, 42 Western Dr., Hurricane, WV;
   alleges damage to vehicle.
   Refer to City Solicitor

2. A claim of Violet M. Burns, 1333 Red Oak St., Charleston, WV;
   alleges damage to property.
   Refer to City Solicitor

3. A claim of Karen Reed, 1706 Sugar Creek Dr., Charleston, WV;
   alleges damage to property.
   Refer to City Solicitor

4. A claim of Terri Lee Williams, 1960 Parkwood Rd., Charleston, WV;
   alleges damage to property.
   Refer to City Solicitor

1.

EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION

WHEREAS: Alzheimer's & Brain Awareness Month helps spread awareness of the Alzheimer's Association's vision of imagining a world without Alzheimer's disease; and

WHEREAS: June 21, the summer solstice, has been declared The Longest Day, with teams around the world coming together to participate in an activity they love, or an activity loved by those affected by Alzheimer's, to raise awareness for care and assistance, while supporting the advancement of research toward the first survivor of Alzheimer's; and

WHEREAS: In recognition of the 38,000 West Virginians living with Alzheimer's disease and their 106,000 caregivers, it is fitting that we designate June as Alzheimer's & Brain Awareness Month to raise awareness of Alzheimer's disease and those it impacts; and

WHEREAS: Alzheimer's disease is a family disease impacting spouses, partners, children, brothers, sisters, aunts, uncles, and other relatives who provide voluntary assistance to a loved one; and

WHEREAS: West Virginia caregivers devote 121 million total hours of voluntary care to family members; and

WHEREAS: Alzheimer's disease is the only disease among the top 10 causes of death in the United States that cannot be prevented, cured, or even slowed

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby proclaim June 2019, as

ALZHEIMER'S & BRAIN AWARENESS MONTH

in the City of Charleston and encourage all citizens to wear purple and help the Alzheimer's Association raise awareness and further the advancement of Alzheimer's care, support, and research.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 17th day of June 2019.

Amy Shuler Goodwin, Mayor

The Mayor presented the proclamation to Councilmember King, Nicole Nesmith and JT Hunter.

COMMUNICATIONS

NONE

REPORTS OF COMMITTEES

COMMITTEE ON FINANCE

Councilmember Jenkins, 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. 206-19 do pass.

Resolution No. 206-19 - Authorizing the City Manager to execute Change Order #3 with Stantec Consulting Services, Inc., in the amount of $1,900.00 to perform additional adhesion testing on the protective coating that has failed on the Charleston Coliseum and Convention Center, as listed in Exhibit A, attached hereto. This change order increases the contract price from $141,861.50 to 143,761.50.

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 #3 with Stantec Consulting Services, Inc., in the amount of $1,900.00 to perform additional adhesion testing on the protective coating that has failed on the Charleston Coliseum and Convention Center, as listed in Exhibit A, attached hereto. This change order increases the contract price from $141,861.50 to 143,761.50.

Councilmember Jenkins added that this will be to perform additional testing on some of the new paint on the Convention Center.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 206-19 adopted.

Stantec

Stantec Consulting Services Inc.
111 Elkins Street, Fairmont WV 26554-4021

May 29, 2019

Attention: Chris Knox, PE
City Engineer, City of Charleston

Dear Mr. Knox,

Reference: City of Charleston, Civic Center Adhesion Testing and Report

As discussed in our field meeting on Thursday, May 9, 2019, we are submitting a cost proposal to perform adhesion testing on sections of the Civic Center where the protective coating has failed. After the completion of the testing, Stantec will deliver a recommendation report detailing the findings of the field investigation. The costs are proposed as follows:

- Field Investigation, Adhesion testing (16 tests)

NACE Level III – (6 Hours) ($135.00 Per Hour)	=	$810.00
NACE Technician - (6 Hour) ($95.00 Per Hour)	=	$570.00

- Recommendation Report

NACE Level III - (2 Hours) ($135.00 Per Hour)	=	$270.00

- Directs (Testing Supplies and Equipment) = $250.00

Total $1900.00

Total cost is not to be exceeded without out prior authorization from the City of Charleston. If you are in agreeance with the proposal presented above including the attached standard Terms and Conditions, please sign and return one copy to our office.

Regards,

Stantec Consulting Services Inc.

Donavon Cunningham
Field Services Manager
Phone: 304 816 5194
Fax: 304 367 9403
donavon.cunningham@stantec.com

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 207-19 do pass.

Resolution No. 207-19 - Authorizing the Mayor or City Manager, pursuant to W. Va. Code §16-18-16, to sever approximately 707 square feet of City property, which is more particularly described in Exhibit A, and convey the property to the Charleston Urban Renewal Authority (CURA) in order to merge it with the adjacent property already owned by CURA to facilitate the development of the adjacent property.

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

That the City Manager or Mayor are authorized to sever approximately 707 square feet of City property, which is more particularly described in Exhibit A, and convey the property to the Charleston Urban Renewal Authority (CURA) in order to merge it with the adjacent property already owned by CURA to facilitate the development of the adjacent property.

Councilmember Jenkins added that this is to approve the transfer of a small section of property behind the B&B loan building to facilitate the development of that building. It is a small section, previously used as free parking spaces, whose transfer to CURA will be a better use of the property.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 207-19 adopted.

DESCRIPTION OF PART OF THE

CITY OF CHARLESTON PROPERTY
TO BE SEVERED AND MERGED WITH
TAX MAP 8 PARCEL 41
CITY OF CHARLESTON, WV

Being a parcel or tract of land situate in Charleston East District, Kanawha County, West Virginia, to which a more particular description is made, to-wit:

To find the TRUE POINT OF BEGINNING commence at a mag nail at the buiding corner marking the southeastern-most corner of a the Charleston Urban Renewal Authority property (CURA) Tax Map 8 Parcel 41 on the southerly right of way line of line of Brawley Walkway; thence with said building line,

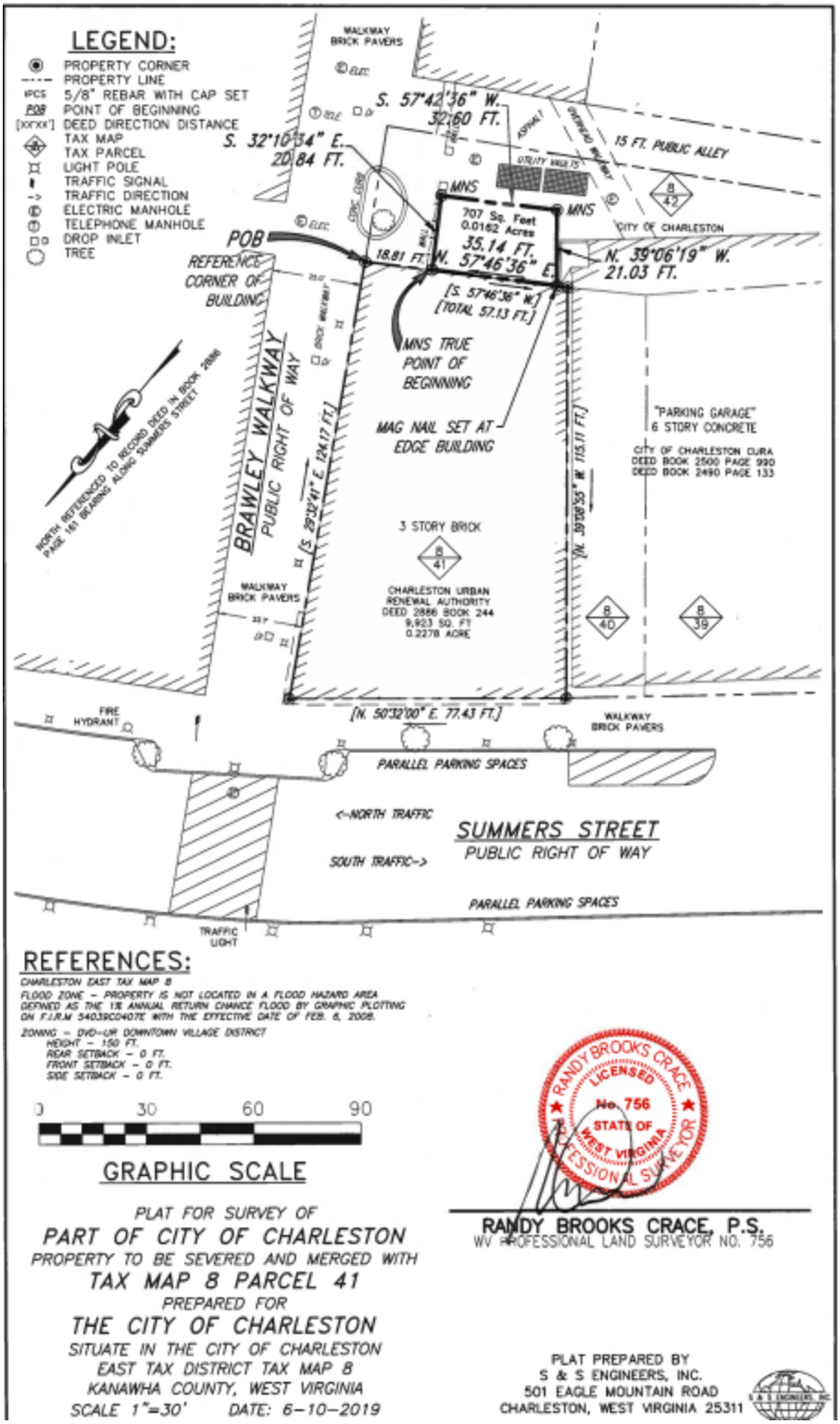
S. 39°08'55" E. a distance of 18.81 feet to a mag nail set at edge of building in the line of CURA ; thence through and over the lands of the City of Charleston the following three (3) lines:

S. 32°10'34" E. a distance of 20.84 feet to a mag nail set; thence,

S. 57°42'36" W. a distance of 32.60 feet to a mag nail set; thence,

N. 39°06'19" W. a distance of 21.03 feet to a mag nail set at edge of building in the line of CURA Tax Map 8 Parcel 41; thence with the division line of said CURA,

N. 57°46'36" E. a distance of 35.14 feet to the Point of Beginning, having an area of 707 square feet or 0.0162 acre, more or less. Reference is made to a survey prepared by S & S Engineers, Inc., Charleston WV, titled "PLAT OF SURVEY OF PART OF CITY OF CHARLESTON PROPERTY TO BE MERGED WITH TAX MAP 8 PARCEL 41" dated June 7, 2019, and bearing the signature of Randy Brooks Crace, West Virginia Professional Surveyor No. 756.


LEGEND:
PROPERTY CORNER
PROPERTY LINE
5/8" REBAR WITH CAP SET
POB POINT OF BEGINNING
[XX'XX"] DEED DIRECTION DISTANCE
TAX MAP
TAX PARCEL
LIGHT POLE
TRAFFIC SIGNAL
TRAFFIC DIRECTION
ELECTRIC MANHOLE
TELEPHONE MANHOLE
DROP INLET
TREE
WALKWAY BRICK PAVERS
S. 57°42'36" W. 32.60 FT.
S. 32°10'34" E. 20.84 FT.
15 FT. PUBLIC ALLEY
707 Sq. Feet 0.0162 Acres
35.14 FT. N. 57°46'36" E.
N. 39°06'19" W. 21.03 FT.
CITY OF CHARLESTON
POB
REFERENCE CORNER OF BUILDING
18.81 FT.
[S. 57°46'36" W. [TOTAL 57.13 FT.]
MNS TRUE POINT OF BEGINNING
MAG NAIL SET AT EDGE BUILDING
BRAWLEY WALKWAY
PUBLIC RIGHT OF WAY
[S. 29°59'41" E. 124.17 FT.]
[N. 39°08'53" W. 115.11 FT.]
"PARKING GARAGE" 6 STORY CONCRETE
CITY OF CHARLESTON CURA DEED BOOK 2500 PAGE 990 DEED BOOK 2490 PAGE 133
3 STORY BRICK
CHARLESTON URBAN RENEWAL AUTHORITY DEED 2886 BOOK 244 9,923 SQ. FT 0.2278 ACRE
NORTH REFERENCED TO RECORD DEED IN BOOK 2886 PAGE 161 BEARING ALONG SUMMERS STREET
[N. 50°32'00" E. 77.43 FT.]
FIRE HYDRANT
PARALLEL PARKING SPACES
<-NORTH TRAFFIC
SOUTH TRAFFIC->
SUMMERS STREET
PUBLIC RIGHT OF WAY
TRAFFIC LIGHT
REFERENCES:
CHARLESTON EAST TAX MAP 8
FLOOD ZONE – PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA DEFINED AS THE 1% ANNUAL RETURN CHANCE FLOOD BY GRAPHIC PLOTTING ON F.I.R.M 54039C0407E WITH THE EFFECTIVE DATE OF FEB. 6, 2008.
ZONING – DVD-UR DOWNTOWN VILLAGE DISTRICT
HEIGHT – 150 FT.
REAR SETBACK – 0 FT.
FRONT SETBACK – 0 FT.
SIDE SETBACK – 0 FT.
0 30 60 90
GRAPHIC SCALE
PLAT FOR SURVEY OF
PART OF CITY OF CHARLESTON
PROPERTY TO BE SEVERED AND MERGED WITH
TAX MAP 8 PARCEL 41
PREPARED FOR
THE CITY OF CHARLESTON
SITUATE IN THE CITY OF CHARLESTON
EAST TAX DISTRICT TAX MAP 8
KANAWHA COUNTY, WEST VIRGINIA
SCALE 1"=30' DATE: 6-10-2019
RANDY BROOKS CRACE LICENSED No. 756 STATE OF WEST VIRGINIA PROFESSIONAL SURVEYOR
RANDY BROOKS CRACE, P.S.
WV PROFESSIONAL LAND SURVEYOR NO. 756
PLAT PREPARED BY
S & S ENGINEERS, INC.
501 EAGLE MOUNTAIN ROAD
CHARLESTON, WEST VIRGINIA 25311

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 208-19 do pass.

Resolution No. 208-19 - Authorizing the Mayor or City Manager to enter into an agreement with Garcie R. Marker & Sons, Inc., in the amount of $619,225.00, for the Concrete Street Repair Project pursuant to the results of a competitive bidding process.

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 Garcie R. Marker & Sons, Inc., in the amount of $619,225.00, for the Concrete Street Repair Project pursuant to the results of a competitive bidding process.

Councilmember Jenkins added that this is a companion to the previously approved Paving Project for concrete streets.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 208-19 adopted.

Concrete Street Repair Project #:E4-06/19-126U - Engineering

Bid Opening: June 11, 2019 @ 10:30 a.m.

			Garcie R. Marker & Sons, Inc. 1119 Jefferson Road South Charleston, WV 25309 P: (304) 744-0590 grmarkersons@aol.com		**McClanahan Construction Co.** 744 N. Poca River Road Poca, WV 25159 P: (304) 776-3355 bruce@mcclanahanconstruction.com	
Item	**Unit**	**Estimated Quantity**	**Price per Unit**	**Total Cost**	**Price per Unit**	**Total Cost**
Item No. 3.01 Mobilization and Demobilization (5% Max.)	LS	1	$2,100.00	$2,100.00	$27,000.00	$27,000.00
Item No. 3.02- Aggregate Base	TON	525	$65.00	$34,125.00	$84.00	$44,100.00
Item No. 3.03 - Class K Portland Cement Concrete Pavement	CY	650	$815.00	$529,750.00	$867.00	$563,550.00
Item No. 3.04 - Integral Rolled Concrete Curb	LF	750	$25.00	$18,750.00	$15.00	$11,250.00
Item No. 3.05 Concrete Curb and Gutter	LF	200	$65.00	$13,000.00	$49.00	$9,800.00
Item No. 3.06 - 4-inch Underdrain	LF	400	$38.00	$15,200.00	$69.00	$27,600.00
Item No. 3.07 - Open graded Free Draining Aggregate	TON	150	$42.00	$6,300.00	$67.00	$10,050.00
TOTAL PROJECT COST				**$619,225.00**		**$693,350.00**

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 209-19 do pass.

Resolution No. 209-19 - Authorizing the Mayor or City Manager to enter into a contract with Vance Outdoors Inc. for the purchase of 60 assault rifles and related accessories in the amount of $82,173.60 pursuant to the results of a competitive bidding process.

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 contract with Vance Outdoors Inc. for the purchase of 60 assault rifles and related accessories in the amount of $82,173.60 pursuant to the results of a competitive bidding process.

Councilmember Sheets asked if either company would pay state sales tax and if that would influence purchase. Councilmember Jenkins answered that as that the City would be making the purchase, the City would not pay sales tax. He added that there is a want to support local businesses, and that per the Mayor's request, there will be a subcommittee to look into local vendor preference. At this time, the lowest bidder was selected per the requirements of the City code.

Councilmember Minardi confirmed that the City is required to accept the lowest bid.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 209-19 adopted.

Charleston Police Department Riffle and Riffle Accessories
Bid Opening: May 15, 2019 @ 11:00 a.m.

			Boggs Gun Shop 421 Beech Avenue Charleston, WV 25302 P: (304) 344-1900 F: chuckboggs@suddenlink.net			Vance Outdoors Inc. 3723 Cleveland Ave. Columbus, OH. 43224 P: (614) 471-7000 x115 F: (614) 471-2134 dvance@vanceoutdoors.com	
	Quantity		Unit Cost	Total Cost		Unit Cost	Total Cost
Sig Sauer M400 Riffle	60		$910.75	$54,645.00		$869.35	$52,161.00
Saavy Sniper Sling	60		$55.00	$3,300.00		$56.29	$3,377.40
Aimpoint PRO Optic	60		$383.50	$23,010.00		$399.99	$23,999.40
MagPul Gen3 Magazine	120		$11.58	$1,389.60		$10.99	$1,318.80
Black Padded Rifle Case	60		$23.61	$1,416.60		$21.95	$1,317.00
Shipping			$0.00	$0.00		$0.00	$0.00
Delivery	30 days or less				90 - 100 days		

Total Bid	**$83,761.20**	**$82,173.60**

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 210-19 do pass.

Resolution No. 210-19 – Authorizing the Mayor or City Manager to submit a grant application to the West Virginia Department of Environmental Protection through the agency's Rehabilitation Environmental Action Plan (REAP) program in the amount of $150,000, where any awarded funds will be used to educate City residents about recycling, conduct a study on recycling practices in the City of Charleston or any other purpose that promotes or facilitates recycling as approved by the Mayor and Council. The Mayor or City Manager is authorized to receive and administer any grant awarded.

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

The Mayor or City Manager is authorized to submit a grant application to the West Virginia Department of Environmental Protection through the agency's Rehabilitation Environmental Action Plan (REAP) program in the amount of $150,000, where any awarded funds will be used to educate City residents about recycling and to conduct a study on recycling practices in the City of Charleston. The Mayor or City Manager is authorized to receive and administer any grant awarded.

Councilmember Jenkins added that there was a slight change in the resolution's language to provide more flexibility.

Councilmember Bailey added that the Environment and Recycling Committee endorses the resolution.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 210-19 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. 211-19 do pass.

Resolution No. 211-19 - Authorizing the Mayor or City Manager to enter into a contract with Daktronics Inc., for an Indoor Digital Display Screen for the Charleston Coliseum and Convention Center, Upper Lobby Display in the amount of $105,640.00 pursuant to the results of a competitive bidding process.

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

That the Mayor or City Manager is authorized to enter into a contract with Daktronics Inc., for an Indoor Digital Display Screen for the Charleston Coliseum and Convention Center, Upper Lobby Display in the amount of $105,640.00. Pursuant to the results of a competitive bidding process.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 211-19 adopted.

City of Charleston, WV Indoor Digital Display Screen - Coliseum and Convention Center - ReBid Bid Opening: May 13, 2019 @ 10:30 a.m.		
	Daktronics, Inc. Attn: Fran Kulas 201 Daktronics Drive Brookings, SD 57006 P: (605)692-0200 sales@daktronics.com	**Electronic Speciality Company** Attn: Shane Higgins II 1325 Dunbar Avenue Dunbar, WV 25064 P: (304)766-6277 shane@electronicspeciality.com
Unit Price with Installation	$105,640.00	$73,359.00
Total Bid	$105,640.00	$73,359.00
Delivery (days from date of firm order)	100 days	60 days

REPORTS OF OFFICERS

1. Municipal Court Report to City Council Month Ending May 2019.
   Received and Filed.

2. City Treasurer's Report to City Council Month Ending May 2019.
   Received and Filed.

NEW BILLS

Introduced by Councilmembers Brent Burton, Keeley Steele, Courtney Persinger, Sam Minardi, Becky Ceperley, John Kennedy Bailey, Caitlin Cook, Bruce King, Chad Robinson
Jennifer Pharr, Will Laird, Jeanine Faegre and Mary Beth Hoover on June 17, 2019:
Bill No. 7821 - A BILL to amend and reenact Section 114-402 of the Code of the City of Charleston, as amended by adding Article XV, relating to safely traveling the streets of Charleston; reducing; and authorizing the use of low-speed vehicles consistent with state law.
Refer to Planning, Streets and Traffic Committee

Introduced by Councilmember John Kennedy Bailey on June 17, 2019:
Bill No. 7822 - A BILL to repeal Sections 102-300 and 102-303; to amend and reenact Sections 102-301, 102-302, and 102-304 of Division I of Article VIII, Chapter 102 of the Municipal Code of the City of Charleston, known as the "City of Charleston Illicit Discharge Detection and Elimination Ordinance"; and to amend and reenact Sections 102-314, 102-315, 102-316, 102-317, 102-318, and 102-319 of Division II of Article VIII, Chapter 102 of the Municipal Code of the City of Charleston, known as the "City of Charleston Construction Site Erosion and Sediment Control Ordinance."
Refer to Environment and Recycling Committee

MISCELLANEOUS/UNFINISHED BUSINESS

1. Mayor Goodwin thanked Councilmember McKinney for coordinating the National Gun Awareness Day Event. The Mayor also mentioned that downtown business owners reported the busiest weekend in a long time due to weekends' sporting events.

2. Councilmember Laird stated that he regrettably he was unable to attend the last Council meeting. He wished to convey that had he been present, he would have voted for the passage of Bill. No. 7819.

3. Councilmember Pharr stated that the Facilities Committee took a tour of the Convention Center earlier in the evening. A tour of the Municipal Auditorium is scheduled for July 1, 2019 at 5:15 pm; anyone is welcome to join them.

4. Councilmember Knauff invited those present to attend Full Color Magazine, where the street at the corner of Bigley Avenue and Garrison Avenue will be painted to promote the City's self-contained water shed.

5. Councilmember Hoover stated that the Planning, Streets and Traffic Committee with be meeting June 24, 2019 at 5:00 pm. to discuss Bills No. 7818, 7820 and 7821.

6. Councilmember Snodgrass stated that in regard to Bill No. 7821, she would like to see adding that it would only be permitted on roads that are already posted at 20 mph or not to avoid a potential safety hazard.

7. Councilmember King thanked Major Redden who he witnessed helping a citizen with a disability who was having trouble crossing the road.

ADJOURNMENT

The Clerk, Miles C. Cary II, called the closing roll call:

YEAS: Adams, Bailey, Bays, Burton, Ceperley, Cook, Haas, Hoover, Jenkins, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin
NAYS: NONE
ABSENT: Campbell, Faegre, Jones

At 7:37 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, July 1, 2019, at 7:00 p.m., in the Council Chamber in City Hall.

_____
Amy Shuler Goodwin, Honorable Mayor

_____
Miles C. Cary, City Clerk