

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

**May 3, 2010**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF MAY ON THE 3<sup>rd</sup> 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  
PAYNE  
RUSSELL  
SMITH  
WEINTRAUB**

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

**WITH TWENTY-EIGHT 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**

None

## **CLAIMS**

1. A claim of John Cantrell, 2016 Violet Street, Charleston WV; alleges damage to property.

Refer to City Solicitor

2. A claim of Nancy Tippie, 314 Mill Creek Rd., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

## **COMMUNICATIONS**

The Clerk read the Appointment:

TO: JAMES REISHMAN  
CITY CLERK

FROM: DANNY JONES  
MAYOR

RE: CHARLESTON WAYFINDING COMMISSION

DATE: MAY 3, 2010

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I recommend that Alana Minear, 102 Woodshire Place, Charleston, WV 25314, be appointed to the Charleston Wayfinding Commission, with a said term to expire September 1, 2012. She represents the Charleston Municipal Beautification Commission. She is replacing Beverly Wright.

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

Council approved the appointment

## **MISCELLANEOUS RESOLUTIONS**

Resolution No. 752-10

Introduced in Council

May 3, 2010

Kasey Russell

Resolution No. 752-10: "Authorizing the Mayor and/or City Manager to enter into a Memorandum of Understanding on Mutual Cooperation between the town of Banska Bystrica, of the Slovak Republic, and the City of Charleston, West Virginia."

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

That the Mayor and/or City Manager is hereby authorized and directed to enter into a Memorandum of Understanding on Mutual Cooperation between the town of Banska Bystrica, of the Slovak Republic, and the City of Charleston, West Virginia.”

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 752-10, adopted.

Resolution No. 753-10

Introduced in Council

May 3, 2010

Tom Lane, Council President

Jack Harrison, Majority Leader

Bobby Rieshman, Minority Leader

WHEREAS: An excess levy election is to be held in conjunction with the May 11, 2010 primary election, to provide the voters of Kanawha County the opportunity to approve an excess tax levy for four years beginning July 1, 2011; and

WHEREAS: This excess levy will support the operations of the Kanawha Valley Regional Transportation Authority, which owns and operates the public bus transportation system that serves citizens in Charleston and Kanawha County, the Kanawha County Emergency Ambulance Authority, which has established and maintains an emergency ambulance system for Kanawha County, and an Emergency Services Fund, which provides money for first responder services in Charleston and Kanawha County; and

WHEREAS: The City of Charleston receives levy proceeds, which will amount to at least \$2.2 million in the current fiscal year, for ambulance service through the Charleston Fire Department as well as frequent grants for police and fire services through the Emergency Services Fund; and

WHEREAS: The proposed excess levy is needed for the continued operation of the ambulance and transportation authorities, and to assist local police and fire department to meet the public safety needs of the citizens, and it will be used to provide funds for the acquisition of equipment, capital improvements, general maintenance and operational expenses as well as to match federal funds for qualifying projects and purchases; and

WHEREAS: The proposed levy rate is not increased under this proposal, so Kanawha County taxpayers will not face an increase in taxes as a result of this levy's approval;

Therefore be it resolved by The Council and Mayor of The City of Charleston, West Virginia:

That the City of Charleston, through its elected leadership, does hereby endorse the proposed special levy to be voted on May 11, 2010, and urges all voters in Kanawha

County to vote for the levy which will result in the continued operation and expansion of the emergency ambulance system and provide for the continued operation and improvement of the mass transportation system and provide supplemental funding for public law enforcement and public fire protection agencies within Kanawha County, all of which are essential to the general welfare of all the people of the City of Charleston.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 753-10, adopted.

## **STREETS AND TRAFFIC**

Your Committee on Streets and Traffic has had under consideration Bill No 7419, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7419 -A Bill to prohibit Vehicular Traffic from traveling in a westerly direction on 6<sup>th</sup> 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.

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

Section 1. To prohibit Vehicular traffic from traveling in a westerly direction on 6<sup>th</sup> Street between Hunt Avenue and Russell Street is hereby prohibited.

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

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

The question being on the passage of the Bill a roll call was taken and there were; yeas – 28, nays-0,as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7419, adopted.

## **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 746-10, and reports the same to Council with the recommendation that the committee report be

adopted.

Resolution No. 746-10: “Authorizing the City Manager to execute an equipment transfer/donation agreement with the Clay County Ambulance Service/Clay County Commission for a 2001 GMC Ambulance.”

WHEREAS, the City of Charleston owns a 2001 GMC Ambulance, which has been retired from service in the Charleston Fire Department fleet, and the City no longer has need for said ambulance; and

WHEREAS, Clay County, West Virginia has need for said ambulance to be used for a public purpose, and is willing to enter into an agreement for the transfer of said ambulance, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the transfer of equipment between public entities without consideration is authorized by W.Va. Code Section 1-5-3, and to the extent that Clay County is considered “another jurisdiction” under W.Va. Code Section 8-11-3, said authorization is permitted by Resolution pursuant to the Municipal Code of the City of Charleston Chapter 3, Article II, Section 3-12; and

WHEREAS, such transfer would result in an overall benefit to the public; now, therefore

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

That the City Manager is hereby authorized to execute an equipment transfer/donation agreement with the Clay County Ambulance Service/Clay County Commission, West Virginia, for a 2001 GMC Ambulance.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 746-10, adopted.

2. Your Committee on Finance has had under consideration Resolution No 747-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 747-10: “Authorizing the Finance Director to amend the 2009-2010 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 2009-2010 General Fund 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 – 28, nays-0, as follows:

YEAS: Burka, Clowser, Davis, Deitzler, Deneault, Ealy, Hall, Hanna, Higgins, Harrison,

Harris, Jones, Kirk, Knauff, Lane, Miller, Payne, Reed, Reishman, Russell, Salisbury Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 747-10, adopted.

3. Your Committee on Finance has had under consideration Resolution No 748-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 748-10: "Authorizing the Mayor to sign and submit applications to the Office of Economic Opportunity for the 2010 West Virginia Homeless Shelters Program (WVHSP) to provide maintenance, operating expenses and essential services for the following agencies: Covenant House, Daymark, Kanawha Valley Fellowship Home, Rea of Hope, RCCR-Samaritan Inn, Roark Sullivan Lifeway Center, YWCA/Sojourner's, and YWCA/Resolve Family Abuse; and further authorizing the Mayor to sign all required contracts, documents and agreements with all 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 applications to the Office of Economic Opportunity for the 2010 West Virginia Homeless Shelters Program (WVHSP) to provide maintenance, operating expenses and essential services for the following agencies: Covenant House, Daymark, Kanawha Valley Fellowship Home, Rea of Hope, RCCR-Samaritan Inn, Roark Sullivan Lifeway Center, YWCA/Sojourner's, and YWCA/Resolve Family Abuse; and further authorizing the Mayor to sign all required contracts, documents and agreements with all agencies.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 28, nays-0, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 748-10, adopted.

Abstain: Weintraub

4. Your Committee on Finance has had under consideration Resolution No 749-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 749-10: "Authorizing the Finance Director to allocate funds in the amount of \$31,414 for rehabilitation of two (2) owner-occupied residents in the City of Charleston."

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 \$31,414 for rehabilitation of the following two (2) owner-occupied residences in the City of Charleston:

West Side Hill:

Empire Electric	\$21,414.00
Dean Geoffrey's Construction	\$29,180.00
Historic Restorations	No Bid

South Side:

Empire Electric	\$10,000.00
Dean Geoffrey's Construction	\$15,996.00
Historic Restorations	No Bid

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 28, nays-0, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 749-10, adopted.

5. Your Committee on Finance has had under consideration Resolution No 750-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 750-10: "Authorizing the Finance Director to allocate funds in the amount of \$39,000 for acquisition of one (1) HOME project located in the South Hills area of Charleston."

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 \$39,000 for acquisition of one (1) HOME project located in the South Hills area of Charleston.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 28, nays-0, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 750-10, adopted.

6. Your Committee on Finance has had under consideration Resolution No 751-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 751-10: “Authorizing the Mayor to sign and submit to the U.S. Department of Housing and Urban Development (HUD) the 5-Year Consolidated Plan 2010-2014 and Annual Action Plan for Program Year 2010 (year one) and all required agreements, including Sub-recipient Project contracts relating to the 2010 Annual Action Plan.”

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 to the U.S. Department of Housing and Urban Development (HUD) the 5-Year Consolidated Plan 2010-2014 and Annual Action Plan for Program Year 2010 (year one) and all required agreements, including Sub-recipient Project contracts relating to the 2010 Annual Action Plan.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 28, nays-0, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 751-10, adopted.

7. Your Committee on Finance has had under consideration Resolution No 754-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 754-10: “Authorizing the Mayor to sign Change Order No. 4 with Oval Construction Management, in an amount not to exceed \$6,000.00, for relocation of the electrical panel associated with the retractable canopy at Riverfront Park. Change Order No. 4 increases the contract price from \$1,100,820.00 to an amount not to exceed \$1,106,820.00.”

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. 4 with Oval Construction Management, in an amount not to exceed \$6,000.00, for relocation of the electrical panel associated with the retractable canopy at Riverfront Park. Change Order No. 4 increases the contract price from \$1,100,820.00 to an amount not to exceed \$1,106,820.00.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 754-10, adopted.

8. A bid submitted by Dell Marketing, L.P., in the amount of \$82,068.95, for purchase of 48 computers (\$73,831.68) and one (1) server (\$8,237.27), to be installed in various City departments by Information Systems. In addition to this purchase, the Charleston Police Department requested purchase of ten (10) computers from Dell's bid price of \$1,538.16 per unit for a total of \$15,381.60, bringing the grand total to \$97,450.55. To be charged to the following accounts:  
\$82,068.95 - Account No. 001-975-00-439-4-459, I.S. Department—Capital Outlay, Equip. \$15,381.60 - Account No. 095-175-10-000-4-459, Police—Grant F10HS-08

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

### **NEW BILLS**

Introduced by Councilman Ed Talkington on May 3, 2010:  
Bill No. 7420 - A bill to establish a vehicular parking zone for the exclusive use of the physically disabled on the westerly side of Elm Street from a point 30 feet south of Virginia Street West to a point 50 feet south of Virginia Street West, to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 6, 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, Chapter one hundred fourteen, Article five, to conform therewith.  
Refer to Streets and Traffic.

Introduced by Council members Joe Deneault and William Kirk on May 3, 2010:  
Bill No. 7421 - A Bill to amend and reenact Ordinance No. 4527 passed by Council on February 20, 1990 relating to establishing a STOP intersection on Cliffview Avenue at Michael Avenue except when turning right 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.

Introduced by Council member Adam Knauff on May 3, 2010:  
Bill No. 7422 - A Bill to establish a 15 MPH Speed Limit on Burlew Drive between Market Drive and Jean 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.

Introduced by Councilmember Robert Reishman on May 3, 2010:  
BILL No. 7423 - A Bill to repeal Sections 114-601 and 114-602, as amended, of the Code of the City of Charleston, and to reenact Sections 114-601 and 114-602 of the Code of the City of Charleston relating to City-owned parking lots and buildings.  
Refer to Parking and Finance Committee.

### **ROLL CALL**

The Clerk called the roll and the following members were in attendance:  
YEAS: Burka, Clowser, Davis, Deitzler, Deneault, Ealy, Hall, Hanna, Higgins, Harrison, Harris, Jones, Kirk, Knauff, Lane, Miller, Payne, Reed, Reishman, Russell, Salisbury Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

At 7:35 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, May 17, 2010, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk