



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, January 7, 2019

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Danny Jones
Mayor

Nikki Smith
Deputy 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 January on the 7th day, in the year 2019, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilmember Harrison and the Pledge of Allegiance was led by Councilmember Davis. The Deputy Clerk, Nikki Smith, called the roll of members and it was found that there were present at the time:

CHESTNUT	BURTON	CEPERLEY
EALY	FAEGRE	DAVIS
HARRISON	HOOVER	HAAS
JONES	B. KING	IRELAND
LANE	MCKINNEY	S. KING
OVERSTREET	PERSINGER	MINARDI
RICHARDSON	SALISBURY	REISHMAN
STEELE	WARE	SNODGRASS
		MAYOR JONES

With twenty-five 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

None

MISCELLANEOUS RESOLUTIONS

1. Resolution No. 153-19:

Introduced in Council:
January 7, 2019

Introduced by:
Becky Ceperley

Adopted by Council:
January 7, 2019

WHEREAS, pursuant to the authority granted by the City Charter, Section 25, and the Code of the City of Charleston, Ordinance Section 2-133, various surety bonds are provided for to cover the faithful performance of certain city officials and personnel;

WHEREAS, the amounts prescribed in the Charter Section 25, and the Code Section 2-133 for the certain bonds are minimum amounts, and whereas the Charter Section 25 provides specifically that Council may require additional bond from any of the said appointive officers;

WHEREAS, traditionally, over the course of years, the City has held in place increased bond amounts on the various positions as listed on Addendum A:

WHEREAS, Mayor-elect Amy Shuler Goodwin, City Manager Appointee Jonathan Storage, and City Clerk Appointee Miles Cary II, have all filled out applications for bonds to be issued in the amounts aforesaid for their respective positions, with the premium amounts being as follows: Mayor--\$150/year; City Manager--\$75/year; and City Clerk \$75/year.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON AS FOLLOWS:

1. The bond amounts per position set forth above are hereby ratified and approved.
2. This Resolution shall take effect immediately upon adoption.

ADOPTED this 7th day of January 2019.

Councilmember Ceperley 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 153-18 adopted.

1. Resolution No. 154-19

Introduced by: Tom Lane, Bob Reishman, Mary Jean Davis, Becky Ceperley and Jack Harrison
January 7, 2019

WHEREAS, David Molgaard has served as Charleston’s City Manager for 16 years, the most important and influential office of the City below that of the mayor; and

WHEREAS, David Molgaard participated in planning processes to set over-arching goals and plans to improve and advance the interests of the City of Charleston in core areas, including, strengthening neighborhoods, improving infrastructure, making Charleston a vibrant community through recreation and events, and, perhaps, most importantly, running an efficient city government; and through David Molgaard’s leadership, these goals and plans were integrated in the overall operations of each department of the city and thereby achieved major goals; and

WHEREAS, during his service David Molgaard has effectively overseen addressing unfunded pension liabilities; improvements to all city facilities with a city construction crews; making Haddad Riverfront Park an iconic landmark; managing the design and construction of Appalachian Power Park and related office and restaurant space; designing, working with the donor and managing the addition of the Schoenbaum Stage at Haddad Riverfront Park; establishing and implementing a Master Bike Trail Plan for Charleston; establishing landfill gas development at the Charleston Landfill; implementing a new parking system with smart meters; setting up a one-stop Services Center; enhancing healthcare for city employees with a new healthcare clinic while recognizing significant savings and creation of a reserve fund; improving the Magic Island playground with a new splash pool; improving Brawley walkway and installing a police station at Slack Plaza; constructing two new fire stations; managing the reconstruction of the Schoenbaum Tennis Center at Watt Powell Park; implementing outdoor dining and new recreation and entertainment venues that make Charleston a vibrant City; helping to establish Live on the Levee; strengthening neighborhoods with new and unique initiatives; improving City infrastructure and putting in place procedures to insure regular maintenance; implementing procedures to have the City run efficiently and effectively and culminating his tenure with the completion of a remarkable addition and renovation of the renamed Charleston Coliseum and Convention Center; and

WHEREAS, prior to service as City Manager, David Molgaard served for four years as a member of City Council, and during that time exemplified unique diligence and effectiveness.

NOW, THEREFORE, the Charleston City Council does hereby recognize David Molgaard for his superb leadership, diligence, dedication, perseverance, and the many initiatives he undertook in making the City of Charleston a great City.

Danny Jones, Mayor

Tom Lane, President

Councilmember Lane moved to approve the Resolution. Councilmember Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 154-18 adopted. The resolution was presented to David Molgaard.

2. Resolution No. 155-19

Introduced by: Tom Lane, Bob Reishman, Mary Jean Davis, Becky Ceperley and Jack Harrison
January 7, 2019

WHEREAS, Paul Ellis has served for 16 years as Charleston's City Attorney, one of the most important and influential offices in the City of Charleston; and

WHEREAS, Paul Ellis has been a key participant in implementing over-arching goals and plans to improve and advance the interests of the City of Charleston in core areas, including, strengthening neighborhoods, improving infrastructure, making Charleston a vibrant community through recreation and events; and

WHEREAS, Paul Ellis raised the level of the legal department, so that, under his leadership cases that were previously outsourced at significant expense have been handled in-house and at the same time allowed for significantly better City monitoring, management and input, including lawsuits to keep guns out of municipal recreation centers; to address possible collusion among paving contractors; to prevent State offices and hundreds of jobs from moving out of Charleston, to hold drug manufacturers accountable for the influx of opioids into our community and the resulting harm to citizens; and to protect the City's and CURA's interests in the Charleston Town Center Mall; and

WHEREAS, during his service Paul Ellis has effectively overseen the creation of the Quick Response Team of medical, social and first responder professionals to address addicts and overdose problems; the creation of the Family Reunification and Opportunity Enhancement Program; the enactment of a new State law to streamline the legal process for demolition of abandoned homes in cities, the establishment of Home Rule that has benefitted Charleston greatly; serving as an advocate for all of the City's residents by providing research, drafting ordinances, and providing legal counsel to the Homeless Task Force; working to find creative and cost effective ways to promote housing development on the City's West Side; leading the way in municipal reform statewide by serving as a resource for all West Virginia cities through his work with the West Virginia Municipal League.

NOW, THEREFORE, the Charleston City Council does hereby recognize Paul Ellis for his superb leadership, diligence, dedication, perseverance, and the many initiatives he undertook in making the City of Charleston a great City.

Danny Jones, Mayor

Tom Lane, President

Councilmember Lane moved to approve the Resolution. Councilmember Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 155-18 adopted. The resolution was presented to Paul Ellis.

3. Resolution No. 156-19

Introduced by: Tom Lane, Bob Reishman, Mary Jean Davis, Becky Ceperley and Jack Harrison
January 7, 2019

WHEREAS, Rod Blackstone has served for 16 years as Charleston’s Deputy Mayor and Senior Assistant to the Mayor, one of the most important and influential positions in the City of Charleston; and

WHEREAS, Rod Blackstone participated in planning processes to set over-arching goals and plans to improve and advance the interests of the City of Charleston in core areas, including, strengthening neighborhoods, improving infrastructure, making Charleston a vibrant community through recreation and events, and, perhaps, most importantly, running an efficient city government; and

WHEREAS, upon adopting the motto: “Making Charleston a more attractive place for people to live, visit and invest in the future,” Rod Blackstone became the major cheerleader and promoter of the interests of the City, and with his leadership, the City of Charleston has seen major investment in affordable and government-assisted housing, including Vista View, Washington Manor and Littlepage Terrace; the adoption of the West Invest program; improvement of neighborhoods through balanced enforcement of building codes and demolition of 1,066 decaying homes and buildings; the creation of FestivALL Charleston where he remains a key board member; the expansion of arts and culture, including Moses Auto Group Live on the Levee, Charleston Boulevard Rod Run & Doo Wop, and Sports Fest; the explosion of public art under I-64 and throughout neighborhoods and business districts; making Haddad Riverfront Park an iconic landmark; building Appalachian Power Park where Rod highlights every game as the “Toast Master”; providing opposition to the Legislature’s consideration of RFRA and the expansion of local anti-discrimination protections to include LGBTQ citizens; the creation of the RESET leadership team that has improved communication and built relationships among police officers and community organizations; the renovation of the old Roosevelt School into a vibrant community center in the East End; the proposed relocation of Bridge Valley Community and Technical College to the West Side; establishing a partnership with the University of Charleston and enhancing the connections between UC students and our city; expanding Independence Day celebrations and bringing major events to the City.

NOW, THEREFORE, the Charleston City Council does hereby recognize Rod Blackstone for his superb leadership, diligence, dedication, perseverance, and the many initiatives he undertook in making the City of Charleston a great City.

Danny Jones, Mayor

Tom Lane, President

Councilmember Lane moved to approve the Resolution. Councilmember Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 156-18 adopted. The resolution was presented to Rod Blackstone.

REPORTS OF COMMITTEES

COMMITTEE ON STREETS AND PLANNING

Councilmember Hoover, Chair of the Council Committee on Streets and Traffic, submitted the following reports:

1. Your committee on Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7800 do pass

Bill No. 7800 - A Bill to establish a No Parking Tow-Away zone on both sides of Sunset Drive from the intersection of South Drive to a point 650 feet to the northwest and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A No Parking Tow-Away zone on both sides of Sunset Drive from the intersection of South Drive to a point 650 feet to the northwest.

Section 2. The Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

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

YEAS: Burton, Ceperley, Chestnut, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Jones, B. King, S. King, Lane, McKinney, Minardi, Overstreet, Persinger, Reishman, Salisbury, Snodgrass, Steele, Ware, Mayor Jones

NAYS: NONE

ABSENT: Clowser

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7800 passed.

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. 151-18 do pass.

Resolution No. 151-18 - Authorizing approval of Amendment No. 6 in the FY 2018- 2019 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 approval of Amendment No. 6 in the FY 2018- 2019 General Fund Budget as indicated on the attached list of accounts.

General Fund FY 2018-2019 Budget Amendment No. 6 - January 7, 2019

Account No.	Department	Account Description	Amount
001 906 01 000 2 223	Public Arts	Professional Services	6,000
001 906 01 000 3 341	Public Arts	Material & Supplies	1,000
001 412 00 000 2 223	City Manager	Professional Services	(6,000)
001 412 00 000 3 341	City Manager	Material & Supplies	(1,000)
Transfer funds from City Manager to Public Arts for support of a Main Street project in Elk City.			
001 439 00 000 1 103	Information Systems	Wages & Salaries	(56,645)
001 439 00 000 1 104	" "	FICA	(4,333)
001 439 00 000 1 105	" "	Medical & Life Insurance	(9,511)
001 439 00 000 1 106	" "	P.E.R.S. Retirement	(5,665)
001 439 00 000 1 111	" "	Dental/Optical Insurance	(503)
001 439 00 000 1 112	" "	Insurance - Payroll Deduction	2,132
001 439 00 000 2 226	" "	Insurance - WC/UC	(1,043)
001 409 00 000 2 230	Mayor's Office	Contract Services	37,500
001 412 00 000 2 230	City Manager	Contract Services	27,500
001 442 00 000 2 230	Strategy Management	Contract Services	10,568
Elimination of Senior Network Administrator (Pay Grade 121) in the Information Systems department and providing resources for Contract Services in the Mayor's Office, City Manager's Office and Strategic Management.			

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

YEAS: Burton, Ceperley, Chestnut, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Jones, B. King, S. King, Lane, McKinney, Minardi, Overstreet, Persinger, Reishman, Salisbury, Snodgrass, Steele, Ware, Mayor Jones

NAYS: NONE

ABSENT: Clowser

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 151-18 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. 152-18 do pass.

Resolution No. 152-18 - Authorizing the City Manager to execute Change Order No. 24 to the Design-Build contract with BBL Carlton, LLC, in relation to the Civic Center Expansion and Renovation Project, in the amount of (\$38.75), providing for additions to the base contract as listed in Exhibit A, attached hereto. Change Order No. 24 decreases the contract price from \$97,640,813.01 to \$97,640,774.26.

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. 24 to the Design-Build contract with BBL Carlton, LLC, in relation to the Civic Center Expansion and Renovation Project, in the amount of (\$38.75), providing for additions to the base contract as listed in Exhibit A, attached hereto. Change Order No. 24 decreases the contract price from \$97,640,813.01 to \$97,640,774.26.

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 152-18 adopted.

AIA Document G701™ – 2017
Change Order

PROJECT: <i>(Name and address)</i> Charleston Civic Center Expansion and Renovation Charleston Civic Center 200 Civic Center Drive Charleston, WV 25301	CONTRACT INFORMATION: Contract For: Design-Build Date: June 09, 2015	CHANGE ORDER INFORMATION: Change Order Number: 024 Date: Jan. 7, 2019
OWNER: <i>(Name and address)</i> City of Charleston 501 Virginia Street East Charleston, WV 25301	ARCHITECT: <i>(Name and address)</i>	CONTRACTOR: <i>(Name and address)</i> BBL Carlton, LLC 600 Kanawha Blvd. Charleston, WV 25301

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Refer to attached CO 24 Exhibit A and PCOs 185, 187, and 188.

The original Contract Sum was	\$ 82,219,485.00
The net change by previously authorized Change Orders	\$ 15,421,328.01
The Contract Sum prior to this Change Order was	\$ 97,640,813.01
The Contract Sum will be decreased by this Change Order in the amount of	\$ 38.75
The new Contract Sum including this Change Order will be	\$ 97,640,774.26

The Contract Time will be increased by Zero (0) days.

The new date of Substantial Completion will be 09/25/2018

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

_____ ARCHITECT <i>(Firm name)</i>	_____ BBL Carlton, LLC CONTRACTOR <i>(Firm name)</i>	_____ City of Charleston OWNER <i>(Firm name)</i>
_____ SIGNATURE	_____ SIGNATURE	_____ SIGNATURE
_____ PRINTED NAME AND TITLE	_____ Chuck Moore, Project Manager PRINTED NAME AND TITLE	_____ David Molgaard, City Manager PRINTED NAME AND TITLE
_____ DATE	_____ DATE	_____ DATE

Charleston Civic Center Expansion and Renovation
Change Order #24
Exhibit A
12/21/2018

PCO's combined in Change Order #24 (Refer to the attached PCO descriptions):

1. PCO 185 (Credit to Owner for Asphalt Patch)	(\$8,753.23)
2. PCO 187 (Glass replacement at Terrace 1082)	\$3,787.35
3. PCO 188 (Change Exterior Signage At Quarrier St)	<u>\$4,927.13</u>
Total	(\$38.75)

**BBL Carlton, LLC**

600 Kanawha Boulevard, East
Suite 200
Charleston, WV 25301

Phone: 304-345-1300
Fax: 304-345-1304

PROPOSED CHANGE ORDER

PCO 00185

Project No: 155011
BBL Job No: 155011

PROJECT: Charleston Civic Center

TO: City of Charleston
City Manager's Office
501 Virginia St. East
Charleston, WV 25301

PROPOSAL: Credit to Owner for Asphalt Patching

Contract No: 1
PCO Date: 9/20/2018

ATTN: David Molgaard Phone: 304-348-8014 Fax: 304-348-8157

All correspondence must reference: Change Management No. 00476

CM No 00476: DESCRIPTION OF PROPOSAL

Provide the Owner a credit for the 1 1/2" thick asphalt patching underneath the Quarrier St. Parking Garage. The City of Charleston is going to contract this work directly with the Paving Company.

Item	Description	CM# 00476	Quantity	Unit	Unit \$	Total	Tax%	Tax	Total
00001	Credit to Owner for the 1 1/2" thick asphalt patching underneath the Quarrier St. Parking Garage.		1.000		(\$7,920.00)	(\$7,920.00)			(\$7,920.00)
Total						(\$7,920.00)			(\$7,920.00)
							Total		(\$7,920.00)
							OH&P 8.000%		(\$633.60)
							Subtotal		(\$8,553.60)
							Builder's Risk		(\$11.00)
							General Liability		(\$17.00)
							Subtotal		(\$8,581.60)
							2% B&O Tax		(\$171.63)
							Total		(\$8,753.23)

By: _____

Chuck Moore

Date: _____**APPROVAL:**

By Signing below you authorize the
work to proceed and approve the cost.

By: _____

David Molgaard

Date: _____

**BBL Carlton, LLC**

600 Kanawha Boulevard, East
Suite 200
Charleston, WV 25301

Phone: 304-345-1300
Fax: 304-345-1304

PROPOSED CHANGE ORDER

PCO 00187

Project No: 155011
BBL Job No: 155011

PROJECT: Charleston Civic Center

TO: City of Charleston
City Manager's Office
501 Virginia St. East
Charleston, WV 25301

PROPOSAL: Glass Replacement at Terrace 1082**Contract No:** 1**PCO Date:** 12/7/2018

ATTN: David Molgaard Phone: 304-348-8014 Fax: 304-348-8157

All correspondence must reference: Change Management No. 00499

CM No 00499: DESCRIPTION OF PROPOSAL

Provide labor, material and equipment to replace one piece of glass at Terrace 1082 that someone shot with BB gun.

Item	Description	CM# 00499	Quantity	Unit	Unit \$	Total	Tax%	Tax	Total
00001	Viracon glass material including boxing, freight & delivery.		1.000		\$1,350.00	\$1,350.00	7.00%	\$94.50	\$1,444.50
00002	Labor & equipment to install glass replacement at Terrace 1082.		1.000		\$1,937.50	\$1,937.50			\$1,937.50
Total						\$3,287.50			\$3,382.00
						Total			\$3,382.00
						OH&P	8.000%	\$270.56	
						Subtotal			\$3,652.56
						Builder's Risk		\$5.00	
						General Liability		\$7.00	
						Subtotal			\$3,664.56
						2% B&O Tax		\$73.29	
						Total			\$3,737.85

By: _____
Chuck Moore

Date: _____

APPROVAL:

By Signing below you authorize the
work to proceed and approve the cost.

By: _____
David Molgaard

Date: _____

**BBL Carlton, LLC**

600 Kanawha Boulevard, East
Suite 200
Charleston, WV 25301

Phone: 304-345-1300
Fax: 304-345-1304

PROPOSED CHANGE ORDER

PCO 00188

Project No: 155011
BBL Job No: 155011

PROJECT: Charleston Civic Center

TO: City of Charleston
City Manager's Office
501 Virginia St. East
Charleston, WV 25301

PROPOSAL: Change Ext. Signage @ Quarrier St.

Contract No: 1
PCO Date: 12/20/2018

ATTN: David Molgaard Phone: 304-348-8014 Fax: 304-348-8157

All correspondence must reference: Change Management No. 00501

CM No 00501: DESCRIPTION OF PROPOSAL

Provide labor & material to change the exterior signage at the Quarrier St. Entrance to read Coliseum & Convention Center per the Owner's request.

Item	Description	CM# 00501	Quantity	Unit	Unit \$	Total	Tax%	Tax	Total
00001	Retrofit Type 1 Exterior Signage.		1.000		\$4,814.52	\$4,814.52			\$4,814.52
Total						\$4,814.52			\$4,814.52
Total									\$4,814.52
OH&P									\$0.00
Subtotal									\$4,814.52
Builder's Risk									\$6.00
General Liability									\$10.00
Subtotal									\$4,830.52
2% B&O Tax									\$96.61
Total									\$4,927.13

By: _____
Chuck Moore

Date: _____

APPROVAL:

By Signing below you authorize the
work to proceed and approve the cost.

By: _____
David Molgaard

Date: _____

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; December 2018.
Received and Filed.
2. Municipal Court Report to City Council Month Ending December 2018.
Received and Filed.

NEW BILLS

Introduced by Councilmember Deanna McKinney on January 7, 2019:

Bill No. 7801 – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, by rezoning from an R-10 district to a C-8 district that certain parcel of land situate at 706 Central Avenue, Charleston, West Virginia.

Refer to Municipal Planning Commission and Planning Committee

ADJOURNMENT

The Deputy Clerk, Nikki Smith, called the closing roll call:

YEAS: Burton, Ceperley, Chestnut, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Jones, B. King, S. King, Lane, McKinney, Minardi, Overstreet, Persinger, Reishman, Richardson Salisbury, Snodgrass, Steele, Ware, Mayor Jones

NAYS: NONE

ABSENT: Clowser

At 7:15 p.m., by a motion from Councilmember Harrison, Council adjourned *sine die*

Danny Jones, Honorable Mayor

Nikki Smith, Deputy City Clerk