

JOURNAL

OF THE

COUNCIL

CITY OF CHARLESTON

WEST VIRGINIA

DECEMBER 3, 2001

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF DECEMBER, ON THE 3RD DAY, IN THE YEAR 2001, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, JAY GOLDMAN.

THE CLERK CALLED THE ROLL AND THE FOLLOWING MEMBERS ANSWERED TO THEIR NAMES:

CHARNOCK	DAVIS	FOUTY-YOUNG
HAAS	HARRIS	HENRY
JONES	KIMBERLING	KNAUFF
LANE	DAVID LANHAM	JAMES LANHAM
LOEB	LOPEZ	MARKHAM
MCKNIGHT	MOLGAARD	MORTON
NIELSEN	PETTRY	PRUNTY
QUICK	REISHMAN	ROLLER
TALKINGTON	MAYOR GOLDMAN	

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.

DECEMBER 3, 2001 FIRST MEETING

CHARLESTON CITY COUNCIL JOURNAL NOVEMBER 19, 2001

PUBLIC SPEAKERS

1. Becky Drumheller

CLAIMS

1. A Claim of Dollie Murphy ; 1107 Swan Road, Charleston ,WV; alleges damage to property;
Refer to City Solicitor.
2. A Claim of Lewis J. & Sharon Pauley; 1102 Swan Road, Charleston, WV; alleges damage to property;
Refer to City Solicitor.

COMMUNICATIONS

TO: James Reishman, City Clerk
FROM: Jay Goldman, Mayor
RE: Reappointment of Thebe Warren to BZA
DATE: December 3, 2001

I am recommending that Thebe Warren of 4001 Kanawha Ave., Charleston, WV. 25304, be
reappointed to the Board of Zoning Appeals with the term expiration of January 1, 2005.

I respectfully request City Council's approval of this recommendation.

The question being on the confirmation of the appointment a vote was taken. There being no
dissent the Mayor declared the appointment confirmed unanimously.

TO: James Reishman, City Clerk
FROM: Jay Goldman, Mayor
RE: Board of Examiners and Appeals of the Building Code
DATE: December 3, 2001

I am informing City Council that I have reappointed Richard Wilbur of 743 Gordon Drive,
Charleston WV. 25314 to the Board of Examiners and Appeals of the Building Code with said term
to expire on October 1, 2003.

I respectfully request that you forward this information to City Council.

TO: James Reishman, City Clerk
FROM: Jay Goldman, Mayor
RE: Board of Examiners and Appeals of the Building Code
DATE: December 3, 2001

I am informing City Council that I have reappointed Ted Brady of 1019 Player Club Drive, Charleston WV. 25301 to the Board of Examiners and Appeals of the Building Code with said term to expire on October 1, 2003.

I respectfully request that you forward this information to City Council.

TO: James Reishman, City Clerk
FROM: Jay Goldman, Mayor
RE: Board of Examiners and Appeals of the Building Code
DATE: December 3, 2001

I am informing City Council that I have reappointed Paul Tennant of 2 Player Club Drive, Charleston WV. 25311 to the Board of Examiners and Appeals of the Building Code with said term to expire on October 1, 2004.

I respectfully request that you forward this information to City Council.

TO: James Reishman, City Clerk
FROM: Jay Goldman, Mayor
RE: Charleston Housing Authority
DATE: December 3, 2001

I am informing City Council that I have reappointed Marie Prezioso, of 36 Bridlewood Road, Charleston WV. 25314 to the Charleston Housing Authority with said term to expire on December 10, 2006.

I respectfully request that you forward this information to City Council.

PROCLAMATIONS

Three Following.

MISCELLANEOUS RESOLUTIONS

None.

REPORTS OF STANDING COMMITTEES

FINANCE

Councilman Larry Roller, Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No. 893-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 893-01. "Authorizing the Mayor to enter into a contract with Electronic Speciality Company, in the amount of \$4,162, for purchase and installation of a CASI-RUSCO Secure Perfect Card Identification System for City Employees."

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

That the Mayor is hereby authorized and directed to enter into a contract with Electronic Speciality Company, in the amount of Four Thousand One Hundred Sixty-two Dollars (\$4,162), for purchase and installation of a CASI-RUSCO Secure Perfect Card Identification System for City Employees. The new System is an expansion of the existing System at Municipal Parking Garages.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 893-01 adopted unanimously.

2. Your Committee on Finance has had under consideration Resolution No. 894-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 984-01. "Authorizing the Mayor to sign an amendment to the Telecommunications Contract with Access Systems, in the amount of \$5,940, for installation of caller ID on telephone lines servicing City Hall."

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

That the Mayor is hereby authorized and directed to sign amendment to the Telecommunications Contract with Access Systems, in the amount of Five Thousand Nine Hundred Forty Dollars (\$5,940), for installation of Caller ID on telephone lines servicing City Hall.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 894-01 adopted unanimously.

3. Your Committee on Finance has had under consideration Resolution No. 895-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No 895-01. "Authorizing the Mayor to sign Change Order No. 1 with B.B.R. Drilling Co., in the amount of \$22,100, for additional materials required for the McKee Avenue Retailing Wall Project, expanding the length of piling from 25 feet to 40 feet and increasing the diameter of drilling holes from 18 inches to 24 inches. The change order increases the contract price from \$44,300 to \$66,400."

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 B.B.R. Drilling Co., in the amount of Twenty-two Thousand One Hundred Dollars (\$22,100), for additional materials required for the McKee Avenue Retaining Wall Project, expanding the length of piling from 25 feet to 40 feet and increasing the diameter of drilled holes from 18 inches to 24 inches. The change order increases the contract price from \$44,300 to \$66,400.

The question being on the adoption of the Resolution No. 895-01 a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

YEAS: Charnock,, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Crickenberger and Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 895-01 passed unanimously

4. Your Committee on Finance has had under consideration Resolution No. 896-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 896-01, "Authorizing the Mayor to enter into agreement with the West Virginia Department of Transportation to receive and administer grant funds in the amount of \$104,754 for the continuation of the Charleston-Kanawha Valley Safe Community Program as part of the Governor's Highway Safety Program. This agreement is for the period November 1, 2001 through September 30, 2002."

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 the West Virginia Department of Transportation to receive and administer grant funds in the amount of One hundred Four Thousand Seven Hundred Fifty-four Dollars (\$104,754) for the continuation of the Charleston-Kanawha Safe Community Program as part of the Governors Highway Safety Program. This agreement is for the period November 1, 2001 through September 30, 2002.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 896-01 adopted unanimously.

5. Your Committee on Finance has had under consideration Resolution No. 897-01, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 897-01, "Authorizing the Finance Director to amend the 1998, 1999, 2000, and 2001 Community Development Block Grant budgets 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 1998, 1999, 2000, and 2001 Community Development Block Grant budgets as indicated on the attached list of accounts. This is contingent upon no adverse citizen comments being received during the 30-day comment period required through MOECD Citizen Participation Plan.

The question being on the adoption of the Resolution No. 897-01 a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

YEAS: Charnock., Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Crickenberger and Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 897-01 passed unanimously.

6. Your Committee on Finance has had under the consideration of proposal submitted by General Truck Sales, in the amount of \$24,621, for purchase of a 2002 GMC pick-up service truck to be used by the Parks & Recreation Department. To be charged to Account No. 01-900-0-0-4-061, P&R– Capital Outlay, Lease/Purchase, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

7. Your Committee on Finance has had under the consideration a bid submitted by Terramite, in the amount of \$21,901.50, for purchase of a new compact tractor-loader-backhoe to be used by the Public Grounds Department. To be charged to Account No. 01-567-0-0-4-061, Public Grounds– Capital Outlay, Lease/Purchase, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

8. Your Committee on Finance has had under the consideration on the proposal submitted by Country Club Chrysler for three (3) Dodge Intrepid vehicles, in the amount of \$53,253; and the proposal submitted by Stephens Auto Center for one (1) Dodge Durango, in the amount of \$22,990, to be used by the Charleston Fire Department. To be charged to the following accounts: \$66,000 - 01-706-0-0-4-061, Fire - - Capital Outlay, Lease/Purchase, \$16,243 - 01-706-0-0-4-059, Fire - - Capital Outlay, Equipment, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

9. Your Committee on Finance has had under the consideration on the proposal submitted by RGA, Inc., in the amount of \$43,400, for purchase of traffic signal control equipment and cabinets for the rehabilitation of equipment at the following five locations:

MaCorkle Avenue at University of Charleston
2nd Avenue and Patrick Street
7th Avenue and Patrick Street
7th Avenue and Iowa Street
7th Avenue and 21st Street

To be charged to Account No. 01-712-0-0-4-059, Traffic Engineering - - Capital Outlay, Equipment, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

10. Your Committee on Finance has had under consideration a proposal submitted by Robert S. Kimball & Associates, in the amount of \$9,105.95, for purchase of four (4) street light poles and fixtures for the West Side Streetscape area (\$4,260); and two poles and fixtures to be stockpiled for the Downtown Streetscape area (\$4,845.95). To be charged to the following accounts:

\$8,040.95- 58-712-0-0-4-060, Traffic Engineering - -Capital Outlay, Major Improvements.
\$1,065.00- 01-712-0-0-3-041, Traffic Engineering - -Materials and Supplies, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

11. Your Committee on Finance has had under consideration Bill No. 6861, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6861, a Bill authorizing the Mayor to execute a deed transferring all right, title and interest to a certain portion of right-of-way on Court Street between Virginia Street and Quarrier Street to the Kanawha County Commission.

WHEREAS, the City maintains a right-of-way along Court Street between Virginia Street and Quarrier Street. That right of way is adjacent to the Kanawha County Judicial Annex and Kanawha County Parking Garage;

WHEREAS, the portion of the right-of-way that is needed by Kanawha County is not needed by the City of Charleston to adequately maintain the right of way public use. In accordance with W.Va. Code 1-5-1 et seq. The City desires to transfer the property needed by the Kanawha County Commission.

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

that the Mayor is hereby authorized to execute a proper deed conveying the City's right, title, and interest to a portion of the Court Street right-of-way between Virginia Street and Quarrier Street to the Kanawha County Commission in exchange for consideration in the amount of \$____. The portion of the right-of-way to be conveyed is as follows:

BEGINNING at a point, a PK nail found, being the intersection of the northern most right-of-way line of Court Street and the eastern most right-of-way line of Virginia Street, said point bearing S41 29E, 224.85' from PK nail found; thence with northern most right-of-way line Court Street, N49 01' E, 327.38' to a point, a PK nail found, being the intersection of the northern most right-of-way line of Court Street and the western most right-of-way line of Quarrier Street, said point bearing S42 06' E.226.94' from a ½ rebar found; thence leaving the northern most right-of-way line of Court Street and running with a new line, S48 36'W, 327.41' to a point a PK nail set; thence N41 29'W, 2.33' to the point of beginning and containing 382.2 Square Feet, more or less, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of Bill No. 6861, a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

YEAS: Charnock,, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.

NAYS: None.

ABSENT: Crickenberger and Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6861 passed unanimously.

12. Your Committee on Finance has had under the consideration of payment of an invoice from Health Research Systems, Inc., in the amount of \$5,100, for 32 training sessions on drug and alcohol testing procedures for employees, supervisors, and department heads during the month of November. To be charged to Account No. 01-422-0-0-2-030, Human Resources- - Contracted Services, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; November 2001;

Received and Filed

NEW BILLS INTRODUCED

None.

UNFINISHED OR MISCELLANEOUS BUSINESS

Mayor Jay Goldman introduced to Council the new City Collector Kenneth Guthrie.

ROLL CALL

The Clerk called the roll and the following members were in attendance:

YEAS: Charnock., Davis, Fouty-Young, Haas, Harris, Henry, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, and Mayor Goldman.
ABSENT: Crickenberger.

At 7:50 p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Monday, December 17, 2001.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk