

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

February 6, 2012

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF FEBRUARY ON THE 6TH DAY, IN THE YEAR 2012, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY STAJDUHAR AND THE PLEDGE OF ALLEGIANCE WAS LED BY SAM SCOTT OF HERBERT HOOVER HIGH SCHOOL.

**BURKA
DAVIS
EALY**

**MINARDI
REISHMAN
SALISBURY
SNODGRASS**

MAYOR JONES

**BURTON
DENEULT
HAAS
LANE
NICHOLS
RICHARDSON
SHEETS
STAJDUHAR**

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

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 Merinda Anthon, 204 10th Ave., Apt. C, South Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor

2. A claim of Cleavester Harris, 2030 Preston St., Charleston, WV; alleges damage to property.

Refer to City Solicitor

3. A claim of Elizabeth Rodriguez, 2030 Preston St., Charleston, WV; alleges damage to property.

Refer to City Solicitor

PROCLAMATION

The Clerk read the following proclamation,

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: The Varsity Boys Soccer team of Charleston Catholic High School won the West Virginia Championship in November with consecutive 6-0 shutout victories over PikeView and Weir High Schools; and

WHEREAS: Those victories completed an amazing 2011 season for Charleston Catholic, which breezed through five post-season victories by outscoring opponents 28-0 en route to the state championship and rankings in national polls; and

WHEREAS: The championship run climaxed a record-setting season for CCHS, which posted a final record of 23 wins, zero defeats and two ties while scoring 128 goals – the fifth most in the nation; and

WHEREAS: On the field, the Irish were led by two-time West Virginia Player of the Year Tommy Trupo, who set a Kanawha Valley record with 102 goals in his high school career, was the only West Virginia player designated by the National Soccer Coaches Association of America as a High School All-American and was nominated for the national 2011 Gatorade Player of the Year Award; and

WHEREAS: The team’s defense, featuring goalkeeper Keiffer Reed, finished the season fourth in the nation with 17 shutout victories and held opponents to only 12 goals in 25 games; and

WHEREAS: Sam Fox, in his first year as head coach of the Irish, and assistant coaches Greg Kozera, Reed Robinson and Kent Reed led the team to finish as the ninth best team in America, as ranked by CBS Sports/Max Preps.

NOW THEREFORE, I, Danny Jones, Mayor of the City of Charleston, on behalf of the citizens and elected leaders of Charleston, do hereby extend public congratulations and appreciation to the members and leaders of the

CHARLESTON CATHOLIC HIGH

SCHOOL BOYS SOCCER TEAM

For their record-setting championship season and the lasting legacy of excellence they have created for the school and our City.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 6th day of February 2012.

DANNY JONES, MAYOR

APPOINTMENTS

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: BOARD OF ZONING APPEALS

DATE: FEBRUARY 6, 2012

I recommend that Charles Roskovensky, 2304 Oakridge Drive, Charleston, WV 25311, be reappointed to the Board of Zoning Appeals, with a said term to expire January 1, 2015.

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: CIVIC CENTER BOARD

DATE: FEBRUARY 6, 2012

I recommend that Larry Pack, 2146 Presidential Drive, Charleston, WV 25314, be reappointed to the Civic Center Board, with a said term to expire June 22, 2015.

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.

STREETS AND TRAFFIC

Councillperson Joe Deneault, Chair Chairperson of the Council Committee on Streets and Traffic, submitted the following reports.

1. Your Committee on Streets and Traffic has had under consideration Bill No 7507, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7507 - A Bill to establish Two Hour limited time parking tow away from 6:00 am to 5:00 pm., on the Easterly side of 57th Street S.E., from a point 70 feet north of MacCorkle Ave., S.E., to a point 150 feet north of MacCorkle Ave., S.E., and on the westerly side of 57th Street, SE. from a point 85 feet north of MacCorkle Avenue S.E., to a point 150 feet north of MacCorkle Avenue S.E., 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.

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

Section 1. Two Hour limited time parking tow away from 6:00 am to 5:00 pm., on the Easterly side of 57th Street S.E., from a point 70 feet north of MacCorkle Ave., S.E., to a point 150 feet north of MacCorkle Ave., S.E., and on the westerly side of 57th Street, SE. from a point 85 feet north of MacCorkle Avenue S.E., to a point 150 feet north of MacCorkle Avenue S.E., is hereby established.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

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

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

ABSENT: Clowser, Kirk, Ware, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7507, adopted.

2. Your Committee on Streets and Traffic has had under consideration Bill No 7508, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7508 - A bill to repeal Ordinance No. 2753, passed by Council on November 17, 1980, relating to a two hour parking zone on 57th Street S.E., 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, Chapter one fourteen, Article five, to conform

therewith.

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

Section 1. Ordinance No. 2753, passed by Council on November 17, 1980, relating to a two hour parking zone on 57th Street S.E, is hereby repealed.

Section 2. 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, Chapter one fourteen, Article five, shall be and hereby are, amended to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

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

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

ABSENT: Clowser, Kirk, Ware, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7508, adopted.

3. Your Committee on Streets and Traffic has had under consideration Bill No 7509 as amended, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7509 - A Bill to repeal Ordinance No. 3908, passed by Council on July 15, 1985, relating to a Permit Parking area on Noyes Avenue , Staunton Avenue, Virginia Avenue and Kanawha Avenue, from 55th to 57th Street, 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, Chapter one fourteen, Article five, to conform therewith.

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

Section 1. Ordinance No. 3908, passed by Council on July 16, 1986, relating to a Permit Parking area on Noyes Avenue Avenue, Staunton Avenue, Virginia Avenue and Kanawha Avenue, from 55th to 57th Street, is hereby repealed.

Section 2. 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, Chapter one fourteen, Article five, shall be and hereby are, amended to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

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

YEAS: Burka, Burton , Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Lane, Miller, Minardi,

Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, White, Mayor Jones.
ABSENT: Clowser, Kirk, Ware, Weintraub
With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7509 as amended, adopted.

4. Your Committee on Streets and Traffic has had under consideration Bill No 7510, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7510: “A BILL to repeal Bill Number 7499, passed by Council on November 7, 2011, relating to the establishment of a No Parking Any Time Tow Away Zone on the southerly side of Sweetbrier Road, and to amend the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, as amended, Chapter 114 - Traffic Ordinance, Article IV, Division 2, to conform herewith.

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

That Bill Number 7499, passed by Council on November 7, 2011, relating to a No Parking Any Time Tow Away Zone established on the southerly side of Sweetbrier Road, and that the Traffic Control Map and Traffic Control File established by the Code of the City of Charleston, West Virginia, as amended, Chapter 114 - Traffic Ordinance, Article IV, Division 2, is amended to conform herewith. All prior Ordinances inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency and reenacted to conform herewith.

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

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

ABSENT: Clowser, Kirk, Ware, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7510, adopted.

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 081-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 081-12 : “Authorizing the Mayor or his designee to submit a grant application to The Greater Kanawha Valley Foundation for funds in the amount of \$15,000 to support the citywide Comprehensive Plan and Downtown Revitalization Plan. The requested funds are the final match to the Charleston Area Alliance and Charleston Urban Renewal’s funding commitment of \$15,000 each and also the final funds needed to meet the \$245,000 budget proposed for this project.”

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 submit a grant application to The Greater Kanawha Valley Foundation for funds in the amount of \$15,000 to support the citywide Comprehensive Plan and Downtown Revitalization Plan. The requested funds are the final match to the Charleston Area Alliance and Charleston Urban Renewal's funding commitment of \$15,000 each and also the final funds needed to meet the \$245,000 budget proposed for this project.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 081-12, adopted.

2. Your Committee on Finance has had under consideration Resolution No 082-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 082-12 : "Authorizing the Mayor and/or City Manager to enter into an agreement with The Manahan Group, in an amount not to exceed \$27,500, to provide public relation services to assist with the Comprehensive Plan and 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 an agreement with The Manahan Group, in an amount not to exceed \$27,500, to provide public relation services to assist with the Comprehensive Plan and Downtown Revitalization Plan.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 082-12, adopted.

3. Your Committee on Finance has had under consideration Resolution No 083-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 083-12 : "Authorizing the Finance Director to amend the 2011-2012 General Fund budget as indicated on the attached list of accounts."

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

That the Finance Director is hereby authorized and directed to amend the 2011-2012 General Fund budget as indicated on the attached list of accounts.

The question being on the adoption of the resolution. A roll call was taken and there were; yeas – 18, nays – 6, absent - 3, as follows:

YEAS: Burka, Burton , Davis, Dodrill, Ealy, Haas, Harrison, Lane, Miller, Persinger, Reishman, Richardson, Russell, Salisbury, Snodgrass, Stajduhar, Talkington, Mayor Jones.

NAYS: Deneault, Minardi, Nichols, Sheets, Smith, White

ABSENT: Clowser, Kirk, Ware, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 083-12, adopted.

4. Your Committee on Finance has had under consideration Resolution No 084-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 084-12 : "Authorizing the Mayor to sign and submit Community

Participation program grant information sheets and all related documents for two agencies.”

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 agencies:

West Side Main Street	11LEDA0140	\$20,000
East End Family Resource Center	11LEDA0522	\$ 1,000

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 , Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, ABSENT: Clowser, Kirk, Ware, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 084-12, adopted.

6. Your Committee on Finance has had under consideration a proposal submitted by Safran (Morph Trak), for purchase of one Morph Trak LiveScan Station (fingerprint machine), in the amount of \$44,767, to be used by the Charleston Police Department. To be charged to Account No. 095-185-12-000-4-459, Police Grant—11-JJP-010, 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 a proposal submitted by Whelen Engineering Company for purchase of LED Lightbars/Take Down Lights/Alley Lights at \$1,069 per set, for a total amount of \$16,035, to be installed on the 12 new cruisers and three SUVs previously approved for purchase for the Charleston Police Department. To be charged to 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.

8. Your Committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, in the total amount of \$80,030, for purchase of three Model 2013 Vehicles for MDENT. Two of the vehicles will be titled to the Kanawha County Sheriff’s Department and one to the Charleston Police Department. The new vehicle for the CPD will replace a vehicle currently in use. To be charged to Account No. 900-173-00-976-4-459, MDENT—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.

9. Your Committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, in the total amount of \$380,989, for purchase of ten (10) vehicles to be used by the

City departments listed below:

One Jeep Cherokee V-6 Automatic with tow package for Equip. Maint.	- \$ 27,225
Three Jeep Cherokees V-6 Automatic for City Engineer, MOECD and Emergency Services @ \$26,685 each	- \$ 80,055
One Ford F-150 Crew Cab Pickup for Public Grounds	- \$ 26,663
One Ford F-150 Regular Cab Pickup for Parks & Recreation	- \$ 17,924
Two Ford F-550 Small Dump Trucks for Street Dept. @ \$63,338 each	- \$126,676
Two Ford F-550 Stake Body Trucks for Refuse Dept. @ \$51,223 each	- <u>\$102,446</u>
TOTAL	\$380,989

To be charged to the following accounts:

\$ 27,225 – 001-977-00-754-4-459, Equipment Maintenance—Capital Outlay, Equip.
\$ 26,685 – 001-975-00-420-4-459, Engineering—Capital Outlay, Equipment
\$ 26,685 – 001-975-00-421-4-459, MOECD—Capital Outlay, Equipment
\$ 26,685 – 001-976-00-716-4-459, Emergency Services—Capital Outlay, Equipment
\$ 26,663 – 001-975-00-567-4-459, Public Grounds—Capital Outlay, Equipment
\$ 17,924 – 001-979-00-900-4-459, Parks & Recreation—Capital Outlay, Equipment
\$126,676 – 001-977-00-750-4-459, Street—Capital Outlay, Equipment
\$102,446 – 001-978-00-800-4-459, Refuse & Recycling, Capital Outlay, Equipment

(The above vehicles will be purchased through Mears Motor Leasing, Lease Purchase Escrow Account No. 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.

10. Your Committee on Finance has had under consideration a bid submitted by Matheny Motor Truck Company, in the amount of \$189,396 (\$94,698 each), for two 2013 Freightliner, 108SE Dump Trucks to be used by the Street Department. To be charged to Account No. 001-977-00-750-4-459, Street—Capital Outlay, Equipment (Mears Motor Leasing, Lease Purchase Escrow Account No. 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.

11. Your Committee on Finance has had under consideration a bid submitted by West Virginia Tractor Company, in the amount of \$249,830, for purchase of two Refuse Packer Trucks with winch (\$124,915 each) to be used by the Refuse & Recycling Department. To be charged to Account No. 001-978-00-800-4-459, Refuse & Recycling—Capital Outlay, Equipment (Mears Motor Leasing, Lease Purchase Escrow Account No. 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.

12. Your Committee on Finance has had under consideration a bid submitted by West Virginia Tractor Company, in the amount of \$167,000.00, for purchase of a Street Sweeper to be used by the Street Department. To be charged to Account No. 001-977-00-750-4-459, Street—

Capital Outlay, Equipment (Mears Motor Leasing, Lease Purchase Escrow Account No. 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.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; January 2012. Received and Filed.

NEW BILLS

Introduced by Council member Mary Jean Davis on February 6, 2012:

Bill No. 7510- a Bill 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.

Introduced by Council member Joe Deneault on February 6, 2012:

Bill No. 7511 - A Bill to create A Two Hour Parking Zone on both sides of the easterly lane of Leon Sullivan Way from Smith Street to a point 284 feet south of Smith Street and on the east side of the westerly lane of Leon Sullivan Way from Smith Street to a point 306 feet south of Smith Street 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

YEAS: Burka, Burton , Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, ABSENT: Clowser, Kirk, Ware, Weintraub

At 8:10 p.m., by a motion from Councilmember Harrison, Council adjourned until Tuesday, February 21, 2012, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk