

**JOURNAL  
OF THE  
COUNCIL  
CITY OF CHARLESTON**

**WEST VIRGINIA**

**January 17, 2012**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF JANUARY ON THE 17<sup>th</sup> DAY, IN THE YEAR 2012, 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 MIKE RHODES.**

**BURKA  
DAVIS  
EALY  
KIRK  
MINARDI  
REISHMAN  
SALISBURY  
SNODGRASS**

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

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

**MAYOR JONES**

**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**

NONE

**CLAIMS**

1. A claim of Karen Colby, 643 Gordon Drive, Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor
2. A claim of John Biros, 869 Alta Rd., Charleston, WV; alleges damage to property.  
Refer to City Solicitor
3. A claim of Scioto Properties, 5940 Wilcox Place, Suite A, Dublin, OH; alleges damage to property.  
Refer to City Solicitor

**FINANCE**

Councilperson Bobby Reishman, Chair Chairperson of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No 076-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 076-12: “Authorizing the Mayor to sign Change Order No. 1 with Tri-State Roofing & Sheet Metal Company, in the amount of \$3,969, for an additional 378 square feet of deck replacement at \$10.50 per square foot, as part of the Roofing Project at the Charleston Civic Center. The change order increases the contract price from \$99,987 to \$103,956.”

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. 1 with Tri-State Roofing & Sheet Metal Company, in the amount of \$3,969, for an additional 378 square feet of deck replacement at \$10.50 per square foot, as part of the Roofing Project at the Charleston Civic Center. The change order increases the contract price from \$99,987 to \$103,956.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 076-12, adopted.*

2. Your Committee on Finance has had under consideration Resolution No 077-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 077-12: “Waiving the building permit fees and right-of-way permitting fees for construction by the Sanitary Board of the City of Charleston (the “CSB”) relating to the Kanawha Two Mile sewer project.

WHEREAS, the CSB, a public entity created by the City of Charleston for the purpose of

construction, improvement, operation and maintenance of, among other things, any works for the collection, treatment or disposal of sewage within the City, has planned the replacement and rehabilitation of approximately 20 miles of sewer lines in the Kanawha Two Mile watershed (the "K2M Public Project"); and

WHEREAS, in furtherance of the K2M Public Project, the City Council for the City of Charleston has recently considered and authorized that the CSB exercise eminent domain to obtain property easements necessary for completion of the K2M Public Project, and has also approved the issuance of bonds related to the construction of the K2M Public Project; and

WHEREAS, the CSB has awarded contracts for construction associated with the K2M Public Project, including a licensed and insured engineering firm to inspect the K2M Public Project, including the rehabilitation of street cuts; and

WHEREAS, the building and right-of-way permit fees for the project, totaling approximately \$302,000, if required to be remitted to the City by the CSB, would reduce the funds available to complete the K2M Public Project; and

WHEREAS, it is the finding of the City Engineer and the City Building Commissioner that the inspection of construction and excavation, including the rehabilitation of street cuts, will be accomplished by the engineering firm retained and paid by the CSB, and that the health, safety and welfare of the inhabitants of the city and the integrity of the property of the City will be adequately safeguarded thereby; and

WHEREAS, to the extent there are any issues related to rehabilitation of and/or damage to City property resulting from the K2M Public Project, the CSB and/or its contractors and/or engineers shall be responsible for the expense and resolution of those issues to the satisfaction of City;

WHEREAS, successful completion of the K2M Public Project is in the public interest and is being undertaken for the benefit of the public and residents of the City of Charleston; and

WHEREAS, the Council of the City of Charleston has the authority, including, but not limited to, under City of Charleston Public Rights-of-Way & Restoration Ordinance, Section 6.3(c), to grant deviations from the requirements of that Ordinance, including, but not limited to, waiver of fees related to the issuance of permits for excavations in the City rights-of-way by the CSB and/or its agents in furtherance of the K2M Public Project; and

WHEREAS, the Council of the City of Charleston is vested with the corporate powers of the City and has broad authority under Sections 6 and 7 of the Charter of the City of Charleston to authorize permits and fees for works conducted within the City and, by implication, the right to waive any fees related to the issuance of building permits (required by City Code Section 203.1; Building Department Administrative Manual enacted pursuant to City Code Section 14-32) pertaining to public projects conducted by a public entity for the benefit of the public and residents of the City of Charleston; and

WHEREAS, the CSB has applied for and been granted the necessary building and right-of-way permits necessary for the K2M Public Project;

Now therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

That the City Council for the City of Charleston hereby authorizes waiver of the building and right-of-way permit fees referenced herein and related to the CSB's construction of the K2M Public Project.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 077-12, adopted.*

3. Your Committee on Finance has had under consideration Resolution No 078-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 078-12: "Authorizing the Finance Director to allocate funds in the amount of \$98,000 for acquisition of two (2) HOME projects located in the City of Charleston."

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 \$98,000 for acquisition of two (2) HOME projects in the following areas:

Kanawha City Area	\$58,000
Gordon Drive Area	\$40,000

*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, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Richardson, Salisbury, Reishman, Sheets, Smith, Snodgrass, Stajduhar, Talkington, Weintraub, White, Mayor Jones.*

*ABSENT: Haas, Russell, Ware,*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 078-12 adopted.*

4. Your Committee on Finance has had under consideration Resolution No 079-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 079-12: "Authorizing the Mayor and/or City Manager to enter into a contract with MSK2, in the amount of \$195,000.00, for services related to revision of the City's Comprehensive Plan and the Development of a Downtown Revitalization Plan."

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

That the Mayor and/or City Manager is hereby authorized and directed to enter into a contract with MSK2, in the amount of \$195,000.00, for services related to revision of the City's Comprehensive Plan and the Development of a Downtown Revitalization Plan.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 079-12, adopted.*

5. Your Committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, in the total amount of \$408,432.00, for purchase of 12 Model 2013 Ford Police Interceptor Cruisers (\$323,472.00) and three (3) Ford Police Interceptor SUVs (\$84,960.00) for the Charleston Police Department. The vehicles are equipped with a Ready-for-the-Road Package and the cost is included in the overall price.

To be charged as follows:

\$362,454.00 - Account No. 001-976-00-700-4-459, Police—Capital Outlay, Lease Purchase—Mears Motor Leasing, Lease Purchase Escrow Account No. 131029538, Schedule A1

\$ 45,978.00 - Account No. 001-976-00-700-4-459, Police—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, Municipal Court Financial Statements; December 2011. Received and Filed.

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

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

4. Report of the City of Charleston Financial Statements for the Six-Month period ended December 31, 2011. Received and Filed.

### **NEW BILLS**

Introduced by Council member Mary Jean Davis on January 17, 2012:

Bill No. 7510 - amending the Zoning Ordinance for the City of Charleston, West Virginia, adopted November 21, 2005 in order to make corrective additions and deletions. Refer to Municipal Planning Commission and Planning Committee.

## ROLL CALL

The Clerk called the Roll:

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

*ABSENT: Haas, Russell, Ware*

At 7:15 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, February 6, 2012, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk