

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON

WEST VIRGINIA

November 7, 2005

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF NOVEMBER ON THE 7th DAY, IN THE YEAR 2005, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY JAMES EALY, AND THE PLEDGE OF ALLEGIANCE WAS LED BY MARY JEAN DAVIS.

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

CHESTNUT	CLOWSER	DAVIS
DEITZLER	EALY	HALL
HANNA	HARRIS	HARRISON
HIGGINS	JONES	LOEB
LANHAM	LANE	MORTON
MILLER	MONROE	MARKHAM
NIELSEN	REED	REISHMAN
ROBERTSON	SADD	TALKINGTON
WARE	WEINTRAUB	WHITE
MAYOR JONES		

TWENTY- EIGHT 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

1. Susie Salisbury

CLAIMS

1. A claim of Cody Osborne, 255 Garrison Ave., Charleston, WV; alleges damage to vehicle. Refer to City Solicitor.
2. A claim of Linda Kay Hughes, 851 Thunderbird Dr., Charleston, WV; alleges personal injury. Refer to City Solicitor.
3. A claim of Charles A. Young, 2391 Savory Dr., Charleston, WV; alleges damage to vehicle. Refer to City Solicitor.
4. A claim of Marcia James, 4510 Lancaster Ave., Charleston, WV; alleges damage to vehicle. Refer to City Solicitor.
5. A claim of Jerry Stevens, 221 Irwin St., Charleston, WV; alleges damage to property. Refer to City Solicitor.
6. A claim of Larry Gillespie, 4512 Venable Ave., Charleston, WV; alleges damage to property. Refer to City Solicitor.
7. A claim of Leo Kay, 5306 Elaine Dr., Charleston, WV; alleges damage to vehicle. Refer to City Solicitor.

REPORTS OF STANDING COMMITTEES

FINANCE

Councilman Robert Reishman, Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No. 920-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 920-05 : “Authorizing the Mayor to sign and submit Fiscal Year 2006 Local Economic Development Assistance (LEDA) grant applications and all related documents for the agencies designated on the attached list, located throughout the City of Charleston.”

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

The Mayor is hereby authorized and directed to sign and submit Fiscal Year 2006 Local Economic Development Assistance (LEDA) grant applications and all related documents for the

agencies designated on the attached list, located throughout the City of Charleston.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 920-05, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 921-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 921-05 : “Authorizing the mayor to sign contracts accepting the conditions between the City of Charleston and the West Virginia Development Office for the following grants:

FY 2005 Governors Community Partnership Grant, in the amount of \$4,000 for the East End Streetscape project which will include the construction of sidewalks, curb cuts and drainage, lighting, pedestrian walkways, utility relocation and beautification

FY 2005 Local Economic Development Assistance Grant, in the amount of \$10,000, for the Good News Mountaineer Garage to increase marketing to obtain more donated vehicles, to provide transportation to and from work, school and/or training for low income families.

FY 2005 Local Economic Development Assistance Grant, in the amount of \$2,000, for the Junior League of Charleston to develop and print a community and family resource guide for seniors. “

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

That the Mayor is hereby authorized and directed to sign contracts accepting the conditions, between the City of Charleston and the West Virginia Development Office for the following grants:

FY 2005 Governors Community Partnership Grant, in the amount of \$4,000 for the East End Streetscape project which will include the construction of sidewalks, curb cuts and drainage, lighting, pedestrian walkways, utility relocation and beautification

FY 2005 Local Economic Development Assistance Grant, in the amount of \$10,000, for the Good News Mountaineer Garage to increase marketing to obtain more donated vehicles, to provide transportation to and from work, school and/or training for low income families.

FY 2005 Local Economic Development Assistance Grant, in the amount of \$2,000, for the Junior League of Charleston to develop and print a community and family resource guide for

seniors.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 921-05, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 922-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 922-05 : “Authorizing the Mayor to submit an Intent-to-Apply form to the West Virginia Department of Transportation, Division of Highways, TEA-21 Application, for a Trailhead Park at 57th Street in Kanawha City.”

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

That the Mayor is hereby authorized and directed to submit an Intent-to-Apply form to the West Virginia Department of Transportation, Division of Highways, TEA-21 Application, for a Trailhead Park at 57th Street in Kanawha City.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 922-05, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 923-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 923-05 : “Authorizing the Mayor to submit an Intent-to-Apply form to the West Virginia Department of Transportation, Division of Highways, TEA-21 Application, for CSX Train Trestle Project.”

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

That the Mayor is hereby authorized and directed to submit and Intent-to-Apply form to the West Virginia Department of Transportation, Division of Highways, TEA-21 Application, for the CSX Train Trestle Project.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 923-05, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 924-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 924-05 : “Authorizing the Mayor to enter into an agreement with the Drug Enforcement Agency (DEA) to provide funds to assist the DEA drug task force in identifying and preventing illegal drug activity within the City of Charleston. The DEA will reimburse the City up to \$15,144 in overtime costs of the assigned officer(s) to the task force.”

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 Drug Enforcement Agency (DEA) to provide funds to assist the DEA drug task force in identifying and preventing illegal drug activity within the City of Charleston. The DEA will reimburse the City up to Fifteen Thousand One Hundred Forty-four Dollars (\$15,144) in overtime costs of the assigned officer(s) to the task force.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 924-05, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 925-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 925-05 : “Authorizing the Finance Director to make revisions to the 2005-2006 Civic Center 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 make revisions to the 2005-2006 Civic Center budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED, that this budgetary revision is being made prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson,

Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 925-05, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 926-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 926-05 : “Authorizing funds in the amount of \$38,000 for the purchase of four (4) portable Sport Courts surfaces from J. B. Sports Management Group, LLC, to be used for volleyball and other athletic events at the Charleston Civic Center.”

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

That funds in the amount of Thirty-eight Thousand Dollars (\$38,000) for the purchase of four (4) portable Sport Courts surfaces from J. B. Sports Management Group, LLC, to be used for volleyball and other athletic events at the Charleston Civic Center are hereby approved.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 926-05, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 927-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 927-05 : “Authorizing the Mayor to sign an agreement with the West Virginia Department of Administration, on behalf of the Division of Culture and History, providing for a grant in the amount of \$50,000 to be used for the replacement / renovation of seating in the Charleston Civic Center Little Theater. The grant is a 50/50 match with the City’s share coming from the Civic Center Capital Improvement Fund.”

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

That the Mayor is hereby authorized and directed to sign an agreement with the West Virginia Department of Administration, on behalf of the Division of Culture and History, providing for a grant in the amount of Fifty Thousand Dollars (\$50,000) to be used for the replacement / renovation of seating in the Charleston Civic Center Little Theater. The grant is a 50/50 match with the City’s share coming from the Civic Center Capital Improvement Fund.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 927-05, adopted.

9. Your Committee on Finance has had under consideration a Proposal submitted by Family Carpet Outlet, Inc., in the amount of \$14,888.24, for purchase and installation of carpet in the Civic Center Administrative Offices. To be charged to Account No. 402-910-01-000-4-459, Civic Center – 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.

10. Your Committee on Finance has had under consideration a bid submitted by West Virginia Tractor Company, in the amount of \$89,013, for purchase of a new recycling unit, with options, to be used by the Refuse Collection & Recycling Department. To be charged to Account No. 001-978-00-800-4-459, Refuse Collection & Recycling – 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.

11. Your Committee on Finance has had under consideration a bid submitted by Bert Wolf Ford, in the total amount of \$137,145, for the following trucks:

- (1) 1.5 Ton Dump Truck w/high GVWR-Cemetery \$52,693
- (1) 1.5 Ton Dump Truck w/low GVWR – Street \$50,406
- (1) 1 Ton 4X4 Crew Cab Pickup – Street \$34,046

To be charged to the following accounts:

Account No. 001-980-00-952-4-461, Spring Hill Cemetery, Capital Outlay, Lease/Purchase (\$52,693); Account No. 001-977-00-750-4-461, Street – Capital Outlay, Lease/Purchase (\$84,452), 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.

12. Your Committee on Finance has had under consideration a bid submitted by General Tuck Sales Corporation, in the total amount of \$141,567 for three stake dump trucks (\$47,189 each) to be used by the Refuse Collection & Recycling Department. To be charged to Account No. 001 978-00-800-4-461, Refuse Collection & Recycling – 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.

13. Your Committee on Finance has had under consideration a bid submitted by J&J Emergency Vehicle Sales, in the amount of \$106,200, for a new ambulance to be used by the Charleston Fire Department. To be charged to Account No. 001-976-00-706-4-461, Fire 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.

14. Your Committee on Finance has had under consideration a Payment of an invoice from Bowles, Rice, McDavid, Graff & Love, in the amount of \$10,000, for professional services associated with the Charleston Police Department promotional examinations for the ranks of captain, lieutenant, sergeant and corporal. This is the second and final installment for these services. To be charged to Account No. 001-700-00-000-2-223, Police – Professional 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.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; October, 2005. Received and Filed.
2. City Treasurer's Report to City Council Month Ending September 2005; Received and Filed.
3. Report of the City of Charleston Payroll Variance Analysis; July through October 2005; Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilman Bobby Reishman, on November 7, 2005:

Bill No. 7173 - Amending and reenacting the schedule of rates, established on October 21, 2003, in Bill No. 7006, for the Spring Hill Cemetery Park.

Refer to Finance Committee.

Introduced by Councilwoman Mary Jean Davis, on November 7, 2005:

Bill No. 7174 - A bill amending and reenacting Chapter 10 of the Code of the City of Charleston, 2003, as amended, by adding Section 123; restricting the number of dogs a person can own, keep or harbor to three dogs.

Refer to Public Safety Committee.

Introduced by Councilman Bobby Reishman, on November 7, 2005:

Bill No. 7175 - A Bill to amend and reenact §86-161(13), §54-105(13), §66-54(13) of said code; relating to legal holidays; providing that the fourth Thursday and Friday of November shall be legal holidays; combining Lincoln's and Washington's birthday into a single Presidents' Day holiday. This Ordinance shall take effect immediately following passage by City Council with a vote in the affirmative from three-fifths of its members elected.

Refer to Finance Committee.

Introduced by Councilman Archie Chestnut, on November 7, 2005:
Bill No. 7176 - A Bill to establish a 15 minute Stopping and Standing Zone on the easterly side of Capitol Street from a point 76 feet south of Washington Street, East to a point 112 feet south of Washington Street, East 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.

Introduced by Councilman Bobby Reishman, on November 7, 2005:
Bill No. 7177 – an Ordinance authorizing participation in West Virginia Municipal League Municipal Revenue Enhancement Program and the execution of the Intergovernmental Agreement for the exchange of information among the City of Charleston, the West Virginia Municipal League, Inc., and participating Municipalities.
Refer to Finance Committee.

ROLL CALL

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

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Loeb

At 7:40 p.m., on motion of Councilman Lane, Council adjourned until Monday, November 21, 2005, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk