

**JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON**

WEST VIRGINIA

January 3, 2012

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF JANUARY ON THE 3rd DAY, IN THE YEAR 2012, 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 BURKA.

**BURKA
DAVIS
EALY
KIRK
MINARDI
REISHMAN
SALISBURY**

**BURTON
DENEALT
HAAS
LANE

RICHARDSON
SHEETS
STAJDUHAR**

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

**WARE
MAYOR JONES**

WITH TWENTY- FOUR 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 Cynthia L. Edwards, 806 Grant Street, Charleston, WV; alleges damage to property.

Refer to City Solicitor

2. A claim of Christina Robinson, 1046 Temple Street, Charleston, WV; alleges damage to property.

Refer to City Solicitor

MISCELLANEOUS RESOLUTION

Resolution No. 075-12

Resolution to endorse honoring Mary C. Snow and West Virginia's positive moves toward integration of schools

Introduced in Council: January 3, 2012

Sponsored by Rev. James D. Ealy, Andy Richardson, Mary Jean Davis, Jerry Ware, John Miller, Bobby Reishman, Ed Talkington, Tom Lane

WHEREAS: The day after the United States Supreme Court ruled in 1954 that segregated schools were unconstitutional, West Virginia Governor William C. Marland declared, "The decision of the Supreme Court is the law of the land, and we shall abide by it," and he led the State to move toward integration of public schools with all deliberate speed; and

WHEREAS: As a result, West Virginia's move toward desegregation of public schools was achieved much more quickly and much less painfully than other states south of the Mason Dixon line, a historical achievement that should make all West Virginians proud of our common heritage; and

WHEREAS: The City of Charleston also rapidly implemented desegregation, and one of several long-time educators to play key roles in our community's progress toward integration was Mary C. Snow, who also became the first African-American principal of an integrated school in Kanawha County; and

WHEREAS: As a professional educator for more than 50 years in schools within the City of Charleston, Mrs. Snow touched the lives of thousands of students of every race and heritage – especially on the West Side of Charleston where she was the long-time Principal of Glenwood Elementary School; and

WHEREAS: Mrs. Snow's personal history (rising from poverty through hard work and excellence in education) and professional legacy (instilling the lifelong value of education in every student) provide a compelling teaching and learning opportunity for the next generations of young students on the West Side of Charleston where her impact was felt the most; and

WHEREAS: Teachers, students and administrators of West Side Elementary School and

leaders on the Kanawha County Board of Education have a unique opportunity to honor a champion of education in our community while promoting West Virginia's history of progress in education in our State; and

WHEREAS: Many people in the West Side community have been renewing the effort to connect Mrs. Snow's name to the new elementary school, not only as a way to honor a celebrated and effective educator in the heart of Charleston's West Side, but also as an effective opportunity for reminding students every day about the value of education in their lives through the life of someone who fought so hard and taught so many so that their future could be better than our past; and

WHEREAS: By naming the school after Mary C. Snow, the Kanawha County Board of Education has the chance to stand with Charleston City Council and hundreds of local residents on the right side of history – the history of a remarkable educator and citizen and the history of our City and State; and

WHEREAS: By adding Mary C. Snow's name to West Side Elementary School now, the leaders of the school and Board of Education can provide a monumental teaching opportunity about Mary Snow's powerful example and enduring legacy now and for the foreseeable future.

Therefore be it resolved by The Council and Mayor of The City of Charleston, West Virginia:

That the elected leadership of the City of Charleston encourages the Kanawha County Board of Education to add Mary C. Snow's name to West Side Elementary School toward making a compelling and lasting statement about the history and future of education in our community. We recognize the well meaning efforts to build a sense of community during the original naming process for the school. Yet we recognize an even greater opportunity today to build on that foundation with the educational opportunities that can result from Mary C. Snow's life being an enduring legacy for generations of students who will learn in that building.

Upon passage, the City Clerk of Charleston is authorized to forward this resolution to appropriate officials with the Kanawha County Board of Education and the State Legislators who represent the West Side of Charleston.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 075-12, adopted. Abstain - Smith

FINANCE

Councillperson 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 069-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 069-12 : "Authorizing the Finance Director to allocate funds for acquisition of two (2) HOME projects on the West Side of Charleston at \$62,000 and \$24,500, for a total of \$86,500."

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 for acquisition of two (2) HOME projects on the West Side of Charleston at \$62,000 and \$24,500, for a total of \$86,500.

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas –24, absent - 4, as follows:

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

ABSENT: Clowser, Nichols, Snodgrass, Weintraub ,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 069-12 adopted.

2. Your Committee on Finance has had under consideration Resolution No 070-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 070-12 : “Authorizing the Finance Director to allocate funds in the total amount of \$59,890 for rehabilitation of three (3) owner-occupied residences 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 total amount of \$59,890 for rehabilitation of three (3) owner-occupied residences in the City of Charleston.

The proposals received for the three projects are as follows:

East End –

Historic Restorations	\$22,450*
Dean Geoffrey’s Construction	\$22,450*
Empire Electric	\$23,550

*Tie broken by draw

East End –

Empire Electric	\$15,600
Dean Geoffrey’s Construction	\$18,420
Historic Restorations	\$21,360

North Charleston –

Dean Geoffrey’s Construction	\$21,840
Historic Restorations	\$23,866
Empire Electric	\$24,000

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas –24, absent - 4, as follows:

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

ABSENT: Clowser, Nichols, Snodgrass, Weintraub ,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 070-12 adopted.

3. Your Committee on Finance has had under consideration Resolution No 071-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 071-12 : “Authorizing the Mayor to enter into an agreement with Casto Technical Services, in the amount of \$12,903.78, for purchase and installation of backflow prevention devices on domestic water lines at the Child Enrichment Center, Giltinan Center, Smith Street Station and Sojourner’s Shelter.”

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 Casto Technical Services, in the amount of \$12,903.78, for purchase and installation of backflow prevention devices on domestic water lines at the Child Enrichment Center, Giltinan Center, Smith Street Station and Sojourner’s Shelter.

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas –24, absent - 4, as follows:

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

ABSENT: Clowser, Nichols, Snodgrass, Weintraub ,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 071-12 adopted.

4. Your Committee on Finance has had under consideration Resolution No 072-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 072-12 : “Authorizing the Mayor to enter into an agreement with Brewer & Company of WV, Inc., in the amount of \$19,600, for purchase and installation of backflow prevention devices on fire water lines at the Child Enrichment Center, Giltinan Center, Smith Street Station and Sojourner’s Shelter.”

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 Brewer & Company of WV, Inc., in the amount of \$19,600, for purchase and installation of backflow prevention devices on fire water lines at the Child Enrichment Center, Giltinan Center, Smith Street Station and Sojourner’s Shelter.

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas –24, absent - 4, as follows:

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

ABSENT: Clowser, Nichols, Snodgrass, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 072-12 adopted.

5. Your Committee on Finance has had under consideration Resolution No 073-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 073-12 : “Authorizing the Mayor or his designee to enter into an agreement with McKay Lodge Fine Arts Conservation Laboratory, Inc., in an amount not to exceed \$54,900, to conduct an inventory of established public art, develop condition and maintenance plans for the pieces, create a database, assist with development of public art educational programs, and develop art policies and guidelines for establishing, selecting and funding public art for the City of Charleston.”

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

That the Mayor or his designee is hereby authorized and directed to enter into an agreement with McKay Lodge Fine Arts Conservation Laboratory, Inc., in an amount not to exceed \$54,900, to conduct an inventory of established public art, develop condition and maintenance plans for the pieces, create a database, assist with development of public art educational programs, and develop art policies and guidelines for establishing, selecting and funding public art for the City of Charleston.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 073-12, adopted.

6. Your Committee on Finance has had under consideration Resolution No 074-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 074-12 : “Authorizing the Finance Director to issue a refund in the amount of \$45,842.49 to Hill, Peterson, Carper, Bee & Deitzler, PLLC for overpayment of Business & Occupation (“B&O”) Tax for the period October 1, 2008 through December 31, 2008. The refund is due the Taxpayer as a result of overstating revenues on their 4th quarter 2008 B&O Tax return.”

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

That the Finance Director is hereby authorized and directed to issue a refund in the amount of \$45,842.49 to Hill, Peterson, Carper, Bee & Deitzler, PLLC for overpayment of Business & Occupation (“B&O”) Tax for the period October 1, 2008 through December 31, 2008. The refund is due the Taxpayer as a result of overstating revenues on their 4th quarter 2008 B&O Tax return.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 074-12, adopted.

7. Your Committee on Finance has had under consideration a bid submitted by State Equipment, Inc., in the amount of \$15,550, for a Kubota RTV1100 off-road maintenance vehicle to be used at Spring Hill Cemetery Park. To be charged to Account No. 001-975-00-952-4-459, Spring Hill Cemetery—Capital Outlay, Equipment (Mears Motor Leasing, Lease Purchase Escrow Account Number 131029538, Schedule A2. , 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 proposal submitted by Watchguard Video Systems, in the amount of \$211,410, for purchase of Watchguard 4RE in-car video systems to be installed in fleet vehicles used by the Patrol Division of the Charleston Police Department, providing a standardized system for video capture and retention. To be charged to the following accounts: \$155,885 - Account No. 091-976-12-999-4-459, Police—2011 BJAG Grant; \$ 55,525 - Account No. 094-976-00-999-4-459, Police—2009 BJAG Stimulus, 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 Proposal submitted by AT&T for purchase of 100 Mobile Iron software and licenses (\$7,500.00) for the new iPhone 4 cell phones, plus annual maintenance support for two years (\$3,000.00), and onetime fee for remote product training (\$2,985.00), for a total of \$13,485.00. To be charged to Account No. 001-430-00-000-3-353, Information Systems--Software, 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.

ROLL CALL

The Clerk called the Roll:

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

ABSENT: Clowser, Nichols, Snodgrass, Weintraub ,

At 7:35 p.m., by a motion from Councilmember Harrison, Council adjourned until Tuesday, January 16, 2012, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk