

**JOURNAL  
OF THE  
COUNCIL  
CITY OF CHARLESTON  
WEST VIRGINIA**

**September 19, 2011**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF SEPTEMBER ON THE 19th DAY, IN THE YEAR 2011, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY RICHARDSON AND THE PLEDGE OF ALLEGIANCE WAS LED BY WHITE.**

**BURKA  
DAVIS  
EALY  
KIRK**

**REISHMAN  
SALISBURY  
SNODGRASS**

**MAYOR JONES**

**DENEALT  
HAAS  
LANE  
NICHOLS  
RICHARDSON  
SHEETS  
STAJDUHAR**

**CLOUSER  
DODRILL**

**MILLER  
PERSINGER  
RUSSELL  
SMITH  
TALKINGTON  
WHITE**

**WITH TWENTY-THREE MEMBERS BEING PRESENT, THE MAYOR DECLARED A QUORUM.**

**PENDING THE READING OF THE JOURNAL OF THE PREVIOUS MEETING, THE READING THEREOF WAS DISPENSED WITH AND THE SAME DULY APPROVED.**

## **PUBLIC SPEAKERS**

Don Boardwine – Kanawha Animal Shelter  
Vickie Hairston – Work Release Center

## **CLAIMS**

A claim of Harley Hodges, 1145 Woodward Dr., Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor

A claim of Dewey Lee Taylor, 906 Rugby St., Charleston, WV; alleges damage to property.  
Refer to City Solicitor

A claim of Robert Loughry, 3907 Staunton Ave., Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor

A claim of Pete and Julie Schleider, 4502 Kanawha Ave., SE, Charleston, WV; alleges damage to vehicle. Refer to City Solicitor

A claim of Michael Hairston, 206 Bream St., Charleston, WV; alleges damage to property.  
Refer to City Solicitor

A claim of Carol Brown, 204 Bream St., Charleston, WV; alleges damage to property.  
Refer to City Solicitor

A claim of Anna Farrister, 1209 Homer St., Charleston, WV; alleges damage to property.  
Refer to City Solicitor

## **PUBLIC HEARING**

Bill No. 7490 - Bill No. 7490 A Bill authorizing the design, acquisition and construction of certain extensions, additions, betterments and improvements to the existing sewerage system of The City of Charleston; authorizing the issuance of not more than \$30,000,000 in aggregate principal amount of Sewerage System Revenue Bonds, in one or more series as designated in a supplemental resolution, of The City of Charleston, the proceeds of which, shall be used, along with other funds and moneys of, or available to, The City of Charleston which may be lawfully expended for such purposes, to permanently finance the cost of such design, acquisition and construction, to fund reserve accounts for such bonds and to pay other costs in connection therewith; providing for the rights and remedies of and security for the registered owners of such bonds; and adopting other provisions related thereto.

With no speaker from the Public to speak in favor of or opposed to the Public Hearing the Chair declared the Public Hearing on Bill 7490 closed.

## **MISCELLANEOUS RESOLUTIONS**

Resolution No. 012-11

Introduced in Council: September 19, 2011

Passed by Council: September 19, 2011

Sponsored by: Tom Lane, President  
Jack Harrison, Majority Leader

Bobby Reishman, Minority Leader

WHEREAS, Mike Clowser, a member of Charleston City Council since 2003, was recently elected Chairman of the Associated General Contractors of America’s Executive Leadership Council; and

WHEREAS, the General Contractors of America is an association representing 33,000 general contractors, specialty contractors, service providers and suppliers throughout the United States; and

WHEREAS, the Executive Leadership Council of the Association is comprised of 95 chapter executives with a mission to provide continuous and timely professional development, networking opportunities and leadership skills to its members; and

WHEREAS, Mike Clowser’s leadership role with this important national association provides prominence for West Virginia and the City of Charleston; and

WHEREAS, a small measure of this prominence was brought to Charleston through Mike Clowser’s position in an announcement on August 30, 2011, in which statistics on construction jobs were announced at the new West Side Elementary School. At this announcement this new Charleston school was featured for cutting edge technologies in school construction.

NOW THEREFORE, BE IT RESOLVED BY THE CHARLESTON CITY COUNCIL: That it recognize its own member, Councilman Mike Clowser, for his many accomplishments and in particular his becoming Chairman of the Executive Leadership Council of the General Contractors of Americas and in this capacity for bringing honor and recognition to West Virginia and the City of Charleston.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 012-11, adopted.*

Resolution No. 017-11 :

Introduced in Council:  
September 19, 2011

Adopted by Council:  
\_\_\_\_\_

Introduced by:

Referred to:  
\_\_\_\_\_

Tom Lane

Resolution No. 017-11: “A Resolution pursuant to the authority granted in the Code of the City of Charleston Chapter Two, Section 70, to amend Appendix A of the Code of the City of Charleston, Rules of Council, Rule No. 2, regarding the standing committees of City Council.

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

That pursuant to the authority granted in the Code of the City of Charleston Chapter Two, Section 70, Appendix A of the Code of the City of Charleston, Rules of Council, Rule No. 2 Committees, is hereby amended as follows:

Rule No. 2. - Committees.

(a) The city council shall have the following standing committees:

Committee on finance.

Committee on ordinance and rules.

Committee on planning.

Committee on ~~fire, police and~~ public safety.

~~Committee on health and sanitation.~~

Committee on parks and recreation.

Committee on streets and traffic.

Committee on environment and recycling.

~~Committee on the homeless.~~

~~Committee on city employees.~~

Committee on Urban Renewal.

Committee on Facilities.

Committee on Parking Facilities.

(b) All standing committees shall consist of not less than three nor more than nine members unless the city council by resolution specifically provides otherwise. All standing committees shall be appointed by the mayor, ~~except the committee on city employees, whose members and chair shall be appointed by the president, majority leader and minority leader of the council.~~ The members of the Committee on Parking Facilities shall be the same as those appointed and serving as the members of the Committee on Finance.

(c) In addition to the foregoing standing committees, the city council may authorize such select committees as may be provided by resolution.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 017-11, adopted. NAYS: Kirk, Smith, Sheets*

**FINANCE**

Councillperson Robert Reishman, Chairperson of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No 013-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 013-11: "Authorizing the Mayor to apply for the FY 2011 Emergency Management Performance Grant ("EMPG") through the West Virginia Division of Homeland Security and Emergency Management. This grant will assist the City in continuing

and improving its emergency management response system and will reimburse the City 50% for most of the operating and other costs incurred by the Office of Emergency Services and Homeland Security.”

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

That the Mayor is hereby authorized and directed to apply for the FY 2011 Emergency Management Performance Grant (“EMPG”) through the West Virginia Division of Homeland Security and Emergency Management. This grant will assist the City in continuing and improving its emergency management response system and will reimburse the City 50% for most of the operating and other costs incurred by the Office of Emergency Services and Homeland Security.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 013-11, adopted*

2. Your Committee on Finance has had under consideration Resolution No 014-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 014-11: “Authorizing the Mayor to sign and submit a Community Participation Program grant contract and all related documents on behalf of one agency.”

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

That the Mayor is hereby authorized and directed to sign and submit a Community Participation Program grant contract and all related documents on behalf of the following agency:

WV Master Gardeners Association 11LEDA0034 \$10,000.00

*The question being on the adoption of the Resolution. A roll call was taken and there were; yeas – 23, absent - 5, as follows:*

*YEAS: Burka, Davis, Deneault, Dodrill, Ealy, Haas, Kirk, Lane, Miller, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, White, Mayor Jones.*

*ABSENT: Burton, Harrison, Minardi, Ware, Weintraub*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 014-11 adopted*

3. Your Committee on Finance has had under consideration Resolution No 015-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 015-11: “Authorizing the Finance Director to allocate funds in the amount of \$30,000.00 for acquisition of one (1) HOME project located in Charleston on the West Side.”

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of \$30,000.00 for acquisition of one (1) HOME project located in Charleston on the West Side.

*The question being on the adoption of the Resolution. A roll call was taken and there were;*

yeas – 23, absent - 5, as follows:

YEAS: *Burka, Davis, Deneault, Dodrill, Ealy, Haas, Kirk, Lane, Miller, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, White, Mayor Jones.*

ABSENT: *Burton, Harrison, Minardi, Ware, Weintraub*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 015-11 adopted*

4. Your Committee on Finance has had under consideration Resolution No 016-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 016-11: “Authorizing the Mayor to enter into an agreement with Pipe Plus, Inc., in the amount of \$234,850, for 2011 Storm Sewer Projects at Ferry Street, Northwood Road, Loudon Heights Road and Myrtle Road.”

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

That the Mayor is hereby authorized and directed to enter into an agreement with Pipe Plus, Inc., in the amount of \$234,850, for 2011 Storm Sewer Projects at Ferry Street, Northwood Road, Loudon Heights Road and Myrtle Road.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 016-11, adopted*

#### REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; August 2011.  
Received and Filed.
2. City Treasurer’s Report to City Council Month Ending August 2011.  
Received and Filed.

#### NEW BILLS

Introduced by Council member Robert Sheets, on September 19, 2011:

Bill No. 7493 - A Bill to establish a FIVE minute Parking Zone on the easterly side of Ruffner Avenue from a point 110’ North of Jackson Street to point 132’ North of Jackson Street 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 Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.  
Refer to the Streets and Traffic Committee.

Introduced by Council member Cubert Smith, on September 19, 2011:

Bill No. 7494 - A Bill to establish a No Parking Anytime Tow Away Zone on both sides of Dudley Drive from a point 70’ West of Greenbrier Street to a point 220’ West of Greenbrier Street 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 Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.  
Refer to the Streets and Traffic Committee.

Introduced by Council member Robert Reishman, on September 19, 2011:

Bill No. 7495 - "A BILL to authorize the Mayor on behalf of the City of Charleston to grant and convey to the Sanitary Board of the City of Charleston, a permanent sanitary sewer easement on a parcel of property located in Kanawha County, West Virginia, in the North Charleston Tax District, more particularly designated as Tax Map 92, Parcel 56, in which the City of Charleston owns an interest.

Refer to the Finance Committee.

#### ROLL CALL

*YEAS: Burka, Davis, Deneault, Dodrill, Ealy, Haas, Kirk, Lane, Miller, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, White, Mayor Jones.*

*ABSENT: Burton, Harrison, Minardi, Ware, Weintraub*

At 7:45 p.m., by a motion from Councilmember Lane, Council adjourned until Monday, October 3, 2011, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk