



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, December 16, 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 December on the 16th day, in the year 2019, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Knauff and the Pledge of Allegiance was led by Councilmember Laird. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

**ADAMS
BURTON
COOK
HOOVER
KING
MCKINNEY**

**BAILEY
CAMPBELL
FAEGRE
JENKINS
KNAUFF

PHARR
SHEETS
WESLEY-PLEAR**

**BAYS
CEPERLEY
HAAS
JONES
LAIRD
OVERSTREET
REISHMAN

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. Chuck Hamsher – Thanked the Mayor and the Administration for the successful Christmas Parade.
2. Katherine “Kitty” Dooley – Expressed her support to the proposed compromise to the renaming of Court Street.
3. Jackee Basken Bryant – Expressed her support for renaming Court Street.
4. Father Joseph, Saint George Orthodox Cathedral - Expressed support to the proposed compromise to the renaming of Court Street.

CLAIMS

1. A claim of Albert C Edens Jr., Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor

PRESENTATIONS

1. Police Chief Smith presented the Honor and Valor Award to Corporal Brandon Burton and Patrolman Brandon Hazelwood

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. 271-19 do pass.

Resolution No. 271-19 - Authorizing the City Manager or Mayor to accept the donation of approximately 65.14 acres of land from Callen Jones McJunkin, individually and as co-trustee of the Herbert E. Jones, Jr. Family Share Trust and the Gloria Callen Jones Revocable Inter Vivos Trust, and Christine Jones Huber, individually and as co-trustee of the Herbert E. Jones, Jr. Family Share Trust and the Gloria Callen Jones Revocable Inter Vivos Trust for the exclusive purpose of conserving and preserving the natural and wooded setting and for creating a passive recreation area on The Herbert and Gloria Jones Woodlands, pursuant to the Deed attached hereto as Exhibit A.

WHEREAS, the Charleston Land Reuse Agency, formed in 2019 in part for the purpose of promoting green space and public recreation areas in the City of Charleston, has reviewed the generous donation from the Jones family and recommends that the Charleston City Council authorize acceptance of the donation; and

WHEREAS, the Herbert and Gloria Jones family have offered to donate a significant piece of property to the City of Charleston comprising of 65.14 acres along Loudon Heights Road; and

WHEREAS, the Jones Family Conservation Property constitutes beautiful scenic and wooded property and the preservation of this property and use for recreational purposes in perpetuity greatly enhances the Loudon Heights area of Charleston; and

WHEREAS, the City of Charleston recognizes the entire Jones family for their generosity and community service to the City and hereby offers its thanks for the contribution of this valuable property which will preserve Charleston's scenic beauty and create additional recreational opportunities for City residents and visitors.

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

That the City Manager or Mayor are authorized to accept the donation of approximately 65.14 acres of land from Callen Jones McJunkin, individually and as co-trustee of the Herbert E. Jones, Jr. Family Share Trust and the Gloria Callen Jones Revocable Inter Vivos Trust, and Christine Jones Huber, individually and as co-trustee of the Herbert E. Jones, Jr. Family Share Trust and the Gloria

Callen Jones Revocable Inter Vivos Trust for the exclusive purpose of conserving and preserving the natural and wooded setting and for creating a passive recreation area on The Herbert and Gloria Jones Woodlands, pursuant to the Deed attached hereto as Exhibit A.

Councilmember Jenkins added that this is an amazing donation to the City, being one of the largest donations given to the City. It will be a passive recreation area.

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 271-19 adopted.

DEED

This Deed made this ____ day of December, 2019, by and among CALLEN JONES MCJUNKIN, INDIVIDUALLY AND AS CO-TRUSTEE OF THE HERBERT E. JONES, JR. FAMILY SHARE TRUST, and CHRISTINE JONES HUBER, INDIVIDUALLY AND AS CO-TRUSTEE OF THE HERBERT E. JONES, JR. FAMILY SHARE TRUST, and CALLEN JONES MCJUNKIN, INDIVIDUALLY AND AS CO-TRUSTEE OF THE GLORIA CALLEN JONES REVOCABLE INTER VIVOS TRUST, and CHRISTINE JONES HUBER, INDIVIDUALLY AND AS CO-TRUSTEE OF THE GLORIA CALLEN JONES REVOCABLE INTER VIVOS TRUST, parties of the first part, and herein collectively referred to as "Grantor;" and the CITY OF CHARLESTON, party of the second part, herein "Grantee."

WITNESSETH:

That for valuable consideration and the desire of Grantor to make a contribution to the well-being of the City of Charleston, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby GRANT and CONVEY unto the Grantee 65.14 acres of land, comprised of three adjoining tracts of 32.88 acres, 15.75 acres and 16.51 acres, together with the improvements thereon and the appurtenances thereunto belonging, situate in the City of Charleston, Charleston South Annex Tax District, Kanawha County, West Virginia, and being more particularly bounded and described as follows:

PARCEL I – Tax Map 35 Parcel 1, 32.88 Acres

BEGINNING at a concrete monument on the east line of Lot No. 28 Block "A" of Hampton Heights Subdivision, said point being the beginning corner of Parcel Twelve described in deed from Amherst Coal Company to Herbert E. Jones, Jr., and Charles T. Jones, dated July 20, 1981, and recorded in the office of the Clerk of the Kanawha County Commission in Deed Book 1982, page 416, and running thence from said beginning point with the easterly line of Hampton Heights Subdivision, being more particularly bounded and described as follows:

North 17° 57' 23" West 1,384.03 feet to a concrete monument on east line of Lot "A" Block "A" of Hampton Heights Subdivision; thence leaving Hampton Heights Subdivision and running, North 59° 22' 17" East, passing a poplar tree corner at common corner to Parcels Five and Twelve described in Deed Book 1982, page 416 at 18.48 feet and continuing on in the same straight line in all a distance of 275.08 feet to a concrete monument at common corner in Deed Book 1982, page 416, and a tract of land containing 32.26 acres presently owned by Herbert E. Jones, Jr., and Gloria C. Jones, being described in Deed Book 2090, page 40, thence running with the easterly line of Parcels Five and Nine described in Deed Book 1982, page 416, South 52° 48' 33" East passing a concrete monument at 161.00 feet at common corner to Parcels Five and Nine and continuing on in the same straight line in all a distance of 1,162.31 feet to a concrete monument with 40 inch White Oak pointer at southwesterly corner of Herbert E. Jones, Jr., 32.26 acre tract, thence running with southeasterly of said 32.26 acre tract, North 49° 34' 32" East 1,218.29 feet to a concrete monument formerly a "T" Rail washed out thence running with part of Parcel One being described in Deed Book 1982, page 416, South 13° 06' 43" East 164.41 feet to a "T" Rail; thence South 47° 29' 30" East 263.86 feet to a 1/2-inch iron pipe in concrete; thence South 70° 36' 30" East 253.06 feet to a roof bolt inside of 1/2 inch iron pipe at forks of Creek, said point being located in northerly line of the 59.34 acre tract of land conveyed to Hampton Corporation (now East Ridge Subdivision) by deed dated October 8, 1986, recorded in Deed Book 2137, page 190; thence running with northerly line of Lots Nos. 17 and 18 of East Ridge

Subdivision South 56° 12' 04" West 190.36 feet to a point at common corner of Lot 16 and 17 of East Ridge Subdivision; thence running with northerly line of Lot No. 16, South 41° 00' 00" West 137.00 feet to a point at common corner to Lots 15 and 16 of East Ridge Subdivision; thence with northerly line of Lot No. 15, South 68° 45' 00" West 107.00 feet to appoint in the northerly line of Lot No. 15; thence with part of northerly line of Lot No. 15, all of Lot No. 14, and part of Lot No. 13 South 49° 20' 00" West 172.00 feet to a point in the northerly line of Lot No. 13; thence running with northerly line of Lots Nos. 13, 12, 11 and part of Lot No. 10 of said subdivision; South 64° 10' 00" West 417.00 feet to a point in the northerly line of Lot No. 10; thence continuing with northerly line of Lot No. 10; South 84° 10' 00" West 100.00 feet to appoint at common corner to Lots Nos 9 and 10; thence running with northerly line of Lot No. 9, South 66° 50' 00" West 134.00 feet to a concrete monument at a common corner to Parcel Seven described in Deed Book 1982, page 416; thence continuing with a northerly line of Lot No. 9 and part of Lot No. 8, South 44° 20' 49" West 83.10 feet to a 1/2 inch iron pin; thence continuing along a northerly line of Lot No. 8 and part of Lot No. 7, South 33° 31' 49" West 193.26 feet to a 3/4 inch iron pin in the northerly line of Lot 7; thence running with part of a northerly line of Lot No. 7 and part of Lot No. 6, South 33° 20' 49" West 172.00 feet to a 3/4 inch iron pin in northerly line of Lot No. 6; thence running with parts of northerly line of Lot No. 5 said point also being a common corner to Parcels Eleven and Twelve being described in Deed Book 1982, page 416; thence running with part of northerly line of Lot No. 5 and all of the northerly lines of Lots 4, 3, 2, and 1 of East Ridge and the southerly line of Parcel Twelve, South 50° 55' 03" West 544.21 feet to a point of beginning, containing 32.88 acres, more or less, as more fully shown upon that certain plat made by David E. Thomas, L. L. S. of Field Surveying Company, Inc., dated the 14th day of February, 1996.

Being the same property an undivided 1/2 interest in which was conveyed to Herbert E. Jones by Deed dated July 20, 1981, and of record in the said Clerk's Office in Deed Book 1982, page 416. The said Herbert E. Jones died, testate, on July 8, 2010, and by the terms of his Last Will and Testament dated September 6, 2007, and of record in the said Clerk's Office in Will Book 818, page 837, Herbert E. Jones, Jr., devised the residue of his property, including this undivided 1/2 interest to the Trustees named under the Herbert E. Jones, Jr., Revocable Trust dated September 6, 2007, and subsequently conveyed by Deed dated October 13, 2011, recorded December 8, 2011, of record in the aforesaid Clerk's Office in Deed Book 2807, page 324, by Callen Jones McJunkin and Christine Jones Huber, Co-Trustees of the Herbert E. Jones Jr., Revocable Inter Vivos Trust conveyed the Herbert E. Jones, Jr., Family Share Trust, the Trustees of which are the Grantors herein.

The remaining undivided 1/2 interest was conveyed to Herbert E. Jones, Jr., and Gloria C. Jones, husband and wife, as joint tenants with the right of survivorship, by Deed dated December 20, 1996, of record in the said Clerk's Office in Deed Book 2463, page 464. The said Herbert E. Jones, Jr., died July 8, 2010, and pursuant to the survivorship clause contained in the said deed, Gloria C. Jones, became vested with the entire undivided 1/2 interest conveyed in the said 1996 deed. The said Gloria C. Jones died, testate, on September 9, 2016, and by the terms of her Last Will and Testament dated September 6, 2007, recorded September 13, 2016, of record in the aforesaid Clerk's office in Will Book 903, page 153, Gloria C. Jones devised all the rest, residue and remainder of her estate, including the said undivided 1/2 interest, to the Trustees named under the Gloria Callen Jones Revocable Inter Vivos Trust dated September 6, 2007, the Trustees of which are the Grantors herein.

PARCEL II and PARCEL III – Tax Map 36 Parcel 25.1, 16-51/100 Acres and Tax Map 36 Parcel 15, 15-3/4 Acres

Beginning at an old concrete monument on the south right of way line of the Loudon Heights Road and the northeast corner of Lot 6 of the Chafon Place

subdivision; thence leaving said subdivision and with the south right of way line of Louden Heights Road;

Thence North 39° 44' 26" East 129.92 feet to a concrete monument;

Thence North 41° 36' 45" East 29.04 feet to a concrete monument;

Thence North 47° 58' 14" East 49.96 feet to a concrete monument;

Thence North 54° 52' 40" East 49.71 feet to a 3/4" iron pipe;

Thence North 62° 47' 23" East 50.40 feet to a 3/4" iron pipe;

Thence North 67° 04' 04" East 49.76 feet to a 3/4" iron pipe;

Thence North 67° 17' 04" East 50.06 feet to a 3/4" iron pipe;

Thence North 66° 21' 12" East 49.88 feet to a 3/4" iron pipe;

Thence North 62° 58' 24" East 50.13 feet to a 3/4" iron pipe;

Thence North 58° 27' 18" East 50.20 feet to a 3/4" iron pipe;

Thence North 54° 45' 25" East 132.83 feet to a 3/4" iron pipe;

Thence North 56° 31' 51" East 21.26 feet to a 3/4" iron pipe;

Thence North 59° 50' 46" East 49.86 feet to a 3/4" iron pipe;

Thence North 64° 48' 43" East 49.82 feet to a concrete monument;

Thence North 69° 03' 10" East 46.44 feet to a concrete monument located on the northwest corner of the Charbonniez Lot; thence leaving Louden Heights Road and with the Charbonniez Lot:

Thence South 0° 06' 16" East 104.00 feet to a concrete monument located at the southwest corner of the Charbonniez Lot; thence continuing with the Charbonniez Lot;

Thence South 75° 57' 28" East 160.00 feet to a concrete monument being the southeast corner of the Charbonniez Lot and a point in the line of Lot 10 of the Jannie Louhoff subdivision, thence leaving the Charbonniez Lot and with Lot 10;

Thence South 7° 19' 09" East 16.20 feet to a concrete monument in the southwest corner of the Lot 10; thence with the back line of Lot 10 and a 16' alley;

Thence North 63° 41' 20" East 368.12 feet to a concrete monument, passing a concrete monument at 200 feet in the root of a 16-foot wild cherry; thence down the right fork of Lick Branch and leaving the 16-foot alley and with seven of the back lines of the Nellie R. Chilton property; said Chilton property fronting on Thomas Circle;

Thence South 1° 46' 07" West 108.52 feet to a concrete monument in the Branch;

Thence South 12° 37' 18" West 74.52 feet to a 2" iron pipe in the Branch

Thence South 29° 56' 18" West 95.50 feet to a 2" iron pipe on west side of Branch;

Thence South 34° 36' 18" West 108.60 feet to a concrete monument on west side of Branch

Thence South 20° 18' 42" East 145.00 feet to a "T" Rail at the intersection of two hollows;

Thence South 67° 48' 42" East 37.00 feet to a concrete monument in the Branch;

Thence South 33° 43' 42" East 216.50 feet to a concrete monument on a high point on the east side of Branch and being a common corner between Chilton and Arthur A. Abplanalp, Sr.; thence leaving the Chilton property and continuing down the Branch;

Thence South 40° 42' 56" East 200.34 feet to a concrete monument ("T" Rail called for is now gone) in the Branch; thence leaving the Abplanalp property and with the property owned jointly by Herbert E. Jones, Jr., and Charles T. Jones;

Thence South 49° 34' 32" West 1,218.29 feet to a concrete monument on west side of an old road bed and east side of a Branch and on the east side of 40" White Oak pointer, passing a 2" iron pipe at 783.29 feet on top of a ridge;

Thence North 52° 48' 33" West 779.81 feet to a concrete monument of west side of an old road bed (passing a concrete monument at 618.81 feet) being a point in the south line of Lot 7 of Chafton Place; thence leaving the jointly owned property of the Jones' property and with the Chafton Place subdivision;

Thence North 59° 22' 17" East 392.70 feet to a concrete monument near top of ridge and being one of the corners to Lot 5 of Chafton Place;

Thence North 8° 07' 40" East 61.15 feet to a concrete monument on top of ridge, being another corner of Lot 5;

Thence North 25° 36' 01" West 468.60 feet to the point of beginning, passing, a concrete monument at 667.50 feet (common corner to Lot 5 and 6), containing 32.26 acres, more or less, according to a survey made by L. G. Sturgill, LLC of Stagg Engineering Services, Inc., and being all of Parcel 3 and part of Parcel 1 of that real property conveyed to Herbert E. Jones, Jr., and Charles T. Jones, by Amherst Coal Company and recorded in Kanawha County Clerk's Office in Deed Book 1982, page 416.

Being the same property conveyed unto Herbert E. Jones, Jr., and Gloria Callen Jones, his wife, as joint tenants with rights of survivorship by Deed dated December 19, 1984, recorded April 16, 1985, of record in Deed Book 2090, page 40.

The said Herbert E. Jones, Jr., died July 8, 2010, and pursuant to the survivorship clause contained in the said deed, Gloria C. Jones, became vested with the entire interest. The said Gloria C. Jones died, testate, on September 9, 2016, and by the terms of her Last Will and Testament dated September 6, 2007, recorded September 13, 2016, of record in the said Clerk's office in Will Book 903, page 153, Gloria C. Jones devised all the rest, residue and remainder of her estate, including the tracts of 15.75 acres and 16.51 acres, to the Trustees named under the Gloria Callen Jones Inter Vivos Trust dated September 6, 2007, the Trustees of which are the Grantors herein.

The property conveyed herein is to be known, and is hereinafter referred to, as the "The Herbert and Gloria Jones Woodlands.",

This conveyance is made for the exclusive purpose of conserving and preserving the natural and wooded setting and for creating a passive recreation area on The Herbert and Gloria Jones Woodlands, and, accordingly, there is hereby IMPOSED, CREATED, AND RESERVED on the property a perpetual restriction and conservation easement running with the land, so that The Herbert and Gloria Jones Woodlands shall be maintained in a natural and wooded condition and may be used only for passive recreational purposes. In order to carry out this purpose and to

define the uses of the property, Grantee is expressly authorized to employ good forestry practices in maintaining the trees, to cut, trim, and plant trees and other plants, shrubs and flowers as are determined to be desirable, to eliminate invasive vines and plants, to thin-out undesirable growth, to landscape and beautify the property, to construct and maintain trails for hiking, biking, jogging, horseback riding and similar recreational uses, to maintain all utilities and to construct new utilities as necessary to serve adjacent properties, to maintain drains and storm water control facilities, to install a small box on a pedestal for a little library, to provide for off-road parking adjacent to public roads, and to take such other actions and protections as are consistent with the purposes and uses expressed herein. No dwellings or other buildings may be constructed on the said property, except only such sheds or barns as may be desirable for the uses and purposes expressed herein. No motorized vehicles shall be permitted on the property, except only as reasonably necessary for the purposes stated herein.

Grantors reserve the right to install a sign naming the property and honoring Herbert and Gloria Jones and to landscape the entrance and any sign erected. In addition, Grantors reserve for the lives of Christine Jones Huber, Callen Jones McJunkin, Adelyn Jones and Herbert Jones, Jr., the right to adopt and implement a plan for plantings, landscaping, trails and other improvements and uses consistent with the conservation purposes stated herein and to approve any such plans proposed by Grantee.

The parties hereto do hereby declare that the transfer made by this deed is exempt from the excise tax on the privilege of transferring real property because it is a transfer to the City of Charleston, a political subdivision of the State of West Virginia, pursuant to West Virginia Code Chapter 11, Article 22, Section 1, as amended.

IN WITNESS WHEREOF, Callen Jones McJunkin, Individually And As Co-Trustee Of The Herbert E. Jones, Jr. Family Share Trust, And Christine Jones Huber, Individually And As Co-Trustee Of The Herbert E. Jones, Jr. Family Share Trust, And Callen Jones McJunkin, Individually And As Co-Trustee Of The Gloria Callen Jones Revocable Inter Vivos Trust, And Christine Jones Huber, Individually And As Co-Trustee Of The Gloria Callen Jones Revocable Inter Vivos Trust has caused this deed to be executed by an officer who is duly authorized therefor.

Execution Pages Follow

Callen Jones McJunkin, Individually and as Co-Trustee to the
Herbert E. Jones, Jr. Family Share Trust and Co-Trustee of the
Gloria Callen Jones Revocable Inter Vivos Trust

State of West Virginia)
 (To-Wit:
County of Kanawha)

I, _____, a Notary Public in and for said County and State, do hereby certify
that the Grantor, Callen Jones McJunkin, Individually and as Co-Trustee to the Herbert E. Jones, Jr. Family Share
Trust and Co-Trustee of the Gloria Callen Jones Revocable Inter Vivos Trust, whose name is affixed as subscribing
witnesses to the foregoing document bearing the ____ day of June, 2019, have this day acknowledged the same before
me in said County.

Given under my hand this the ____ day of _____, 2019.

My Commission expires: _____

Notary Public

Christine Jones Huber, Individually and as Co-Trustee to the
Herbert E. Jones, Jr. Family Share Trust and Co-Trustee of the
Gloria Callen Jones Revocable Inter Vivos Trust

State of West Virginia)
 (To-Wit:
County of Kanawha)

I, _____, a Notary Public in and for said County and State, do hereby certify that the Grantor, Christine Jones Huber, Individually and as Co-Trustee to the Herbert E. Jones, Jr. Family Share Trust and Co-Trustee of the Gloria Callen Jones Revocable Inter Vivos Trust, whose name is affixed as subscribing witnesses to the foregoing document bearing the ____ day of June, 2019, have this day acknowledged the same before me in said County.

Given under my hand this the ____ day of _____, 2019.

My Commission expires: _____

Notary Public

This Deed prepared by:
J. Thomas Lane
Bowles Rice LLP
600 Quarrier Street
Charleston, WV 25301

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 272-19 do pass.

Resolution No. 272-19 - Authorizing the Mayor or City Manager to enter into an agreement with Tennant Sales and Service, in the amount of \$58,491.69, for purchase of a four-wheeled Mid-Sized Rider Sweeper to be used by the Charleston Parking System.

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

The Mayor or City Manager are authorized to enter into an agreement with Tennant Sales and Service, in the amount of \$58,491.69, for purchase of a four-wheeled Mid-Sized Rider Sweeper to be used by the Charleston Parking System.

Councilmember Jenkins added that this will be a new sweeper for the Parking System to keep the parking garages clean.

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 272-19 adopted.

Purchase of 4-wheeled Mid-Sized Rider Sweeper
Bid Opening: November 25, 2019 @11:00am

	Tennant Sales and Service 701 N. Lilac Dr. Minneapolis, MN 55422 P: (800) 553-8033 tennantbid@tennantco.com	Grainger Industrial Supply 3000 7th Ave. Charleston, WV 25312 681-204-2041 alicia.lburg@grainger.com
4-wheeled Mid-Sized Rider Sweeper	\$58,491.69	\$60,316.30

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 273-19 do pass.

Resolution No. 273-19 - 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 PHASE I OF ITS WOODWARD BRANCH SEWER REPLACEMENT AND REHABILITATION 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 (the “City”) to file civil actions in the Circuit Court of Kanawha County for the condemnation of property for sanitary sewer permanent easements, temporary easements, temporary construction access easements, and temporary access easements necessary for the Sanitary Board to construct, install and complete Phase I of its Woodward Branch Sewer Replacement and Rehabilitation Project (the “Project”);

WHEREAS, the City, in accordance with the provisions of Chapter 16, Article 13 of the Code of West Virginia, 1931, owns the sewerage system, both within and without the corporate limits of the City, consisting of a sewage treatment plant or plants and its collecting, intercepting and outlet sewers, lateral sewers, drains, force mains, conduits, pumping stations and ejector stations and all other appurtenances, extensions, improvements and betterments necessary, appropriate, useful, convenient or incidental for the collection, treatment, purification and disposal in a sanitary manner of liquid and solid waste, sewage and industrial waste (the “System”);

WHEREAS, the Sanitary Board, created by Ordinance of the City Council adopted March 17, 1952, is a separate entity from the City;

WHEREAS, by Ordinance of the City Council adopted June 16, 1952, custody, administration, operation and maintenance of the System were placed under the supervision and control of the Sanitary Board;

WHEREAS, due to statutory provisions under which the City owns the System, it is necessary for the City to file civil actions for the condemnation of property for easements necessary for the System;

WHEREAS, the Sanitary Board is pursuing the Project in the areas of the City including, but not limited to, 26th Street (between 7th Avenue and Washington Street West), Washington Street West (East and West from intersection with 26th Street and Woodward Drive), Woodward Drive (from intersection with Washington Street West to Headly Drive), Woodhaven Drive, Woodpath

Lane, and Wilmore Lane, which is necessary to correct older, failing sewer collection lines and is necessary for the health and welfare of the citizens of the City;

WHEREAS, the Project includes the replacement and/or rehabilitation of approximately 15,300 linear feet (approximately 2.9 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 right-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; and

WHEREAS, the Sanitary Board has no choice but to request the City to authorize the filing of civil actions for the acquisition, pursuant to the City'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 Project in the aforesaid areas of the City necessary for the health and welfare of the citizens of the City, 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 to authorize the City, 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 hereby authorizes the City, 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.

Councilmember Jenkins added that this will replace the main trunk line that goes up mostly the entire branch of Woodward Branch to City limits. This will authorize the Sanitary Board to institute imminent domain proceedings should it be necessary to relocate the line. This is important because the old sewer line, installed in the 1950s-1960s, were mostly done without the use of easements. The lines were also installed so that there was infiltration of storm water into the line.

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 273-19 adopted.

EXHIBIT A
LIST OF EASEMENTS TO BE CONDEMNED
FOR THE WOODWARD BRANCH SEWER
REPLACEMENT AND REHABILITATION PROJECT
December 11, 2019

Tax Map/Parcel	Type of Easement
CN 4/3	Permanent
CN 4/11	Permanent and Temporary
CN 4/14	Permanent and Temporary
CN 4/15	Permanent and Temporary
CN 4/27	Permanent
CN 4/30	Permanent and Temporary
CN 5/3	Temporary
CN 5/5	Permanent and Temporary
CN 5/26	Permanent
CN 5/27	Permanent
CN 6/4	Temporary
CN 6/7	Temporary
CN 6/15	Temporary
CN 81/43	Permanent
CN 81/44	Permanent and Temporary
CN 81/45	Permanent and Temporary
CN 82/28	Temporary
CN 82/29	Temporary
CN 82/45	Permanent and Temporary
CN 82/46	Permanent
CN 82/51	Permanent
CN 82/55	Permanent and Temporary
CN 82/63	Permanent and Temporary
CN 85/98	Temporary
CN 85/124	Permanent
CN 85/125	Permanent and Temporary
CN 85/151	Temporary
CN 85/155	Permanent
CN 85/159	Temporary
CN 85/162	Temporary
CN 85/164	Temporary
CN 85/217	Temporary
CN 85/220	Permanent
CN 85/223	Temporary

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 274-19 do pass.

Resolution No. 274-19 - Authorizing the Mayor or City Manager to enter into a contract with DC Elevator in the amount of \$69,500.00, for repair of the elevator located in the Quarrier Street Parking Garage. It is expected to be charged to the Civic Center Capital Improvement Fund.

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

That the Mayor and Chief or City Manager to enter into a contract with DC Elevator in the amount of \$69,500.00, for repair of the elevator located in the Quarrier Street Parking Garage. It is expected to be charged to the Civic Center Capital Improvement Fund.

Councilmember Jenkins added that this is the first bid where local vendor preference has been requested to be used.

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 274-19 adopted.

Elevator Repair and Replacement for the CCCC Parking Garage			
Project No. 2019-001			
Bid Opening: December 12, 2019 @ 11:00am			
	DC Elevator	Oracle Elevator	Thyssenkrupp Elevator
	521 Slack Street, Suite B	4776 Chimney Drive	901 Morris Street
	Charleston WV, 25302	Charleston, WV 25302	Charleston WV, 25301
	P: (304) 345-7222	P: (304) 744-4020	P: (304) 342-0187
	kathy.davis@dcelevator.com	steven.scott@oracleelevator.com	eric.hackney@thyssenkrupp.com
Project Total	\$69,500.00	\$113,549.00	\$145,000.00
Local Vendor Preference (4%)	\$2,780 Discount (\$66,820)	\$4,541.96 Discount (\$109,007.04)	\$5,800 Discount (\$139,200)
Project Completion	60-75 days	74 days	80 days
Successful Bidder with Local Preference Consideration	✓		

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 275-19 do pass.

Resolution No. 275-19 - Authorizing the Mayor and Chief of Police to execute and enter into a Subaward Recipient Agreement with Appalachia High Intensity Drug Trafficking Area (“HIDTA”) for funds from the United States Office of National Drug Control Policy in the total amount of \$156,000 to be awarded to the Metro Drug Enforcement Network Team. The 2020 calendar year funds are designated for purchase of evidence and information (\$20,000); seven (7) full-time officers at \$18,000 each (\$126,000); and overtime for four (4) part-time interdiction officers at \$2,500 each (\$10,000).

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

That the Mayor and Chief of Police are authorized to execute and enter into a Subaward Recipient Agreement with Appalachia High Intensity Drug Trafficking Area (“HIDTA”) for funds from the United States Office of National Drug Control Policy in the total amount of \$156,000 to be awarded to the Metro Drug Enforcement Network Team. The 2020 calendar year funds are designated for purchase of evidence and information (\$20,000); seven (7) full-time officers at \$18,000 each (\$126,000); and overtime for four (4) part-time interdiction officers at \$2,500 each (\$10,000).

Councilmember Jenkins added that this will support MDENT, which works with several other agencies.

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 275-19 adopted.

REPORTS OF OFFICERS

1. Municipal Court Report to City Council Month Ending November 2019.
Received and Filed.
1. Report of the City of Charleston Payroll Variance Analysis; November 2019.
Received and Filed.
2. City Treasurer's Report to City Council Month Ending November 2019.
Received and Filed.

NEW BILLS

Introduced by Councilmember Robert Sheets

on December 16, 2019:

Bill No. 7856 – A Bill granting StayLock Storage Acquisition I, LLC an easement in a portion of the fee or right-of-way of the City of Charleston in the 1300 block of Hansford Street for the purpose of operating, maintaining, repairing and replacing an existing skywalk connecting 1352 Hansford Street to 1347 Hansford Street.

Refer to Finance Committee

Introduced by Councilmember Joseph Jenkins

on December 16, 2019:

Bill No. 7857 – To amend and reenact section of the Municipal Code of the City of Charleston, known as the "Public Utilities Tax," relating to updating and clarifying the ordinance to be consistent with current court precedent and allow for consistent application of the tax.

Refer to Finance Committee

Introduced by Councilmember Robert Sheets

on December 16, 2019:

Bill No. 7858 – A Bill authorizing the release of an existing utility easement held by the City on property owned by Pingree 2000 Real Estate Holdings, LLC, in order to clear title of the property from an unused easement that has no public utilities and upon which a structure has already been built in exchange for consideration of five hundred dollars.

Refer to Finance Committee

MISCELLANEOUS/UNFINISHED BUSINESS

1. Councilmember Knauff thanked Public Grounds Director, Mike Davis, for working to create a new public art light display at the corner of Bigley and Pennsylvania Avenues.
2. Councilmember Wesley-Plear announced a successful Jumpshots for Jackets charity event, which funded around one hundred (100) coats for children. Around fifty (50) more coats are needed.
3. Mayor Goodwin thanked Callen Jones McJunkin for the donation of land. The Mayor also congratulated the University of Charleston Men's Soccer team for their national championship win. The Mayor introduced Shikeal Harris as the Quick Response Coordinator.

ADJOURNMENT

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

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Overstreet, Pharr, Reishman, Robinson, Sheets, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Minardi, Persinger, Snodgrass,

At 7:42 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, January 6, 2020, at 7:00 p.m., in the Council Chamber in City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk