



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

CITY OF CHARLESTON, WEST VIRGINIA

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Regular Meeting – Monday, May 7, 2018

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

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**OFFICIAL RECORD**

**Danny Jones  
Mayor**

**JB Akers  
City Clerk**

***CALL TO ORDER***

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The Council met in the Chambers of the City Building at 7:00 P.M., for the first meeting in the month of May on the 7<sup>th</sup> day, in the year 2018, 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 children from the King Community Center. The Honorable Clerk, JB Akers, called the roll of members and it was found that there were present at the time:

<b>CHESTNUT</b>		<b>CEPERLEY</b>
		<b>DAVIS</b>
	<b>FAEGRE</b>	<b>HAAS</b>
<b>HARRISON</b>	<b>HOOVER</b>	<b>IRELAND</b>
<b>JONES</b>	<b>KING</b>	<b>LANE</b>
<b>MINARDI</b>	<b>OVERSTREET</b>	<b>PERSINGER</b>
<b>REISHMAN</b>	<b>RICHARDSON</b>	<b>SALISBURY</b>
<b>SMITH</b>	<b>SNODGRASS</b>	<b>STEELE</b>
<b>TALKINGTON</b>	<b>WARE</b>	<b>MAYOR JONES</b>

With twenty-three members being present, the Mayor declared a quorum present.

Pending the reading of the Journal of the previous meeting, the reading thereof was dispensed with and the same duly approved.

***PUBLIC SPEAKERS***

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NONE

***CLAIMS***

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1. A claim of Tammy J Dunford, 1498 Ravinia Rd, Charleston, WV;  
alleges damage to property.  
Refer to City Solicitor.
2. A claim of Cheryl Ann Frank Vega, 138 Woodbridge Drive, Charleston, WV;  
alleges damage to vehicle.  
Refer to City Solicitor.
3. A claim of Travis Riffe, #2 Crestmont Dr Apt #21, Charleston, WV;  
alleges damage to vehicle.  
Refer to City Solicitor.

**PROCLAMATIONS**

1.

**EXECUTIVE DEPARTMENT**

**CITY OF CHARLESTON**

**PROCLAMATION**

**By the Mayor**

**WHEREAS:** May 19<sup>th</sup>, 2018 is the eighth Kids to Parks Day organized and launched by the National Kids to Park Trust; and

**WHEREAS:** National Kids to Parks Day empowers kids and encourages families to get outdoors and visit America's parks; and

**WHEREAS:** It is important to introduce a new generation to our nation's parks because of the decline in Park attendance over the last decades; and

**WHEREAS:** We should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes mellitus, hypertension and hypercholesterolemia; and

**WHEREAS:** National Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and

**WHEREAS:** National Kids to Parks Day will broaden children's appreciation for nature and the outdoors.

**NOW THEREFORE, I, Danny Jones, Mayor of the City of Charleston, do hereby proclaim the 19<sup>th</sup> day of May, 2018, as**

**NATIONAL KIDS TO PARK DAY**

in Charleston, West Virginia, and urge all residents to participate in National Kids to Parks Day and make time to take the children in their lives to a neighborhood, park or national park.

**IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 7<sup>th</sup> day of May, 2018.**

**DANNY JONES, MAYOR**

Mayor Jones presented the Proclamation to children from the King Community Center's PAAC Program.

**COMMUNICATIONS**

1.



**CITY OF CHARLESTON  
OFFICE OF THE MAYOR**

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

**FROM: DANNY JONES  
MAYOR**

**RE: MUNICIPAL BEAUTIFICATION COMMISSION**

**DATE: MAY 7, 2018**

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I recommend that Lynne Sandy, 105 Bradford Street #2, Charleston, WV 25301 be appointed to the Municipal Beautification Commission, with an initial term to expire September 19, 2018. She's replacing Beth Loflin.

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

DJ/dmp

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



CITY OF CHARLESTON  
OFFICE OF THE MAYOR

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

**FROM:** DANNY JONES  
MAYOR

**RE:** CHANGES IN CITY COUNCIL COMMITTEES

**DATE:** MAY 7, 2018

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I am making the following changes to Committee assignments on City Council for the remainder of the current term:

- Karan Ireland from the Public Safety Committee to the Facilities Committee;
- Jeanine Faegre from the Facilities Committee to the Public Safety Committee;
- Pat Jones from the Rules and Ordinance Committee to the Public Safety Committee;
- Keeley Steele from the Public Safety Committee to the Rules and Ordinance Committee;
- Bobby Reishman from the Public Safety Committee to the Environment and Recycling Committee; and
- Sam Minardi from the Environment and Recycling Committee to the Public Safety Committee.

Received and filed.

**REPOSRTS OF COMMITTIES**

**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. 040-18 be adopted.

Resolution No. 040-18 - 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.

**General Fund FY 2017-2018 Budget Amendment No. 10 - May 7, 2018**

Account No.	Department	Account Description	Amount
001 386 00 0000	Revenue	Insurance Proceeds	(380,596)
001 417 00 000 2 229	City Attorney	Court Costs & Damages	380,596

Recognition of receipt of insurance coverage proceeds, after City's Self Insured Retention, resulting from a settlement and appropriating the proceeds to the Legal Department budget.

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

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

NAYS: NONE

ABSENT: Burka, Burton, Clowser, Ealy

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 040-18 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. 041-18 be adopted.

Resolution No. 041-18 - A Resolution authorizing the City Manager or his designee to enter into an Agreement with the West Virginia Department of Transportation Division of Highways, attached as Exhibit A hereto, for the purpose of installation and maintenance of public art, continuing Gallery 64 installations on interstate piers within the Division of Highways' right-of-way adjacent to Pennsylvania Avenue.

Now Therefore, Be It Resolved By The Council Of The City Of Charleston, West Virginia:

That, the City Manager or his designee is hereby authorized to enter into an Agreement with the West Virginia Department of Transportation Division of Highways, for the purpose of installation and maintenance of public art, continuing Gallery 64 installations on interstate piers within the Division of Highways' right-of-way adjacent to Pennsylvania Avenue.

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. 041-18 adopted.



**WEST VIRGINIA  
DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
AGREEMENT  
MURALS ALONG I-64 BRIDGE PIERS AT PENNSYLVANIA AVENUE  
KANAWHA COUNTY**

**THIS AGREEMENT**, executed in duplicate, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the West Virginia Department of Transportation, Division of Highways, hereinafter called "Division", and the City of Charleston, a West Virginia municipality, hereinafter called "City,"

**WITNESSETH** that,

**WHEREAS**, in accordance with City's "Gallery 64 Public Art Project," City desires to beautify Division's bridge piers beneath I-64 adjacent to Pennsylvania Avenue, which are located within the City limits, by painting murals on those bridge piers; and

**WHEREAS**, Division considers it to be in the public interest to allow City to enter Division's property to install the murals and to perform maintenance activities; and

**WHEREAS**, City has submitted to Division an application concerning the murals and City's request to implement such murals has been developed in conformance with Division's approved policy regarding art within Division's right-of-way;

**NOW, THEREFORE**, in consideration of the faithful performance of each party of the mutual covenants hereinafter set forth, Division and City agree as follows:

- I. City has submitted, and Division has approved, an application for installation of art within Division's right-of-way, and such application includes appropriate plans regarding murals that City desires to install on Division's abutment wall beneath eastbound I-64, adjacent to Pennsylvania Avenue, and any other work to be performed by City as part of this activity. Division will obtain any necessary Federal Highway Administration approval regarding the installation of the murals.
- II. The murals shall not include, illustrate or represent any material deemed by Division to be objectionable or offensive, nor shall murals contain any items deemed by Division to be of a political nature. No commercial advertising of any type may be placed on Division's property and murals shall comply with Division's outdoor advertising rules and regulations. After installation, if Division notifies City that any portion of murals is objectionable, offensive or containing content that is political in nature, or if Division notifies City that the murals are resulting in undue driver distraction, City then shall either implement additional measures, acceptable to Division, to address Division's concerns or City shall remove murals at City's expense. The determination of whether a particular mural is objectionable, offensive or contains content that is political in nature, or if the murals are resulting in undue driver distraction shall be solely within the discretion of the Division.
- III. For as long as murals exists on Division's property, City shall continue oversight of vehicular and pedestrian traffic in the area of the murals for the purpose of identifying any impediment to vehicular and/or pedestrian traffic resulting from the placement of the murals. Upon request by the Division, the City shall provide pertinent comments and/or available information about vehicular and pedestrian traffic concerning the roadways adjacent to the murals that are not available to Division. City shall coordinate with Division for any other City proposals or plans pertinent to the area in which the murals are located.

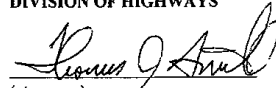
- IV. After receipt of Division's written authorization to proceed, City shall be permitted to enter Division's property to install the murals and perform other associated activities. All activities on Division's right of way must be first approved by Division. City shall bear the total cost of the project, including all materials, equipment, and labor. City shall secure all approvals and/or permits, if any, required by other governmental agencies for Project. City shall be responsible for any taxes or fees associated with the painting of the murals and associated activities.
- V. Division shall be notified of the construction schedule and shall have the right at all times to review the work. City's project shall be performed only between the hours 9:00 AM and 3:00 PM, and 7:00 PM and 10:00 PM, Monday through Friday and between the hours of 7:00 AM and 10:00 PM on Saturday, and shall commence no earlier than July 1, 2018, and is anticipated to be completed before September 30, 2018. City shall not apply any paint associated with mural project when ambient air temperatures are at or below forty degrees Fahrenheit (40° F). City shall be responsible for preparation of the abutment wall for installation of the murals but shall obtain from Division approval of any such proposed preparation method. Should Division's review reveal that the work is not being performed in accordance with the approved plans, Division will report such fact to City for appropriate prompt remedial action.
- VI. City shall comply with all applicable Federal, State and local laws, rules and regulations, including, but not limited to hazardous waste requirements and the proper disposal of any paint or chemicals. City shall take appropriate measures to prevent and mitigate damage caused by spilled or dripped paint or chemicals, and City shall be responsible for the entire cost of any fines levied by any governmental agency as a result of City's project. City shall have no open flames nor shall smoking be permitted on Division's property. City shall obtain any necessary approvals concerning the use of any copyrighted material. Division and the Federal Highway Administration shall be granted an irrevocable, nonexclusive, nontransferable, non-commercial and royalty-free license to use for non-commercial purposes visual reproduction of the artwork that is the subject of this Agreement.
- VII. As between City and Division, City shall be responsible for one hundred percent (100%) of the cost of any repair necessary as a result of City's project, including damage to vehicles.
- VIII. In the performance of work by City, no equipment shall be permitted to be on the travel lanes or shoulders of any public highway, except as shown on Plans approved by Division. City's project shall in no way interfere with the safe and efficient movement of traffic along the I-64 mainline, and shall not adversely affect Division's ability to reasonably access Division's property. City's project shall not adversely affect any permitted parking or existing use associated with a lease agreement by Division within area of City's project. City shall coordinate with Division regarding any maintenance or construction activities by Division in the area of City's Project and City's Project shall not adversely affect Division's construction or maintenance activities. City shall reinstall any fencing or other appurtenances that are removed by City.
- IX. Division shall have no responsibility to maintain the murals after completion by City. City shall obtain Division's prior approval regarding any maintenance activities associated with the murals that City desires to perform, including repainting. If any part of the murals is removed from the bridge piers as a result of damage, vandalism, Division's maintenance activities, or for any other reason, Division shall have no responsibility to repair or replace murals or compensate City for same. City shall promptly, appropriately, and to Division's satisfaction remove from the pier upon which mural is placed any graffiti or non-approved items. Division reserves the right to remove such graffiti or non-approved items, and by such act also may remove all or part of any mural, at Division's discretion and without compensation to City.

- X. Division and City agree that as between Division and City, City shall be responsible for any and all suits, claims, liability, losses, liens and demands, fines, costs, criminal and civil penalties, causes of action or any other obligations arising out of or in any manner connected with the work performed by City, its agents, employees, or contractors, under this Agreement, during or any time after such work is being or has been performed, including (without limitation) liability involving bodily injury, death, property damage, or any violation or alleged violation of any Federal, State or local law or regulation, except for any liability or damages due to the willful or intentional unlawful acts or negligence of Division, its employees, agents or contractors.
- XI. If a provision of this Agreement is or becomes illegal, invalid or unenforceable in any jurisdiction, that shall not affect:
- A. the validity or enforceability in that jurisdiction of any other provision of this Agreement; or
  - B. the validity or enforceability in other jurisdictions of that or any other provision of this Agreement.
- Further, if contract work by City is to be performed, City shall furnish evidence of having at least the minimum amounts of insurance required of the Contractor in Section 103.6 through and including Section 103.6.5 of the “West Virginia Division of Highways, Standard Specifications, Roads and Bridges, Adopted 2017,” and supplements hereto. City also shall require its contractor(s) to have the aforesaid minimum insurance coverage and to provide evidence, as necessary, that contractor has a current license and is qualified to perform work in West Virginia. City shall require that its contractor(s) include the Division as an additional insured on all policies of insurance, except worker’s compensation.
- XII. This agreement shall be binding upon the successors and assigns of each party thereto and shall not be assigned without the prior written consent of Division.
- XIII. Any resolutions of the City Council necessary to authorize City’s compliance with the terms of this Agreement are attached hereto. In the absence of any such attached resolution, the duly authorized officer by whose signature City enters this Agreement warrants that no such resolution is necessary.
- XIV. This Agreement, including any Exhibits, constitutes the entire understanding and agreement of the parties with respect to its subject matter and supersedes all prior and contemporaneous agreements or understandings, inducements or conditions, express or implied, written or oral, between the parties.

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IN WITNESS WHEREOF, the parties hereto have caused their respective names to be signed by their duly authorized officers.

WEST VIRGINIA  
DEPARTMENT OF TRANSPORTATION,  
DIVISION OF HIGHWAYS

  
(signature)

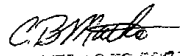
By: Thomas J. Smith, P. E.  
Secretary of Transportation/  
Commissioner of Highways

CITY OF CHARLESTON  
A WEST VIRGINIA MUNICIPALITY

\_\_\_\_\_  
(signature)  
By: \_\_\_\_\_  
(printed name)  
Title: \_\_\_\_\_  
(printed title)

(To be executed in duplicate)

Distribution: Master File  
City

  
APPROVED AS TO FORM AND  
DATE April 2018  
ATTORNEY LEGAL DIVISION  
WEST VIRGINIA DEPARTMENT  
OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
1804018

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 042-18 be adopted.

Resolution No. 042-18 - Authorizing the Finance Director to make a refund to ADP, LLC in the amount of \$15,570.64 for overpayment of Business & Occupation taxes for the period of January 1, 2014 – December 31, 2016. The Taxpayer reported their revenue under the service classification (1%) instead of the retail classification (0.5%). The refund request has been validated by the Auditing Division of the City Collector's Office.

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

That the Finance Director is hereby authorized and directed to make a refund to ADP, LLC in the amount of \$15,570.64 for overpayment of Business & Occupation taxes for the period of January 1, 2014 – December 31, 2016. The Taxpayer reported their revenue under the service classification (1%) instead of the retail classification (0.5%). The refund request has been validated by the Auditing Division of the City Collector's Office.

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. 042-18 adopted.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 043-18 be adopted.

Resolution No. 043-18 - Authorizing the Finance Director to make a refund to Health Management Systems, Inc. in the amount of \$10,921.72 for overpayment of Business & Occupation taxes for the period of July 1, 2-14 – June 30, 2017. The Taxpayer filed duplicate B&O tax returns for the 1<sup>st</sup> quarter 2017. The refund request has been validated by the Auditing Division of the City Collector’s Office.

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

That the Finance Director is hereby authorized and directed to make a refund to Health Management Systems, Inc. in the amount of \$10,921.72 for overpayment of Business & Occupation taxes for the period of July 1, 2-14 – June 30, 2017. The Taxpayer filed duplicate B&O tax returns for the 1<sup>st</sup> quarter 2017. The refund request has been validated by the Auditing Division of the City Collector’s Office.

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. 043-18 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. 044-18 be adopted.

Resolution No. 044-18 - Authorizing the Mayor or City Manager to receive and administer \$ 3,360.00 from the Kanawha County Sherriff's Department, Operation GPA grant program, for the purpose to cover overtime costs for officers acting as extra security for the proms and graduations for area Charleston high schools.

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 receive and administer \$ 3,360.00 from the Kanawha County Sherriff's Department, Operation GPA grant program, for the purpose to cover overtime costs for officers acting as extra security for the proms and graduations for area Charleston high schools.

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. 044-18 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. 045-18 be adopted.

Resolution No. 045-18 - Authorizing the Mayor or his designee to submit an application to the West Virginia Department of Homeland Security for a grant in the amount of \$44,550.00 to provide crowd control equipment such as helmets, gas masks, utility uniforms and boots for the Charleston Police Department.

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

That the Mayor or his designee is hereby authorized and directed to submit an application to the West Virginia Department of Homeland Security for a grant in the amount of \$44,550.00 to provide crowd control equipment such as helmets, gas masks, utility uniforms and boots for the Charleston Police Department.

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. 045-18 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. 046-18 be adopted.

Resolution No. 046-18 - Authorizing the Mayor or his designee to submit an application to the West Virginia Department of Homeland Security for a grant in the amount of \$ 347,300 to purchase an armored vehicle and training for the Charleston Police Department SWAT Team.

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

That the Mayor or his designee is hereby authorized and directed to submit an application to the West Virginia Department of Homeland Security for a grant in the amount of \$ 347,300 to purchase an armored vehicle and training for the Charleston Police Department SWAT Team.

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. 046-18 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. 047-18 be adopted.

Resolution No. 047-18 - Authorizing the Mayor or his designee to submit an application to the West Virginia Department of Homeland Security for a grant in the amount of \$ 275,000.00 to provide a driving simulator for the Charleston Fire Department. This driving simulator will be utilized for training for the various city departments that use large trucks and also will be offered for use to other agencies within Kanawha County.

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

That the Mayor or his designee is hereby authorized and directed to submit an application to the West Virginia Department of Homeland Security for a grant in the amount of \$ 275,000.00 to provide a driving simulator for the Charleston Fire Department. This driving simulator will be utilized for training for the various city departments that use large trucks and also will be offered for use to other agencies within Kanawha County.

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. 047-18 adopted.

9. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 048-18 be adopted.

Resolution No. 048-18 - Authorizing the Mayor or his designee to submit an application to the West Virginia Department of Homeland Security for a grant in the amount of \$ 340,991.00 to provide various equipment and training for the Charleston Fire Department's Rapid Response Team. A detailed list of the equipment and training is attached in Exhibit A.

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

That the Mayor or his designee is hereby authorized and directed to submit an application to the West Virginia Department of Homeland Security for a grant in the amount of \$ 340,991.00 to provide various equipment and training for the Charleston Fire Department's Rapid Response Team.

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. 048-18 adopted.

**Equipment**

DHSEM Use  
Only

<u>Equipment Item*</u>	<u>AEI.**</u>	<u>Requested Quantity</u>	<u>Justification/Explanation</u>	<u>Matching Funds</u>	<u>Requested Funds</u>	<u>Approved</u>
Base of Operations Tent System	19GN-00-HSSF	1	Mobile base of operations for deployment of the HazMat, USAR, or Swiftwater Teams. Also can be used for large scale emergencies to provide protection/rehab for the responders.	\$0	\$118,000	\$0
24' Base of Operations equipment trailer	12TR-00-TEQP	1	To carry supplies and tents	\$0	\$7,000	
Power Distribution System	10PE-00-GFCI	1	System to supply power/electricity to multiple users at incident sites	\$0	\$1,000	
Large pre-sewn Prussiks	03OE-05-ROPS	6	Upgrade and re-supply technical rope equipment now that we have increased our current level of training of our personnel.	\$0	\$90	
Medium pre-sewn Prussiks	03OE-05-ROPS	6	Upgrade and re-supply technical rope equipment now that we have increased our	\$0	\$60	
3" pulley for 5/8" rope	03OE-05-ROPS	2	Upgrade and re-supply technical rope equipment now that we have increased our	\$0	\$170	
Swivel	03OE-05-ROPS	1	Upgrade and re-supply technical rope equipment now that we have increased our	\$0	\$61	
Aztec Kit	03OE-05-ROPS	1	Upgrade and re-supply technical rope equipment now that we have increased our	\$0	\$337	
Tri-link carabiner	03OE-05-ROPS	1	Upgrade and re-supply technical rope equipment now that we have increased our	\$0	\$26	
Kootenay pulley	03OE-05-ROPS	1	Upgrade and re-supply technical rope equipment now that we have increased our	\$0	\$190	
Yates full-body harness	03OE-05-ROPS	6	Upgrade and re-supply technical rope equipment now that we have increased our	\$0	\$2,610	
<b>Totals</b>				\$0	\$129,544	\$0

<b>Equipment</b>		<b>DHSEM Use Only</b>				
<b>Equipment Item*</b>	<b>AEL**</b>	<b>Requested Quantity</b>	<b>Justification/Explanation</b>	<b>Requested Funds</b>		
				<b>Matching Funds</b>		
				<b>Approved</b>		
Gibbs ascender	03OE-05-ROPS	1	Upgrade and re-supply technical rope equipment for our upgraded capabilities due to increased training levels.	\$0	\$55	\$0
H-60 MSA 4500 psi air cylinder	01AR-02-SCBC	20	Replace out-of-life cylinders	\$0	\$36,620	
Husquarna K970 ring saw	03SR-02-TPGS	1	Cuts through up to 12 inches of concrete. Also allows team to integrate and maintain the same equipment level of federal teams that will support our team in large operations.	\$0	\$4,122	
Grade 80 chain (15 feet)	03SR-02-TRIG	4	Sections of chain rated to lift loads commonly encountered by our collapse rescue team.	\$0	\$1,120	
XTS 2500 batteries		50	Batteries for HazMat unit equipment	\$0	\$300	
Long-sleeve rip stop jackets	01LE-02-BDUS	53	Protective jackets for USAR operations, also to identify certified team members	\$0	\$1,590	
Rip stop pants	01LE-02-BDUS	53	Protective pants for USAR operations	\$0	\$1,325	
USAR boots	01UR-01-FTWR	53	These are needed to replace boots used in the Clendenin floods that were contaminated. These will also equip new members that have not received PPE	\$0	\$21,200	
Wolfpak vests	03OE-01-VSTO	24	Equip new team members for use during USAR operations	\$0	\$6,120	
72-hour Deployment bag	01ZP-00-GBAG	53	Bags that responders can use to store equipment needed for deployment on large-scale emergencies	\$0	\$10,547	
<b>Totals</b>					\$82,999	
<b>Grand Total Pages 5 &amp; 5A</b>					<b>\$212,543</b>	\$0

Additional Justification (optional):

**Training**

<u>Training Requested*</u>	<u>Justification/Explanation</u>	<u>Matching Funds</u>	<u>Requested Funds</u>	<u>DHSEM Use Only</u> <u>Approved</u>
Planning Team Manager	Training for the team member responsibility of developing and implementing the planning components of the mission	\$0	\$13,940	\$0
Team Safety Officer	Training on the monitoring and assessing the safety aspects of task force members during all forms of operations	\$0	\$12,992	
Logistics Specialist	Training on the preparation and maintenance of equipment	\$0	\$16,340	
Medical Specialist	Training for team member to perform the medical function at incident operations	\$0	\$34,254	
Heavy Equipment and Rigging Specialist	Training on assessment and construction-related equipment needs during incident operations	\$0	\$35,880	
Technical Search Specialist	Training for team member to perform the technical search function at incident sites	\$0	\$14,992	
<b>Totals</b>		<b>\$0</b>	<b>\$128,398</b>	<b>\$0</b>

**Additional Justification:** These courses represent the required classes needed to be certified and accredited as a NIMS Type 3 USAR Team.

10. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 049-18 be adopted.

Resolution No. 049-18 - Authorizing the Mayor or his designee to submit an application to the West Virginia Division of Justice and Community Services (DJCS) for a Juvenile Justice and Delinquency Prevention grant in the amount of \$ 56,000.00 to provide partial salary reimbursement for two Prevention Resource Officers (PRO) at Capital High School and Stonewall Middle School. The City is required to provide a 10% match to supplement the grant funds requested for the PRO positions.

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

That the Mayor or his designee is hereby authorized and directed to submit an application to the West Virginia Division of Justice and Community Services (DJCS) for a Juvenile Justice and Delinquency Prevention grant in the amount of \$ 56,000.00 to provide partial salary reimbursement for two Prevention Resource Officers (PRO) at Capital High School and Stonewall Middle School. The City is required to provide a 10% match to supplement the grant funds requested for the PRO positions.

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. 049-18 adopted.

11. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 050-18 be adopted.

Resolution No. 050-18 - Authorizing the Mayor or his designee to receive and administer funds from the Kanawha County Commission Public Safety Grant program in the amount of \$10,000 to purchase Hydrocarbon Detectors, Gas Monitors, and Smoke Detectors for the Fire Prevention Bureau, Education and Firefighter Training.

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

That the Mayor or his designee is hereby authorized and directed to receive and administer funds from the Kanawha County Commission Public Safety Grant program in the amount of \$10,000 to purchase Hydrocarbon Detectors, Gas Monitors, and Smoke Detectors for the Fire Prevention Bureau, Education and Firefighter Training.

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. 050-18 adopted.



12. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 051-18 be adopted.

Resolution No. 051-18 Authorizing the City Manager to sign Change Order #1 with ProSource for the lease of a wide format color printer for the Building Commission at a cost of \$655.00 per month. This changes the contract price to an equipment cost not to exceed \$5,000 per month to \$5,655 per month for a 60-month period plus cost of prints per page.

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

That the City Manager hereby authorized and directed to sign Change Order #1 with ProSource for the lease of a wide format color printer for the Building Commission at a cost of \$655.00 per month. This changes the contract price to an equipment cost not to exceed \$5,000 per month to \$5,655 per month for a 60-month period plus cost of prints per page.

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. 051-18 adopted.

13. Your committee on Finance has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7754 be laid over until the next scheduled meeting (May 21, 2018).

Bill No. 7754: A BILL authorizing the purchase of property at the end of Blackwell Drive, as more fully described in Exhibit A hereto (the “Property”), from Annie Mae Taylor in consideration for the sum of Five Hundred Dollars (\$500.00).

WHEREAS, Annie Mae Taylor is owner of the Property in the North Charleston area of Charleston, as more fully described in Exhibit A hereto; and

WHEREAS, the City of Charleston (“City”) is the owner of property in North Charleston known as the “Blackwell Property”; and

WHEREAS, the Charleston Land Trust (“Land Trust”), an agency of the City of Charleston created by ordinance, is charged with managing and maintaining "public trust lands" for preservation of green space and woodlands, and promoting the preservation of scenic green space areas; and

WHEREAS, the Land Trust and the City wish to develop walking trails within the Blackwell Property for the public’s recreational use; and

WHEREAS, Annie Mae Taylor wishes to sell the Property to the City of Charleston so that a public walking trail can be created and maintained thereon;

THEREFORE, Be It Resolved By The Council Of The City Of Charleston, West Virginia that:

The purchase of property located at the end of Blackwell Drive, as more fully described in Exhibit A hereto, from Annie Mae Taylor in consideration of the sum of Five Hundred Dollars (\$500.00) is hereby authorized and the Mayor is hereby authorized to execute any documents necessary to effect the sale of the property to the City.

Mayor Jones declared Bill No. 7754 will be laid over.

# Exhibit A

THIS DEED, Made and entered into this                    day of                    , 2017, by and between  
ANNIE MAE TAYLOR, party of the first part, and the CITY OF CHARLESTON, WEST  
VIRGINIA, party of the second part;

That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and for other  
good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, the  
party of the first part does hereby GRANT AND CONVEY unto the party of the second part, that certain  
unimproved lot of real estate, situate in the City of Charleston, Charleston North Tax District, Kanawha  
County, West Virginia, being described as follows:

All of Lot One Hundred Eighty-Eight (188) and a small triangular part of Lot One Hundred Eighty-Seven  
(187) adjoining the same, as shown on a map entitled "Map Showing Supplement #3 to Revised Map of  
Woodward Woods Addition, Charleston District, Kanawha County, W. Va.", dated September 1947, made  
by John W. Child, Engineer, and of record in the aforesaid Clerk's office in Photostatic Map Book 13, page  
4, the portion of Lot 187 hereby conveyed being a triangular [area] from the northerly side thereof,  
bounded on the North by Lot 188, bounded on the East by the westerly line of Blackwell Drive, and  
bounded on the South by a line extending from an iron pin marking the rear common corner of Lots 187  
and 188, S. 59° 11' E. 83 feet to an iron pin in the westerly line of Blackwell Drive; reference to said map  
being here made for further description of said real estate.

This parcel is shown on the Kanawha Assessor's Charleston North Tax Map 82, as Parcel 44, Account  
Number 06662211.

The property hereby conveyed is the same property that was conveyed to the Annie Mae  
Taylor, by Alma Y. King, Clerk of the County Commission of Kanawha County, West Virginia, by  
deed dated May 10, 2000, of record in the aforesaid Clerk's office in Deed Book 2498, at page 98.

This conveyance is made subject to all reservations and exceptions, as set forth in prior deeds in the  
chain of title hereto.

Subject to the aforesaid, and subject to the liens for the real property taxes for the years 2017 and 2018, to be paid by the Grantee, the party of the first part hereby covenants to and with the party of the second part that she will WARRANT SPECIALLY the property hereby conveyed and that the same is free and clear of all other liens and encumbrances.

DECLARATION OF RESIDENCY: Under penalty of perjury, the Grantor declares and certified that Grantor is exempt from the tax withholding requirements of W. Va. Code § 11-21-71b because Grantor is a resident of the State of West Virginia as defined by W. Va. Code § 11-21-71b and intends this declaration to satisfy the requirements thereof.

The Grantor does hereby declare that this transfer is exempt from the excise tax on the privilege of transferring real property for the reason that the Grantee is a municipality and as such is a political subdivision of the State of West Virginia.

WITNESS the following signature and seal:

\_\_\_\_\_  
ANNIE MAE TAYLOR

STATE OF WEST VIRGINIA, COUNTY OF  
KANAWHA, To-wit:

The foregoing instrument was acknowledged before me by ANNIE MAE TAYLOR, this        day of  
, 2017.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Prepared by:  
James F. Brown, IV Post Office Box  
88  
Charleston, WV 25321-0088

14. 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 bid submitted by The Seating Shoppe, Inc. in the amount of \$1,041,735.00, for purchase of Stackable Seats and Storage/Moving Carts as part of the Civic Center Expansion and Renovation Project.

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.

Stackable Seats and Carts for Charleston Civic Center

Bid Opening: April 13, 2018 @ 11:00 a.m.

	Quantity	The Seating Shoppe Inc. 1000 1st Street Harrison, NJ 07029 P: (718) 338-4300 <a href="mailto:matt@theseatingshoppe.com">matt@theseatingshoppe.com</a>			Seating Specialties, Inc. dba Senova Seating 2835 Camino Del Rio South, Suite 230 San Diego, CA 92108 P: (619) 398-1426 <a href="mailto:eric@senovaseating.com">eric@senovaseating.com</a>			MTS Seating 7100 Industrial Drive Temperance, MI 48182 P: (734) 847-3875 <a href="mailto:shannonfigas@mtsseating.com">shannonfigas@mtsseating.com</a>			MityLite, Inc. 1301 West 400 North Orem, UT 84057 P: (888) 883-4141 <a href="mailto:jeremysp@mitylite.com">jeremysp@mitylite.com</a>			MTS Seating 7100 Industrial Drive Temperance, MI 48182 P: (734) 847-3875 <a href="mailto:shannonfigas@mtsseating.com">shannonfigas@mtsseating.com</a>		
		Make/Model	Unit Cost	Total Cost	Make/Model	Unit Cost	Total Cost	Make/Model	Unit Cost	Total Cost	Make/Model	Unit Cost	Total Cost	Make/Model	Unit Cost	Total Cost
Stackable Seats, including	3000	TheSeatingShoppe CA-0000	\$90.00	\$270,000.00	Senova Equivalent	\$96.00	\$288,000.00	MTS Seating BCF6578-HD-01	\$96.40	\$289,200.00	MityLite Encore 550	\$103.50	\$310,500.00	MTS Seating BCF6578-HD-01	\$120.09	\$360,270.00
Stackable Seats, including	4000	TheSeatingShoppe CA-0000	\$87.00	\$348,000.00	Senova Equivalent	\$94.00	\$376,000.00	MTS Seating BCF6578-HD-01	\$94.87	\$379,480.00	MityLite Encore 550	\$103.50	\$414,000.00	MTS Seating BCF6578-HD-01	\$118.02	\$472,080.00
Stackable Seats, including	5000	TheSeatingShoppe CA-0000	\$84.00	\$420,000.00	Senova Equivalent	\$92.00	\$460,000.00	MTS Seating BCF6578-HD-01	\$93.34	\$466,700.00	MityLite Encore 550	\$103.50	\$517,500.00	MTS Seating BCF6578-HD-01	\$116.49	\$582,450.00
Storage/Moving Carts, including	15	TheSeatingShoppe HT-02	\$199.00	\$2,985.00	MityLite Xpress	\$300.00	\$4,500.00	MTS Seating 015-B	\$420.44	\$6,306.60	Xpressport	\$517.05	\$7,755.75	MTS Seating 015-B	\$420.44	\$6,306.60
Attic Stock Fabric,	50 yards	Winslow	\$15.00	\$750.00	Culp Winslow Mineral	\$8.00	\$400.00	Culp Winslow Mineral	\$7.94	\$397.00	Winslow Mineral	\$6.00	\$300.00	Culp Winslow Mineral	\$7.94	\$397.00
Delivery		120 days			135 days			119-133 days			100 days			119-133 days		

15. 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 bid submitted by All Safe Industries in the amount of \$ 99,094.88, for purchase of Various Equipment for the Charleston Fire Department Rapid Response Team.

To be charged to Account No. 001-706-00-000-3-345, Fire, Uniforms and Equipment

Various Equipment for CFD Rapid Response Team (RRT) Re-Bid

Bid Opening: April 17, 2018 @ 11:00 a.m.

		<b>All Safe Industries</b> 11360 Bluegrass Parkway Louisville, KY 40299 P: (502) 499-7988 <a href="mailto:jim.johnson@allsafeindustries.com">jim.johnson@allsafeindustries.com</a>			<b>Safeware Inc.</b> 4403 Forbes Boulevard Lanham, MD 20706 P: (800) 331-6707 <a href="mailto:apetrenko@safewareinc.com">apetrenko@safewareinc.com</a>		
	Quantity	Make/Model	Unit Cost	Total Cost	Make/Model	Unit Cost	Total Cost
Multi-Purpose Device (MPD)	8	CMC 333000	\$739.58	\$5,916.64	CMC 333010	\$584.66	\$4,677.28
identiFINDER R400	1	FLIR R400-NGH	\$15,669.17	\$15,669.17	FLIR R400-NGH	\$16,520.00	\$16,520.00
identiFINDER R400 - Two (2) Year Extended Warranty	1			\$2,587.50			\$2,726.40
Rapid Deployment Kit (RDK) with 4 AreaRAE Pro	1	W01R-110101-056079-0011 RAE SYSTEMS RDK	\$58,300.00	\$58,300.00	RAE SYSTEMS W01R-110101-056079-0011	\$60,397.95	\$60,397.95
RDK w/4 AreaRAE Pro - Extended Warranty	1			\$14,484.38			\$14,409.35
RaeLink3 Mesh Modem Kit	1	029-0695-000 RAE LINK3 MESH MODEM KIT	\$1,992.19	\$1,992.19	RAE SYSTEMS 029-0695-000	\$1,981.87	\$1,981.87
Shipping				\$145.00			\$0.00
Delivery		6 weeks			60 days		
<b>Total Bid</b>		<b>\$99,094.88</b>			<b>\$100,712.85</b>		

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.

16. 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.

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***

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1. Municipal Court Report to City Council Month Ending April 2018.  
Received and Filed.
  
2. Report of the City of Charleston Payroll Variance Analysis;  
April 2018.  
Received and Filed.
  
3. City of Charleston, WV and Charleston Sanitation Board Actuarial Valuation for the  
Fiscal Year Ending June 30, 2017.  
Received and Filed.



***ADJOURNMENT***

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

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

NAYS: NONE

ABSENT: Burka, Burton, Clowser, Ealy

At 7:20 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, May 21, 2018, at 7:00 p.m., in the Council Chamber in City Hall.

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Danny Jones, Honorable Mayor

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JB Akers, City Clerk