

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

**October 17, 2011**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF OCTOBER ON THE 17<sup>th</sup> DAY, IN THE YEAR 2011, 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  
SNODGRASS**

**MAYOR JONES**

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

**CLOWSER  
DODRILL  
HARRISON  
MILLER  
PERSINGER**

**SMITH  
TALKINGTON  
WHITE**

**WITH TWENTY- SIX 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**

Carol Johnson-Cyrus – Work Release Center  
Sally Hurtte-Burkes – Work Release Center  
Rich Lindsay – Work Release Center

## **CLAIMS**

A claim of Andrew Wickline, 859 Grandview Dr., Saint Albans, WV; alleges damage to vehicle.  
Refer to City Solicitor

A claim of Deborah Baldwin, 301 ½ Beuhring Ave., Charleston, WV; alleges damage to property.  
Refer to City Solicitor

A claim of Christopher Lee Sattes, 1547 Jackson St., Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor

A claim of Judy Breeden, 216 Irvin Street, Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor

## **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 023-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 023-11 \_\_\_\_\_: “Authorizing the Mayor to enter into an Agreement with Carl Walker, Inc., in the amount of \$598,391, for Priority Repairs to Parking Structures 1,2,3,5 and 6.”

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 Carl Walker, Inc., in the amount of \$598,391, for Priority Repairs to Parking Structures 1,2,3,5 and 6.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 023-11, adopted.*

2. Your Committee on Finance has had under consideration Resolution No 024-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 024-11 \_\_\_\_\_: “Authorizing “*Citizen Appreciation Parking*” for Saturday, November 26, 2011, and three Saturdays in December 2011 (December 3<sup>rd</sup>, 10<sup>th</sup>, and 17<sup>th</sup>). “*Citizen Appreciation Parking*” shall include the waiving of hourly parking fees at all City-operated facilities (excluding Municipal Parking Building No. 2 – Cinema), and all metered on-street parking spaces. The parking revenue losses will amount to approximately \$1,000 per Saturday.”

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

That “*Citizen Appreciation Parking*” for Saturday, November 26, 2011, and three Saturdays in

December 2011 (December 3<sup>rd</sup>, 10<sup>th</sup>, and 17<sup>th</sup>), is hereby approved. “*Citizen Appreciation Parking*” shall include the waiving of hourly parking fees at all City-operated facilities (excluding Municipal Parking Building No. 2 – Cinema), and all metered on-street parking spaces. The parking revenue losses will amount to approximately \$1,000 per Saturday.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 024-11, adopted.*

3. Your Committee on Finance has had under consideration Resolution No 025-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 025-11 : “Authorizing the Mayor to sign Change Order No. 1 with Wiseman Construction Company for an additional 200 square feet of shotcrete at the unit price of \$204/sf and a total cost of \$40,800, needed for the Loudon Heights Bridge portion of the contract for *Rehabilitation of Loudon Heights Bridge and Pier “C” of the South Side Bridge*. The change order increases the contract price from \$439,914 to \$480,714.”

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 Wiseman Construction Company for an additional 200 square feet of shotcrete at the unit price of \$204/sf and a total cost of \$40,800, needed for the Loudon Heights Bridge portion of the contract for *Rehabilitation of Loudon Heights Bridge and Pier “C” of the South Side Bridge*. The change order increases the contract price from \$439,914 to \$480,714.

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

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

*ABSENT: Russell, Ware*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 025-11 adopted*

4. Your Committee on Finance has had under consideration Resolution No 026-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 026-11 : “Authorizing the Mayor to enter into an agreement with Best Home Inspection for Asbestos Building Inspections and Sample Testing of Suspected Asbestos-containing Materials in Structures Slated for Demolition by the Building Commission. The agreement is for a one year, five-month period from the date of execution with the City having the option to renew the agreement under the same terms and conditions, and at the prices quoted herein, for two consecutive years. The initial period of one year and five months for this agreement aligns it with two other contracts in the Building Commission office relating to asbestos removal and demolition projects that are scheduled for renewal in March 2012, thus providing for the overall bidding process for the three projects to be in March 2015.”

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 Best Home Inspection for Asbestos Building Inspections and Sample Testing of Suspected Asbestos-

containing Materials in Structures Slated for Demolition by the Building Commission. The agreement is for a one year, five-month period from the date of execution with the City having the option to renew the agreement under the same terms and conditions, and at the prices quoted herein, for two consecutive years. The initial period of one year and five months for this agreement aligns it with two other contracts in the Building Commission office relating to asbestos removal and demolition projects that are scheduled for renewal in March 2012, thus providing for the overall bidding process for the three projects to be in March 2015.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 026-11, adopted.*

5. Your Committee on Finance has had under consideration Resolution No 027-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 027-11: “Authorizing the Finance Director to allocate funds in the amount of \$27,750.00 for acquisition of one (1) HOME project located on the West Side of Charleston.”

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

That the Mayor is hereby authorized and directed to allocate funds in the amount of \$27,750.00 for acquisition of one (1) HOME project located on the West Side of Charleston.

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

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

*ABSENT: Russell, Ware*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 027-11 adopted*

6. Your Committee on Finance has had under consideration Resolution No 028-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 028-11: “Authorizing the Mayor and/or City Manager to submit a Tiger III National Infrastructure Investment Grant application to the United States Department of Transportation for funds to aid in the development of the Kanawha Trestle Trail Project.”

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 submit a Tiger III National Infrastructure Investment Grant application to the United States Department of Transportation for funds to aid in the development of the Kanawha Trestle Trail Project.

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 028-11, adopted.*

7. Your Committee on Finance has had under consideration Bill No. 7495, and reports the same to Council with the recommendation that the Bill be adopted.

Bill No. 7495: “A BILL to authorize the Mayor on behalf of the City of Charleston to grant and convey to the Sanitary Board of the City of Charleston, a permanent sanitary sewer easement on a parcel of property located in Kanawha County, West Virginia, in the North Charleston Tax District, more particularly designated as Tax Map 92, Parcel 56, in which the City of Charleston owns an interest.

WHEREAS, the Sanitary Board of the City of Charleston (the “Sanitary Board”) is undertaking the improvement of the sanitary sewer within the City of Charleston in order to better serve the citizens and to conform with regulatory requirements of the State and Federal governments; and

WHEREAS, the Kanawha Two Mile Sanitary Sewer Project is part of the overall improvement of the sanitary sewer system within the City; and

WHEREAS, the City owns property interests on which some of the improvements proposed by the Sanitary Board will be located; and

WHEREAS, some of the City property on which easements are being requested was purchased using funds from the Land and Water Conservation Fund, and conditions of funding may require that the State approve any underground utility easements prior to construction of the sanitary sewer improvements; and

WHEREAS, under W. Va. Code § 8-12-18(a) and § 1-5-3 the City has the authority to grant interest in its real property to another political subdivision within the State, such as the Sanitary Board, without auction and for less than fair market value; and

WHEREAS, the improvements to the sanitary sewer are for the benefit of the City and its citizens, and the easement requested by the Sanitary Board will serve the public purpose stated herein; and

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

That upon final approval from the City’s Engineering Department, and upon confirmation of compliance with all applicable requirements of the Land and Water Conservation Fund, the Mayor is hereby authorized and directed to on behalf of the City of Charleston to grant and convey to the Sanitary Board of the City of Charleston the permanent right to construct, operate, maintain, replace and repair those sanitary sewer pipelines over, across and under the certain tract and parcel described above.

*The question being on the passage of the Bill. A roll call was taken and there were; yeas – 26, absent - 2, as follows:*

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

*ABSENT: Russell, Ware*

*With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7495 passed.*

8. Your committee on Finance has had under consideration a proposal submitted by Physio-

Control, Inc., for purchase of two (2) LIFEPAK 15 monitors/defibrillators and related accessories, in the amount of \$57,858.50, to be used by the Charleston Fire Department. To be charged to Account No. 001-976-00-706-4-459, Fire—Capital Outlay, Equipment

*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; September 2011. Received and Filed.
2. City Treasurer's Report to City Council Month Ending September 2011. Received and Filed.

### **ROLL CALL**

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

*ABSENT: Russell, Ware*

At 7:45 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, November 7, 2011, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk