

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

**June 21, 2011**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF JUNE ON THE 21<sup>ST</sup> DAY, IN THE YEAR 2011, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY DEITZLER AND THE PLEDGE OF ALLEGIANCE WAS LED BY HALL.**

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

**CLOWSER  
DENEALT  
HANNA  
HIGGINS  
KNAUFF  
PAYNE  
RUSSELL  
SMITH**

**DAVIS  
  
HARRIS  
JONES  
  
REED  
SALISBURY  
TALKINGTON  
WHITE**

**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**

Irene McCormick – Chandler Drive  
Ed Harman - Parking

## **CLAIMS**

1. A claim of Telitha Hughes, 853 Thunderbird Dr., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

2. A claim of Shawn George, 10 Beta Lane, Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

3. A claim of Harriet Oaks, 2763 Pennsylvania Ave., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

## **COMMUNICATIONS**

The Clerk read the Appointments

TO: JAMES REISHMAN  
CITY CLERK

FROM: DANNY JONES  
MAYOR

RE: ARCHITECTURAL REVIEW COMMITTEE

DATE: June 21, 2011

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I recommend that Mark Monteleone, P.O. Box 1386, Charleston, WV 25325, be reappointed to the Architectural Review Committee, with a said term to expire January 21, 2013.

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

DJ/dmp

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

TO: JAMES REISHMAN  
CITY CLERK

FROM: DANNY JONES  
MAYOR

RE: ARCHITECTURAL REVIEW COMMITTEE

DATE: June 21, 2011

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I recommend that Robert Shay, 819 Lee Street, Charleston, WV 25301, be reappointed to the Architectural Review Committee, with a said term to expire January 21, 2014.

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

DJ/dmp

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

TO: JAMES REISHMAN  
CITY CLERK

FROM: DANNY JONES  
MAYOR

RE: ARCHITECTURAL REVIEW COMMITTEE

DATE: June 21, 2011

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I recommend that Mark Greenlee, P.O. Box 6001, Charleston, WV 25362, be reappointed to the Architectural Review Committee, with a said term to expire January 21, 2013.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

TO: JAMES REISHMAN  
CITY CLERK

FROM: DANNY JONES  
MAYOR

RE: CHARLESTON BUILDING COMISSION

DATE: JUNE 21, 2011

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I recommend that R. Brawley Tracy, 921 Newton Road, Charleston, WV 25314, be reappointed to the Charleston Building Commission, with a said term to expire July 20, 2015.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

The Clerk read Certificates of Appreciation to the members of Council who will not be returning for the new term.

Harry Deitzler  
Pat Jones  
Will Hanna  
Cheryle Hall  
LewisPayne  
David Higgins  
Tricky Reed  
Adam Henry Knauff

## **PLANNING**

Councillperson Mary Jean Davis, Chairperson of the Council Committee on Planning Submitted the following reports.

1. Your Committee on Planning has had under consideration Bill No 7461, and reports the same to Council with the recommendation that the bill do pass.

Bill No.7461 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 1308 and 1312 Bigley Avenue, Charleston, (West Charleston 29, Parcels 35 and 36) West Virginia from an I-2 Light Industrial District to C-08 Village Commercial District.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1<sup>st</sup> day of January, 2006, as amended, is hereby amended by rezoning from an I-2 Light Industrial District to a C-08 Village Commercial District the whole of the following described parcel of land:

Parcel 35 and 36 as shown on Charleston Tax Map West Charleston No. 29. Subject parcel commonly known as 1308 and 1312 Bigley Avenue, West Virginia. Said tax map is of record in the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this ordinance.
3. All prior ordinances or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

*The question being on the adoption of the BILL. A roll call was taken and there were: yeas – 25, absent-3, as follows:*

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

*ABSENT: Ealy, Lane, Weintraub*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No 7461, passed.*

2. Your Committee on Planning has had under consideration Bill No 7467, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7467 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 from a C-8 district to an I-2 district, that certain parcel of land situate at 2120 Pennsylvania Avenue, Charleston, WV.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1<sup>st</sup> day of January 2006, as amended, is hereby amended by rezoning from a C-8 district to an I-2 district the whole of the following described parcel of land:

Parcel No. 224 as shown on Charleston West Tax Map No. 30 Subject parcel is described in metes and bounds. Said tax map is of record in the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 27 of this ordinance.

3. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

*The question being on the adoption of the BILL. A roll call was taken and there were; yeas – 25, absent-3, as follows:*

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

*ABSENT: Ealy, Lane , Weintraub*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No 7467, passed.*

## **FINANCE**

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

1. Your Committee on Finance has had under consideration Resolution No 971-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 971-11 \_\_\_\_\_: “Authorizing approval of the FY 2011-2012 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 FY 2011-2012 Civic Center Budget, as indicated on the attached list of accounts, is hereby approved.

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

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

*ABSENT: Ealy, Lane , Weintraub*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No 971-11, adopted*

2. Your Committee on Finance has had under consideration Resolution No 972-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 972-11 \_\_\_\_\_: “Authorizing the Mayor to receive and administer funds from the 2011 U.S. Bureau of Justice Assistance Grant in the amount of \$216,522.00. The funds will be distributed to the Charleston Police Department (\$155,885.00) for purchase of in-car cameras, and the Kanawha County Sheriff’s Department (\$60,637.00) for overtime enforcement costs.”

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 from the 2011 U.S. Bureau of Justice Assistance Grant in the amount of \$216,522.00. The funds will be distributed to the Charleston Police Department (\$155,885.00) for purchase of in-car cameras, and the Kanawha County Sheriff's Department (\$60,637.00) for overtime enforcement costs.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 972-11, adopted.*

3. Your Committee on Finance has had under consideration Resolution No 973-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 973-11: "Authorizing the Mayor to enter into a Memorandum of Understanding with nine (9) other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT) that assist the Charleston area offices of the Drug Enforcement Administration, the Federal Bureau of Investigations and the Bureau of Alcohol, Tobacco, and Firearms to achieve maximum cooperation in combined law enforcement efforts to address drug and violent crime related offenses in and around the Charleston area. This MOU is subject to final review and approval by legal counsel for the City of Charleston".

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

That the Mayor is hereby authorized and directed to enter into a Memorandum of Understanding with nine (9) other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT) that assist the Charleston area offices of the Drug Enforcement Administration, the Federal Bureau of Investigations and the Bureau of Alcohol, Tobacco, and Firearms to achieve maximum cooperation in combined law enforcement efforts to address drug and violent crime related offenses in and around the Charleston area. This MOU is subject to final review and approval by legal counsel for the City of Charleston.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 973-11, adopted.*

4. Your Committee on Finance has had under consideration Resolution No 974-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 974-11: "Authorizing the Mayor to enter into an Agreement with Garcie R. Marker & Sons, Inc., in the amount of \$207,565.00, for the 2011 Concrete Curb and Sidewalk 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 Garcie R. Marker & Sons, Inc., in the amount of \$207,565.00, for the 2011 Concrete

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

*ABSENT: Ealy, Lane , Weintraub*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No 974-11, adopted*

5. Your Committee on Finance has had under consideration Resolution No 975-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 975-11 : “Authorizing the Mayor to enter into an Agreement with Environmental Systems Research Institute, Inc. (ESRI), in the amount of \$30,055.00, for purchase of GIS software and related materials to be used in conjunction with the Long Term Storm Water Comprehensive Plan (LTSWCP) project. The amount includes warranty and maintenance costs for the first year. This agreement is subject to final review and approval by legal counsel for the City.”

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 Environmental Systems Research Institute, Inc. (ESRI), in the amount of \$30,055.00, for purchase of GIS software and related materials to be used in conjunction with the Long Term Storm Water Comprehensive Plan (LTSWCP) project. The amount includes warranty and maintenance costs for the first year. This agreement is subject to final review and approval by legal counsel for the City.

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

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

*ABSENT: Ealy, Lane , Weintraub*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No 975-11, adopted*

6. Your Committee on Finance has had under consideration Resolution No 976-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 976-11 : “Authorizing the Mayor to enter into an Agreement with

Garcie R. Marker & Sons, Inc., in the amount of \$87,700.00, for rehabilitation of two (2)

storm sewer pipes by installing internal mechanical joint sealing systems at designated pipe joints. One pipe is 48 inches in diameter and located near the intersection of Kanawha Boulevard and Bream Street, and the second pipe is 72 inches in diameter and located at 57<sup>th</sup> Street in Kanawha City, both with an outfall into 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 Garcie R. Marker & Sons, Inc., in the amount of \$87,700.00, for rehabilitation of two (2) storm sewer pipes by installing internal mechanical joint sealing systems at designated pipe joints. One pipe is 48 inches in diameter and located near the intersection of Kanawha Boulevard and Bream Street, and the second pipe is 72 inches in diameter and located at 57<sup>th</sup> Street in Kanawha City, both with an outfall into the Kanawha River.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 976-11, adopted.*

7. Your Committee on Finance has had under consideration Resolution No 977-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 977-11: “Authorizing the Mayor to sign a renewal of the contract with United Concordia for administration of the City’s dental insurance for the period July 1, 2011 to June 30, 2012, at the rates listed below.”

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

That the Mayor is hereby authorized and directed to sign a renewal of the contract with United Concordia for administration of the City’s dental insurance for the period July 1, 2011 to June 30, 2012, at the rates listed below:

UNITED CONCORDIA DENTAL PROGRAM RATES

<i>CURRENT</i>		<i>RENEWAL</i>	
<i>ASO Fee: \$3.85/contract/month</i>		<i>ASO Fee: \$4.00/contract/month</i>	
<i>Budget Rates</i>	<i>Rate Tier</i>	<i>Budget Rates</i>	<i>Rate Tier</i>
\$19.96	Employee Only	\$19.20	Employee Only
\$49.89	Employee & Spouse	\$48.00	Employee & Spouse
\$49.89	Employee & Child	\$48.00	Employee & Child
\$49.89	Employee & Children	\$48.00	Employee & Children
\$49.89	Employee & Family	\$48.00	Employee & Family

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 977-11, adopted.*

8. Your Committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, in the amount of \$26,695.00, for purchase of one (1) vehicle, and the proposal submitted by Metheny Motors, in the amount of \$23,792.25, for purchase of one (1) vehicle. The vehicles will be used by the MDENT Unit of the Charleston Police Department and will replace vehicles currently in use. To be charged to Account No. 900-173-00-976-4-459, MDENT—Capital Outlay, Equip.

*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 Tyler Technologies, in the amount of \$14,885.00, for purchase of BMI Asset Tracking Interface Software and related components, plus maintenance costs of \$684.00 for one year, for a total of \$15,569.00, to be used with the City's Eden System. To be charged to Account No. 001-975-00-439-4-459, I.S.—Capital Outlay, Equipment

*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; May 2011.  
Received and Filed.

2. City Treasurer's Report to City Council Month Ending May 2011.  
Received and Filed.

## **NEW BILLS**

**Introduced by Councilmember Bill Kirk, on June 21, 2011:**

**Bill No. 7479-** A Bill to establish to 25 MPH on 21<sup>st</sup> Street W., South of 7<sup>th</sup> Avenue 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 Committee.**

**Introduced by Councilmember Bill Kirk, on June 21, 2011:**

**Bill No. 7480 -** A bill to repeal Ordinance No. 913 section 4, passed by Council on July 5, 1967, relating to a the speed limit on 21<sup>st</sup> street south of 7<sup>th</sup> Avenue, 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 fourteen, Article five, to conform therewith.

**Refer to Streets and Traffic Committee.**

## ROLL CALL

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

*ABSENT: Ealy, Lane , Weintraub*

At 7:30p.m., by a motion from Councilmember Harrison, Council adjourned Sine Die.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk