

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

**FEBRUARY 1, 2010**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF FEBRUARY ON THE 1<sup>ST</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 161.**

<b>HALL</b>	<b>CLOWSER</b>	<b>DAVIS</b>
<b>HARRISON</b>	<b>DENEALT</b>	<b>EALY</b>
<b>KIRK</b>	<b>HANNA</b>	<b>HARRIS</b>
<b>MILLER</b>	<b>HIGGINS</b>	<b>JONES</b>
<b>REISHMAN</b>	<b>KNAUFF</b>	<b>LANE</b>
<b>SHEETS</b>	<b>PAYNE</b>	<b>REED</b>
<b>WARE</b>	<b>RUSSELL</b>	<b>SALISBURY</b>
<b>MAYOR JONES</b>	<b>SMITH</b>	<b>TALKINGTON</b>
		<b>WHITE</b>

**WITH TWENTY- FIVE 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 Geoff Niles, 1513 Connell Rd., Charleston, WV; alleges damage to personal property.

Refer to City Solicitor

2. A claim of James Burgess, 265 Mile Fork Dr., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

The Clerk read the Resolution

Resolution No. 711-10

Introduced in Council

February 1, 2010

Rev. James D. Ealy

WHEREAS: On January 16, 2010, a 13-year-old girl from Jackson County fell through thin ice when she was trying to cross a creek near Cottageville and then struggled to get out of the freezing water; and

WHEREAS: While some of those witnessing the incident found humor in the situation, Melquan Brown, a 15-year-old from Charleston's West Side and sophomore at Capital High School, recognized the danger that the freezing creek posed to the girl as she tried, but failed, to get out of the water; and

WHEREAS: Even though he barely knew the girl, Melquan risked his own life and dove into the creek to do everything he could to save Bridget Camp from being swept away or swept under by the ice cold creek; and

WHEREAS: Melquan acted spontaneously and courageously, putting himself in danger and, in so doing, is credited with saving Bridget's life; and

WHEREAS: Melquan's bravery, living example of courage and selfless action in the face of danger are inspirations to all people who are in a position to help someone in danger.

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

That we express our appreciation of and admiration for Melquan Brown, a young man who put someone else's safety above his own, acted instinctively to help someone in need and, in so doing, demonstrated the best of humanity. On behalf of the citizens of Charleston, we applaud your wonderful, brave example to take action to help others.

\_\_\_\_\_  
Danny Jones  
Mayor

\_\_\_\_\_  
Tom Lane  
President of Council

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 711-10, adopted.

## **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 706-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 706-10: “Authorizing the Finance Director to allocate funds in the amount of \$23,100 for acquisition of one (1) HOME project located 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 \$23,100 for acquisition of one (1) HOME project located on the City’s West Side.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 25, nays-0, absent -3, as follows:

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

ABSENT: Burka, Deitzler, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 706-10, adopted.

2. Your Committee on Finance has had under consideration Resolution No 707-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 707-10: “Authorizing the Mayor to sign and submit all related documents for the change of scope for Local Economic Development Assistance Program Project No. 06LEDA0438, West Side Neighborhood Association. The grant was initially awarded for the Florida Streetscape Improvements Project. However, the Streetscape project was successfully

completed without utilizing the grant funds and this change of scope requests that the funds, in the amount of \$10,000, be allocated to the playground improvements project for the new West Side Elementary School.”

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 all related Documents for the change of scope for Local Economic Development Assistance Program Project No. 06LEDA0438, West Side Neighborhood Association. The grant was initially awarded for the Florida Streetscape Improvements Project. However, the Streetscape project was successfully completed without utilizing the grant funds and this change of scope requests that the funds, in the amount of \$10,000, be allocated to the playground improvements project for the new West Side Elementary School.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 25, nays-0, absent -3, as follows:

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

ABSENT: Burka, Deitzler, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 707-10, adopted.

3. Your Committee on Finance has had under consideration Resolution No 708-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 708-10: “Authorizing the Mayor to sign and submit to the West Virginia Department of Highways (DOH) an Intent-to-Apply Grant Application and, if invited, submit a full application for grant funds from the Recreational Trails Program. The City proposes to purchase and redevelop eight (8) acres of property adjacent to Danner Meadow Park to create a trail for walkers, runners, and cyclists. Total cost of the project is estimated at \$40,000 with \$30,000 being requested in Recreational Trails Program funds and \$10,000 in matching funds through local sources.”

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 West Virginia Department of Highways (DOH) an Intent-to-Apply Grant Application and, if invited, submit a full application for grant funds from the Recreational Trails Program. The City proposes to purchase and redevelop eight (8) acres of property adjacent to Danner Meadow Park to create a trail for walkers, runners, and cyclists. Total cost of the project is estimated at \$40,000 with \$30,000 being requested in Recreational Trails Program funds and \$10,000 in matching funds through local

sources

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 25, nays-0, absent -3, as follows:

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

ABSENT: Burka, Deitzler, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 708-10, adopted.

4. Your Committee on Finance has had under consideration Resolution No 709-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 709-10: “Authorizing the Mayor to sign and submit FY 2010 Community Participation Program grant application and all related documents, in the amount of \$38,205, for the Roark Sullivan Lifeway Center/Giltinan Center Homeless Shelter. The funds will be used for improvements to the Giltinan Center.”

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 FY 2010 Community Participation Program grant application and all related documents, in the amount of \$38,205, for the Roark Sullivan Lifeway Center/Giltinan Center Homeless Shelter. The funds will be used for improvements to the Giltinan Center.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 25, nays-0, absent -3, as follows:

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

ABSENT: Burka, Deitzler, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 709-10, adopted.

5. Your Committee on Finance has had under consideration Resolution No 710-10, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 710-10: “Authorizing the Mayor to sign Change Order No. 2 with Wiseman Construction Company, in the amount of \$11,633.56, providing for the final changes and materials required to complete the Kanawha Boulevard Bridge Rehabilitation Project. Change Order No. 2 increases the contract price from \$423,514.95 to \$435,148.51.”

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 Wiseman Construction Company, in the amount of \$11,633.56, providing for the final changes and materials required to complete the Kanawha Boulevard Bridge Rehabilitation Project, as shown on the attached list. Change Order No. 2 increases the contract price from \$423,514.95 to \$435,148.51.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 710-10, adopted.

6. Your committee on Finance has had under consideration a proposal submitted by Stephens Auto Center for purchase of a vehicle, in the amount of \$22,850, to be used by the Metro Drug Enforcement Network Team (MDENT). To be charged to Account No. 900-173-00-976-4-459, MDENT—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 Payroll Variance Analysis; December 2009; Received and Filed.

### **NEW BILLS**

Introduced by Councilman Bob White on February 1, 2010:  
Bill No. 7416 - A Bill to establish a vehicular parking zone for the exclusive use of the physically disabled, on weekdays from 9:00am to 9:00 pm and on Saturdays from 9:00 am to 5:00 pm on the Southerly side of Donnally Street from a point 27 feet east of McCormick Street to a point 49 feet east of McCormick Street, 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 Committee

Introduced by Councilman Bob White on February 1, 2010:  
Bill No. 7417 - A Bill to establish a vehicular parking zone for the exclusive use of the physically disabled, on weekdays from 9:00am to 9:00 pm and on Saturdays from 9:00 am to 5:00 pm on the Southerly side of Donnally Street from a point 29 feet west of McCormick Street to a point 51 feet west of McCormick Street, 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 Committee

Introduced by Councilmen Edward Talkington, Joe Deneault, Mary Jean Davis, Will Hanna, Jack Harrison, Teresa Reed, Marc Weintraub, Harry Deitzler, James Ealy, Cheryle Hall, Pat Jones, William Kirk, Adam Knauff, Tom Lane, and Bob White on February 1, 2010:  
Bill No. 7412 - A Bill to enact Chapter 18, Article XXVIII. Residential Rental Properties, of the Code of the City of Charleston for the purpose of creating registration and inspection procedures applicable to property owners who provide residential rental properties.  
Refer to Rules and Ordinances and Finance Committee.

### **ROLL CALL**

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

At 7:25 p.m., by a motion from Councilmember Harrison, Council adjourned until Tuesday, February 16, 2010, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk