

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA
APRIL 19, 2010

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF APRIL ON THE 19th DAY, IN THE YEAR 2010, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY HARRISON AND THE PLEDGE OF ALLEGIANCE WAS LED BY CLOUSER.

**BURKA
DEITZLER
HALL
HARRISON
KIRK
MILLER
REISHMAN
SHEETS
WARE
MAYOR JONES**

**CLOUSER
DENEALT
HANNA
HIGGINS
KNAUFF

RUSSELL
SMITH
WEINTRAUB**

**EALY
HARRIS
JONES
LANE
REED
SALISBURY
TALKINGTON
WHITE**

WITH TWENTY-SIX 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

1. Jean Ann Hersher – Vineyard Foundation

CLAIMS

1. A claim of Alton Hunt, 3973 Indian Creek Rd., Elkview WV; alleges damage to vehicle.
Refer to City Solicitor
2. A claim of Charles Miller, 1269 Green Valley Dr., St. Albans, WV; alleges damage to vehicle.
Refer to City Solicitor
3. A claim of William Alvord, 1635 Troy Rd., Charleston, WV; alleges damage to property.
Refer to City Solicitor
4. A claim of John Andrew Bell, 1603 Ravina Rd., Charleston WV; alleges damage to vehicle.
Refer to City Solicitor
5. A claim of James Meadows, 137 Avon St., Charleston, WV; alleges damage to property.
Refer to City Solicitor
6. A claim of Roger Walker, 208 W. 29th Street, Charleston WV; alleges damage to property.
Refer to City Solicitor
7. A claim of Shonette Mosier, 6 Cottonwood Dr., Elkview WV; alleges damage to vehicle.
Refer to City Solicitor

COMMUNICATIONS

The Clerk read the Communciation:
Honorable Danny Jones
and Members of City Council
Charleston, WV 25330

Dear Mayor Jones and Council members:

Please withdraw the following bills. The committee on Finance has requested the withdrawal.

Introduced by Councilmember Bobby Reishman, on February 6, 2006:

Bill No. 7194 - A Bill authorizing the Mayor and his designees to negotiate with the Kanawha County Commission and its designees and for the Mayor to enter into an Intergovernmental Agreement with the Kanawha County Commission to permit the City to go forward with the Court-ordered special election regarding the User Fee by combining the City special election with the County primary election to be held on May 9, 2006, provided that any such Intergovernmental Agreement is consistent with State and local laws, is consistent with governmental economy and efficiency, and is approved by the Attorney General pursuant to West Virginia Code § 8-23-3. This Ordinance shall take effect immediately following passage by City Council with a vote in the affirmative from three-fifths of its members elected.

Refer to Finance Committee.

Introduced by Councilman Larry Roller, on June 17, 2002:

Bill No. 6917, a Bill authorizing the City to grant and convey a permanent easement located at Charleston Center Village to Charleston Center Village Limited Partnership.

Refer to Finance Committee.

Introduced by Councilmembers Mary Jane Lopez and Betty Morton on January 22, 2002:

Bill No. 6881, a Bill to transfer all funds remaining in the Spring Hill Cemetery Mausoleum and Maintenance Fund, also known as Fund 52 to the Spring Hill Cemetery Combined Endowments Funds.,

Refer to Finance Committee.

Introduced by Councilman Jim Harris on September 18, 2000:

Bill No. 6748, a Bill enacted, pursuant to West Virginia Code Chapter 8-11-3 (10), allowing the City of Charleston to enter into an intergovernmental contract with the Board of Education of the County of Kanawha, West Virginia, for the purpose of furnishing the Board of Education with \$50,000 to be used to build tennis courts located at Stonewall Jackson Junior High School. The City of Charleston will be able to use these Courts when they are not being used by the school:

Refer to Council Committee on Parks and Recreation and Finance

Sincerely,
Finance Committee
Robert Reishman, Committee Chairman

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bills officially withdrawn.

FINANCE

Councilman Robert Reishman, Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No 736-10, and

reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 736-10: “Authorizing the Mayor to sign Change Order No. 1 with Carl Walker Construction Group for repairs to the precast suspended bridge over Lee Street from the Civic Center to Municipal Parking Building No. 3 (Greyhound) in the amount of \$41,896.77. The repairs to the suspended bridge, as part of MPB No. 3, are being funded through the Parking System. The work will be done in conjunction with Carl Walker’s contract for repair of elevated walkways at the Quarrier Street Side of the Civic Center, approved by Council on November 2, 2009. Change Order No. 1 increases the contract price from \$151,270.00 to \$193,166.77.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 1 with Carl Walker Construction Group for repairs to the precast suspended bridge over Lee Street from the Civic Center to Municipal Parking Building No. 3 (Greyhound) in the amount of \$41,896.77. The repairs to the suspended bridge, as part of MPB No. 3, are being funded through the Parking System. The work will be done in conjunction with Carl Walker’s contract for repair of elevated walkways at the Quarrier Street Side of the Civic Center, approved by Council on November 2, 2009. Change Order No. 1 increases the contract price from \$151,270.00 to \$193,166.77

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 736-10, adopted.

2. Your Committee on Finance has had under consideration Resolution No 737-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 737-10: “Authorizing the Mayor to sign Change Order No. 2 with Carl Walker Construction Group, in the amount of \$55,624.50, providing for an additional 2367 square feet of concrete deck replacement to the contract for repair of elevated exterior walkways at the Quarrier Street side of the Civic Center. Change Order No. 1 and No. 2 brings the total contract price to \$248,791.27.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 2 with Carl Walker Construction Group, in the amount of \$55,624.50, providing for an additional 2367 square feet of concrete deck replacement to the contract for repair of elevated exterior walkways at the Quarrier Street side of the Civic Center. Change Order No. 1 and No. 2 brings the total contract price to \$248,791.27.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 737-10, adopted.

3. Your Committee on Finance has had under consideration Resolution No 738-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 738-10: “Authorizing the Finance Director to amend the 2009-2010 Civic Center 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 2009-2010 Civic Center Budget as indicated on the attached list of accounts.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 26, nays-0, absent -2, as follows:

YEAS: Burka, Clowser, Deitzler, Deneault, Ealy, Hall, Hanna, Higgins, Harrison, Harris, Jones, Kirk, Knauff, Lane, Miller, Reed, Reishman, Russell, Salisbury Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Davis, Payne,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 738-10, adopted.

4. Your Committee on Finance has had under consideration Resolution No 739-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 739-10: “Authorizing the Mayor to sign Change Order No. 2 with McClanahan Construction for the Kanawha Boulevard Streetscape project providing for a change of materials required in the project scope due to unforeseen site conditions. Materials added were in the amount of \$17,026.00 and materials credited were in the amount \$17,427.00, resulting in a decrease in cost of \$401.00, and a new contract price of \$756,556 from \$756,957.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 2 with McClanahan Construction for the Kanawha Boulevard Streetscape project providing for a change of materials required in the project scope due to unforeseen site conditions. Materials added were in the amount of \$17,026.00 and materials credited were in the amount \$17,427.00, resulting in a decrease in cost of \$401.00, and a new contract price of \$756,556 from \$756,957.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 739-10, adopted.

5. Your Committee on Finance has had under consideration Resolution No 740-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 740-10: “Authorizing the Mayor to sign Change Order No. 3 with Oval Construction Management, in the amount of \$5,225.00, for change in scope of work to install 18 inches of 1500 psi controlled low strength material (CLSM), and equipment and labor required to bridge poor soil conditions for the Court Street Overlook Foundations. Change Order No. 3 increases the contract price from \$1,095,595.00 to \$1,100,820.00.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 3 with Oval Construction Management, in the amount of \$5,225.00, for change in scope of work to install 18 inches of 1500 psi controlled low strength material (CLSM), and equipment and labor required to bridge poor soil conditions for the Court Street Overlook Foundations. Change Order No. 3 increases the contract price from \$1,095,595.00 to \$1,100,820.00

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 740-10, adopted.

6. Your Committee on Finance has had under consideration Resolution No 741-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 741-10: “Authorizing the Mayor to sign and submit Community Participation Program grant information sheets and all related documents for two agencies.”

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 Community Participation Program grant information sheets and all related documents for the following two agencies:

West Virginia Youth Ballet	10LEDA0042	\$8,000
Pro-Kids, Inc.	10LEDA0737	\$1,000

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 26, nays-0, absent -2, as follows:

YEAS: Burka, Clowser, Deitzler, Deneault, Ealy, Hall, Hanna, Higgins, Harrison, Harris, Jones, Kirk, Knauff, Lane, Miller, Reed, Reishman, Russell, Salisbury Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Davis, Payne,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 741-10, adopted.

7. Your Committee on Finance has had under consideration Resolution No 742-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 742-10 : “Authorizing the Mayor to accept funds awarded to the Charleston Fire Department through the Assistance to Firefighters Grant No. EMW-2008-FO-10165, in the amount of \$201,600.00. The grant provides funds for purchase of an air compressor.”

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

That the Mayor is hereby authorized and directed to accept funds awarded to the Charleston Fire Department through the Assistance to Firefighters Grant No. EMW-2008-FO-10165, in the amount of \$201,600.00. The grant provides funds for purchase of an air compressor.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 742-10, adopted.

8. Your Committee on Finance has had under consideration Resolution No 743-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 743-10 : “Authorizing the Mayor to renew the Irrevocable Letter of Credit from City National Bank in the amount of \$328,000 for bonding of the permitted acreage at the City Landfill; and further authorizing payment of the premium in the amount of \$3,280 for the period July 1, 2010 to June 30, 2011. The premium is due annually with reimbursement to the City by Landfill Services of Charleston, Inc.”

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

That the Mayor is hereby authorized and directed to renew the Irrevocable Letter of Credit from City National Bank in the amount of \$328,000 for bonding of the permitted acreage at the City Landfill; and further authorizing payment of the premium in the amount of \$3,280 for the period July 1, 2010 to June 30, 2011. The premium is due annually with reimbursement to the City by Landfill Services of Charleston, Inc.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 743-10, adopted.

9. Your Committee on Finance has had under consideration Resolution No 744-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 744-10 : “Authorizing the participation of the City of Charleston in the Consolidated Fund administered and managed by the West Virginia Board of Treasury Investments, and further authorizing the Treasurer and his designees to do all things

necessary in order to participate in the investment pools in the Consolidated Fund.”

WHEREAS, W. Va. Code §12-6C-6 authorizes spending units and political subdivisions of the State of West Virginia to participate and invest in the Consolidated Fund, which is administered and managed by the Board of Treasury Investments and used to purchase securities and other investments authorized by law; and

WHEREAS, the Council of the City of Charleston, the governing body of the City of Charleston, a political subdivision of the State of West Virginia, through its Treasurer’s Office has reviewed the Investment Policy of the West Virginia Board of Treasury Investments and provisions of all applicable agreements, applications, state and local laws, policies, rules or ordinances; and

WHEREAS, the City of Charleston, through its Treasurer’s Office, has made an independent determination that investment in the Consolidated Fund in accordance with the provisions of the aforesaid statute is in the best interests of the City, and is within the scope of activities and investments for which it is authorized by law; now therefore,

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

That the participation of the City of Charleston in the Consolidated Fund administered and managed by the West Virginia Board of Treasury Investments, is hereby authorized, and the City’s Treasurer and his designees are further authorized to do all things necessary in order to participate in the WV Money Market, the WV Government Money Market and/or the WV Short Term Bond Pool investment pools in the Consolidated Fund.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 744-10, adopted.

10. Your Committee on Finance has had under consideration Resolution No 745-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 745-10 : ‘Authorizing the Mayor to lease the balance of space available on the 4th floor at 601 Morris Street, consisting of approximately 14,703 square feet, to Samuel I. White, P.C. at the price of \$886,800.00 for a five year term with options to renew for two additional five year terms.’

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

That the Mayor is hereby authorized and directed to lease the balance of space available on the 4th floor at 601 Morris Street, consisting of approximately 14,703 square feet, to Samuel I. White, P.C. at the price of Eight Hundred Eighty-six Thousand Eight Hundred Dollars (\$886,800.00) for a five year term with options to renew for two additional five year terms.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 745-10, adopted.

11. A bid submitted by Flint Trading, inc., for purchase of 3,840 feet of retroreflective pavement markings and related material, in an amount up to \$19,836.16, to be used by Traffic Engineering in connection with the Safe Routes to School/Piedmont Elementary project. To be charged to Account No. 001-712-00-000-3-341, Traffic Engineering—Materials and Supplies

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; March 2010. Received and Filed.

2. Report of the City of Charleston Financial Statements for the Nine-Month period ended March 31, 2010. Received and Filed.

3. City Treasurer's Report to City Council Month Ending March 2010. Received and Filed.

NEW BILLS

Introduced by Councilman Rev James Ealy on April 19, 2010:

Bill No. 7419 -A Bill to prohibit Vehicular Traffic from traveling in a westerly direction on 6th Street between Hunt Avenue and Russell 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 Streets and Traffic.

ROLL CALL

The Clerk called the roll and the following members were in attendance:

YEAS: Burka, Clowser, Deitzler, Deneault, Ealy, Hall, Hanna, Higgins, Harrison, Harris, Jones, Kirk, Knauff, Lane, Miller, Reed, Reishman, Russell, Salisbury Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Davis, Payne

At 7:35 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, May 3, 2010, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk