

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

SEPTEMBER 21, 2009

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 21ST DAY, IN THE YEAR 2009, 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 WARE.

DEITZLER	CLOWSER	DAVIS
HALL	DENEALT	EALY
HARRISON	HANNA	HARRIS
KIRK	HIGGINS	JONES
MILLER	PAYNE	LANE
REISHMAN		REED
SHEETS	SMITH	SALISBURY
WARE	WEINTRAUB	TALKINGTON
MAYOR JONES		WHITE

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

John and Tammy Harvey

CLAIMS

1. A claim of Carol Thomas, 309 Park Avenue, Charleston, WV; alleges damage to property.

Refer to City Solicitor

2. A claim of Edgar Anderson, 511 Bradford St., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

The Clerk read the Communication:

Dear mayor Jones and Council members:

On September 10, 2009 the Municipal Planning Commission held public hearings and its regular monthly meeting. The following case was heard . . .

Resolution No. 633-09

Application of NewPort One, LLC requesting an easement for use of air rights over the city right-of-way at the rear of 225 Capitol Street to construct and connect a skyway for pedestrian foot traffic between the building owned by NewPort One, LLC, and the Municipal Parking Garage No. 6 located on the east side of the 200 Block of Summers Street in the City of Charleston, West Virginia.

This case should be referred to the Council's Committee on Planning but first be referred to the Finance Committee for determination of the consideration.

Sincerely,

Municipal Planning Commission

Phyllis White, Administrative Assistant

The Mayor referred the case to the Planning Committee of Council.

FINANCE

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

1. Your Committee on Finance has had under consideration Bill No 7395, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7395 A BILL to amend Chapter 114, Article VII, Section 114-622 of the Municipal Code of the City of Charleston for the purpose of amending per hour parking fees in the downtown area.

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

That Chapter 114, Article VII, Section 114-622 of the Municipal Code of the City of Charleston is amended to read as follows:

Sec. 114-622. Per-hour parking fees established.

In the areas bounded by Broad Street on the east, Kanawha Boulevard on the south, Elk River on the west, and Piedmont Road on the north, the rental fee for use of any single on-street metered parking meters shall allow a maximum of two hours at the rate of \$0.50 per hour as required by the instructions printed upon each meter. Provided, where it is determined by the Streets and Traffic Committee that there is a need for further regulation and control of vehicles parking within this area, the City may designate individual on-street metered parking spaces within this area to allow for less than the maximum of two hours at a rate of not more than \$0.25 per fifteen minute increments. Any such parking space shall have the time restrictions and rates printed upon each meter. If the city consents to temporarily bagging or removing a meter to accommodate construction or other activity, the rental fee shall be \$5.00 per day or any portion of a day for each such meter.

The question being on the passage of the Bill a roll call was taken and there were; yeas-25, absent -3, as follows:

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

ABSENT: Burton, Knauff, Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7395, passed

2. Your Committee on Finance has had under consideration Resolution No 645-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 645-09: "Authorizing the Mayor to sign and submit FY 2009 Community Participation Program grant contracts, and all related documents, with the West Virginia Development Office on behalf of the following agencies located within the City of Charleston."

Kanawha Valley Fellowship Home	09LEDA0260	\$ 1,000.00
East End Family Resource Center	07LEDA0161	\$ 5,000.00
East End Family Resource Center	09LEDA0253	\$ 4,000.00
Rea of Hope Fellowship Home	09LEDA0265	\$ 2,000.00
Charleston West Side Main Street	09LEDA0250	\$16,800.00
Charleston Community Music Assoc.	07LEDA0156	\$ 5,000.00

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 2009

Community Participation Program grant contracts, and all related documents, with the West Virginia Development Office on behalf of the following agencies located within the City of Charleston:

Kanawha Valley Fellowship Home	09LEDA0260	\$ 1,000.00
East End Family Resource Center	07LEDA0161	\$ 5,000.00
East End Family Resource Center	09LEDA0253	\$ 4,000.00
Rea of Hope Fellowship Home	09LEDA0265	\$ 2,000.00
Charleston West Side Main Street	09LEDA0250	\$16,800.00
Charleston Community Music Assoc.	07LEDA0156	\$ 5,000.00

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

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

ABSENT: Burton, Knauff, Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 645-09, adopted.

3. Your Committee on Finance has had under consideration Resolution No 646-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 646-09: "Authorizing the Mayor to enter into an agreement with Enviroprobe Integrated Solutions in the amount of \$13,944 for removal and permanent closure of the underground storage tank at Fire Station No. 2, located at 808 Virginia Street, West."

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 Enviroprobe Integrated Solutions in the amount of \$13,944 for removal and permanent closure of the underground storage tank at Fire Station No. 2, located at 808 Virginia Street, West.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 646-09, adopted.

4. Your Committee on Finance has had under consideration Resolution No 647-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 647-09: "Authorizing the Mayor to enter into an agreement with West Virginia Paving, Inc., in the amount of \$622,675, for the City's 2009 Street Paving project."

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 West Virginia Paving, Inc., in the amount of \$622,675, for the City's 2009 Street Paving project.

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

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

ABSENT: Burton, Knauff, Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 647-09, adopted.

5. Your Committee on Finance has had under consideration Resolution No 648-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 648-09: "Authorizing the Mayor to enter into an agreement with Garcie R. Marker & Sons, in the amount of \$227,275, for Concrete Paving Repair of Various City Streets."

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 Garcie R. Marker & Sons, in the amount of \$227,275, for Concrete Paving repair of Various City Streets.

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

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

ABSENT: Burton, Knauff, Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 648-09, adopted.

6. Your Committee on Finance has had under consideration Resolution No 649-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 649-09: "Authorizing the Mayor to receive and administer funds in the amount of \$15,000 from the West Virginia Commission on Drunk Driving Prevention to provide for DUI overtime patrols and checkpoints for the Charleston

Police Department.”

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

That the Mayor is hereby authorized and directed to receive and administer funds in the amount of \$15,000 from the West Virginia Commission on Drunk Driving Prevention to provide for DUI overtime patrols and checkpoints for the Charleston Police Department. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 649-09, adopted.

7. Your Committee on Finance has had under consideration Resolution No 650-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 650-09: “Authorizing the Mayor to enter into an agreement with LeadsOnline, an electronic, computer/internet based data transfer service that will provide the Charleston Police Department with an additional investigative tool for tracking and recovering stolen property through pawnshops, scrap metal businesses, etc. The agreement is for a two year period at a cost of \$20,132.”

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 LeadsOnline, an electronic, computer/internet based data transfer service that will provide the Charleston Police Department with an additional investigative tool for tracking and recovering stolen property through pawnshops, scrap metal businesses, etc. The agreement is for a two year period at a cost of \$20,132.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 650-09, adopted.

8. Your Committee on Finance has had under consideration Resolution No 651-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 651-09: “Authorizing the Mayor to enter into an agreement with E. L. Robinson Engineering, in the amount of \$20,000, for a preliminary feasibility analysis for a proposed pedestrian and bicycle trail along the south side of the Kanawha River.”

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 E. L. Robinson Engineering, in the amount of \$20,000, for a preliminary feasibility analysis for a proposed pedestrian and bicycle trail along the south side of the Kanawha River.

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

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

ABSENT: Burton, Knauff, Russell

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 651-09, adopted.

9. Your committee of Finance has had under consideration a bid submitted by Ascension, in the amount of \$24,350, for purchase of a Portable Wheelchair Lift for the Charleston Civic Center. To be charged to Account No. 009-009-00-002-0-999, CDBG-- Rehabilitation, and reports the same to Council with the recommendation that the committee report be adopted.

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

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

ABSENT: Burton, Knauff, Russell

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

10. Your committee of Finance has had under consideration a bid submitted by SVSR, Inc., in the amount of \$17,560, for two (2) generators to be installed at radio tower sites used by the Police Department.

To be charged to Account No. 001-976-00-700-4-459, Police—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.

11. Your committee of Finance has had under consideration a bid submitted by West Virginia Tractor Company, in the amount of \$405,000, for purchase of three (3) LEACH-GMC Refuse Packer Trucks (\$135,000 each) to be used by the Refuse Collection & Recycling Department.

To be charged to Account No. 001-978-00-800-4-459, Refuse Collection & Recycling-- Capital Outlay, Equipment (Chase Equipment Finance Lease Purchase Escrow Account, Schedule Number1000133565) , 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.

12. Your committee of Finance has had under consideration a bid submitted by ODB, in the amount of \$37,588, for purchase of two (2) Leaf Loaders (\$18,794 each) to be used by the Street Department. To be charged to Account No. 001-977-00-750-4-459, Street-Capital Outlay, Equip.

(Chase Equipment Finance Lease Purchase Escrow Account Schedule Number 1000133565) , 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.

13. Your committee of Finance has had under consideration a bid submitted by West Virginia Tractor Company, in the amount of \$94,900, for purchase of one (1) Wheel Loader to be used by the Street Department. To be charged to Account No. 001-977-00-750-4-459, Street—Capital Outlay, Equip. (Chase Equipment Finance Lease Purchase Escrow Account, Schedule Number 1000133565) , 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.

14. Your committee of Finance has had under consideration a bid submitted by State Equipment, Inc., in the amount of \$67,950, for purchase of one (1) Case 580 Super M Backhoe to be used by the Street Department. To be charged to Account No. 001-977-00-750-4-459, Street—Capital Outlay, Equip. (Chase Equipment Finance Lease Purchase Escrow Account, Schedule Number 1000133565) , 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.

15. Your committee of Finance has had under consideration a proposal submitted by General Truck Sales Corporation, in the amount of \$26,950, for purchase of one (1) Pickup Truck with Lift Gate to be used by the Equipment Maintenance Department for tire service. To be charged to Account No. 001-977-00-754-4-459, Equipment Maintenance— Capital Outlay, Equipment (Chase Equipment Finance Lease Purchase Escrow Account, Schedule Number 1000133565), 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. City Treasurer's Report to City Council Month Ending August 2009.
Received and Filed.

NEW BILLS

Introduced by Council Member Marc Weintraub on September 21, 2009:

Bill 7399 - approving certain modifications of the West Side Community Renewal Plan for the City of Charleston, West Virginia, with respect to: Designate certain parcels for acquisition for development of a neighborhood park. Designate certain parcels with vacant, dilapidated structures for acquisition for demolition and then, development of infill housing. Rezoning of certain parcels to be more compatible with the surrounding area.

Refer to Urban Renewal Committee

ROLL CALL

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

The question being on the passage of the Bill a roll call was taken and there were; yeas-25, absent -3, as follows:

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

ABSENT: Burton, Knauff, Russell,

At 7:30 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, October 5, 2009, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk

