

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

**JANUARY 19, 2010**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF JANUARY ON THE 19<sup>th</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 BOY SCOUT TROOP 31.**

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

**CLOWSER  
DENEALT  
  
HIGGINS  
KNAUFF  
PAYNE  
  
SMITH  
WEINTRAUB**

**DAVIS  
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. None

**CLAIMS**

1. A claim of Rodney Harvey Jr., 1007 Bigley Ave., Charleston, WV; alleges damage to vehicle .

Refer to City Solicitor

2. A claim of Debra Ferrell, 2212 Lilly Dr., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

The Clerk read the Proclamation:

**EXECUTIVE DEPARTMENT  
CITY OF CHARLESTON  
PROCLAMATION  
By the Mayor**

**WHEREAS:** Don Carr was hired as a laborer in the Street Department in 1988, promoted within the Department less than two years later and promoted to Director of Public Works in 1999 as Mayor Jay Goldman sought to bring stability to the Street Department and the other divisions under Public Works; and

**WHEREAS:** Don’s hands-on and first-hand experience as a front line employee within the Street Department has served him – and our city – well throughout his more than 10 years of leadership, during which he has effectively applied the experience he had and lessons he learned as an employee to his direction of the department; and

**WHEREAS:** Don’s hands-on experience hardly ended with is promotion to management as he has consistently demonstrated his keen awareness about and understanding of just about every project in every neighborhood and every street and alley throughout our city; and

**WHEREAS:** From the devastating floods that greeted the first day of this administration through last month’s paralyzing snowstorms and this month’s icing arctic blast, under Don’s leadership, the Street Department and other divisions of Public Works have continually and consistently met the needs of our citizens in challenging circumstances; and

**WHEREAS:** His excellence in service has not been limited to operating in crises, in that his leadership by example has resulted in improved day-to-day operations and the completion of many special projects to improve our city on a daily basis; and

**WHEREAS:** An avid outdoorsman, hunter and fisher, the only time Don would not be found working full throttle for the City of Charleston would be during the opening week of deer season every November.

**NOW THEREFORE, I, Danny Jones, Mayor of the City of Charleston, do hereby proclaim the 29<sup>th</sup> day of January 2010, as**

**DON CARR DAY**

in Charleston, West Virginia on the occasion of his retirement following more than two decades of service to our city. We join his wife Connie, two adult children, four grandchildren and hundreds of colleagues in celebrating his outstanding record of public service to our citizens and his well-

deserved retirement from duty to our City.

**IN WITNESS WHEREOF**, I have set my hand and caused the Seal of the Executive Department to be affixed this 19<sup>th</sup> day of January 2010.

*The Clerk read the Communication:*

Please withdraw the following Bill:

Bill #7411 – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1<sup>st</sup> day of January, 2006, as amended and the map made a part thereof, by rezoning the whole of that certain parcel of land situate at 2902 4<sup>th</sup> Avenue, Charleston, West Virginia from an R-4 Single Family Residential District to an I-2 Light Industrial District.

Sincerely,  
Phyllis White, Planning Department

Council voted in favor to withdraw the Bill.

*The Clerk read the Communication:*

Dear Mayor Jones and Council members:

Please withdraw the following bills. The committee on Streets and Traffic has requested the withdrawal.

**Bill No. 7315** - to establish a Metered Vehicular Parking Zone for the exclusive use twenty four hours a day, of the physically disabled on the southerly side of Kanawha Boulevard  
From a point 44 feet east of Hale Street to a point 66 feet east of Hale 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

**Bill No. 7342** - A Bill to amend and reenact §114-559(a) of said code; to add the following language:  
(19) In the area at the end of a street or alley provided for the turning of vehicles.

**Bill No. 7186** - A Bill to establish a No Parking Anytime Tow-Away zone on the northerly side of Red Oak Street from Burgess Street to McQueen 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.

**Bill No. 7077**, a Bill to establish a 15 Mile per Hour speed limit on Green meadow

Road 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.

**Bill No. 6845**, a Bill to establish a Residential Parking Only zone on Franklin Avenue and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three to conform therewith;

**Bill No. 6842**, a Bill to establish a Residential Parking Only zone on Quarrier Street from Greenbrier Street to Elizabeth Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three to conform therewith;

**Bill No. 6843**, a Bill to establish a Residential Parking Only zone on Virginia Street from Greenbrier Street to Elizabeth Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three to conform therewith.

**Bill No. 6844**, a Bill to establish a Residential Parking Only zone on Quarrier Street from Michigan Avenue to California Avenue and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three to conform therewith;

**Bill No. 6740**, a Bill to establish a Residential Parking Only zone on the southerly side of Wyoming Street from Ohio Avenue to a point 226 feet east of Ohio Avenue and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, to conform therewith:

**Bill No. 6730**, a Bill to establish a Residential Parking Only zone on McClung Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one, Article three, to conform therewith.

**Bill No. 7406** – A Bill to establish a Stop intersection on Wilkie Drive at Maefair Drive requiring northbound vehicular traffic to STOP on Wilkie Drive 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.

Sincerely,  
Streets and Traffic Committee  
David Higgins, Committee Chairman

Council voted in favor to withdraw the Bills.

## **STREETS AND TRAFFIC**

Councilperson David Higgins, of the Council Committee on Streets and Traffic, submitted the following reports.

1. Your Committee on Streets and Traffic has had under consideration Bill No. 7410, and reports the same to Council with the recommendation that the bill be denied.

Bill No. 7410 - A Bill to create a No Parking Anytime Tow-Away zone in the alley lying parallel to and between Quarrier Street and Virginia Street from Dunbar Street to a point 80 feet west of Dunbar 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. A No Parking Anytime Tow-Away zone in the alley lying parallel to and between Quarrier Street and Virginia Street from Dunbar Street to a point 80 feet west of Dunbar Street is hereby established.

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 – 26, nays-0, absent -2, as follows:

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

ABSENT: Hanna, Russell

With a majority of members elected recorded thereon as voting in the negative the Mayor declared Bill No. 7410, passed.

## **FINANCE**

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

1. Your Committee on Finance has had under consideration Resolution No 700-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 700-10: “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; and be it

FURTHER RESOLVED, that this budgetary amendment is being made prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

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

ABSENT: Hanna, Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 700-10, adopted.

2. Your Committee on Finance has had under consideration Resolution No 701-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 701-10: “Authorizing the Finance Director to allocate funds in the amount \$23,274.00 for rehabilitation of one (1) owner occupied residence on the City’s 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 \$23,274.00 for rehabilitation of the following owner occupied residence on the City’s West Side:

West Side Flat

Dean Geoffrey’s Construction	\$23,274.00
Historic Restorations	\$23,580.00
Empire Electric	No bid

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

ABSENT: Hanna, Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 701-10, adopted.

3. Your Committee on Finance has had under consideration Resolution No 702-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 702-10: “Authorizing the Mayor to sign and submit Community Participation Program grant information sheets and all related documents for the Charleston Covenant House in the amount of \$10,000.”

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 Charleston Covenant House in the amount of \$10,000.

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

ABSENT: Hanna, Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 702-10, adopted.

4. Your Committee on Finance has had under consideration Resolution No 703-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 703-10: “Authorizing the Mayor to sign Change Order No. 2 with Orders Construction Company for a ninety-day extension to complete the Gateway Greenspace Project due to delays in work as a result of inclement weather conditions in the area. The extension pushes the Project completion date to April 30, 2010. Change Order No. 2 does not increase the contract price.”

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 Orders Construction Company for a ninety-day extension to complete the Gateway Greenspace Project due to delays in work as a result of inclement weather conditions in the area. The extension pushes the Project completion date to April 30, 2010. Change Order No. 2 does not increase the contract price.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 703-10, adopted.

5. Your Committee on Finance has had under consideration Resolution No 704-10, and

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

Resolution No. 704-10: “Authorizing the Finance Director to establish Fund 098 to receive and administer grant funds for the *Safe Routes to School Program*.”

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

That the Finance Director is hereby authorized and directed to establish Fund 098 to receive and administer grant funds for the *Safe Routes to School Program*.

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

ABSENT: Hanna, Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 704-10, adopted.

6. Your Committee on Finance has had under consideration Resolution No 705-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 705-10: “Authorizing the Mayor to sign Schedule B – Extension / Request for Additional Services to existing contract with WebQA, Inc. relating to online payments. The new service provides for the addition of a Payment Center to the City’s Customer Relationship Manager (CRM) system at a cost of \$450 per month and a one-time cost of \$5,000 for implementation / training fees. The new service starts on February 1, 2010 and ends on January 31, 2011, with an automatic renewal term for the same time period unless a 60-day written notice of termination is provided by City to WebQA. This addendum is subject to all terms and conditions contained in the Service Agreement with WebQA, approved by City Council on December 1, 2008.”

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

That the Mayor is hereby authorized and directed to sign Schedule B – Extension / Request for Additional Services to existing contract with WebQA, Inc. relating to online payments. The new service provides for the addition of a Payment Center to the City’s Customer Relationship Manager (CRM) system at a cost of \$450 per month and a one-time cost of \$5,000 for implementation / training fees. The new service starts on February 1, 2010 and ends on January 31, 2011, with an automatic renewal term for the same time period unless a 60-day written notice of termination is provided by City to WebQA. This addendum is subject to all terms and conditions contained in the Service Agreement with WebQA, approved by City Council on December 1, 2008.”

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 705-10, adopted.

7. Your committee on Finance has had under consideration approval to rescind the purchase of NetMotion security software licenses in the amount of \$28,750 from NetMotion, approved by Council on December 21, 2009, for computer equipment used by the Charleston Police Department. The distributor for the software is AT&T and the purchase was inadvertently requested for approval through NetMotion instead of AT&T, and reports the same to Council with the recommendation that the committee report be adopted.

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

8. Your committee on Finance has had under consideration a proposal submitted by AT&T in the amount of \$28,750 for purchase of NetMotion security software licenses for computer equipment used by the Charleston Police Department. The security software offers encryption, program control and network roaming. To be charged to Account No. 094-000-00-999-3-341, Police—Grant 2009 BJAG ARRA and reports the same to Council with the recommendation that the committee report be adopted.

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

9. Your committee on Finance has had under consideration a proposal submitted by Verizon, in the total amount of \$29,557.69, for purchase of nine (9) Cisco switches (\$26,987.97) and one (1) router (\$2,569.72) to be installed by the Information systems Department at various locations within the City's network. To be charged to Account No. 001-975-00-439-4-459, I.S. Dept.—Capital Outlay, Equip. and reports the same to Council with the recommendation that the committee report be adopted.

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; December 2009.

Received and Filed.

2. Report of the City of Charleston Financial Statements for the Six Month period ended December 31, 2009.

Received and Filed.

3. City Treasurer's Report to City Council Month Ending December 2009.

Received and Filed.

## ROLL CALL

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

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

ABSENT: Hanna, Russell

At 7:35 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, February 1, 2010, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk