

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

July 5, 2011

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF JULY ON THE 5th DAY, IN THE YEAR 2011, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY EALY AND THE PLEDGE OF ALLEGIANCE WAS LED BY BURKA.

**BURKA
DAVIS
EALY
KIRK
MINARDI
REISHMAN

SNODGRASS
WARE
MAYOR JONES**

**BURTON
DENEALT
HAAS
LANE
NICHOLS
RICHARDSON
SHEETS
STAJDUHAR**

**CLOUSER
DODRILL
HARRISON
MILLER
PERSINGER
RUSSELL
SMITH
TALKINGTON
WHITE**

WITH TWENTY-SEVEN 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

A claim of Amy Buchanan, 475 Dilliner Hill Road, Dilliner, PA; alleges personal injury.

Refer to City Solicitor

A claim of Anthony Youngblood, 308 50th St., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

COMMUNICATIONS

The Mayor read the following;

Pursuant to the provisions of Section 14, of the Charter of the City of Charleston, at the Council meeting held on June 21, 2011, Shannon Snodgrass was nominated and approved to fill the vacant seat for the unexpired Ward 12.

Councilmember Jack Harrison made a motion to confirm, the motioned was second by Mary Jean Davis.

The Mayor declared the floor open for discussion on the motion to confirm the election of Shannon Snodgrass filling the vacant seat in Ward 12.

With no discussion on the motion the clerk called the roll,

The question being on the adoption of the confirmation. A roll call was taken and there were; yeas – 26, absent-2, abstain – 1, as follows:

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Sheets, Smith, Stajduhar, Talkington, Ware, White, Mayor Jones.

ABSENT: Salisbury, Weintraub

ABSTAIN: Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the confirmation of the election of Shannon Snodgrass as the Councilperson for Ward 12 adopted.

The Mayor read the Proclamation:

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: Bob Thompson came to the Kanawha Valley from Queens, New York, in 1960 on a scholarship to West Virginia State College, where he expanded his understanding of music and honed his tremendous talents in a community very different from his home town; and

WHEREAS: Soon after his introduction to West Virginia, Mr. Thompson formed Modern Jazz Interpreters, the first of many West Virginia-based musical groups in which he has performed throughout more than four decades since; and

WHEREAS: In addition to his talent for and training with several different instruments, Mr. Thompson has become the foremost jazz pianist and musician in this part of the country; and

WHEREAS: Since his arrival in West Virginia and emergence on Charleston's music scene, Bob Thompson has played and entertained in just about every local venue and for hundreds of special events, including FestivALL Charleston, Live on the Levee, the Charleston Regatta and beyond, thus earning the reputation as the King of Jazz in our city; and

WHEREAS: Through performances from New York City and Washington, D.C. to Brazil and Switzerland and with twenty years of playing with the Mountain Stage band in shows seen and heard around the world, Mr. Thompson has become an world renowned ambassador of the music and culture of Charleston; and

WHEREAS: The name Bob Thompson is synonymous with great jazz music, and yet even more than that well deserved reputation, he represents so much of what is good about our greater community.

NOW THEREFORE, I, Danny Jones, Mayor of the City of Charleston, West Virginia, do hereby proclaim the 5th day of July, 2011, as

BOB THOMPSON DAY

in Charleston, West Virginia, and I join his many fans and friends in our city – and beyond – expressing a deep and heart-felt appreciation for the musical and cultural impact he continues to have in our city.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 5th day of July 2011

The Clerk read the Appointments

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: BOARD OF ZONING APPEALS

DATE: JULY 5, 2011

I recommend that William Hairston, 5316 Venable Avenue, S.E., Charleston, WV 25304, be appointed to the Board of Zoning Appeals, with an initial term to expire January 1, 2013. He is replacing Thomas C. Moorman.

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

DJ/blp

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: MUNICIPAL PLANNING COMMISSION

DATE: JULY 5, 2011

I recommend that Chad Robinson, 2210 Washington Street East, Charleston, WV 25311, be reappointed to the Municipal Planning Commission, with a said term to expire July 1, 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: MUNICIPAL PLANNING COMMISSION

DATE: JULY 5, 2011

I recommend that Gerald Workman, 515 Havana Drive, Charleston, WV 25311, be reappointed

to the Municipal Planning Commission, with a said term to expire July 1, 2014.

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

DJ/blp

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: MUNICIPAL PLANNING COMMISSION

DATE: JULY 5, 2011

I recommend that Jody Connell, 242 Baker Lane, Charleston, WV 25302, be reappointed to the Municipal Planning Commission, with a said term to expire July 1, 2014.

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.

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 978-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 978-11: "Authorizing the Finance Director to provide funds in the amount of \$19,691.00 to the Regional Intergovernmental Council (RIC), representing the City's share of contributions received annually by RIC from local governmental agencies in Boone, Clay, Kanawha, and Putnam counties."

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

That the Finance Director is hereby authorized and directed to provide funds in the amount of \$19,691.00 to the Regional Intergovernmental Council (RIC), representing the City's share of contributions received annually by RIC from local governmental agencies in Boone, Clay, Kanawha, and Putnam counties.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 978-11, adopted.

2. Your Committee on Finance has had under consideration Resolution No 979-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 979-11 : “Authorizing the Mayor to enter into an Agreement with Thaxton Construction Co., in the amount of \$174,940.00, for construction of three retaining walls located on Pacific Street, Stonewall Drive, and Skyline Road.”

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 Thaxton Construction Co., in the amount of \$174,940.00, for construction of three retaining walls located on Pacific Street, Stonewall Drive, and Skyline Road.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 979-11, adopted.

3. Your Committee on Finance has had under consideration Resolution No 980-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 980-11 : “Authorizing the Mayor to enter into a renewal agreement with Safety National Insurance Company/Commercial Insurance Services at the rate of .50670% of wages, equating to a total annual premium of \$184,248.83 based on wages of \$36,163,962, for the City’s Excess Workers’ Compensation insurance for the period July 1, 2011 to June 30, 2012.”

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 renewal agreement with Safety National Insurance Company/Commercial Insurance Services at the rate of .50670% of wages, equating to a total annual premium of \$184,248.83 based on wages of \$36,163,962, for the City’s Excess Workers’ Compensation insurance for the period July 1, 2011 to June 30, 2012.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 980-11, adopted.

4. Your Committee on Finance has had under consideration Resolution No 981-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 981-11 : “Authorizing the Mayor to receive and administer funds from the West Virginia State Police Commission on Drunk Driving Prevention, in the amount of \$15,000, providing for DUI patrols and checkpoints.”

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 West Virginia State Police Commission on Drunk Driving Prevention, in the amount of \$15,000, providing for DUI patrols and checkpoints.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 981-11, adopted.

4. Your Committee on Finance has had under consideration Resolution No 982-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 982-11 : “Authorizing the Mayor to enter into an Agreement with Calico Industries, Inc., for purchase of black plastic refuse bags in the amount of \$254,872.06, with the Town of Marmet responsible for \$7,241.00 of said sum for bags; and for purchase of clear yard waste bags in the amount of \$100,028.39, for a total of \$354,900.45. The bags, not otherwise purchased by Marmet, will be distributed to City Of Charleston residents starting Monday, September 26, 2011.”

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 Calico Industries, Inc., for purchase of black plastic refuse bags in the amount of \$254,872.06, with the Town of Marmet responsible for \$7,241.00 of said sum for bags; and for purchase of clear yard waste bags in the amount of \$100,028.39, for a total of \$354,900.45. The bags, not otherwise purchased by Marmet, will be distributed to City of Charleston residents starting Monday, September 26, 2011.”

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 982-11, adopted.

5. Your Committee on Finance has had under consideration Resolution No 983-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 983-11 : “Authorizing the Finance Director to amend the 2011-2012 Coal Severance 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 2011-2012 Coal Severance 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 – 27, absent-2, as follows:

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Sheets, Smith, Snodgrass, Stajduhar, Talkington, Ware, White, Mayor Jones.

ABSENT: Salisbury, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No 983-11, adopted

7. Your Committee on Finance has had under consideration a bid submitted by West Virginia Electric Supply Co., in the amount of \$58,391.75, for purchase of lighting and related materials for installation on the roof of City parking buildings. All work on the lighting project will be done in-house by the City's construction crew. To be charged to Account No. 406-571-00-000-4-458, Parking—Capital Outlay, Equipment, 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 bid submitted by Cargill, Inc., in the amount of \$63.17 per ton, for purchase of salt to be used by the Street Department on an as needed basis for snow and ice removal. To be charged to Account No. 001-750-00-000-3-359, Street—Snow Removal Materials, 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 bid submitted by Allstates Coating Co., in the total amount of \$32,103.50, for purchase of 1,925 gallons of yellow traffic marking paint (\$17,288.50); and 1,650 gallons of white traffic marking paint (\$14,817.00) to be used by the Street Department in striping streets throughout the City. To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies, 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.

10. Your Committee on Finance has had under consideration a bid submitted by American Asphalt & Aggregates at \$62.00 per ton for Wearing Course Material Type 1; and \$59.00 per ton for Patching and Leveling Material Type 1, to be used by the Street Department. To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies, 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 on Finance has had under consideration a bid submitted by Essroc Ready Mix for purchase of Portland Cement Concrete to be used by the Street Department on an as needed basis at prices listed on the attached tabulation sheet. To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies, 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 on Finance has had under consideration a bid submitted by Martin Marietta Aggregates at prices listed on the attached tabulation sheet. The aggregate will be used by the Street Department for projects undertaken throughout FY 2011-2012. To be charged to Account No. 001-750-00-000-3-341, Street—Materials & Supplies, 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; June 2011. Received and Filed.

2. Report of the City of Charleston Financial Statements for the Eleven-Month period ended May 31, 2011. Received and Filed.

NEW BILLS

Introduced by Councilmember Robert Reishman, on July 5, 2011:

Bill No. 7481: “A Bill authorizing and directing the Mayor to enter in to a Housing Consortium Cooperation Agreement between, The City of Charleston, The Kanawha County Commission, The Town of Belle, The Town of Cedar Grove, The Town of Clendenin, The Town of Marmet, The City of Nitro, The Town of Pratt, The City of St. Albans, The City of Dunbar, The City of South Charleston to renew the Charleston/Kanawha County Housing Consortium for fiscal years 2012, 2013, 2014.” Refer to Finance Committee.

ROLL CALL

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

ABSENT: Salisbury, Weintraub

At 7:30p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, July 18, 2011, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk