

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

March 21, 2011

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF MARCH ON THE 21ST 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 WARE.

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

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

**DAVIS
EALY
HARRIS
JONES
LANE
REED
SALISBURY
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

1. A claim of John Mark Richardson, 806 Hunt Avenue, Charleston, WV; alleges damage to property.
Refer to City Solicitor
2. A claim of Florentino Altamirano, 205 Clark Dr., Apt. 181, Charleston, WV; alleges personal injury.
Refer to City Solicitor
3. A claim of Patricia Williams, 828 Bridge Rd, Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor
4. A claim of Phyllis Sherman, 3716 Staunton Ave, SE., Charleston, WV; alleges personal injury.
Refer to City Solicitor

The Clerk read the Communication:

*Honorable Danny Jones and
City Council Members
Charleston, West Virginia 25301*

Dear Mayor Jones and Councilmember's:

On March 9, 2011, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following cases were heard:

Bill #7455

Petition of the Planning Commission authorizing corrective changes and updates to the Rules and Procedures of the Municipal Planning Commission pursuant to Section 8A-2-11 of the State Code, Section 90-36 of the City Code and Section 28-030 of the Zoning Ordinance.

Bill #7456

Petition of the Planning Commission amending Section 4-090 (K) of the Subdivision Ordinance of the City of Charleston, dated August 1, 2008, to add the requirement of meets and bounds description for all streets to be included on the Final Plat at the time of final approval and with all requests for dedication of streets to the City of Charleston.

These cases should be referred to the Council Committee on Planning.

*Sincerely,
Municipal Planning Commission
Phyllis White, Administrative Assistant*

The Mayor referred the cases to the Council Committee on Planning.

The Clerk read the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON CONVENTION & VISITORS BUREAU

DATE: MARCH 21, 2011

I recommend that Chris Torsleff, 300 Court Street, Charleston, WV 25301, be reappointed to the Charleston Convention & Visitors Bureau, with a said term to expire February 17, 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: CHARLESTON CONVENTION & VISITORS BUREAU

DATE: MARCH 21, 2011

I recommend that Gary Chernenko, 1516 Autumn Road, Charleston, WV 25314, be reappointed to the Charleston Convention & Visitors Bureau, with a said term to expire February 17, 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.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON CONVENTION & VISITORS BUREAU

DATE: MARCH 21, 2011

I recommend that Greg Bolles, 200 Hotel Circle, Charleston, WV 25311, be reappointed to the Charleston Convention & Visitors Bureau, with a said term to expire February 17, 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.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON CONVENTION & VISITORS BUREAU

DATE: MARCH 21, 2011

I recommend that Judy Wellington, P O Box 11808, Charleston, WV 25339, be reappointed to the Charleston Convention & Visitors Bureau, with a said term to expire February 17, 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.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON CONVENTION & VISITORS BUREAU

DATE: MARCH 21, 2011

I recommend that Steve Lemmerman, 200 Lee Street, East, Charleston, WV 25301, be reappointed to the Charleston Convention & Visitors Bureau, with a said term to expire February 17, 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.

MISCELLANEOUS RESOLUTIONS

Resolution No. 928-11

Introduced in Council

Adopted by Council

March 21, 2011

Introduced by

Bobby Reishman

Resolution No. 928-11 – A Resolution to certify the of results as reflected by the attached Report and Certificate of Results as the official and correct returns and true results of the Primary Election held for the City of Charleston on the eighth day of March, two thousand and eleven.

WHEREAS, a Select Committee for the Council of the City of Charleston was appointed by the adoption of Resolution No. 866-10 at the City Council meeting on the 15th day of November 2011, to act as a Canvassing Board to canvass the votes cast for the Primary Election of the City of Charleston on the eighth day of March, two thousand and eleven, and make a report to Council of the correct returns ascertained from an inspection of the ballots used in said election and a true count of the challenged ballots; and after completing their canvass;

WHEREAS, the said Select Committee completed its canvass of the Primary Election

on March 11, 2011, at the Voters Registration office, and has submitted the Report and Certificate of Results, attached hereto, as the official and correct returns and true results of the Special Election.

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

"That the Council of the City of Charleston hereby adopts the Certificate of Results as reflected by the attached Report and Certificate of Results as the official and correct returns and true results of the Primary Election held for the City of Charleston on the eighth day of March, two thousand and eleven."

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 928-11, adopted.

FINANCE

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

1. Your Committee on Finance has had under consideration Resolution No 919-11, and reports the same to Council with the recommendation that the committee report be adopted

Resolution No. 919-11: "Authorizing the Mayor to extend the City's Agreement with Simon Environmental for asbestos abatement of substandard structures slated for demolition by the Building Commission by exercising the City's second and final irrevocable option to renew the Agreement, approved by City Council on March 2, 2009, for an additional year under the same terms and conditions and at the established bid price of \$2.33 per square foot."

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

That the Mayor is hereby authorized and directed to extend the City's Agreement with Simon Environmental for asbestos abatement of substandard structures slated for demolition by the Building Commission by exercising the City's second and final irrevocable option to renew the Agreement, approved by City Council on March 2, 2009, for an additional year under the same terms and conditions and at the established bid price of \$2.33 per square foot.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 919-11, adopted.

2. Your Committee on Finance has had under consideration Resolution No 920-11, and reports the same to Council with the recommendation that the committee report be adopted

Resolution No. 920-11 : “Authorizing the Mayor to extend the City’s Agreement with West Virginia Demolition, Inc., for demolition of substandard structures located throughout the City by exercising the City’s second and final irrevocable option to renew the Agreement, approved by City Council on March 2, 2009, for an additional year under the same terms and conditions and at the established bid price of \$2.99 per square foot.”

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

That the Mayor is hereby authorized and directed to extend the City’s Agreement with West Virginia Demolition, Inc., for demolition of substandard structures located throughout the City by exercising the City’s second and final irrevocable option to renew the Agreement, approved by City Council on March 2, 2009, for an additional year under the same terms and conditions and at the established bid price of \$2.99 per square foot.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 920-11, adopted.

3. Your Committee on Finance has had under consideration Resolution No 921-11, and reports the same to Council with the recommendation that the committee report be adopted

Resolution No. 921-11 : “Authorizing the Mayor to receive and administer grant funds from the West Virginia Division of Justice and Community Services in the amount of \$56,000, providing four (4) partial backfill salary reimbursements of \$14,000 per department for MDENT officers in the Charleston, South Charleston, and St. Albans police departments, and the Kanawha County Sheriff’s 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 grant funds from the West Virginia Division of Justice and Community Services in the amount of \$56,000, providing four (4) partial backfill salary reimbursements of \$14,000 per department for MDENT officers in the Charleston, South Charleston, and St. Albans police departments, and the Kanawha County Sheriff’s Department.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 921-11, adopted.

4. Your Committee on Finance has had under consideration Resolution No 922-11, and reports the same to Council with the recommendation that the committee report be adopted

Resolution No. 922-11 : “Approving an application to the West Virginia Division of Justice and Community Services, Juvenile Justice, for a grant in the amount of \$60,500 for the purpose of purchasing AFIS fingerprinting machine, laser printer,

door security card readers, detainee bench, and an office desk and chair for the Charleston Police Department's Juvenile Processing Area."

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

That the application to the West Virginia Division of Justice and Community Services, Juvenile Justice, for a grant in the amount of \$60,500 for the purpose of purchasing AFIS fingerprinting machine, laser printer, door security card readers, detainee bench, and an office desk and chair for the Charleston Police Department's Juvenile Processing Area is hereby approved.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 922-11, adopted.

5. Your Committee on Finance has had under consideration Resolution No 923-11, and reports the same to Council with the recommendation that the committee report be adopted

Resolution No. 923-11: "Authorizing the Mayor to enter into an Agreement with Home Depot to supply materials for rehabilitation of owner occupied residences in the City of Charleston. The materials will be purchased on an as needed basis for each project undertaken through the Rehabilitation Program."

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 Home Depot to supply materials for rehabilitation of owner occupied residences in the City of Charleston. The materials will be purchased on an as needed basis for each project undertaken through the Rehabilitation Program at the following prices:

<u>Description</u>	<u>Unit Price</u>
Paint primer exterior latex per gallon	\$14.82
Glazing 33 DAP per quart	\$ 4.55
Treated 4 x 4 x 12'	\$12.34
Treated 2 x 8 x 10'	\$ 7.89
Treated 2 x 4 x 8'	\$ 1.97
Treated 2 x 4 x 12'	\$ 4.94
OSB/wafer U/L SE 4 x 8 x 5/8"	\$10.47
Treated decking 5/4" x 12'	\$ 6.03
Treated 4 x 4 x 10'	\$10.45
Treated 4 x 4 x 8'	\$ 6.97
Treated 2 x 12 x 12'	\$13.73
Treated decking 5/4" x 8'	\$ 2.39
Treated 2 x 4 x 10'	\$ 3.97
Treated 2 x 4 x 12'	\$ 4.97
Nails 5 lb. 8D galvanized spiral shank	\$ 8.88
Roof ridge vents (metal) 8' section	\$14.47

Brush 4" house/trim	\$.60
RFG felt 30 lb.	\$17.03
Sheathing yellow pine 1 x 4 x 8'	\$ 2.44
Roof lap cement per gallon	\$ 5.80
Polyfilm 6 mil 10' x 50' (black)	\$30.10
RFG felt 15 lb.	\$17.03
Pro-form 30 dimensional shingle (bundle)	\$25.55
80 lb. Quickrete concrete mix (or equal)	\$ 3.85

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 27, absent-1, as follows:

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

ABSENT: Clowser

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 923-11, adopted.

6. Your Committee on Finance has had under consideration Resolution No 924-11, and reports the same to Council with the recommendation that the committee report be adopted

Resolution No. 924-11: "Authorizing the Mayor to enter into an Agreement with West Virginia Guttering, Inc. to supply materials for rehabilitation of owner occupied residences in the City of Charleston. The materials will be purchased on an as needed basis for each project undertaken through the Rehabilitation Program."

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 Guttering, Inc. to supply materials for rehabilitation of owner occupied residences in the City of Charleston. The materials will be purchased on an as needed basis for each project undertaken through the Rehabilitation Program at the following prices:

Seamless 5" (Class K or equivalent guttering installed)	\$3.25 / ft.
Downspout (installed)	\$3.25 / ft.
Gutter guard	\$2.25 / ft.
Hangers (installed)	\$1.00 ea.
Mitered corner (inside and outside)	\$5.00 ea.
Fascia brackets	\$4.00 ea.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 27, absent-1, as follows:

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

ABSENT: Clowser

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 924-11, adopted.

7. Your Committee on Finance has had under consideration Resolution No 925-11, and reports the same to Council with the recommendation that the committee report be adopted

Resolution No. 925-11: “Authorizing the Mayor to enter into an Agreement with Pinnacle Environmental Consultants, Inc. for lead testing and related services for owner occupied residences in 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 an Agreement with Pinnacle Environmental Consultants, Inc. for lead testing and related services for owner occupied

Residences in the City of Charleston at the following prices:

Lead Inspection / XRF Analyzer	\$400.00 / structure
Lead Risk Assessment	\$275.00 / structure
Clearance Testing	\$200.00 / structure
Asbestos Testing	\$ 8.00 / sample

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 27, absent-1, as follows:

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

ABSENT: Clowser

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 925-11, adopted.

8. Your Committee on Finance has had under consideration Resolution No 926-11, and reports the same to Council with the recommendation that the committee report be adopted

Resolution No. 926-11: “Authorizing the Mayor to sign and submit Community Participation Program grant information sheets and all related documents for two projects.”

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 following projects:

REA of Hope Fellowship Home	11LEDA0036	\$10,000
REA of Hope Fellowship Home	11LEDA0523	\$10,000

The question being on the adoption of the Resolution a roll call was taken and there were; yeas – 27, absent-1, as follows:

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

ABSENT: Clowser

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 926-11, adopted.

9. Your Committee on Finance has had under consideration Resolution No 927-11, and reports the same to Council with the recommendation that the committee report be adopted

Resolution No. 927-11: “Authorizing the Mayor or City Manager to sign and submit the National Pollution Discharge Elimination System (NPDES) Storm Water Management Program Site Registration Form for West Virginia Municipal Separate Storm Sewer System (MS4s) General Permit WV0116025 to the West Virginia Department of Environmental Protection, Division of Water and Waste Management – MS4 Program.”

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

That the Mayor or City Manager is hereby authorized and directed to sign and submit the National Pollution Discharge Elimination System (NPDES) Storm Water Management Program Site Registration Form for West Virginia Municipal Separate Storm Sewer System (MS4s) General Permit WV0116025 to the West Virginia Department of Environmental Protection, Division of Water and Waste Management – MS4 Program.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 927-11, adopted.

10. Your Committee on Finance has had under consideration a purchase of one (1) G-S 4000 International 4300 Recycling Truck by piggybacking the bid submitted by West Virginia Tractor Company, in the amount of \$112,000, and approved by Council on December 6, 2010. The new truck will be used by the Refuse Collection and Recycling Department. Reimbursable funds in the amount of \$99,800 for purchase of the truck are being received through a West Virginia Department of Environmental Protection REAP Recycling Assistance Grant. To be charged to Account No. 001-978-00-800-4-459, Refuse Collection & Recycling— Capital Outlay, Equipment. The City will receive reimbursable funds in the amount of \$99,800 through a WVDEP REAP Grant. , 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 proposal submitted by Cobra Key Systems, in the amount of \$12,878.71, for purchase of a C.Q.R.iT Series II Key Management System for patrol vehicles used by the Charleston Police Department. The System provides security features to ensure only authorized personnel have access to police vehicles and also tracks and reports vehicle usage. To be charged to Account No. 043-299-00-976-4-459, Police—Forfeited Funds, 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.

REPORTS OF OFFICERS

1. Report of the City of Charleston Financial Statements for the Seven-Month period ended February 28, 2011.
Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis;
February 2011
Received and Filed.

3. City Treasurer's Report to City Council Month Ending February 2011.
Received and Filed.

NEW BILLS

Introduced by Council members Mary Jean Davis and Jack Harrison on March 21, 2011:

Bill No. 7458: "A BILL to amend Chapter 82, Article I, Section 82-4 of the Municipal Code of the City of Charleston increasing the rates for facility rental for the Charleston Civic Center and the Charleston Municipal Auditorium.
Refer to Ordinance and Rules and Finance Committee.

Introduced by Council Member Robert Reishman on March 21, 2011:

Bill No. 7459 - A Bill to create a No Parking Anytime Tow Away zone on the North side of 26th Street, SE. between Cherokee Avenue and Frontage 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, and Chapter 114, to conform therewith.
Refer to Streets and Traffic Committee.

ROLL CALL

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

At 7:40 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, April 4, 2011, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk