

**JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA
JANUARY 7, 2013**

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 7th DAY, IN THE YEAR 2013, 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 BOY SCOUT TROOP.

**BURKA
DAVIS
EALY
KIRK**

**REISHMAN
SALISBURY
SNODGRASS
WARE
MAYOR JONES**

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

**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

1. A claim of Angela Dunaway, 588 Garrison Ave., Charleston, WV; alleges damage to property. Refer to City Solicitor.

2. A claim of Keith Shaffer, 3561 Springdale Dr., Charleston, WV; alleges damage to vehicle. Refer to City Solicitor.

3. A claim of Joseph Saunders, 911 Grant St Charleston, WV; alleges damage to vehicle. Refer to City Solicitor.

The Clerk read the Appointment:

TO: JAMES REISHMAN, CITY CLERK
FROM: DANNY JONES, MAYOR
RE: CHARLESTON-KANAWHA HOUSING AUTHORITY
DATE: JANUARY 7, 2013

I recommend that Katherine L. Dooley, P.O. Box 11270, Charleston, WV 25339, be reappointed to the Charleston-Kanawha Housing Authority, with a said term to expire December 1, 2017.

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.

PLANNING

Council person Mary Jean Davis, Chairperson of the Council Committee on Planning, submitted the following reports.

1. Your Committee on Planning has had under consideration a request to name an unnamed drive located off Amity Drive to Luna Point attached hereto and mande a part thereof. Your Committee finds the request complies with the E911 Addressing Regulations and reports the same to Coucnil with the recommendation that the drive be named Luna Point.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the drive Luna Point approved.

FINANCE

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

1. Your Committee on Finance has had under consideration Resolution No 242-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 242-13 : “Authorizing the Mayor or City Manager to enter into an Agreement with Thaxton Construction Co., Inc., in the amount of \$198,999, to furnish all materials and labor necessary for construction of retaining walls at Overbrook Road and Lilly Drive.”

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 enter into an Agreement with Thaxton Construction Co., Inc., in the amount of \$198,999, to furnish all materials and labor necessary for construction of retaining walls at Overbrook Road and Lilly Drive.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 242-13 adopted.

2. Your Committee on Finance has had under consideration Resolution No 243-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 243-13 : “Authorizing the Mayor or City Manager to sign Change Order No. 1 with Garcie R. Marker & Sons, Inc., in the amount of \$104,520, for additional work in various eligible locations throughout the City as it relates to the 2012 Curb and Sidewalk Project. The change order increases the contract price from \$205,600 to \$310,120.”

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 Change Order No. 1 with Garcie R. Marker & Sons, Inc., in the amount of \$104,520, for additional work in various eligible locations throughout the City as it relates to the 2012 Curb and Sidewalk Project. The change order increases the contract price from \$205,600 to \$310,120.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 243-13 adopted.

3. Your Committee on Finance has had under consideration Resolution No 244-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 244-13 : “Authorizing the Mayor or City Manager to sign an agreement with EnviroProbe Integrated Solutions, in the amount of \$31,722.00, for Permanent Closure of Underground Storage Tanks at the Landfill.”

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 an agreement with EnviroProbe Integrated Solutions, in the amount of \$31,722.00, for Permanent Closure of Underground Storage Tanks at the Landfill.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 244-13 adopted.

4. A proposal submitted by Stephens Auto Center for purchase of five (5) 2014 Ford Fusion vehicles, in the total amount of \$85,845.00 (\$17,169.00 each). The new vehicles will replace the five oldest vehicles currently in use by administrative personnel of the Charleston Police Department. To be charged to Account No. 001-976-00-700-4-459, Police—Capital Outlay, Lease Purchase (Sun Trust Equipment Finance & Leasing Corporation, Lease Purchase Escrow Account No. 08673, Equipment Schedule 2), 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

5. A proposal submitted by Stephens Auto Center, in the total amount of \$48,926.00, for purchase of one 2013 Ford Transit Connect cargo van (\$20,816) for Traffic Engineering, and two (2) 2013 Ford Focus compact sedans for the City Collector's office (\$28,110 - \$14,055 each). To be charged to the following accounts: \$20,816 - Account No. 001-976-00-712-4-459, Traffic Engineering—Capital Outlay, Equip. \$28,110 - Account No. 001-975-00-414-4-459, City Collector—Capital Outlay, Equipment (The above vehicles will be purchased through SunTrust Equipment Finance & Leasing Corporation, Lease Purchase Escrow Account No. 08673, Equipment Schedule 1.) , 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

6. A proposal submitted by Thornhill Automotive, in the total amount of \$32,677.84, for purchase of two (2) 2013 Ford F-150 pickup trucks (\$16,338.92 each) for the City Engineer and Building Maintenance departments. To be charged to the following accounts: \$16,338.92 – Account No. 001-975-00-420-4-459, Engineering—Capital Outlay, Equipment \$16,338.92 – Account No. 001-975-00-440-4-459, Building Maint., Capital Outlay, Equip. (The above trucks will be purchased through SunTrust Equipment Finance & Leasing Corporation, Lease Purchase Escrow Account No. 08673, Equipment Schedule 1.) , 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

7. Your Committee on Finance has had under consideration Bill No. 7556, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7556 – A Bill authorizing the acceptance of a gift from Marian H. Ghiz of a parcel of undeveloped land as more fully described in the deed attached as Exhibit A hereto, to be added to and made a part of the Sunrise Carriage Trail property.

WHEREAS, Marian H. Ghiz is the current owner of a parcel of undeveloped land as more fully described in the deed attached as Exhibit A hereto, (the "Property"); and

WHEREAS, Marian H. Ghiz wishes to contribute this property to the City of Charleston to be added to and made a part of the Sunrise Carriage Trail; and

WHEREAS, the Charleston Land Trust, an agency of the City of Charleston created by ordinance, is charged with managing and maintaining "public trust lands" for preservation of green space and woodlands, and promoting and developing recreational areas for public use by identifying and facilitating the conveyance of such properties to the City; and

WHEREAS, the Charleston Land Trust has identified the Property as desirable for addition to the Sunrise Carriage Trail recreational trail in the City of Charleston and has recommended by Resolution that the City of Charleston accept the gift of the property;

THEREFORE, Be It Ordained By The Council Of The City Of Charleston, West Virginia:

That the Mayor of the City of Charleston is hereby authorized to accept a deed executed by Marian H. Ghiz and dated December 11, 2012, attached as Exhibit A hereto, for a parcel of land to be added to and made a part of the Sunrise Carriage Trail recreational trail, and further authorizing the payment of any applicable 2012-2013 property taxes, estimated to be less than \$200.00, to be paid from funds specified for use by the Charleston Land Trust.

The question being on the passage of the Bill. A roll call was taken and there were; yeas –27, absent -1, as follows:

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

ABSENT: Minardi

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7556, passed.

8. A payment of an invoice from Charleston Newspapers, in the amount of \$32,799.56, for publication of the City's Financial Statement for fiscal year ending June 30, 2012. To be charged to Account No. 001-412-00-000-2-220, City Manager—Advertising/Legal Publications

The question being on the adoption of the Committee Report. A roll call was taken and there were; yeas –25, absent -1, naye – 2, as follows:

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

ABSENT: Minardi

NAYE: Harrison, Nichols

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 2012. Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis; November 2012. Received and Filed.

3. Report of the City of Charleston Financial Statements for the Five-Month period ended November 30, 2012.
Received and Filed.

NEW BILLS

Introduced by Council member Rick Burka on January 7, 2013:

Bill No. 7557- Bill No amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from an R-2 district to an R-10 district, that certain parcel of land situated at 700 Chappell Rd, Charleston, West Virginia.

Refer to Municipal Planning Commission and Planning Committee.

Introduced by Council member Susie Salisbury on January 7, 2013:

Bill No. 7558 - A Bill to create a No Parking Anytime Tow Away zone in the turnaround on Dabney Drive 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.

ROLL CALL

The Clerk called the roll:

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

ABSENT: Minardi

At 7:30 p.m., by a motion from Councilmember Harrison, Council adjourned until Tuesday, January 22, 2013, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk